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# **Governance and the centrality of failure: a comedy of errors**

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## **Abstract**

Governance, and particularly what is widely referred to as 'new' governance, is currently a hot topic in social research. New governance is widely understood to be a response to the failures of both top down 'command and control' and unregulated markets, and the growing complexity, fragmentation and dynamic nature of society. Yet alternative forms of governance are themselves subject to failure. Despite this, failure has aroused little sustained interest among social scientists. This paper attempts to remedy this situation and proposes an alternative approach located within a comic frame which views failure arising in misrecognition.

## **Key words**

Comic frame; humorous discourse; Open Method of Coordination; unanticipated consequence

## **Introduction**

'Good' governance is widely held to be essential to the effective functioning of organisations, whether in the corporate sector or the public sphere. It is therefore somewhat sobering to learn that all governance fails (Malpas and Wickham, 1995; Jessop 2003; Rhodes 2007). Yet this has aroused little sustained interest among social scientists. Indeed, Malpas and Wickham (1995) go further, arguing that not only have sociologists attached insufficient importance to the study of failure, they are in a state of denial, refusing to acknowledge what they refer to as the *centrality* of failure. As a result of this, failure tends to be seen in rational terms as 'an aberration' something that can be overcome by advances in knowledge and improved techniques.

The paper takes a different view, offering a novel theoretical schema for conceptualising governance failure which is located in the tragicomedy of human existence based on the premise of mistaken identity,

When you add that people are *necessarily* mistaken, that *all* people are exposed to situations in which they must act as fools, that *every* insight contains its own special

kind of blindness, you complete the comic circle, returning again to the lesson of humility that underlies great tragedy. (Burke, 1984,41)

Our first mistake lies in our deep-seated belief in rationality and the privilege given to *serious discourse* (Mulkay 1988). Serious discourse assumes that 'discrepant formulations of the world cannot originate "from the world itself" but must arise out of human failure to observe or report the world accurately' (Mulkay 1988,24). *Humorous discourse*, by contrast, accepts these discrepancies as commonplace and searches for meanings accordingly. Humorous discourse is therefore attuned to the contradictions and absurdities in social constructions of reality.

Our second mistake is linked to the first (indeed, they are mutually implicated as will become clear in the denouement of this paper) but is more fundamental, concerning our habits of thought more generally i.e. our prioritising of substance over process. Process philosophy has a long history, extending back to the Ancient Greeks who established the enduring contest between process and substance,

Process philosophy diametrically opposes the view – as old as Parmenides and Zeno and the atomists of the Pre-Socratic Greece – that denies processes or downgrades them in the order of being or of understanding by subordinating them to substantial things. (Rescher, 1996,7)

Here, I draw on ideas advanced by two of the leading process philosophers of the twentieth century, first, Whitehead's (1929) 'fallacy of misplaced concreteness', which leads us to mistake conceptual models for reality; and following this, Bergson's notion that we labour under the illusion that 'we can think the unstable by means of the stable, the moving by means of the immobile' (Bergson, 1913,264) i.e. that we have a predisposition to abstract things from processes. It is in this error that governance failure lies.

Acknowledging this requires the adoption of a radically different conceptualisation of research, one which draws on US philosopher, Kenneth Burke's, 'comic frame'. The comic frame recognises 'the methodic view of human antics as a comedy, albeit as a comedy ever on the verge of the most disastrous tragedy' (Burke 1984, introduction np). For Burke, comedy arises in incongruity, the juxtaposition of unlike things, and the dialectical tension that emerges between them. The comic frame is thus attuned to the ambiguities, tensions,

multiplicities and paradoxes which characterise social organisation. As a result of our immersion in serious discourse, humorous discourse in the social sciences tends to be dismissed as trivial. Yet, as Watson (2015) notes, comedy is integral to human existence, revealing as much to us about the human condition as tragedy. To ignore this is to reject a potentially insightful methodological approach for the social sciences.

The paper is set out as follows, in order to promote conceptual clarity, I first demarcate the object of study. Since its rediscovery by academics in the 1980s, governance has become a highly contested topic, giving rise to a bewildering array of definitions and meanings. As a first approximation, this paper is concerned with relationships between government (national/supranational) and society in what has vulgarly been referred to as the 'new' governance. New governance is characterised by an emphasis on networks in a relation of heterarchy, which may be understood as,

an organizational form somewhere between hierarchy and network which draws upon diverse horizontal and vertical links that permit different elements of the policy process to cooperate (and/or compete) while individually optimising different success criteria. (Ball 2009,689)

New governance is widely understood to be a response to the failures of both top down command and control and unregulated markets and the growing complexity, fragmentation and dynamic nature of society (Torfing, 2005). Here, I follow Treib et al (2007) in distinguishing between different 'modes' of governance and their attributes in setting out the terms of this analysis. Next, I turn to the literature on governance failure, thereby delineating the field to be explored, and illustrate this by means of two previously published empirical cases drawn from the European Union (EU) focusing on the EU's growing reliance on new models of governance including the 'Open Method of Coordination' (OMC) and 'comitology'. The EU is taken as a paradigm case since it presents a crucible in which to study a range of approaches designed to mitigate the acknowledged failures of 'older' (hierarchical) forms of governance. (This is not to suggest, however, that these older forms have been ousted completely but rather that they now form part of a wider repertoire). Following this I set out a reconceptualisation of failure grounded in process metaphysics and misrecognition drawing out the absurdities and ironies which produce 'failure'.

## **Governance, towards conceptual clarity**

Today governance is 'one of the most fashionable and frequently used social science terms in the world' (Ansell and Torfing, 2016, 2). Levi-Faur (2012,3) considers it a buzzword, a fetish, a fad – and ultimately an 'empty signifier'. Conceptual clarity may therefore be elusive. Nevertheless, Treib et al (2007) aim at just this, setting out three perspectives depending on whether governance is seen as concerning the political, polity or policy domain. While this typology may be contested, it is useful in distinguishing the different dimensions in which failure may manifest.

In the political dimension, the focus is the 'actor constellation' and the power relations between them. In the political dimension, what distinguishes different modes of governance is the nature of the relationship between social actors in the process of policy formation. 'New governance' generally refers to interorganisational networks in a relationship of interdependency involving the sharing of resources (Bevir and Trentman, 2004). According to Offe (2009) new governance embodies two oppositional normative orientations mobilised opportunistically by state actors. The first is a '*state organised unburdening of the state*' (Offe, 2009,555; original emphasis) involving the shifting of accountabilities to private actors, the privatisation of risk, and regulatory steering at a distance; the second is a rolling back of the functions of the state according to the tenets of neo-liberalism leaving these functions to other actors through '*self-organization*.' These oppositional modes concern respectively the extension and the substitution of the state.

Governance within the locus of polity concerns the system of rules and regulations that govern the actions of social actors. This conceptualises governance as institutional, placing modes of governance on a spectrum between markets and hierarchy. These are, however, ideal types. Empirically only hybrids are found 'since one mode of governance always entails other modes...Otherwise, effective steering and co-ordination would not be possible' (Treib et al, 2007,3).

The policy dimension concerns the nature of the steering instruments used to reach particular policy goals, from 'heavy-handed' instruments of command and control to softer 'social influences' – incentives, information, persuasion etc. However, Lascoumes and Le Gales (2007, 3) warn that policy instruments are never neutral devices selected to achieve

particular ends but 'constitute a condensed form of knowledge about social control and ways of exercising it.' Policy instruments are thus ideological and closely aligned with political motives.

The interconnectedness of these three dimensions is clearly apparent. Indeed, Offe (2009) prefers to characterise governance as comprising the 'structure of rules' (the polity) and the process of steering (the policy) with the political forming an overarching construct influencing both. Opportunities for comic analysis are clearly apparent in this typology in which oppositional tensions, paradoxical formations, and hidden motives are evident.

In addition to these three dimensions, Treib et al refer to definitions which seek to narrow or broaden the sphere of governance. An encompassing definition embraces all three dimensions, acknowledging the complexity of governance structures which may include all forms of political steering 'from hierarchical imposition to sheer information measures' (Héritier, 2002,1). A narrow definition concerns only non-hierarchical modes of political steering. The narrower model thus focuses on the self-organisation of networks and participation. Adopting this definition, however, would necessitate distinguishing between governance and government. While the expansive model may be less analytically precise it does offer a more empirically realistic description of governance, in acknowledging the continued hold of hierarchical government within moves to decentralised network governance. Moreover, implicit in Treib et al's typology is governance as multi-scalar with the rise of networks and transnational organisations such as the European Union (EU) and the Organization for Economic Cooperation and Development (OECD) giving rise to more complex topologies of governance (Allen and Cochrane, 2010), offering greater opportunities for comic pratfalls.

Having outlined the premises of governance in which the argument put forwards in this provocation rests, I now turn to consider what the literature says about governance failure.

### **Conceptualising governance failure**

Hunt and Wickham (1994,79) set out the *Principles of governance*, the first of which states that,

All instances of governance contain elements of attempt and elements of incompleteness (which at times may be seen as failure).

Incompleteness, Malpas and Wickham (1995) argue, arises from lack of knowledge of the object to be governed and is not incidental to governance but integral; this leads inevitably to failure, since 'every attempt falls short of its target in some sense or other' (p.40). They illustrate this pessimistic, if potentially farcical, situation by means of three examples drawn from, the university, the military, and the mundane (the governance of a set of keys). In each case the recalcitrance of objects – one's academics colleagues, military mishaps, or 'keys falling behind the fridge' – frustrates all attempts at control.

In theorising their account of incompleteness, Malpas and Wickham draw on Actor Network Theory and the formation of assemblages of the human/non-human. Recalcitrance arises from multiple interpellation of objects into competing networks producing ontological uncertainty i.e. an object is only constituted ('known') as such within the regime of governance in which it is situated, and assumes different and unknowable properties when simultaneously enrolled in other overlapping assemblages. Equally, governance itself is constituted by the objects it sets out to manage, and since these objects are only partially known, governance itself becomes incomplete and 'always subject to and implicated with other governing systems' (p.49).

'New' governance, in so far as it is characterised as networks arranged in a self-organising heterarchy, is widely viewed as a response to the failures of both markets and hierarchies which recognises the interdependence of each within the neoliberalised global order. While this tension has been characterised as the balance between markets and states, Jessop argues that network governance is not a neutral means of achieving equilibrium between these but creates another arena for this contestation. Thus, while network governance is explicitly recognised as a response to the palpable failure of both top down, command and control and unregulated markets, Jessop warns that since all governance fails we should not underestimate the capacity for this form of governance to fail too.

Jessop (2003,105) sets out three causes of heterarchical governance failure in capitalist societies. The first relates to the nature of capitalism. Failure is inherent to capitalism since, as Habermas (1973) points out, capitalism is driven by successive crises (failures). This

failure is due to the contradictory tensions between the market and the 'non-marketised organizational forms' on which capitalism depends; the second draws explicitly on Malpas and Wickham's incompleteness; while the third relates to Treib et al's (2007) expansive definition of governance i.e. failure arising from problems and dilemmas occasioned through the insertion of self-organising networks into the state apparatus and concerns 'the very viability of heterarchy in the shadows of hierarchy' (Jessop, 1998).

Taking this third set of constraints further Scharpf (1994) examines the social factors involved in governance failure. He identifies a number of complicating influences related to partnership working which involve relationship, trust, risk, motivation etc and all the inherent difficulties these give rise to in arriving at consensus. In analysing these factors Scharpf (1994) draws on game theory to examine the conditions that give rise to failure in both *hierarchical* and *negotiated* coordination (this latter may be equated to governance in the narrow sense outlined earlier). Coordination refers to the situation in which the negotiated decisions of actants yields 'greater aggregate welfare' than choices arrived at through independent decisions by actants (p.27). Both hierarchical and negotiated coordination face constraints which can lead to failure.

Hierarchical coordination is prey to the 'motivation problem' and the 'information problem'. The motivation problem concerns opportunism and self-interest, as a result of which 'predation and oppression will be characteristic of the public sector even in democracies' (p.32). Scharpf acknowledges the assumptions in most political theories of the prevalence of norm-oriented behaviours and the presence of organisational constraints (such as codes of professional practice) but argues that there is an 'ever present danger that hierarchical power may be abused' and importantly that attempts to eradicate this (which would in any case almost certainly fail) 'would also cripple the governance capacity on which modern societies depend' (p.33). The information problem concerns loss of efficiency and the twin dangers of information overload and information impoverishment. This can be countered by 'near decomposability' in organisational structure which 'implies a certain pattern of relationships in which interactions among agents who are under the authority of a common superior must be significantly more important and more frequent than interactions with outside actors' (p.34). This ideal becomes elusive, however, when the frequency and density of interactions increases beyond a critical level. In such cases, hierarchies either impose



decisions on lower levels regardless of their goodness of fit or they devolve decision making to lower levels thereby losing hierarchical control.

According to Scharpf, the limits of negotiated coordination revolve around the 'negotiator's dilemma' and the 'large numbers problem'. The negotiator's dilemma concerns the 'distributive conflict' engaged in by network participants and the adoption of cooperative versus competitive tactics which frequently leads to less than ideal outcomes. In particular, if competition is uppermost, then the suspicion of ulterior motives and self-interest may erode the trust necessary to partnership. The large numbers problem concerns the difficulty of reaching negotiated coordination as the number of parties increases and so, 'the large numbers problem will severely limit the size of the group within which negotiated coordination is likely to succeed in the face of complex interdependence' (p.36).

Thus, Scharpf argues, we arrive at a stand-off with both hierarchical and negotiated coordination prone to failure, both are susceptible to opportunism and both may be stymied by the complexity of the task as the number of actants/networks/decision-making levels increases – hierarchies may lose central control while negotiated coordination may fall apart under the weight of 'informational complexity of multilateral negotiations' (p.37). Hence, for all the normative characteristics associated with network governance (efficiency, flexibility, expertise, consensus building, risk reduction etc) these are only achieved in 'well-functioning' governance networks (Torfing, 2005,310) (possibly an oxymoron).

Summarising these accounts, the various sources of failure are, incomplete knowledge of the object to be governed; tensions arising in intersections between hierarchy and networks; and a range of complicating human/social factors which only increases with the complexity of the task to be managed. Mayntz (1993) characterises these respectively as, the 'knowledge problem'; the 'implementation problem'; and the 'governability problem'.

Despite recognition of the apparent inevitability of governance failure many analysts remain sanguine and a number of responses or remediating factors have been proposed which largely depend on the 'regulation of self-regulating networks' or what has been termed *metagovernance*. Sorensen and Torfing (2009,235) distinguish between metagovernance at the 'macro' level, concerned with the exercise of state power (this they suggest is Jessop's orientation); and 'micro' level metagovernance concerning the management of complex

networks (this aligns with Scharpf). Sorensen and Torfing (2009) note 'clear tensions' between these positions and they conclude with a general warning that metagovernors must not regulate governance networks 'in ways that eliminate their capacity for self-regulation' (p.246) thereby pointing up an inherent dialectical tension within the incongruous juxtaposition, 'regulated self-regulation'.

### **Governance failure, the case of the European Union**

The workings of new models of governance can be illustrated through an examination of changes to governance and policy-making in the European Union (EU) introduced as a result of the Lisbon Strategy in 2000. This set out a number of 'ambitious' goals intended to enhance economic competitiveness, employment, social cohesion and sustainability (Armstrong et al, 2008). Effective governance is regarded as crucial to the success of the EU and its vision of European social and economic integration, yet formerly sovereign states must rank among the most recalcitrant of recalcitrant objects. This makes the EU an exemplary case for an examination of governance failure. What follows is not an exhaustive account of the many critiques of newer models of governance in the EU (see, for example, Hatzopoulos, 2007; Heidenreich and Bischoff, 2008; Börzel, 2018) but instead focuses on two empirical studies, Schout et al's (2010) exploration of attempts to integrate environmental policy across member states; and Smismans' (2008) study of governance in relation to Occupational Health and Safety (OH&S).

Traditionally, decisions in the EU were arrived at by means of the 'Community method', with hierarchical decision-making and legally enforceable provisions being imposed on member states. This system has largely, though not entirely, been replaced by more heterarchical forms of governance, necessitated as a result of enlargement and a fear that excessive bureaucracy had led to reduced competitiveness. Moves to adopt alternative models of governance stem from a desire for (1) more efficient policy making to 'overcome the decision-making deadlock'; (2) better implementation through 'the establishment of networking agencies and the encouragement of exchanges of information'; (3) the adoption of best practices with the aim of achieving convergence 'without imposing too rigid standards'; and (4) through the development of heterarchical (more horizontal) modes of

governance, to enhance democratic participation (Smismans, 2008). These aims may be regarded as the 'intended outcomes' of governance reform. These newer forms of governance include 'network agencies', 'social dialogue', 'comitology', and what is referred to as the 'Open Method of Coordination' (OMC), which claim to be more inclusive and participatory (Papadopoulos, 2010; Scott and Trubek, 2002).

In brief, network agencies do not have regulatory powers and aim at the exchange of information among stakeholders; social dialogue enables member states to be consulted on legislative proposals and to arrive at collective agreement instead of relying on legislation; comitology is rather different and has been referred to as 'new, old governance' (Scott and Trubek, 2002,p.2) in that it proceeds by means of a comitology committee formed of representatives of nation states working with the Commission, with occasional intervention by the European Council around the development of 'detailed regulatory provision'. The comitology process has been through a number of iterations which has increased the role of the European Parliament, formerly limited to scrutiny (Brandsma and Blom-Hansen, 2012). The most significant and well-developed of the new instruments of governance is the OMC,

a voluntary and informal mode of intergovernmental cooperation, which does not impose policy solutions or proposals on member states and which can easily be adapted to national circumstances. It is designed to be a method of benchmarking best practices in a decentralised approach in line with the principle of subsidiarity. (Cini and Borragan, 2016,206)

Under the OMC member states develop National Action Plans which are monitored in line with agreed indicators. This is intended to provide a competitive basis by which member states gain advantage by outperforming others leading, supposedly, to an accelerated diffusion of 'best practice' (Börzel, 2018). It should be noted that all these forms of governance are subject to change, especially in relation to the distribution of power between the Council, Commission and Parliament (Héretier, 2012).

Although the Community method was clearly subject to the constraints associated with hierarchical coordination (Scharpf, 1994) these various forms of network governance have also failed to live up to the aspirations for better outcomes as defined above. Further, it appears that both the OMC and comitology have fallen prey to the 'large numbers problem'

(Scharpf, 1994). In respect of this it is interesting to reflect on the origins of the term 'comitology', a word coined by Northcote-Parkinson (1957) in his satire of bureaucracy, *Parkinson's Law*, to mean the scientific study of committees. In this work he proposes the ideal size of the committee as five,

Five members are easy to collect and, when collected, can act with competence, secrecy, and speed. Of these original members four may well be versed, respectively in finance, foreign policy, defense, and law. The fifth, who has failed to master any of these subjects, usually becomes the chairman or prime minister. (Northcote-Parkinson, 1957,34)

(One can only suppose that the Commission was ignorant of the etymology of comitology or they are supreme ironists.)

The failure of new forms of governance to yield intended outcomes can be illustrated by means of an examination of the 'soft tools' developed in order to steer networks from a distance. A key example is provided by attempts to mainstream environmental sustainability thinking into policy across member states through the 'Cardiff Process'. The Cardiff Process 'aimed to do nothing less than permanently shift responsibility from the environment sector to all other sectors' (Schout et al, 2010,159). This was intended to produce better outcomes based on the belief that networked instruments of governance would produce 'shared responsibility' for environmental policy integration (EPI) across the EU (Commission of the European Communities, 1998a,2). Instead of imposing standards or targets member states would develop their own policy instruments and 'best practice' would emerge, spread and take root through reporting and the sharing of information,

At EU level, the assumption was that the network and its expected outputs – the integration strategies, indicators and timetables – would automatically self-organise. Unfortunately, they did not. (Schout et al, 2010,164)

As it turns out member states, more used to reacting to directives (i.e. arriving at creative means to avoid compliance) than in taking 'shared responsibility', proved quite resistant to this idea, instead preferring to take no responsibility at all. In the end, the whole process was quietly dropped. Schout et al conclude by saying, 'since 2004 nothing more has been heard of the Cardiff Process' (p.167). The failure of EPI is not specific to the Cardiff Process.

Since its demise attempts at EPI have continued but aspirations have certainly not been met in full and there is little understanding of the processes involved that may hinder or facilitate mainstreaming of environmental policy, see e.g. Runhaar et al, 2014, and references therein.

Schout et al acknowledge a number of possible reasons for the failure of the Cardiff Process, including absence of concrete targets, weak leadership, cultural differences etc. These are failures that relate to the political and policy dimensions. However, Schout et al suggest that analysts have tended to overlook the *polity* dimension in examining governance failure i.e. the administrative system of rules and regulations that govern the actions of social actors. They offer the novel idea that whatever the particular reasons for failure, ultimately the cause of failure lay in a misdiagnosis in the first place of the problems associated with the traditional Community method used to bring about compliance, which they argue lay in the administrative capacity of the system. So, by framing the problem as lying in the *political* and *policy* dimensions of hierarchical governance, which it was supposed effectively reduced meaningful involvement of member states, the EU attempted to remedy this through increased engagement as a means to create a sense of shared responsibility. This rationalisation led to the formulation of softer policy instruments which however also failed to achieve their intended outcomes, since the associated administrative problems had not been addressed. Schout, et al (2010,159) warn that,

Trying to move towards 'new' approaches without specifying and diagnosing the capacities of 'old' instruments is tantamount to putting new wine into old and it has to be said potentially quite leaky bottles.

Thus, failure lay in a misrecognition of the 'problem' to be addressed i.e. the diagnosis that 'old' hierarchical governance, based on the Community method, had created an overly bureaucratic burden on 'Brussels' through excessive regulation which reduced global competitiveness. Hence, it was argued, what was needed were more flexible forms of governance which increased autonomy (and shifted accountability) to member states. This thinking was based on both pragmatic and ideological considerations. However, what the Commission failed to realise was the situation in which the 'newer' instruments of the OMC collided with the 'Napoleonic or Weberian type of political-administration traditions of state-society relations' in member states (Borrás and Radaelli, 2011,479). As Schout et al

make clear 'network-based' instruments make a number of demands which challenge the administrative capacities of these older traditions and the inertia embedded within them.

Although Schout et al focus exclusively on the polity dimension, it is clear that failure of the Cardiff Process was apparent in other dimensions of governance. Wilkinson et al (2002,16) identify a number of failures including 'ambiguity' in the aims of the Cardiff Process which conflated environmental protection and sustainable development resulting in confusion around the aims and goals of the process. This 'conceptual ambiguity' enabled some countries 'to avoid the discussion of important issues or address them selectively.' They also point to the complex, competing and contradictory mechanisms within the EU coordinating the activities of the Cardiff Process. They thus recommend a greater overall control of the process by the Commission – the inability of the Commission to do this was, of course, one of the reasons the Cardiff Process was instituted in the first place.

Smismans' paper 'New modes of governance and the participatory myth' (2008) examines the claim that new models of governance, particularly concerning the policy sphere and the introduction of 'soft policy tools', have increased stakeholder participation and enhanced democratic accountability. These two terms are frequently elided in policy discourse. Under the community method democratic accountability is linked to parliamentary representation. Since the claim to this is weaker in the OMC its justification rests on the normative claim to participation. However, such participation, based on more or less exclusive networks, may itself represent a 'challenge' to democratic participation (Zeitlin and Sabel, 2008).

Smismans conducted an empirical examination of shifts from 'old' to 'new' governance in Occupational Health and Safety policy (OH&S). OH&S was selected on the basis that this area of policy had undergone a deliberate shift from 'old' to 'new' governance which, it was argued, had become overburdened with legislation resulting in problems with compliance. In order to relieve this burden a mix of 'new' governance processes was introduced which aimed at providing greater autonomy for member states and enhanced stakeholder participation, where 'stakeholders themselves have become the central-actors of policy making' (Smismans, 2008,879). Essentially, this was the same rationale underpinning the introduction of the Cardiff Process. The new governance processes were, the introduction of a network agency (the 'Bilbao' Agency), social dialogue, and comitology. As it turned out none delivered the intended outcomes or provided the same level of

opportunities for participation of stakeholders as the old community method guided by an Advisory Committee (AC) composed of trade unions, employers and government, providing technical expertise via working groups; and the European Economic and Social Committee, intended to provide 'interest group representatives' with the opportunity to comment on proposals following the more 'technical' intervention of the AC.

The introduction of a network agency, tasked with collating information on OH&S and passing it on to the Commission, member states and other interested parties, failed to involve stakeholders sufficiently and did not live up to its claim of acting as 'an objective and neutral partner, taking into account the view points from all its stakeholders' (Smismans, 2008,886). Indeed, although a range of bodies was represented on the Agency, governments had a 'double vote' in order that they might maintain control over the Agency. It is unclear whether this enhanced or diminished democratic accountability, but it did lead to general dissatisfaction among non-government representatives.

European social dialogue (ESD) has two roles, it provides a forum for consultation on proposals and it allows for regulation to proceed through 'collective agreement' rather than legislation. In practice, however, ESD in the sphere of OH&S has upset the 'existing consultation structures' through creating confusion and overlap with other advisory bodies; and with regard to its negotiation role in producing collective agreement. Smismans (2008,889) writes that to date 'no cross-sectoral European agreements have been signed regarding OH&S'.

Comitology had been used in developing OH&S legislation prior to the introduction of new governance models in the 1990s, but grew in importance following these shifts. Comitology committees are composed of representatives of member states and tend to provide technical expertise. The limited role for the European Parliament in Comitology effectively stifles democratic participation, but the dependence on higher levels of technical expertise (for example about setting chemical exposure limits) also reduces stakeholder engagement. The social dimension of such decisions is ignored since there is no requirement, unlike the old Community method, to consult with the European Economic and Social Committee.

In an ironic reversal, Smismans (2008,876) concludes that while policy actors and stakeholders appeared to be happy with levels of participation associated with the old

Community method (which included representative stakeholder forums), the new instruments of governance raised 'concerns about technocratisation, procedural complications and predominance of national administrations' while doing nothing to further democratic participation.

These findings find further support in the literature. For example, Kröger (2009,13) points out that the OMC has proved 'more closed than the Community Method' since it 'involves a closed circle of non-accountable bureaucrats while other actors are not included'; a view echoed by Papadopoulos (2010,1043) who submits that democratic accountability is undermined by the OMC 'sometimes deliberately, sometimes not', giving rise to a 'network paradox' which results in more accountability but less democracy.

In sum, it is argued that not only has the EU failed to deliver effective solutions to the many crises it has faced since its inception it is, through the failure of successive systems of governance, actually part of the problem 'undermining the capacity of its Member States to effectively and democratically govern their markets and societies in the 21<sup>st</sup> century' (Börzel, 2016,8). Schmidt (2016,10) concurs, arguing that governance in the EU has produced dissatisfaction which has contributed to the destabilisation of national governments and the rise of populism. Börzel (2018,19) concludes, soberly, that future development of the EU crucially depends on 'a new governance mix that moves beyond regulation', though as demonstrated here the prognosis is not encouraging.

### **Reconceptualising governance failure**

Empirical evidence thus demonstrates that newer models of governance have failed to provide the instruments necessary for effective steering at a distance in the EU. Of course, the newer models cannot be said to have failed completely, rather, as Hunt and Wickham (1994) contend, they contain elements of 'incompleteness'. Thus, Schout et al (2010) point to a 'diagnostic deficit' to account for the failure of the Cardiff Process, that is, a misrecognition of the problem at hand. This is compounded by an ideological preference for horizontal governance and its normative claims which have been a driver for reforms. Schout et al's analysis is complemented by Smismans' (2008) findings that the new models



of governance have not increased participation and/or democracy; on the contrary, relative to the old Community method, they have actually resulted in a decline in both.

In short, newer models of governance have been subject to the emergence of unanticipated consequences. The unanticipated consequence has, Merton (1936,894) says, been treated by virtually every substantial contributor to the long history of social thought'. Yet it is an area around which there has been very little theorising. Merton points to a number of factors that can lead to the emergence of unanticipated consequences but, crucially, he acknowledges *error* as a source of failure, referring specifically to Whitehead's 'fallacy of misplaced concreteness' as a source of this. Whitehead writes,

This fallacy consists in neglecting the degree of abstraction involved when an actual entity is considered merely so far as it exemplifies certain categories of thought.

There are actualities which are simply ignored so long as we restrict thought to these categories. (Whitehead, 1929, 7-8).

Thus we present ourselves with 'simplified editions of immediate matters of fact...elaborate logical constructions of a high degree of abstraction' (Whitehead, 1967,52). Through the fallacy of misplaced concreteness we mistake our conceptual models for reality.

Whitehead, a leading process philosopher of the 20<sup>th</sup> Century, rejected the Newtonian view that 'the essential relationship between bits of matter is purely spatial' (Lowe, 1949) i.e that substance is merely pushed around by processes. Rather process is primary and productive of substance which is necessarily derivative. Whitehead was clearly influenced by another process philosopher, Henri Bergson, for whom experience is bound up with the continuous flow of time as *durée*, 'duration'. 'Conceptualising thought', Bergson says, is incapable of adequately grasping this flow and instead attempts to capture and stabilise it as things (including time itself). In other words we have a tendency to reify as 'things' on going processes, abstracting these from the continuous flow of time and pinning them down like a butterfly collector's specimens. Hence the illusion that 'we can think the unstable by means of the stable, the moving by means of the immobile' (Bergson, 1913,264). We have, Bergson argues, a mechanistic habit of mind,

The mechanistic instinct of the mind is stronger than reason, stronger than immediate experience. The metaphysician that we carry unconsciously within

us...has its fixed requirements, its ready-made explanations, its irreducible propositions, all unite in denying concrete duration. (Bergson, 1913,18)

Thus, Bergson set in opposition what he called the *élan vital*, the vital force by means of which we unfold in time, and mechanisation. In an intuitive but unexpected move this insight led Bergson towards a theory of comedy and the comic as that which attempts to exert control but signally fails – the parallel with governance is exact. This is expressed in Bergson's much quoted phrase that comedy emerges as the result of '*something mechanical encrusted on the living*' (Bergson, 1980,84). For Bergson, comedy is effected when some rigidity is applied to what is properly supple i.e. when thingliness interrupts the flow of process, trips it up and brings about its downfall. (The ultimate metaphor of the banana peel gag as the human fall from grace is a subliminal but pervasive theme in Bergson's work.) However, despite our attempts at control being continually frustrated by the 'deep seated recalcitrance of matter' (Bergson, 1980,77) we cling to a persistent belief in the ordered rationality of the world we have created around us based on the enduring, reassuring (and ultimately mendacious) qualities of substance. This is not only an assumption held by the participants of our research, it is also true of research itself which has been dominated by substance metaphysics.

All this points to the development of a tentative theory of failure based on misrecognition - or to adopt a Lacanian nuance, *méconnaissance*, the ego's illusion of autonomy (Lacan, 2001). The world can never live up to our aspirations for it because in abstracting substance from process we impose misunderstanding. An error is inserted at source that will forever frustrate our attempts to arrive at perfection. It is in *méconnaissance* that the tragicomedy of human existence lies. Recognition of this necessitates adoption of an alternative ontological perspective which acknowledges the role of the absurd in human affairs. This is what Kenneth Burke's 'comic frame' provides. Following Bergson, Burke sees humour arising in the incongruous juxtaposition of the vital and the mechanical. Burke draws on this relation to develop the analytic construct *bureaucratisation of the imaginative* as the means by which to disrupt our rational view of the world,

This formula is designed to name the vexing things which happen when men try to translate some pure aim or vision into terms of its corresponding material embodiment,

thus necessarily involving elements alien to the original 'spiritual' ('imaginative') motive.  
(Burke, 1984, Introduction, np)

Bureaucratisation of the imaginative is therefore the process by which reification, and deification, of normative constructs leads to perverse outcomes. An examination of the examples presented here reveals clearly the ways in which the (vital) utopian imaginative is subject to the (mechanical) processes of bureaucratisation which subvert our intentions. Bureaucratisation of the imaginative looks for incongruity, for the mechanical encrusted on the living. In the case of the Cardiff Process the conjunction of pragmatic and ideological considerations represents such a moment. The utopian vision of increased engagement creating a sense of shared responsibility for the environment ran up against the buffers of bureaucratic systems, associated rigidities, and narrow self-interest, producing perverse and farcical outcomes. Similarly, in the case of OH&S, attempts to increase participation were embodied in systems which systematically undermined these attempts leading to an ironic reversal. Interestingly, this has been acknowledged by the EU Commission itself which has referred to the 'bureaucratic and mechanistic requirements' which have too often resulted in implementation failures (Commission of the European Communities, 1998b).

Thus, our attempts at governance fail not least because of our failure to recognise the absurdity of so many of our social institutions and our reliance, despite the overwhelming evidence of its shortcomings, on rationality and belief in the superiority of serious discourse. Adoption of the comic frame is not intended to undermine 'serious' research (or to trivialise failure) but only through acknowledging the importance of humorous discourse do we come to the full realisation of the inherent paradox within governance. Governance is the attempt to impose order on a chaotic world, if attempts at control did not always fall short of their intended outcomes governance would not be necessary. As Hunt and Wickham (1994,80) put it,

Governance does not keep on governing in spite of the incompleteness (or failure) which is so much a part of it, it keeps on governing precisely because and in as much as it involves incompleteness or failure.

Recognition of this points to the development of a programme of empirical research which is located within the comic frame and which recognises the importance of humorous

discourse as a world view (Mulkay, 1988; Watson, 2015). The comic frame, however, does not offer a method as such (Watson, 2019). Rather, it is a disposition or attitude towards research which focuses on absurdities, ambiguities and dialectical tensions arising in the abstractions of things from processes. 'Bureaucratisation of the imaginative' does however provide some guidance in undertaking this process as a master trope for the incongruities that arise when the mechanical becomes encrusted on the living. By this means the dialectical moment is held open for analysis, a deliberate freeze-frame to temporarily halt the relentless flow of process. Adopting this approach therefore contributes to a sociology of failure, through which responses (leading inevitably to more, and different, failures) may emerge.

### **Coda: towards a theory of the absurd in purposive social action**

Several centuries of acknowledgement of the importance of unintended consequences of purposive social action (Merton, 1936) have not led to a theory of the social in which this is given due regard. This paper is an attempt to remedy this situation, and so I conclude with a few tentative steps towards such a theory, though I am fully aware of the dangers of bureaucratisation that such an imaginative will be subject to. In developing this theory I draw on Hooker's (1960) conceptualisation of dramatic irony, which asserts that irony depends on the distance between what is said and what is meant. This is often presented as the difference in understanding between characters in the action,

The difference in understanding may be slight and subtle; it may be great. If it is great enough, the resulting phenomenon may be called 'absurdity'. (Hooker, 1960, 436)

In social science terms, this distance may be understood as the gap between the intended and the unintended outcome of social actions. If this gap is sufficiently great we arrive at the absurd. This is clearly indicated when attempts at social change, in an ironic reversal, deliver the opposite of what was intended (as the examples here and our own experience tell us they so often do). While this theory is in its infancy, in due course, it is to be hoped that a science of absurdity may be developed in which this gap can be measured giving rise to the

'Absurdity Quotient' (AQ) by which to judge the outcomes, not only of governance and social policy, but indeed of all purposive social action.

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