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Worlds Apart?

Towards a Theory of Democratic Dissent in Transnational Governance Networks



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## **Abstract**

Transnational public-private or entirely private policy and regulatory networks are becoming a permanent feature of global governance. These networks of public goods provision aim to address the accountability, participation and implementation deficits that characterise the global level. Inspired by the principles of deliberative democracy, transnational policy networks are premised on rational dialogic exchanges and consensus (or some kind of accommodation among various stakeholders) and promise better problem-solving. Nonetheless, despite gains in accountability and learning, the fact is that many policy areas (e.g. sustainability, human rights, world trade etc.) remain conflict-ridden. The paper argues that in order to account for this 'puzzling phenomenon' we need to utilize a social theory that incorporates dissent instead of wishing to overcome it. Towards that goal this research builds on the work of Laclau, Mouffe and Latour. It is claimed that the result is a more realistic picture of the nature of transnational policy networks.

## Introduction

One of the most conspicuous features of global governance in the last decades is the growing involvement of private actors in international rule-setting, regulatory activities and policy-making. An expanding array of policy fields once dominated by traditional multilateral structures and strategies – climate, sustainability, human rights, development – are now populated by actors like NGOs, civil society organisations and businesses. Either as an outcome of delegation from public authorities or simply as a result of self-regulation, governance beyond the nation state is increasingly characterized by public-private partnerships or entirely private policy networks. (Stone, 2004; Craik, 2007; Dingwerth, 2007; Graz, 2007; Schaeferhoff, et al. 2007; Beisheim & Dingwerth, 2008; Andonova et al., 2009; Levy et al., 2010; Bexell et al., 2010; Mayntz, 2010; Noelke & Cutler, 2010; Hahn & Wedtmann, 2012; Marx, 2012).

The shift towards such transnational governance networks<sup>1</sup> is primarily associated with interdependence and globalisation. (Boerzel & Risse 2005; Risse 2004). As levels of international interaction have grown in volume and depth, the world has witnessed a mounting need for policy responses that go beyond traditional state-led multilateralism. This has paved the way for the incorporation of private actors as a necessary complement to the problem-solving capabilities of public authorities. Hence, according to current policy thinking, situations of greater risk and complexity require the incorporation of a multiplicity of voices. The benefits gained from such interdisciplinarity or even transdisciplinarity - whether in terms of data-gathering or synergetic learning - have the potential to lead to better, policies.

In terms of politics, the international community has heralded the arrival of transnational governance as a timely response to the legitimacy and efficiency deficits that have plagued global governance. (Risse, 2004; Scholte, 2004; Ohanyan, 2008; Bexell et al., 2010; Koenig-Archibugi, 2010). According to Haas (2004) the global level is characterized by a governance, participation and implementation deficit. In the absence of government the making and implementation of norms and rules (to the extent that it has taken place) has depended on a dialogue between public authorities. The often opaque character of these interactions however, in addition to the habitual exclusion of affected communities from the debating table, has sapped their legitimacy credentials. (Held, 2004). As noted by Bohman (2004a: 347) 'institutions tend towards domination simply due to the absence of any obligation to provide a justification to citizens that they

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<sup>1</sup> Governance beyond the nation state that involves either public-private partnerships or entirely private networks dealing with international public issues (setting rules and/or providing public goods).

could accept'. Thus, the entry of private actors is supposed to address this particular lacuna. At the same time, states and International Governmental Organisations have purposefully adopted a strategy of integrating rule targets – or stake holders – into rulemaking with a view to foster implementation. (Boerzel & Risse, 2005). This way, transnational governance promises more efficient problem solving and by extension greater legitimacy (output legitimacy through input legitimacy).

Finally, in terms of ideology, neo-liberalism and the New Public Management theories have since the 1980s made a forceful case for the efficiency and innovation brought by the private sector and, by extension, public-private partnerships. Accordingly, the provision of public goods has been increasingly realigned with a view to incorporating private regimes and actors; usually in line with a market adaptive strategy.

### **Re-arranging Transnational Governance Networks: Deliberation, Reason and Consensus**

Occupying a prominent place in this gradual but steady 'intrusion' of the private sector in global governance are notions of deliberation, rationality and consensus. Transnational governance is explicitly premised on participants being able to achieve consensus (as regards thorny policy issues) through rational dialogue exchanges. In both public-private and entirely private networks the key has been to encourage vital public spheres as a way of battling the governance, participation and implementation deficits. (Dryzek, 2000; Nanz and Steffek, 2004; Brassett & Smith, 2007; Brassett & Smith, 2010; Bexell et al., 2010; Stevenson & Dryzek, 2011).

Of course, as Sorensen and Torfing (2008) note, this does not necessarily guarantee that these networks will be fully democratic. Issues of effective representation, accountability and legitimacy are still pertinent. Nonetheless, multi-stakeholder transnational governance networks are conceived as viable forms of deliberative democracy suitable for the global level. (Baekstrand, 2006: 293). Indeed, since the 1990s deliberative democracy (despite its roots in Greek antiquity) has made an impressive theoretical and practical resurgence. (Rawls, 1996; Benhabib, 1996; Bohman, 1996; Cohen, 1997; Gutmann and Thompson, 2000; Rawls, 2001; Dryzek, 2010). The crisis of representative political systems and the simultaneous challenges posed by the deficit of global governance have paved the way for this revival. Digital technology and the Internet have given further impetus to the phenomenon, helping to extend the boundaries of democratic governance locally and globally. (Bohman, 2004b; Dahlberg, 2007).

Nonetheless, the field is characterized by a variety of models and approaches. Hence, it is opportune at this point to provide a relatively brief outline of the main issues and debates involved.

According to most practitioners and commentators, deliberation refers to a process of 'debate and discussion aimed at producing reasonable, well-informed opinions in which participants are willing to revise preferences in light of discussion, new information, and claims made by fellow participants' (Chambers, 2003: 309). The end product is supposed to be the generation of some kind of agreement (when outright consensus is not possible) or mutually held opinions about how to resolve problems. Deliberation ought to be reasonable, public and equal.

Reason implies that the guiding principle in political procedures is some form of interpersonal reasoning, where participants 'are required to state their reasons for advancing proposals, supporting them, or criticising them' (Cohen, 1997: 74).

Publicity implies that the acts of giving, weighing, accepting or rejecting arguments (or reasons) are made in public, which forces participants to justify their arguments by appealing to common interests and the common good (Cohen, 1997).

Equality and inclusion mean that all affected parties should have the same chances to put issues on the agenda, to question, to interrogate, to propose solutions and to employ the full range of expressions that are available (Bohman, 1996: 36–7; Cohen, 1997: 74).

Deliberative democracy is supposed to lead to collective decisions that can be morally justified, despite the existence of diverse moral viewpoints which characterize most social contexts. (Gutmann and Thompson, 2000: 161). Thus, as Glover notes (2012: 84) the question that dominates discussion about deliberative democracy is what types of justification can legitimise democratic decision-making amidst almost permanent deep pluralism. Here opinions diverge.

According to the more liberal school of thought exemplified by the work of Rawls, political legitimacy – at least in dealing with questions of basic justice – must be justifiable 'in ways that all citizens can publicly endorse in light of their own reason'. (Rawls, 2001: 90–91). Key in arriving at such decisions is the 'criterion of reciprocity', which dictates that 'our exercise of political power is proper only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification of those actions'. (Rawls, 1996: 137). The content of such justifications is

what Rawls refers to as 'public reason', which alludes to values and principles that others would find reasonable, effectively excluding elements that stem from a person's private point of view or comprehensive doctrine (private reason). Participants in the deliberative process must consider as many potential points of view as necessary in order not to be biased. This way they can find common principles that they can all share. (Wagoner, 2010). Ultimately, in the Rawlsian framework, agreement is conceived not as a total consensus but as an overlapping consensus that can be shared by a plurality of competing comprehensive doctrines. If we present our convictions in a reasonable and rational way our differences will narrow and an overlapping consensus will emerge. (Wagoner, 2010).

From a more Habermasian perspective, Bohman has criticized the strict definition of public reason offered by Rawls (and the distinction between public and private reason) and has argued in favor of 'pluralising' public reason (Bohman, 1995: 254). While Rawls argues that the limits of public reason may force us to remove certain debates and questions from the public setting at the outset, Bohman argues that Rawls' 'method of avoidance' neither resolves the underlying issues nor opens up the democratic space for such debates to occur. (Glover, 2012: 86). Bohman points out that in many instances participants in a dialogue have to question the boundaries of political acceptability and challenge 'the meaning and scope of accepted political values' before meaningful decisions can be made (Bohman, 1995: 264). What is required is a divergence of opinions over the content of political values and a commitment to a free and open process that allows for such exchanges. In addition, what is of paramount importance is that participants are willing to amend their ideas. In a similar vein, Gutmann and Thompson (1996: 52-53) also believe that deliberation can be extended to deep moral disagreements, provided that a commitment to reciprocity is maintained by all sides: 'the capacity to seek fair terms of cooperation for its own sake' such that arguments are made in terms the other side(s) can accept.

From a more critical perspective Dryzek (2005) argues that public spheres are constituted by a variety of policy discourses and that, as a consequence, legitimacy is achieved when policy outputs adequately represent the existing constellation of discourses. In common with other deliberative theorists Dryzek also makes the point that the exchange of opinions expressed in such discourses often provokes participants to reflect upon, and ultimately if necessary adjust, these opinions – even if only at the margins. This can be achieved via deliberation because it is essentially a persuasive process leading to a collective decision. He argues that this is most easy to achieve when deliberation amongst different groups is focused on needs – instead of general moral



principles – and also when it is removed from governmental instances of power<sup>2</sup>. For Dryzek, deliberation, or persuasion, is a long-term, diffuse process taking effect over time. With time, the degree of activation of concern on particular issues can change. (Dryzek, 2005: 229). This is an incremental process of reflection, persuasion and at some point agreement.

However, (with the danger of somewhat simplifying a very rich theoretical tradition) deliberative theories seem to be underpinned by two interrelated principles. First, an emphasis on the importance of public reason, reflection and ultimately learning in the face of complexity. (Smith and Brassett, 2008).

*...the ability of humans for self-reflection and reasonableness – which might be equated with the concept of mutual learning - represents a necessary condition which enables deliberation to lead to decisions grounded in a genuine consensus. Public reason or justification is postulated as the universal category in a plural, uncertain world, which makes deliberative consensus and, ultimately, government, possible. (Parker, 2011: 10).*

Second, the need to overcome deep pluralism and social antagonism. Deliberative theorists admit that consensus is sometimes impossible. Thus, they tend to focus on the rational criteria and institutional (democratic) arrangements that would facilitate the achievement of some kind of accommodation among the various stakeholders.

When promoting the insertion of private agents into governance networks, institutional entrepreneurs (private or public) seem to have a particular level of transnational governance in mind. Making the transition to this level of course expands accountability and ease of implementation, but it is also a process which, when guided by reflexivity, allows lesson-learning and leads to consensus, or at least to some form of accommodation. What is implied is a learning process whereby public-private actors negotiate and discover pathways to inter-subjective meanings and problem-solving. Effectively, in view of the social complexity, deliberative democracy puts the emphasis on procedures that allow the renegotiation of more complex opinions and the formation of common visions. The aim is the establishment of norms and cognitive schema that will facilitate the construction of more appropriate problem-solving institutions.

Nonetheless, while both the principles and aims of deliberative transnational governance are laudable, an insurmountable difficulty remains. The fact is that many transnational

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<sup>2</sup> Since in that framework deliberation is most likely to take the form of debates about sovereignty and lead to more polarisation instead of agreement.

governance areas (environmental politics, sustainability, human rights, global trade etc.) are still profoundly divided over what is appropriate in terms of policy and rule making. (Little, 2004). Accommodation and lesson-learning does take place and inter-subjective meanings are indeed developed, but more often than not these are premised on some kind of exclusion. In reality, not only has transnational governance – and deliberation – failed to overcome conflict, it has also largely failed to promote widely-shared notions of what is fair and appropriate. (Latour, 2004: 457).

Thus, what the profound persistence of political disagreement and strife at the level of transnational governance seems to suggest is that we might be wrong in seeking to sidestep the phenomenon via theories that stress the importance of consensus and/or rational accommodation amongst various stakeholders. Instead, it seems that a more realistic, and arguably more perceptive way of dealing with this 'puzzling phenomenon' would be to incorporate dissent. In order to do so however, we would have to employ a social theory different from the one utilized by proponents of deliberative democracy.

The remainder of this paper examines two theories which seem particularly appropriate in this respect. Laclau and Mouffe's (1985) post-structural discourse theory and Latour's (2012) actor-network theory. Despite significant differences the two theories share a deep commitment to the constitutive role of dissent and the generative nature of politics. It is argued that it is these two theoretical preconditions which allow for a more realistic understanding of transnational governance.

## **Living with Discord**

Post-structuralist discourse theory is premised on Lacan's notion of "constitutive lack" and Derrida's deconstruction of Saussurean linguistics and its idea that it is not possible to believe in a final, definitive identity (or definition of a word in Saussurean linguistics), since identity carries a richness of meaning that is virtually inexhaustible (Wicks, 2003: 200; Torfing and Howarth, 2005: 13). In fact, it is only through a certain ethico-political decision that a certain meaning is privileged leading in the process in a stable hierarchy between a privileged inside and a castigated outside. (Torfing and Howarth, 2005: 12).

Post-structural discourse theory stresses the ontological character of dissent and conflict and the role of discourse in practices of social construction; with discourse broadly defined as a relational system of signification (Laclau, 2005: 68). Discourse is effectively the 'field of objectivity', that is to say it is within discourse (within a system of relations) that meaning and identity is born. That is true of language as much as it is true for any

signifying element. (Laclau, 2005: 68). This however, the production of meaning and identity in a discourse, is achieved through what Laclau calls a combination of the logics of difference and equivalence. All elements in a discourse are differential (*à la* Saussure) but in order for there to be a complete closure in the system of differences there has to exist a frontier between what is inside the system and what lies outside it. (Laclau, 2005: 70). This frontier provides all the differential elements inside the system with an equivalential quality. These elements are equivalent to each other vis-à-vis what is excluded. Now these two logics are in constant tension with each other. The one always tries to subvert the other, but they are equally reflected in one another. 'All identity is constructed within this tension between the differential and the equivalential logics' (Laclau, 2005: 70).

However this means that in the place of the totality (the whole) we find only this tension between two logics. So Laclau concludes that what we have is a failed totality, the place of a fullness that cannot be found (Laclau, 2005: 70). However, this impossible object, that is the totality, needs to be represented. Discourse theorists claim that this is only achieved through the extension of one of the differential elements (a particular difference) that now assumes the representation of this totality (Laclau, 2005: 70). It is exactly this operation, of the differential particularity that achieves the status of a universal signification which Laclau and Mouffe call 'hegemony'. And given that this embodied totality or universality is, as we have seen, an impossible object, the hegemonic identity becomes something of the order of an 'empty signifier', its own particularity embodying an unachievable fullness. With this it should be clear that the category of totality cannot be eradicated but that as a failed totality, it is a horizon and not a ground. (Laclau, 2005: 71).

Social identities and meanings are thus eternally shaped and reshaped according to different discursive articulations. This means that meaning or social identities are always transient and fixed around certain 'artificial' centers that establish specific hierarchies, which are in their turn denaturalized and replaced by other discursive articulations built around different nodal points. Meaning is constructed in and through hegemonic struggles that aim ultimately to produce a moral-intellectual leadership in the social sphere, namely to offer a credible identity-defining narrative with which to construct identities and direct action. Stability is provided by nodal points that take the shape of 'empty signifiers'. These no longer signify a specific significance but are so stretched so as to acquire the function of universal signification, representing the totality and thus coalescing around them, in an equivalential logic, other particular differences. That means that constitutive of discourse - of the combination of the two different logics and

thus of the political in general - is social antagonism, namely the division of the social sphere in opposing camps.

Hence, by bringing to the fore the inescapable moment of ethico-political decision, what antagonism reveals is the very limit of rational consensus. (Mouffe, 2005: 12). Mouffe argues that the currently dominant framework of deliberative democracy does not sufficiently recognize the constitutive nature of disagreement. The deliberative conception of democracy and democratic citizenship emphasises rational deliberation leading to political consensus. For Mouffe and Laclau however, social objectivity is constituted through acts of power. This implies that any social objectivity is ultimately political and shows traces of exclusion, which govern its constitution. Power should not be conceived as an external relationship taking place between two pre-constituted identities, but rather as constituting the identities themselves. (Mouffe, 2000: 14). But if we accept that relations of power are constitutive of the social realm then the main question for democratic politics is not how to eliminate power but how to constitute forms of power more compatible with democratic values.

*Politics aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an "us" by the determination of a "them". The novelty of democratic politics is not the overcoming of this us/them opposition – which is an impossibility – but the different way in which it is established. The crucial issue is to establish this us/them discrimination in a way that is compatible with pluralist democracy. (Mouffe, 2000: 15).*

Hence, for Mouffe, the aim of democratic politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed, but as an 'adversary', i.e. somebody whose ideas we combat but whose right to defend those ideas we do not put into question. Effectively, the limits to political participation are thus established by this ethic of 'non-destruction'. Political debate can and ought to be open to all voices and perspectives – in equal terms – as long as opponents are treated as legitimate adversaries. This would also imply that losing sides inside the deliberative framework would have to accept the dominance of a particular moral-political vision while at the same time working towards change.

This does not mean that learning or consensus are impossible. As is obvious from experience in deliberative frameworks, both learning and consensus are achievable and do take place; without requiring a process of complete conversion (Dryzek, 2005: 229). However, the point made by discourse theorists about learning and consensus is that we

should not mistake them for what they are not. That is to say, we should not take them for processes taking place outside of power, allowing for the eradication of conflict. On the contrary, we have to accept the contingent and exclusionary character of consensus. Equally, we have to recognize that reflection and learning take place only after questions of definition and substance have been previously resolved. (Mouffe, 2000: 17).

Similar preoccupations against the rationality of consensus, the ability to reach agreement and the re-construction of democratic politics according to a non-destruction ethic are expressed by Latour (2004). Latour's comments emanate from his actor-network theory and its emphasis on the social construction of facts and objects.

Drawing on the work of Bachelard, Latour argues that the objects of scientific study are socially constructed within the laboratory – that they cannot be attributed with an existence outside the instruments that measure them and the minds that interpret them. (Latour, 1993: 18). Essentially, he views scientific activity as a system of beliefs, oral traditions and culturally specific practices. Latour and Woolgar have tried to show how 'a hard fact can be sociologically deconstructed' (1979: 107) by showing how it emerged in a network; whereby a network is 'a set of positions within which an object... has meaning' (Latour & Woolgar, 1979: 107). A 'well-established fact loses its meaning when divorced from its context' (Latour & Woolgar, 1979: 110). This for Latour does not mean that it is any less real. Instead he criticises the distinction between the fabricated and the real and argues that something is more real exactly because it is fabricated. (Latour, 2012).

A network involves multiple, heterogeneous elements that allow the production of a certain fact or 'good'. For example the production of scientific facts and inventions may require also dealing with legal, ethical and commercial or business issues. In fact, the passing from one element to the other in order is exactly what is required in order for the final outcome to remain a constant (this process is what Latour calls translation). (Latour, 2012: 42, 53). Networks are thus transient, existing in constant making and re-making. This means that relations need to be repeatedly 'performed' or the network will dissolve<sup>3</sup>. As long as the network runs smoothly however, people do not notice its constitutive elements and the process of translation (a phenomenon Latour calls punctualisation). (Latour, 2012: 226). It is only when it breaks down that the punctualisation effect tends to cease. Latour (1999: 23) likens depunctualisation to the opening of a black box. When closed, the box is perceived simply as a box, although when it is opened all elements inside it becomes visible.

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<sup>3</sup> Latour also assumes that networks of relations are not intrinsically coherent, and may indeed contain conflicts.

Effectively, according to Latour the opinions that make part of a specific network correspond to its particular *cosmos*-making logic. By extension the opinions included in a different network will not necessarily belong to the same *cosmos*, that is to say they will not have much in common.

*We perhaps never differ about opinions but rather always about things – about the world we inhabit. And very probably it never happens that adversaries come to agree on opinions: they begin rather to inhabit a different world.* (Latour, 2004: 455)

Hence, concerning political deliberation and agreement, Latour accuses liberal cosmopolitans and deliberative theorists of representing disagreement as an outcome of the different views we have of the same world. In this way, if those views could be reconciled or shown to differ only superficially then peace or consensus would follow automatically. (Latour, 2004: 454). Quarrels in this schema seem to be about secondary qualities and not primary ones. (Latour, 2004: 455). However, following Stengers (2004), Latour notes that the longer it takes to reach agreement the better (what Stengers calls the malady of tolerance).

*As strange as it might seem, one has to admit that nothing has done more harm to political discourse than the astounding claim of putting an end to it through reasonable reason. The particular form of repetition and agitation of politics is risky enough without us adding to it the absurd dream of a substitution of skew talk by straight talk.* (Latour, 2004: 456)

Hence Latour, like Laclau and Mouffe, argues that disagreement in politics is not only ineradicable (it involves a clash of different visions) but also that it is exactly this division over thorny issues that brings us together as social agents. (Marres, 2007). A deliberation that is based on a detachment from a particular standpoint is not beneficial according to Latour, because it involves exclusion. Rather, a deliberation should take place where divergence of opinion is greater. (Latour, 2004: 455, 461). In the same vein, Latour castigates the criticism against politics as something which has lost its connection to the truth or authenticity. He argues that one ought not to use these truth standards (immediate access to the truth) when one speaks of the political. On the contrary, he urges us to welcome polyphony, if not cacophony, when constructing political facts and phenomena. The principle guiding this exchange for Latour is the criterion of constructivism. Namely, the fact that better opinions are an outcome of greater complexity, meticulous work and overall better fabrication. He contrasts this with the fundamentalism which claims immediate access to reality and meanings (Latour

likens this to the immediate access afforded by the double-click of the mouse). Double-click fundamentalism is thus by definition more inclined to promote the destruction of other opinions. (Latour, 2012: 103). Or, in the words of Mouffe, it is least likely to see legitimate adversaries instead of enemies.

Ultimately, politics for Latour, echoing Laclau and Mouffe, involves an eternal interplay between the construction of collective identities through the discourse of political agents (making the multiple into One) and their eventual dissolution (from the One to the multiple). (Latour, 2003: 149-53). Much like the transition from equivalence to difference, it is this constant interplay between the One and the multiple which guarantees the contingent nature of political phenomena. Like post-structural discourse theory, actor-network theory understands politics as generative in nature and not as a practice following a discovery and problem-solving logic. Moreover, the act of representing the total according to Latour necessarily involves a betrayal. Namely, a discursive vision can never exactly coincide with a particular social demand because this way it would not have the capacity to unite the multiplicities in the One. Much like the 'empty signifier' in post-structural discourse theory, Laclau understands discourses as bearing the seeds of their own disarticulation.

## Conclusion

Overall, following Marchart (2005) I argue that at the heart of what divides post-structural discourse theory and actor-network theory lies an ontological disagreement. Essentially, Laclau and Mouffe's theory derives from Lacan's 'ontological imaginary of lack' while Latour's work is more close to Deleuze's 'ontological imaginary of abundance'. Both ontologies agree that there is always a difference that exceeds any order of being. But this according to Lacan is an outcome of a constitutive lack which plagues the identity of a subject and which is the principal driver of desire (negative ontology). On the other hand, difference in the Deleuzian imaginary is guaranteed by the profound abundance of heterogeneous entities (positive ontology). While Laclau and Mouffe take on board a discursively-based negative ontology, Latour's basic ontological schema of the network builds on Deleuze's notion of *rhizome*; that is to say an ever-shifting and ever-changing constellation of connections established amongst heterogeneous entities. (Strathausen, 2006; Williams, 2007)

This divergence at the ontological level gives rise to differences in terms of political strategy. Laclau and Mouffe's negative ontology of lack leads to what one might term a

politics of transcendence. (Mandarini, 2010). That is to say politics in this vision involve a clash of hegemonic blocs, whose ultimate outcome signifies the transcendence of a particular social order and the erection of a new hegemony. On the other hand, as a result of his more positive ontology Latour is more close to an ethos of contestation from the inside. If it is the super abundance of entities which constitutes the substratum of society's perpetual flux, then new social facts and outcomes arise out of connections of new elements. For Latour (2008) the people, the *demos*, which comes together to contest a prickly issue, possess a creative force that leads to the construction of a new *cosmos*. Any settlement however is never final or fully-just and will eventually give way to new articulations (networks). (Bennet, 2005).

Nonetheless, what transpires from the previous discussion is the fact that post-structural discourse theory and actor-network theory are united by a wholehearted commitment to the contingent, contested and unstable nature of social phenomena and to the generative power of politics. What they also have in common is their focus on the constitutive nature of dissent and the power-ridden nature of political phenomena. Laclau and Mouffe's post-structural discourse theory is based on a discursive social ontology which incorporates antagonism as a constitutive principle of politics. Related to Laclau and Mouffe's arguments about the constitutive role of dissent in politics is Latour's actor-network theory (2004, 2012) which shows how (also policy) networks construct social facts, mechanisms and objects out of various heterogeneous elements and do not simply discover a latent reality. This rather Nietzschean perspective contrasts with the implicit logic which seems to underpin deliberative theories, that is, that reasoned deliberation allows for the construction of common meanings which are better equipped to solve social problems or deal with a complex reality.

It is important to recognize that transnational governance – and the policy or regulatory networks which constitute it – are *cosmos*-producing social mechanisms. Namely, that what takes place within existing private-public policy or regulatory networks is the production of a certain reality, which is for the better part premised on a suppression of conflicting opinions or exclusions in the name of arriving at a consensus. (Levy et al. 2010). While the two theories examined here cannot in any way provide us all the answers, their emphasis on heterogeneity and the *cosmos*-making nature of the political do seem to paint a more realistic picture of the conflict-ridden character of transnational governance.

This has clear policy implications for the weaknesses one can identify in currently existing consensus-oriented transnational institutional arrangements. It seems vital that networks



of transnational governance ought to be imbued with an *ethos* of responsibility, as it emanates from the transient character of political order. In terms of democracy, networks of transnational governance will have to incorporate mechanisms, rules and procedures which guarantee not just the extension of debate to include a wide variety of public spheres but also – and importantly – make evident the fact that present hegemonic or dominant *cosmos*-making visions are indeed fabricated and open to improvements.

In more practical terms, transnational governance networks will have to strive harder in order to include marginal voices and movements contesting prevailing *doxas* in discursive processes. Additionally, visions guiding the work of such networks will have to be put through institutional processes of re-assessment and re-examination on a more frequent and punctual basis – through collective procedures of 'normative auditing'. This will also allow a renewal in terms of personnel. As with traditional multilateral politics, the danger remains that discursive frameworks and guiding visions persist in order to accommodate individual professional privileges and career paths. The flexibility that characterises transnational governance networks should help address such anxieties. Overall, the institutional 'intrusion' of political dissent in making decisions, controlling and overturning leading actors and frameworks will help assuage some of the democratic pitfalls that beset the global provision of public goods.

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