

The politics of democratic governance

The implementation of the Water Framework Directive in
the Netherlands

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This research was conducted under the auspices of the Wageningen School of Social Science

The politics of democratic governance

The implementation of the Water Framework Directive in
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Thesis

submitted in fulfilment of the requirements for the degree of doctor
at Wageningen University

by the authority of the Rector Magnificus

Prof. Dr. M.J. Kropff,

in the presence of the

Thesis Committee appointed by the Academic Board

to be defended in public

on Monday 10 December 2012

at 11 a.m. in the Aula.

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The politics of democratic governance: The implementation of the Water Framework

Directive in the Netherlands

233 pages.

PhD thesis, Wageningen University, Wageningen, NL (2012)

With references, with summaries in English and Dutch

ISBN 978-94-6173-448-8

Acknowledgements

The problem with writing acknowledgments is that one always forgets many people who have contributed to your personal success. Even so, writing a PhD thesis is a highly individual process and intended to be so. It is about becoming an academic researcher in your own right and an expert on your own field of study. Notwithstanding this individual process, I could not have completed this thesis without the support of too many to mention. Therefore, I will name only a few.

To start, my PhD research had not been possible without the financial support of The Dutch Organisation for Scientific Research (NWO) and their inspirational research programme *Contested Democracy*. Equally, I could not have done without Esther Turnhout and Bas Arts, who in addition to being my co-promoter and promoter, saw potential in me as a PhD and wrote the research proposal for the project *Data or deliberative democracy?*, within which my PhD took place. They did much more as well: they provided me with the inspiration and the criticism needed to help me grow into the researcher I feel I am today. Above all, they have been great colleagues, and I trust will remain so in my career to come.

Working at the Forest and Nature Conservation Policy Group in Wageningen has been a great joy, not only because of all the people I met and got to know over the years, but also because of the both safe and challenging environment it offered me. I am grateful for all the opportunities that I was given to participate as a full member of the group in organising meetings, discussing research, giving lectures, and editing a book together. I wish to name at least a few of these colleagues, although I am indebted to many more: Sonja, of course, who was not only my co-worker in the research project, but also a co-author, co-thinker, and a friend. Jessica I equally cannot leave out as she listened to all my problems, but also shared my joys and became a valued friend, in addition to being a great colleague in many matters. I was also lucky to work with Barbara as the most overqualified and fun secretary I ever met and who you could always have a chat with. Carla of course, who would forgive me all my administrative errors with a smile. And there are many more colleagues that I am not mentioning here, assistant professors, junior lecturers, PhDs, postdocs, etc., who I am grateful to have worked with and who made my PhD the good experience it was.

Finally, I would like to say thanks to my family, who always had an unconditional faith in me and supported me. I realise this is not a given, and I am grateful for having them. Barbara, I met you halfway through my PhD and you did not only make my life more meaningful and beautiful, you also inspire me to share that with the world.

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The paradox of democratic governance

Jelle Behagel

Abstract

This chapter introduces the central problem definition of this dissertation and the field of study with which it engages. It argues that the literature on democratic governance shows a paradox where governance is both presented as an affirmation of, and a challenge to, democracy. The chapter disentangles this paradox of democratic governance in three steps: (1) The concept of governance is explained by describing three of its key elements – the increased involvement of non-state actors, decentralised decision making, and new modes of steering by the central state – and the way in which these can serve as analytical categories. The democratic norms of governance are then discussed in comparison to those of liberal democracies, and the former are shown to be only loosely linked to the preceding governance elements. (2) The chapter shows how these governance elements and democratic norms are part of normative debates about democratic governance that can be identified as involving three dichotomies: representative versus participatory democracy, top-down versus bottom-up approaches to governance, and instrumental versus deliberative rationality. (3) These debates on democratic governance are lifted out of the realm of ethics and placed into the realm of the political. This is done by describing these debates in terms of politicisation and depoliticisation and as involving contestations over what constitute legitimate political actors, arenas, and modes of interaction. The paradox of democratic governance having thus been disentangled, some background is given on EU governance and on the subject of the case study in this thesis – the EU Water Framework Directive – described as a new mode of governance that involves both processes of politicisation and depoliticisation. The chapter ends with the formulation and explanation of the problem statement and the research questions that inform the remainder of this thesis.

'Five principles underpin good governance and the changes proposed in this White Paper: openness, participation, accountability, effectiveness and coherence. Each principle is important for establishing more democratic governance. They underpin democracy and the rule of law in the Member States, but they apply to all levels of government – global, European, national, regional and local.' (European Commission 2001)

Introduction

Today, it is widely accepted that the European Union (EU) has evolved towards a system of governance (Schout and Jordan 2005). As a result, decisions in the EU are increasingly made by supra- and subnational actors, such as the European Commission (EC), regional and local governments, transnational interest groups, or local NGOs. This change in the political landscape has gone hand in hand with new forms of horizontal, network-based forms of decision making where mechanisms of coordination and resource mobilisation now take place outside of hierarchical control, and new modes of accountability have been introduced (Hajer 2003, Schout and Jordan 2008). These changes in political make-up and new modes of steering in the EU have important implications for democracy: how the relation between democracy and governance is conceptualised; which democratic norms are invoked in debates; and how democracy is performed in practice.

In scholarly and political debate, governance and democracy are closely associated, but the way in which this association is made depends on perspective. In the perspective that builds on the concept of 'good governance,' governance is affirmed as a way to strengthen democratic decision making. Whereas the concept of good governance is primarily normative or prescriptive, a second perspective on governance tends more towards critique. This perspective on governance scrutinises normative claims by comparing these claims to actual governance practices, or deconstructs certain normative assumptions made by proponents of good governance (e.g. Arts et al. 2009, Turnhout and van der Zouwen 2010, Arnouts et al. 2012). In these types of analysis, specific modes of governance may actually obstruct democracy, as they can lead to top-down, technocratic decision making that takes place out of view of the general public. The two perspectives described above present a paradox: how can governance be at once an affirmation of, and a challenge to, democracy?

A first step in unravelling the paradox is to specify what characteristics of governance can be viewed as both affirming and challenging democracy. In itself, governance is a very broad concept that can mean any action or manner of governing. However, with the adjective 'good' added to it, it becomes normative. Discourses on good governance include norms of participation, efficiency, and accountability, amongst others (Woods 2000). These norms are translated into principles of action or ideals that should be pursued, for example when the EC White Paper on Governance (European Commission 2001) promotes participation, accountability, and effectiveness. It is this focus on action that creates the paradox. On the

one hand, good governance presents key elements of governance as affirming democratic norms, such as the greater inclusion of non-state actors, decentralised decision making, and new, horizontal forms of accountability. On the other hand, these same elements are criticised for diminishing the political potential of non-state actors, for introducing disciplinary power, and for leading to decision-making practices that are unaccountable to the general public (e.g. Burnham 2001).

A second step in unravelling the paradox of democratic governance is to understand as inherently normative the affirmations or challenges that governance presents for democracy. Both normative and critical accounts of governance concern themselves either with the affirmation of specific democratic norms or with offering a critique of governance practices based on such norms. In the context of the EU – which has evolved to a system of governance over the last decades –, contestations over what are valid norms for democracy, what they mean, and how they are reflected in governance processes are believed to be the rule rather than the exception (Wiener 2007). These contestations include struggles between representative, deliberative, and participatory norms (e.g. Trenz 2009); questions of what democratic participation means (e.g. Warren 2002a); or concerns over whether new forms of accountability are actually still democratic (e.g. Papadopoulos 2007). Such contestations are played out in and across different domains, including academic debate, policy discourse, and local practice. In these domains, they take the shape of debates between representative and participatory democracy; top-down and bottom-up approaches; and instrumental and deliberative rationalities.

The paradox of democratic governance is unravelled in a third step by showing that it is about debates over what constitutes a political actor, a political arena, and politics. This follows from the understanding that the contestations between different perspectives on governance in democratic debates can be read as contestations over what constitutes legitimate political action. More specifically, if we understand these debates to be about the politicisation and depoliticisation of different spheres, actors, and dynamics of interaction, then they can be reconceptualised as contestations over who makes decisions, where, and how. Doing so takes democratic debates out of the realm of the ethical and into the realm of the political. I therefore approach struggles over democratic norms not as merely entailing different perspectives on what constitutes democratic quality, but as occurring and being decided in and through fields of power.

By bringing the above steps together, this thesis seeks to disentangle the paradox of democratic governance by studying the contestations that take place over what are considered politically legitimate actors, arenas, and dynamics of interaction. It does so in order to bring clarity to debates on democratic governance. These debates are often couched in normative assumptions which are not made explicit or lack a firm empirical basis. By making explicit the implications of democratic norms for practice and by studying how

democratic norms are entwined in fields of power, this thesis aims to elucidate what is understood as democratic governance by diverse governance actors. Explicating these norms also makes clear why certain governance practises are criticised and why others are not, since they are entwined in a field of power. In order to study the paradox of democratic governance in terms of power, I adopt a theoretical approach that is able to make sense of how democratic norms are constructed in, and performed through, a field of power. This perspective builds on a critical constructivist perspective that claims that norms are articulated in discourse and performed in practice. Specifically, I combine discourse analysis and a practice based approach in a single theoretical framework.¹

Discourse analysis is an approach that understands language as shaping the world and the actions of actors, as well as being shaped in political processes of contestation (Hajer and Versteeg 2005). Importantly, it offers an analytical framework by which to understand how norms are articulated and contested, and how they shape practices. By making explicit the democratic norms that are articulated in concrete discourses, contestations over what is democratic and what is not are explained in terms of competing discourses. As discourses reveal how meanings discipline actions, discourse analysis also reveals the entwinement of democratic norms with power. In order to understand how and why actors adopt or resist certain norms and how they perform these norms in practice, I complement discourse analysis with a practice based approach. This approach understands norms as principles for action and is able to show how these come into conflict with other principles of action. Accordingly, it highlights how democratic norms are not the only principles of action that steer governance. In addition, a practice-based approach understands agency as situated within the practices in which actors adopt or resist norms (Arts et al. 2013). Analysing how these norms perform in practice, why they often perform differently than envisaged, or why they do not perform at all, also gives substance to the paradox of democratic governance beyond contestations over norms. Thus, an analysis that combines discourse and practice reveals the tensions between what are considered democratically legitimate political processes in certain policy discourses and what are acceptable political processes in a specific field of practice.

In order to study the paradox of democratic governance as outlined above, I have chosen the implementation of the Water Framework Directive (WFD) (European Commission 2000) in the Netherlands as a case study. I did so for a number of reasons. First, it is an early example of EU governance. Second, it integrates a number of principles of good governance, such as participation, effectiveness, and accountability. Third, it reflects the changed political landscape of the EU and introduces a new mode of steering that builds on more horizontal,

¹ In this thesis, the concept of discourse is broadly conceived of as a system of meaning, rather than its narrower meaning of text, unless stated otherwise. A practice based approach is based on practice theory and should be distinguished from simple empiricism or approaches such as grounded theory. For a detailed account of the use of discourse in this thesis and the theoretical concept of practice, see chapter 2.

network-based modes of decision making. Fourth and finally, it exhibits explicit political dynamics such as the competition between discourses and the multiple performances of democratic norms in practice. The remainder of this chapter provides relevant background to the paradox of democratic governance as sketched above, describes the specific debates in which this paradox has been given shape, shows how it can be brought into the realm of politics, and details the specific character of EU governance. First, the concept of governance is explained by describing its key elements and the ways in which it can be analysed. Second, the democratic norms of governance associated with these key elements are identified and described. Third, the three dichotomies that encompass the way in which democratic governance has been debated in the literature are described. Fourth, these debates are situated in the domain of politics, specifically in terms of politicisation and depoliticisation. Fifth, the EU as a system of governance is described as well as the concept of ‘new modes of governance.’ Sixth and finally, the research questions that inform the remainder of this thesis are articulated and explained.

The concept of governance

‘In much present-day use, governance refers to: a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed.’ (Rhodes 2008:1246)

Over the last two decades, the concept of governance has gained increasing attention, from both scholars and policy practitioners. It has been propagated as a new form of steering by the World Bank as good governance (Doornbos 2001) since the early 1990s; it has been used to describe the changing polity following the ‘hollowed-out state’ in the UK (Rhodes 1997); and it has played a prominent role in debates on the EU, specifically as new modes of governance (Héritier 2001). Even though it is now omnipresent, or perhaps precisely because of it, no clear definition of governance exists (Pierre and Peters 2000). It functions more as a container concept or even as an ‘empty signifier’ (Offe 2009) to allow scholars and practitioners to discuss the increasingly important role of non-state actors, the increasing complexity and changes in the composition of society as a whole, and the new norms and techniques with regard to how society should be governed.

Although governance has a wide range of meanings and applications, there are some key elements of governance that most scholars who use the concept tend to agree upon (e.g. Rhodes 1997, Jessop 1998, Bulkeley and Mol 2003, Bevir 2004, Kohler-Koch and Rittberger 2006, Turnhout and van der Zouwen 2010). These key elements are: the increased involvement of non-state actors, the decentralisation of decision making, and the emergence of new modes of steering by central authorities. These elements are used both prescriptively – as ways to achieve good governance – and descriptively – as empirical manifestations of a changed political landscape and of the new methods by which societies

are governed. Therefore, they can be invoked both as policy instruments to achieve democratic norms and as analytical concepts to describe governance.

The first key element of governance is the increased role of non-state actors in decision making. The involvement of the market, organised civil society, and the public is considered a key characteristic of new understandings of how governing takes place or should take place. Public services are delivered not only by the bureaucratic apparatus of the state, but also by market parties, societal groups, experts, and volunteers. In one way, this is a recognition of the changed political landscape. Over the last decades, we have seen the proliferation of national and international NGOs (Arts 1998), the increased power of global markets, the growth of transnational organisations, and the growing reliance on technical expertise (Warren 2009) that have ‘overloaded’ the central state in terms of the demands that it faces and that have hollowed it out in terms of political legitimacy (Skelcher 2000). As a result, actors from the market and civil society as well as experts have become increasingly important in decision making. These changes in the political landscape have resulted in the formation of governance networks (Torfing 2005), partnerships (Glasbergen and Groenenberg 2001, Mert 2009), and other hybrid arrangements. Involving non-state actors in decision making is also encouraged by international organisations such as the World Bank, by international treaties on participation – for example the Aarhus convention –, and by EU and national legislation. The active involvement of non-state actors in decision making through processes of participation, in governance networks, or in public–private partnerships therefore is not only an empirical phenomenon, but also the result of the normative drives of good governance.

The second key element of governance is decentralised decision making. Decentralisation implies that authoritative decision making has been dispersed from the central state both downwards to regional and local units of authority and upwards to transnational organisations such as the EU (or WTO, UN, etc.) (Hooghe and Marks 2001). That is to say, lower-level governments and transnational organisations have gained increased authority in decision making, and decision-making authority has been awarded to semi-governmental or non-governmental organisations such as expert networks or standard setting bodies such as the Forest Stewardship Council (FSC). As with the previous governance element, processes of decentralisation can be explained as resulting from pressures such as globalisation, the increasing complexity of society, and the growing reliance on the expertise of central governments and their bureaucratic apparatuses; but decentralisation is also encouraged as a way to create more effective and democratic governance. Taking decisions as close as possible to where those decisions impact is considered to build local democracy (Ribot et al. 2010), and local deliberation is often seen as more effective for finding innovative solutions to problems (Smismans 2004). Furthermore, decentralisation is said to contribute to the transparency and accountability of government because it allows less powerful social groups

to gain easier access to decision making (Abers and Keck 2006). Again, as with the involvement of non-state actors, both wider empirical phenomena and normative ideals can be seen to promote decentralisation processes as a key element of governance.

The third key element of governance concerns the new modes of steering by central authorities. In the 'shift from government to governance,' the state is believed to have moved from 'rowing to steering' (Osborne and Gaebler 1992). This specific element of governance is heavily indebted to new public management (NPM) that seeks to make government more efficient by introducing methods from business management to the domain of government (Hood 1995). Moreover, it builds on the notion that (central) government should be smaller, more concerned with guidance, and less concerned with direct service delivery (Skelcher 2000). Consequently, a changed role for the state in governance entails not only processes of decentralisation, but also the introduction of business methods such as output controls and performance measurement as an alternative form of steering. In addition, peer review amongst authorities and by society is believed to promote effectiveness and accountability (Dorf and Sabel 1998). These new forms of steering are often described as a result of the hegemony of a neoliberal discourse that brings a specific rationality of efficiency and managerialism to governance (Rose and Miller 2010). However, they are also promoted as democratic forms of steering that lead to greater transparency and accountability (Zeitlin 2011). Again, both the empirical phenomenon of a changed political landscape and the active affirmation of norms that re-articulate the role of state have led to new modes of steering as a key element of governance.

In order to avoid the conflation of analytical concepts with normative assumptions – in which key governance elements are closely linked to specific democratic norms –, some scholars in interpretive policy analysis suggest an alternative analytical approach to governance. Bevir (2010), for instance, uses a historicist mode of reasoning that understands the concept of governance as evoking a more pluralistic pattern of rule that focuses on the interactions of the state and civil society. He believes that the concept of governance represents a crisis of faith in the central state brought on by theories of politics and public sector reforms, and that this crisis of faith makes the image of representative democracy implausible. Consequently, the narrative of representative democracy should be replaced by a narrative of participatory democracy. Doing so leads to a breaking of the link between state functions and governance processes, a break that finds its root in the image of representative democracy. Colebatch (2009) takes a different approach, as he views governance more as a conceptual development in the analysis of policy than as an empirical phenomenon. He argues that key elements of governance discussed today have previously been under-theorised and therefore reflect less of a change in empirical phenomena than a change in the practice of policy analysis. To avoid the conflation of analytical concepts with empirical phenomena, where the idiom of policy analysis comes to represent the practice of governance, he

therefore suggests a focus on ‘the shared meanings and contexts within which these actions “make sense”’ (Colebatch 2009:64). Such an analysis of governance includes accounts of social construction, structured interaction, and authoritative choice. By paying attention to processes in which meaning is given through social dynamics, structures, and power relations, Colebatch therefore highlights the fundamentally constructed nature of governance.

Both the insight that we should be critical of the conflation of governance processes with the discourse of representative democracy, and the insight that these processes are fundamentally a product of social construction, play a crucial role in this thesis. However, I do not believe that it is necessary to refrain altogether from using political concepts associated with governance discourses or with representative democracy. Since the key governance elements as described above are also empirical realities, I believe they provide a good entry point to the analysis of governance processes. Equally, the democratic norms found in the discourse of representative or liberal democracy play an important role in critiques of democratic governance. Rather than doing away with these concepts altogether, the following section therefore compares how democratic norms of liberal democracies and those of governance relate to each other. It integrates the insight that meaning is given in processes of social construction as Colebatch (2009) emphasises, and it uncouples these norms from the key governance elements as Bevir (2010) suggests, by describing the multiple ways in which democratic norms can be given meaning in governance processes.

The democratic norms of governance

‘The very characteristics of today’s societies often deemed to make the participatory ideals of progressive democracy irrelevant have changed the political landscape in ways that make participatory ideals important and even vital.’ (Warren 2002a:698)

As discussed so far, governance can be understood as providing an answer to a crisis of faith in the central state that has changed the political landscape and the mode in which society is steered. The democratic norms articulated in governance discourses are therefore different than those articulated in discourses of the central state. Indeed, democratic governance is often contrasted with the traditional democratic norms that are tied to the central state. In western societies, the most dominant form of democracy is that of a liberal democracy (Mouffe 2000). Associated with this form of democracy are traditional norms of democratic participation, inclusion, and accountability. As already mentioned in the sections above, these norms are also associated with governance, but they are articulated differently and have a different meaning. Below, I discuss how the three norms of participation, inclusion, and accountability are given meaning in the liberal democracy discourse and in the democratic governance discourse. Doing so elucidates in more detail how democratic norms are

associated with the above-described key governance elements, as well as why they cannot be reduced to them.

The norm of participation in liberal democracies is given shape most directly by the mechanism of voting, but for instance also through petitioning, taking part in public hearings, and protesting (Warren 2002a). Contemporary governance stresses alternative forms of participation such as stakeholder consultation, participation of non-state actors in governance networks, and participatory venues like citizen panels, focus groups, etc. These last forms of participation are usually called 'public participation.' Participatory democracy can be viewed as a response to restrictive notions of citizenship in representative democracy. According to participatory democrats, politics in liberal democracies are too strongly connected to elitist understandings of competency and expertise and obey what is first and foremost a market rationality (Vitale 2006), consequently reducing the political scope of citizenship (Leach et al. 2005). Participatory democrats therefore seek to expand democratic participation beyond the representative system and to create a substantive rather than a formal democracy (Vitale 2006). The norm of participation is consequently ambivalent. For liberal democracy scholars, it refers to the direct access of citizens to the representative system through a number of specific and institutionalised spaces and modes of engagement (such as voting) that are directly connected to the state and to the more indirect ways of influencing decision making through opinion formation or protest connected to the public sphere. For participatory democrats, participation refers to the extension of political spaces to arenas where direct forms of decision making take place beyond and outside the control of the central state. Participatory democrats consider the boundary between the state and the public sphere to be less absolute and want to create new democratic spaces (Cornwall and Coelho 2007) and modes of public engagement that include the creation of new publics, such as mini-publics (Fung 2003) or sectoral networks. As a result, these two views of participation entail different ideas about the legitimate role of state and non-state actors and about what constitutes democratic decision making. For liberal democrats, democratically legitimate decision making takes place through actors who have been given a political mandate via formalised mechanisms of voting and who are responsive to civil society, whereas for participatory democrats non-state actors also can make democratically legitimate decisions on the basis of their role in society.

The norm of inclusion is central to democracy. How this norm is given meaning differs between liberal democracy discourses and democratic governance discourses. The idea of liberal democracy is that, through representative mechanisms, the whole of society can participate in political choices. Representation builds on four key principles (Urbinati and Warren 2006). First, it operates from a relationship where representatives stand for, and act on behalf of, a constituency. Second, it creates a space where the sovereignty of the people is identified in relation to the power of the central state. Third, it ensures a degree of

responsiveness of elected representatives to the people that they represent. Finally, the principle of 'one man-one vote' ensures a degree of political equality. In contrast to representation, the democratic governance discourse builds on deliberation as a basis for inclusion. It holds that the characteristics of governance can bring about deliberative and consensus-oriented modes of decision making and thereby undercut the political deadlocks associated with representative modes of decision making. Deliberative democrats take issue with voting-centric views of democracy that see democracy as an arena in which fixed preferences and interest are aggregated (Chambers 2003). They contrast these views with the communicative processes of opinion and will-formation that precede voting (Chambers 2003). Moreover, they believe that these processes take place at a distance from the state, in civil society (Dryzek 2001). According to deliberative democrats, arguments and dialogue are better mechanisms for responsiveness than the threat of not being re-elected. Therefore, the norm of inclusion is believed to be better served by the inclusion of citizens in societal debates than by the one-man-one-vote principle. The norms of representation and deliberation clearly contrast with one another. Whereas for liberal democrats the consensus-oriented modes of decision making that characterise deliberative democracy would appear to bypass formal mechanism of representation, deliberative democrats believe that these processes are at the core of democratic legitimacy. Equally, the aggregation of interests at the national level through representative mechanisms and the subsequent instrumental pursuance of policy goals by central government would appear to deliberative democrats as detracting from the democratic potential of civil society. To liberal democrats however, these processes are the cornerstones of legitimate government.

Accountability is traditionally connected with the effective delivery of services by government. It is often associated with effectiveness, transparency, and with 'giving account.' Bovens (2007:107) defines accountability as 'a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences.' This definition makes clear that accountability is primarily concerned with the role of actors in political arenas and involves the scrutiny of political actors by a specific forum. The relationships of the actors to these arenas, as well as the question of which forums are involved in the passing of judgment, differ for different forms of accountability. When associated with liberal democracy discourses, there are two main forms of accountability: political accountability and administrative accountability (Bevir 2010a). Political accountability means that politicians are held accountable ex-post to voters who can vote them out of office if they are not satisfied with their performance. In addition, these politicians are also held accountable to constitutional law and to a judicial system that can revoke their authority. Administrative accountability means that civil servants whose task it is to provide neutral expertise are answerable within a hierarchical system. The bureaucratic apparatus is so designed that clear roles are specified for individuals, making it possible to identify who is responsible for what

and have them answer to superiors (Bevir 2010a). Other traditional mechanisms for accountability are, for instance, ombudsmen or parliamentary commissions. However, under the influence of criticisms about unresponsive politicians and the overloaded state (Skelcher 2000), confidence in political and administrative accountability has waned. This has led to the emergence of NPM and the introduction of accountability mechanisms from the business sector to the government, specifically performance management. This type of accountability involves output controls and promotes the use of standardised methods for evaluation and formal standards of performance and success (Hood 1995, Arts and Goverde 2006). Bevir (2010a) calls this performance accountability: by making results of policy transparent to the public and other branches, levels, or centres of government, accountability is sought in competition and peer review, as well as in the involvement of stakeholders and/or the general public. Consequently, the hierarchical accountability associated with liberal democracies is supplemented or replaced in democratic governance by non-hierarchical and horizontal forms of peer accountability and participatory accountability (Bäckstrand 2008). Peer accountability consists of the mutual evaluations of organisations by their counterparts, for instance the same type of lower-level authorities or the mutual evaluation of performance of similar governance networks. Participatory accountability involves non-state actors in the assessment of the performance of policy. Therefore, peer and participatory accountability, which are associated with democratic governance discourses, differ from political and administrative accountability, which are associated with liberal democracy discourses, because in the latter there is hierarchical accountability from above (i.e. elected officials), whereas in the former there is critical scrutiny from below and the side (i.e. civil society and peers).

To sum up, the discourse on democratic governance shifts the emphasis of the traditional democratic norms of participation, inclusion, and accountability to arenas beyond the state and to other types of political dynamics. Even so, the democratic norms invoked in practice, and their meaning, differ from context to context. A shift from government to governance does not necessarily imply that there is also a shift in the democratic norms articulated in liberal democracy discourses to those articulated in democratic governance discourses. Moreover, whether or not governance is considered an affirmation or a challenge to democracy depends not only on the democratic norms performed in everyday practices, but also on how these norms are valued from the normative perspective of the researcher or policy professional assessing or applying them. Therefore, by describing the multiple meanings attributable to democratic norms, more in-depth understanding is provided of what actually makes up the paradox of democratic governance. That is to say, whether or not governance is conceived to be democratically legitimate is ultimately a political question insofar as it depends on the norms performed in practice as well as on the norms articulated in scholarly, political, and societal discourse. The next section describes how these norms are articulated in debates on democratic governance.

Debates on democratic governance

'The people of a democratic nation are not only fully entitled to explore the trade-offs between system effectiveness and citizen effectiveness, but I believe that commitment to democratic values obliges them to do so.' (Dahl 1994:34)

The next step in unravelling the paradox of democratic governance, after specifying the key elements of governance and the democratic norms associated with these, is to describe how debates on democratic governance are given shape in scholarly literature. I identify three dichotomies that roughly shape these debates: (1) representative versus participatory democracy; (2) top-down versus bottom-up approaches to governance; and (3) instrumental versus deliberative rationality. These debates overlap, and the identification of these three dichotomies is by no means meant to be exhaustive. For instance, debates overlap when top-down approaches are associated with instrumental rationalities, or when participatory democracy and deliberative democracy are contrasted with representative democracy. All the same, these dichotomies give a good and extensive overview of how debates on democratic governance are given shape. More importantly, they offer insight into how contestations over what constitutes democratic governance can be articulated in discourse. Finally, they show a concern with the identification of legitimate actors, places, and modes of political interaction, a point to which I return in the next section.

The debate between representative and participatory democracy centres on the question of *who* makes policies. In other words, who are legitimate participants in decision making? This debate focuses primarily on how one should conceptualise the division between state and civil society as well as on how one should conceive of governance networks vis-à-vis the state. Unlike voting, which has a very broad range of – be it formal - inclusion (although not everyone is allowed to vote), participation is usually restricted to a select group of participants. Claims of greater inclusion as a result of public participation mechanisms are therefore contested, as not all civil society actors and stakeholders can be included (Smismans 2008). Public participation is consequently criticised for its elitist characteristics (Cooke and Kothari 2001). Moreover, public participation can exclude actors that do not have the required knowledge, skill, or resources to participate (Turnhout et al. 2010); this is often the case when complex issues are discussed and meetings are held during working hours. In addition, civil society can be organised in such a way as to give more voice to powerful stakeholders and exclude others. Although civil society is often represented as a homogenous, unitary, democratic force, civil society actors may just as easily be undemocratic (Scholte 2002). Consequently, governance networks that include non-state actors can challenge the legitimacy of representative institutions (Klijn and Skelcher 2007), either because they take decisions outside the domain of the state and/or out of view of the state, or because they influence decision making by the state to an extent that escapes control by elected representatives. As a result, meta-governance of governance networks by representative actors

or institutions has been suggested (Sørensen and Torfing 2005). The influence of representative institutions over participatory processes has equally been subject to critiques. Organised participation or ‘invited’ participation (Cornwall and Coelho 2007) has often been criticised for being overly instrumental and lacking real political efficacy (Cooke and Kothari 2001, Innes and Booher 2003). In these critiques, participatory processes are reduced to instruments to achieve goals set by representative mechanisms, such as saving time, providing knowledge, and preventing objections and appeals (Woltjer 2002). Moreover, as participatory processes are often consensus driven since they usually do not involve mechanisms such as majority voting and require unanimity, they also repress power dynamics. That is to say, the drive for consensus can repress the playing out of differences (Turnhout et al. 2010). The debate between representative and participatory democracy is therefore about both who constitute legitimate participants and the role they play in decision-making processes.

The debate between top-down and bottom-up approaches to governance centres on the question of *where* policies are made. In other words, where is legitimate authority situated? This debate is couched in the vocabulary of multi-level governance (MLG) (Hooghe and Marks 2001), where ‘top’ refers to central authorities like the EC or a central government, and ‘down’ refers to lower-level authorities and/or civil society and the market. Moreover, the debate is about the direction of travel of goals, timetables, approaches, measures, etc. (Rayner 2010): for example, whether a policy goal is conceived of from the bottom and uploaded to higher levels of authorities, or whether it is set at the top and consecutively downloaded by lower levels of authority and non-state actors. In this debate, top-down approaches are characterised by the setting of regulatory standards by central authorities and the subsequent authoritative control of compliance with these standards (Knill and Lenschow 2004). Top-down approaches therefore conceive of legitimate authority as exercised by the central state (or by supranational organisation like the EU or the UN) and favour hierarchical accountability mechanisms. Bottom-up approaches are characterised by context-oriented goal-setting, governance by learning, and an emphasis on close cooperation between state and non-state actors (Holzinger et al. 2006). In other words, bottom-up approaches replace centralised policymaking with a search for innovative solutions to locally defined problems by networks of both state and non-state actors. Therefore, bottom-up approaches place a strong focus on a broad inclusion of actors and on broad conceptions of citizenship (Turnhout et al. 2010). They believe that legitimate policymaking should originate in a broad societal field where local-level authorities and non-state actors have substantial competences to develop and implement policy and where central policies are facilitating rather than steering. The debate between top-down and bottom-up approaches is therefore both about where goals are set and about what the political landscape looks like.

The debate between instrumental and deliberative rationality centres on the question of *how* policies are made. That is to say, this debate is about how to account for the processes that lead to policy outcomes. Instrumental rationality can be very efficient in problem solving: it does so by isolating specific problems, finding cause and effect, establishing goals and measures to achieve these goals, and assigning responsibilities. In the modern state, instrumental rationality has led to an increased use of scientific expertise and the hierarchical organisation of a functionally differentiated bureaucracy (Voß and Kemp 2006). This increased institutionalisation of instrumental rationality has brought about two main points of critique. First, it imposes the rationality of the state and its bureaucracy on the public sphere. According to deliberative democrats, an authentic public sphere is the place where rational–critical arguments, rather than the status of actors, are decisive in informing political decision making (Calhoun 1993). They therefore criticise decision making based on the aggregation of interests, even if these are expressed by civil society, because it does not allow for a substantial political discussion of values and policies (Curtin 2003). Second, instrumental rationality does not allow for diversity and fails to deal with unintended effects of policies. The instrumental rationality of the state is believed to increasingly lead to unintended side effects that bring about risks and contestations that make this type of rationality untenable (Hendriks and Grin 2007). Deliberative rationality is therefore believed to be not only more democratic, but also more effective in dealing with the complexities of the changed political field that have led to the shift from government to governance to begin with. These ideas about deliberative rationality are also challenged however. The idea that local deliberation is likely to lead to effectiveness is believed to be naïve, especially in cases where diverging interests do not easily lead to ‘win-win’ situations (Eberlein and Kerwer 2004). More generally, deliberation is often thought of as a time-consuming process with uncertain outcomes and therefore believed to threaten the effectiveness of bureaucratic systems (Dahl 1994). In addition, the high ideals of deliberative democracy are often believed to be unattainable in practice. Not all actors can live up to the high demands that exchanging rational–critical arguments entails (Sanders 1997), and deliberative decision making is therefore not always beneficial to the public interest (Papadopoulos and Warin 2007). In general, the debate between instrumental and deliberative rationality is about what constitutes legitimate political interactions (interest aggregation or deliberation) and how these should be accounted for (whether in terms of inclusion, effectiveness, or quality of argumentation).

The above debates on democratic governance show that democratic norms carry assumptions not only about what constitutes legitimate political decision making, but also about how these norms perform in practice. They do not merely express different preferences for the who, where, and how of political decision making, but do so in contrast and in reaction to what they imply are *not* democratically legitimate actors, places, and modes of interaction. Consequently, they bring depth to the paradox of democratic governance as they

convey not only different ideals on governance but also how these ideals and their democratic norms are entwined in a field of power. These debates are political in the sense not only that they convey contestations about how to define democratic governance, but also that they reflect the power struggles that shape how democratic norms perform in practice.

Politicisation and depoliticisation

'Depoliticisation is the oldest task of politics.' (Ranciere 1995:19)

In order to disentangle the paradox of democratic governance, the focus of this chapter so far has been on the elements of governance, the norms associated with them, and the debates in which these norms are couched. I have done so in order to lift these debates out of the ethical context in which they are usually conducted and into the realm of the political. To be exact, I argue that the oppositions between ideas on whether governance is democratic or not are not simply a matter of value or perspective, but rather involve contestations over what constitutes a political actor, a political arena, and politics. Moreover, these contestations in the end are not decided by norms, but by power.

The concept of the political is usually not defined in political studies. Most scholars implicitly use it to describe the tactics used by political parties and/or non-state actors to influence steering and decision making. Moreover, the state is where they locate the site where policy is formulated and implemented. For the study of politics in liberal democracies, this is mostly unproblematic, as according to its democratic norms the state is the prime location of legitimate authority. However, for the purpose of this thesis, the above conception of politics *is* problematic, as, in governance, non-state actors are arguably legitimate actors as well, authorities are decentralised, and new modes of steering are introduced. A more precise definition of the concept of the political is given by Mouffe (2005), who describes the political as the construction of antagonisms and the establishment of social order through acts of power. In other words, the political consists of contestations and decision making in and through power. To say that the political is about contestations means that it is about decision making in contingent and undecided terrain (Glynos and Howarth 2007). To say that this decision making takes place in and through power is to recognise that there are no transcendental, ethical, or universal norms that can ultimately be invoked to justify political decisions. Rather, in the realm of the political, decisions are understood to be the particular expression of a structure of power relations (Mouffe 2000). Although the above conception of the political is derived from post-structuralist authors, its basic tenets are widely shared. Politics are commonly associated with giving or withholding support, and hence with processes of contestation as well as with the power to decide.

Democratic norms govern who can engage in politics, where they can do it, and how. However, as democratic norms in governance are open to contestation, they not only govern politics, but are also subject to politics. Consequently, one can expect a struggle over who are

legitimate actors, what are legitimate arenas of decision making, and what are legitimate modes of steering. These struggles can be captured in the vocabulary of politicisation and depoliticisation. Politicisation, on the one hand, concerns the opening up of issues to political debate. Whereas prior to politicisation issues are the domain of either scientific or bureaucratic expertise, they become politicised if they are part of a public debate in which political actors rather than (only) experts or bureaucrats will decide on the relevant issue. For example, as a result of the BSE crisis, the issue of food safety became politicised and the meaning of food safety was renegotiated (Paul 2007). Depoliticisation, on the other hand, takes issues out of the public debate and into the domain of scientific or bureaucratic expertise when the course of action in a specific issue is no longer contested. For example, the issue of acid rain no longer gives rise to the strong political debates that it previously did (Hajer 1995), most probably because of successful EU regulation. The vocabulary of politicisation and depoliticisation can also be directly applied to the key elements of governance.

Identification as a democratic actor, a democratic arena, or a democratic mode of steering requires all of these to be political first (Warren 2009). Without the possibility of contestation and the exercise of choice (and power), most political scholars would agree that democracy becomes void of its substance. Consequently, governance is affirmed as democratic when it politicises previously depoliticised spheres. Its democratic quality is challenged, however, when these spheres become depoliticised. This includes the politicisation/depoliticisation of the involvement of non-state actors, of decentralised authority, and of the methods by which governments steer. First, the call for a more politicised civil society was made by Hannah Arendt (1958) and has inspired participatory democrats since the 1960s (Arnstein 1969). Today, it continues to be voiced by participatory democrats such as Fung and Wright (2001). Equally, deliberative democrats have called for a transformation of the public sphere (Calhoun 1993) where communicative reason with an emphasis on diversity and the exchange of arguments should replace instrumental reason. That is to say, they seek increased instances of contestations and debates over public issues, outside the state's domain (Dryzek 2001). Second, with decentralisation comes politicisation of the bureaucracy (Christiansen 1997). A governance perspective, more than a government perspective, recognises the potential democratic value of interactions between bureaucrats, citizens, and interest groups for creating political support as well as for voicing dissent (Peters 2010). Moreover, awarding higher competences to decentralised government authorities allows these organisations to play a more political role in the sense that they can contest decisions made at other levels of government and that they have greater freedom to choose policy goals and measures. Taking decisions as close as possible to where they impact is also believed to stimulate deliberation and a greater inclusion of local actors. Third, introducing output-oriented steering and replacing hierarchical accountability structures with horizontal and participatory forms of accountability entails the politicisation of steering mechanisms.

By measuring and reporting the policy performance of lower-level authorities, contests between these are stimulated. Moreover, by focusing on outputs rather than inputs, these authorities have more freedom to choose in what manner or by what measures they seek to achieve these outputs. Furthermore, the increased transparency that is believed to accompany these forms of steering creates more room for the participation of non-state actors to contest whether authorities are doing all they can to achieve policy goals.

Although proponents of good governance affirm the politicising effects of governance, governance has also been criticised for having depoliticising effects. Flinders and Buller (2006) define depoliticisation as the change of the arena and/or processes of decision making. They view it as a strategy adopted by the state to (1) decouple policies from the short-term view of electoral policies; (2) reduce the political overload of the state; and (3) insulate elected officials from policy failure in difficult and contested policy domains. Therefore, the literature on depoliticisation ascribes self-interested and even anti-democratic objectives to the state when it promotes a shift to governance. In line with the work of Foucault (1994) and governmentality studies (Dean 1999), the extension of political power beyond the state is not viewed as contributing to the empowerment of civil society or as a stimulus to more local forms of democracy, but rather as the extension of the power of the state itself over these domains (Rose and Miller 2010). Critical studies on governance therefore view the working of the key elements of governance as the potential stifling of opportunities for contestation and the empowerment of civil society rather than promoting them. In this perspective, involving non-state actors, decentralising decision making, and introducing new forms of steering can be viewed as attempts to discipline non-state actors and decentralised authorities into becoming subjects that pursue the goals set by the state. Consequently, participation has been criticised as leading to an unjust and illegitimate exercise of power by powerful elites (Cooke and Kothari 2001) and as being made instrumental to state objectives. The decentralisation of authority has equally been criticised as shielding the (central) government from the consequences of unpopular policies and as lowering expectations about the effectiveness of policymaking (Burnham 2001). Moreover, the performance management techniques that are part of the new modes of steering have been viewed as ultimately depoliticising of social life (Guthman 2008) and involving attempts by states or markets to colonise the rationalities of other systems (such as ecological systems) by replacing them with their own (Robertson 2004). These techniques are considered to be neoliberal attempts to replace democratic decision making with a type of managerialism focused solely on efficiently completing the tasks set by central government.

In view of these dynamics of politicisation and depoliticisation, the above-described debates on democratic governance can now be understood to concern not only the actors, places, and mode of action in which democratic governance takes place, but also the struggles over how power is exercised. Specifically, debates on representational versus

participatory democracy not only address conflicts between these two versions of democracy, but implicitly also discuss the co-optation of one by the other. This leads to questions about whether the inclusion of non-state actors in practice leads to their empowerment in terms of their ability to contest issues and decide on policies, or whether they are made instrumental to the political choices of elected officials. Debates on top-down versus bottom-up approaches similarly involve struggles between different levels of governance over who can take the initiative to set goals and define issues and over who has power over whom. Finally, debates over instrumental versus deliberative rationality concern the question of the role that decentralised authorities and non-state actors are expected to play; in other words: whether these actors should compete to create more efficient outcomes and find best practices, or whether they should contest one another's beliefs and ideas. Different answers to this question involve different notions about how power is exercised and its scope. Consequently, situating the paradox of democratic governance in the realm of the political entails the study not only of the articulation of democratic norms in political discourse, but also of how these norms are performed in practice through the political struggles that seek to translate them into principles for action.

EU governance

'Governance within this new polity is sui generis: through a unique set of multi-level, non-hierarchical and regulatory institutions, and a hybrid mix of state and non-state actors.' (Hix 1998:38–39)

Before they started studying the EU as a system of governance, scholars discussed the EU with a predominant focus on European integration and positioned themselves in debates between liberal intergovernmentalism and neofunctionalism (Pollack 2005). The core idea of neofunctionalism is that of functional spill-over: when decisions are made in one policy field on a European scale (for instance on coal and steel), these will lead to pressures to extend the authority of the EU to other policy fields. In the theory of neofunctionalism, additional pressures from supranational actors such as the EC and subnational interest groups strengthen this process, eventually leading to the establishment of a new political polity. Neofunctionalists describe this as a process of politicisation where the controversial nature of decision making in a policy field increases and leads to a broadening of the actors involved, the redefinition of objectives, and ultimately a shift in the political landscape to a new centre (Hooghe and Marks 2006). Liberal intergovernmentalism, particularly in the person of Moravcsik (1998), contrasts neofunctional accounts with a perspective that considers the integration process first and foremost as resulting from member states that aggregate national interests and bring these to the negotiation table at an intergovernmental level. According to this perspective, the EU political field that results from these negotiations primarily reflects the convergence of preferences amongst powerful member states. In this perspective, the political domain remains primarily limited to the central nation state.

Following the debates on the drivers and mechanisms of European integration to a 'unique' polity, in the mid-1990s, more attention became directed at what this polity actually looks like. To conceive of the EU as a system of governance is a result of the 'governance turn' in EU studies (Kohler-Koch and Rittberger 2006) that has replaced European integration as the primary focus of EU studies. In this governance turn, the key elements of governance as identified earlier in this chapter are applied to describe the specific nature of the EU. These include the involvement of non-state actors through the 'community method,' where the EC and the parliament rely heavily on interest groups to provide information and expertise, and through policy networks (Kohler-Koch and Rittberger 2006); the decentralisation of decision making in multi-level governance where decision-making competences are shared by actors at different levels and are not monopolised by state actors (Marks et al. 1996); and a new mode of steering that involves the reconceptualisation of the role of the state from 'deciding from above' to an activator of horizontal networks that form issue- or sector-specific constituencies (Kohler-Koch and Rittberger 2006).

In addition to the description of EU governance as an empirical phenomenon, there is also a normative discourse of EU good governance. This normative discourse is especially present in debates on new modes of governance (Héritier 2001, Knill and Lenschow 2004), in which the White Paper on Governance (European Commission 2001) plays a central role. New modes of governance are believed to be an answer to continuing challenges to the EU's capacity to govern effectively and democratically (Eberlein and Kerwer 2004). The core idea of new modes of governance is the abolition of top-down, interventionist, command-and-control regulation, in favour of bottom-up, context-oriented governance by learning that emphasises the close cooperation of state and non-state actors in formulating and implementing EU policy (Holzinger et al. 2006). In particular, it contrasts hard regulatory targets with soft law and top-down policymaking by the EU with more competences for member states, and advocates for a broader inclusion of actors as compared to the community method (Héritier 2001). Moreover, it employs mechanisms of learning, standardisation of knowledge, iterative processes of monitoring and goal adjustment, and the setting of timetables (Héritier 2001). There are different types of new modes of governance within the EU, for instance the open method of coordination (OMC), self-regulatory modes of governance, and framework regulation (Knill and Lenschow 2004).

For the purpose of this dissertation, I focus on framework regulation, conceptualised as experimentalist governance. I do so not only because it most explicitly integrates all three key elements of governance, but also because it takes specific positions in debates on democratic governance. Experimentalist governance builds on the notion of democratic experimentalism, which entails the decentralisation of power and the inclusion of non-state actors in governing (Dorf and Sabel 1998). Moreover, it features subnational governments

that are free to create their own performance standards and choose the means by which to meet these standards, where the national government assists in the monitoring of performance and the coordination between subnational governments. Furthermore, experimentalist governance builds on notions of peer and participatory accountability (Dorf and Sabel 1998). These specific characteristics of experimentalist governance are thought to result in a direct, deliberative polyarchy: direct, because non-state actors can be involved without intermediary representation; deliberative, because decisions are based on arguments and the free exchange of information; and a polyarchy because the political accountability of governments is supplemented with accountability through peer review amongst different authorities (Dorf and Sabel 1998). In the EU, the WFD is a good example of experimentalist governance (Sabel and Zeitlin 2008), as I describe in more detail in chapter 3.

By actively introducing new modes of governance in the EU, and experimentalist governance in particular by means of framework directives, the EU can be regarded as introducing all key elements of governance to its decision-making processes. Moreover, if we follow Sabel and Zeitlin (2008), the manner in which these elements are introduced is likely to result in a specific form of good governance: a direct, deliberative polyarchy. This form of governance would involve the politicisation of the role of non-state actors, lower-level government authorities, and new forms of accountability. However, changing the actors, arenas, and modes of political decision making, as the key elements of governance arguably do, can also involve processes of depoliticisation. Even though the neofunctionalists have successfully predicted the evolution of the EU to a system of governance that includes supra- and subnational actors and a shift in political landscape, they have also recognised that the process of politicisation can be halted by state politics (Hooghe and Marks 2006). The debate between neofunctionalism and liberal intergovernmentalism may have been replaced by the study of the EU as a system of governance, but the question of whether politics are the sole prerogative of the state is not resolved.

Research objectives and questions

This introductory chapter set out to gain in-depth insight into the paradox of democratic governance, where governance is simultaneously viewed as an affirmation of, and a challenge to, democracy. To do so, it has identified three key elements of governance – the increased involvement of non-state actors, decentralised decision making, and new modes of steering – and the democratic norms associated with them. Moreover, it has described three dichotomies by which debates on democratic governance are given shape, and explained how these debates in practice can be analysed as processes of politicisation and depoliticisation. In particular, the chapter has sought to lift the paradox of democratic governance out of the realm of ethics and into the realm of the political. It has done so by describing politics as the occurrence of public contestations and the exercise of power. Moreover, the chapter has

located these features of the political in a struggle between liberal democracy discourses and democratic governance discourses, and in the political struggles that shape the performance of democratic norms in practice.

Although the paradox of democratic governance can be discussed in many fields of governance, I have chosen to focus on EU governance and the WFD in particular. The democratic problems of good governance by, for instance, the World Bank have been well described, often in a critical fashion that includes attention on power relations and instances of depoliticisation (e.g. Nandigama 2013), but this is far less the case for governance in Europe. Many studies engage with the democratic quality of governance in the EU (e.g. Sørensen and Torfing 2005), but most often do so by applying democratic norms to their object of study without taking into account how these norms themselves are subject to political processes (e.g. Wälti et al. 2004). Another reason to choose EU governance is the strong tradition of liberal democracy in which most EU member states are situated, including the case study area of the Netherlands. Such a tradition led me to expect a greater likelihood of finding instances in which the democratic norms of governance are contested by those of liberal democracy. Of course one can expect the democratic norms of governance to be contested in non-western societies as well, as indeed they are (Nandigama 2013). However, elucidating how democratic norms perform in practice is different ways is facilitated by the choice for case study area that includes a strong tradition of democratic practices, as the chapters of this thesis will show. Finally, the choice of EU governance was prompted by the fact that governance in the EU is described both as an empirical phenomenon and as a normative good. Consequently, it offers a good subject to study the paradox of democratic governance.

To find out how democratic norms are articulated in political discourse and how they are performed in practice, the example of WFD implementation in the Netherlands was chosen as a case study in this dissertation. This framework directive represents different normative discourses in itself. It can be read as a compromise between different political visions on participatory and representative democracy (Kaika 2003), as including aspects of both top-down and bottom-up approaches to governance, and as combining instrumental and deliberative norms (Bouleau 2008). These different normative discourses are therefore expected also to be part of the political discourse surrounding the implementation of this framework regulation in the Netherlands, and to lead to processes of politicisation and depoliticisation in practice.

In order to bring the paradox of democratic governance out of the realm of ethics and into the realm of the political, this dissertation *investigates the political processes in which democratic norms are articulated in the discourse of policy implementation and how these norms are performed in practice*. Doing so was expected not only to move past the contradiction observed in the paradox, but also, and more importantly, to show how the meaning of

democracy in governance processes is itself part of the discourses and practices by which governance is given shape. To this purpose, three central research questions have been formulated:

1. *How are democratic norms articulated in the political discourse of the implementation of the WFD?* With the articulation of democratic norms in a political discourse comes the analytical question of authoritative choice. In other words, who has the power to articulate a political discourse and by what political mechanisms is this achieved? Therefore, this research question addresses not only the articulation of norms, but also the processes of contestation that give rise to them and the exercise of power that fixes them in a discourse. Moreover, it shows whether actual political discourse follows the normative assumptions of EU good governance or whether alternative norms are dominant.
2. *How are the democratic norms that are articulated in political discourse performed in practice?* This question aims to bring out the political struggles that seek to translate democratic norms into principles of action. Doing so is expected to elucidate how power is exercised as a force that can either be disciplinary or constitute resistance. In addition, as democratic norms are translated into principles of action, this research question investigates whether these come into conflict with other principles of action that state and non-state actors follow and how they are constructed in fields of power.
3. *How does the introduction of governance affect the politicisation and/or depoliticisation of non-state actors, lower-level authorities, and new modes of steering?* Answering this question is expected to reveal a nuanced and differentiated picture about the extent to which democratic governance actually takes place beyond the state. That is to say, it should show how the interaction between actors, between arenas of decision making, and within new modes of steering is structured in and through power. Moreover, as politicisation and depoliticisation are not likely to take place in the sense of either/or, but rather on a continuous scale, the image that this question aims to draw out can serve as a buffer to both overly optimistic views of democratic governance and overly pessimistic views of ‘tyranny’ by the state.

The above questions are designed to provide in-depth insight into the paradox of governance by addressing the key elements of governance, by situating democratic norms in political discourse and practice, and by engaging with debates on democratic governance as entwined with power. To answer the research questions, this thesis employs a critical constructivist perspective to guide the theoretical framework. This analytical framework builds on the concepts of discourse and practice and is explained in detail in chapter 2. Subsequently, chapter 3 describes the interpretive research approach chosen, the case study of WFD

implementation in the Netherlands, and data collection and analysis. It ends by introducing the remaining chapters of this thesis.

A theoretical framework of discourse and practice

Jelle Behagel

Abstract

This chapter describes the theoretical framework applied in this dissertation and the specific approaches that have guided the analysis of the case studies. The basis for this theoretical framework is a critical constructivist perspective on social reality that is conceived of as best suited to address the paradox of democratic governance as described in chapter 1. The critical component of the perspective allows the researcher to scrutinise the contingent nature of power and therefore to study democratic discourses and practices as accidental rather than inevitable. The choice of constructivism is inspired by the understanding of governance as produced and contested in discourse and practice, and the interest of this thesis in situating the articulations and performances of democratic norms in a single field of explanation. Discourse and practice are presented as cornerstone concepts to give body to a critical constructivist perspective and are first discussed in terms of their roles in the argumentative turn and the practice turn in the social sciences. Next, Foucauldian and post-structuralist approaches to discourse are drawn upon to flesh out the concept of discourse, its analytical application, and its specific applicability to this dissertation. The same is done for the concept of practice. After both concepts are discussed in detail, the distinction between the discursive and the non-discursive is discussed and affirmed. In order to integrate the concepts of discourse and practice in a single theoretical framework, they are described as sharing basic ontological and epistemological assumptions because they understand the social as a field that exhibits logic and conceive of meaning as socially constructed and material. The overarching concepts of discourse and practice inform an analytical framework that builds on the analytical concepts of: (1) the articulation of social demands; (2) logic of practice; (3) political rationalities; (4) performativity; and (5) situated agency, in order to show how democratic governance is constitutive of, and constituted by, the interdependencies between the discursive and the non-discursive realm.

'Whereas discourses for Laclau and Mouffe are structured totalities of meaningful entities, practice—if I understand them right—is movement and change. Discourse, in other words, is being, while practice is the becoming from which discourses result and to which they eventually succumb.' (Schatzki 2001)

Introduction

This thesis combines a discourse-theoretical with a practice based approach. In this chapter, I first describe the critical constructivist perspective in which both of these approaches can be situated. After doing so, I then link this perspective to two developments that have shaped it in the field of political and policy sciences: the argumentative turn and the practice turn. Following this historical account, I describe discourse theory and practice theory in a more systematic matter, identifying for each what is most characteristic of them, how they conceive of the construction of social reality, and how they criticise power. Then, I discuss how discourse and practice relate to each other by engaging with a discussion on the difference between discursive and non-discursive practices and making a choice to uphold this distinction. Next, I describe the common ontological and epistemological assumptions that both discourse theory and practice theory build upon in order to place them in a single theoretical framework. I end by identifying five analytical concepts used in this thesis to study the paradox of democratic governance: 1) the articulation of social demands; (2) logic of practice; (3) political rationalities; (4) performativity; and (5) situated agency, arguing that each concept offers a unique perspective on the fields of power in which the discursive and non-discursive practices of democratic governance are constituted.

Critical constructivism

As already stated in the introductory chapter, this thesis uses a critical constructivist perspective to study the paradox of democratic governance. This perspective consists of two equally important components: a critical stance towards the object of study and the perception that this object of study is socially constructed. The choice of such a perspective for the study of democratic governance is by no means self-evident. Although it has been argued that democratic norms should be conceived of as socially constructed and thereby open to contestation in the study of democratic governance (Wiener 2007), democratic norms also continue to be invoked on a universalistic basis (e.g. Bellamy and Castiglione 2003). Equally, although critical studies on democratic governance are widespread (e.g. Swyngedouw 2006), the democratic norms associated with democratic governance are just as often uncritically invoked in order to pass judgement on empirical instances of governance (e.g. Parkins 2006). Before specifically describing the theoretical and analytical framework of this thesis, I therefore first describe what precisely a critical constructivist perspective entails and argue why it is appropriate for the study of the paradox of democratic governance.

A critical attitude is defined by Foucault as ‘the art of not being governed so much’ (Foucault 1997:45). Although this is a rather broad conception of critique, he specifies it to entail three distinct points. The first point of a critical attitude is to create a different function for some received wisdom or knowledge, for instance questioning the meaning of the Scriptures, and thereby the rules that are based on them. The second point that Foucault makes is that critique can be employed by basing it on universal norms that are brought to bear on a specific type of rule, for example when torture practices are critiqued from the perspective of human rights. The third point is not to accept truth on the basis of authority, but only on the basis of valid reasoning. Therefore, a critical stance or a critical perspective implies a challenge to the basis upon which decision making takes place. Moreover, such challenges are directed at centres of power, which in modern societies are usually represented by the central state (although other centres of power, such as the World Bank, are equally subject to critical enquiry). This critical stance has been shaped in the social sciences in different ways that more or less relate to the three points that Foucault specifies. One way in which criticism in social science is given shape is as ‘speaking truth to power.’ This mode of criticism is associated with the work of Weber (1949), where the researcher attempts to give ‘value-free’ accounts of political practices in order to exclude political bias from knowledge production and dissemination (Glynos and Howarth 2007). A second mode of criticism, the school of Critical Theory – commonly associated with the work of Adorno and Horkheimer and of Habermas – believes that giving value-free accounts is not possible as these accounts continue to reproduce the social worlds and practices that are linked to historical modes of domination. It holds that knowledge is never value-free, but is integrally connected to the solving of problems situated within structures of power. Critical theorists therefore oppose an instrumental view of knowledge with dialectic and reflective reasoning that exposes contradictions in social orders and proposes alternatives (Glynos and Howarth 2007). Habermas specifically opposes the instrumental reason of the state with a universalistic conception of communicative reason in order to justify a type or form of rule (Habermas 1996). Both of the above modes of critique build on a notion of opposing power with truth or universal norms. In contrast, a third mode of critique is more concerned with the historical and contingent roots on which power and knowledge systems are based. Commonly associated with constructivist lines of thought, it emphasises the contingency, structural incompleteness, and fundamental openness of all social systems. Moreover, it conceives of power as pervasive (Weldes 1998), being reproduced not just in centres of power such as the state but also in policies, local practices, education, and so forth. It operates by problematising the ‘naturalness’ or self-evidence in which dominant rules and norms in society present themselves (O’Malley et al. 1997) by tracing the historical and contingent roots that have led to the institutionalisation of these rules and norms to begin with. Critique, viewed thus, consists not so much of opposing certain rules and norms with

other rules and norms that are more valid, true, or universal, but rather of showing how these norms are the contingent expressions of power structures.

Constructivism, in line with the above-described third mode of critique, holds that social orders and/or social relations are historically contingent and constituted within relations of power. That is to say, the social cannot be explained from causal mechanisms, natural facts about categories of the state, institutions, the will of the public, or a universal rationality (Bevir 2010a). In particular, constructivists take issue with notions of objectivism, empirical realism, objective truth, and essentialism (Schwandt 1998). To be exact, constructivists hold that the world is not made up of objective facts that are to be uncovered by research (Latour and Woolgar 1979); that the empirical reality that we study is not value-free (Shapin and Schaffer 1985); that there is no single truth out there that is independent of perspective (Collins 1993); and that there are no essences of objects and subjects that exist independent of the construction of meaning, but that these are the result of strategic processes that Gieryn (1995) calls boundary work. This implies 'not only that we make the social world by acting on certain beliefs and meanings, but also that we make the beliefs and meanings on which we act' (Bevir 2010a:60). Accordingly, the distinction between facts and values cannot be upheld. Empirical facts as we study them are value-laden: they always depend on underlying assumptions and meanings (Fischer 1998). This does not mean that there is no such thing as an objective world outside of the social construction of meaning. Rather, it is to say that the way in which we experience and view the world is always mediated by the meanings that we attach to it and the discourses in which we describe it. Constructivism thereby distances itself from positivist and neopositivist approaches to the study of social reality. Such approaches either base themselves on the assumption that individuals and institutions are driven by interests or core beliefs that are independent of the values they hold, or they seek to make generalisations based on empirical evidence alone. What is problematic in these approaches is that they separate empirical phenomena from the norms and beliefs that create these phenomena. Moreover, they treat these norms and beliefs as though they could be permanently fixed to a system, an institution, a group, or an individual actor, rather than conceiving of them as historically contingent. A constructivist perspective therefore moves from systematic to historical modes of explanation and considers identities and interests as not just give rising to political processes, but also as being constituted by these processes.

To recap, a critical constructivist perspective does two things. First, it challenges the naturalness and self-evident nature of dominant structures of power by emphasising the contingency and structural incompleteness of these structures. This implies that things could have been otherwise and that a system of power can never fully account for social reality. Second, it conceives of the empirical reality of the social (and the natural for that matter) as inseparable from the way in which we interpret it. Specifically, practices are imbued with the norms, values, and beliefs that we hold about the world and are also shaped by these.

Applying such a perspective to the study of democratic governance therefore means that I do not consider one perspective on democracy better than another insofar as they present themselves as systematic and closed accounts of the democratic ordering of society, whether that is the tradition of liberal democracy or the contemporary discourse on good governance. Instead, it leads me to adopt the critical stance understood as ‘not being governed so much’ (Foucault 1997). This stance entails the affirmation of principles of openness, empowerment, diversity, and inclusion. Not by accident, these are principles that many democrats hold in high regard. Applying a critical constructivist perspective to democratic governance also means that I understand democratic norms to be historically contingent rather than universal and to be constitutive of practices of governance as well as being constituted by those practices. This allows me to take normative debates out of the realm of ethics and to place them into the realm of politics, as the first chapter of this thesis already indicates. In the words of Jacques Lacan: ‘there is no other of the other’; there is no ultimate authority or meta-discourse that can explain why a system of power is like it is and not otherwise (Zizek 1997). It can only be traced back to its historically contingent roots. In the political sciences and the policy sciences, a critical constructivist perspective has been given shape by two key movements: the argumentative turn and the practice turn.

The argumentative turn and the practice turn

Although discourse and practice are different categories, they can be situated in similar traditions of social science. The argumentative turn in policy analysis operates from the assumption that language does not simply mirror the world but profoundly shapes our view of it (Fischer and Forester 1993). As a result, language becomes central to questions of truth and power. Rather than merely studying institutions or networks of actors, the argumentative turn pays attention to the central role that arguments and language play in establishing authority, creating legitimacy, and assessing accountability. Moreover, the argumentative turn reconceptualises the function of political and policy sciences from settling debates to actually stimulating them. Rather than looking to predict political change or to find efficient solutions to societal problems, the role of the social scientist according to the argumentative turn should be to further democratic policymaking by stimulating deliberation and uncovering the power structures behind the everyday discourses of policymaking. That is to say, the argumentative turn understands the policy sciences to have an impact on public issues and consequently understands theories of democratic governance to impact on governance practices (Bevir 2010a).

The argumentative turn in policy analysis has led to a proliferation of the use of the analytical concept of discourse in studies as diverse as environmental politics (e.g. Hajer 2005), European institutions (e.g. Schmith and Radaelli 2004), or food safety (Paul 2007). Particularly, it has prompted authors to recognise discourse as a substantial factor in explaining policy change (Arts and Buizer 2009), policy problems (Feindt and Oels 2005),

social movements (Benford and Snow 1998), and the political modes of engagement between state and society (Griggs and Howarth 2008). Moreover, this focus on discourse has revealed how social practices cannot be reduced either to the institutions of the state or to the interests of social groups and citizens, but rather are constituted by the discourses that shape these institutions and interests. This insight allows a focus on political processes beyond the state, but also beyond the play of interests with which the concept of politics is often associated. Even so, discursive approaches have also been criticised for being overly focused on social structures and power systems and for not giving adequate attention to the agencies that shape social phenomena and to the activities in which the social is performed. It is here that the practice turn comes in.

Discursive approaches to politics and policy are part of a critical school of thought that is often subsumed under what is called 'interpretive policy analysis.' This school of thought is critical of those mainstream approaches to policy analysis that build on forms of institutionalism and rational choice approaches (Arts et al. 2013). The practice turn follows such critiques but draws on the concept of practice rather than discourse to flesh it out (Schatzki et al. 2001). Practice scholars do not focus primarily on systems of meaning, but first and foremost conceive of the social as being made up out of human activity. In the words of Schatzki:

In social theory, consequently, practice approaches promulgate a distinct social ontology: the social is a field of embodied, materially interwoven practices centrally organised around shared practical understandings. This conception contrasts with accounts that privilege individuals, (inter)actions, language, signifying systems, the life world, institutions/roles, structures, or systems in defining the social. (Schatzki 2001:12)

Practice scholars thereby share the democratic impulse of scholars that use discursive approaches and share their critique of mainstream approaches to politics and policy because they want to free our understanding of the social from the grasp of overarching social systems and structures. Both approaches do so by questioning the categories of individual actors or institutions as formative of social reality. However, contrary to discursive approaches, the practice turn explicitly opposes the idea that explicit rules or norms can directly govern social activity. Rather, practice scholars hold that social activity is shaped by tacit or implicit rules that exist in a field of practice. Even so, I believe that discourse theory and practice theory have more in common than just a critical tradition and that they share basic ontological and epistemological assumptions. Before I describe these, I first discuss each concept separately.

The concepts of discourse and practice

Before discussing how the concepts of discourse and practice can complement each other, I discuss them separately in terms of how they conceive of the construction of social reality and how they contribute to a critical perspective. I do so by describing first how discourse conceives of the process of the social construction of reality as *articulation*, criticises power in terms of *hegemony* and *contingency*, and sees power as exercised through *rationalities* and *techniques*. Second, I discuss how the concept of practice conceives of the social as *an ensemble of doings and sayings* that is captured in *logics of practice* and is the basis for *situated agency*, and criticises power as *performative*.

Discourse

Discourse analysis comprises a range of approaches that can be placed on a scale from a narrow to a wide application of discourse, ranging from discourse as text, communication, frame, and social practice (Arts and Buizer 2009). These last two approaches in particular, discourse as frame and discourse as social practice, have been applied in the political and policy sciences. Discourse understood as social practice is strongly associated with the work of Foucault and of Laclau and Mouffe (1984) and conceives of discourse as constitutive of society, not only by constructing meaning, but also by constructing the objects and subjects in it. It does so because it conceives of knowledge and power as being intimately related or entwined. This thesis uses the approach that understands discourse to be constitutive of social practice. It does not, however, equate the one with the other.

Articulation, according to Laclau and Mouffe (1985), is any practice that establishes a relation between elements such that their relation is changed as a result of that articulatory practice. The structured totality that follows from this practice they call a discourse. An element, in this terminology, can be any signifier (i.e. symbol, word, name), which only receives meaning after being articulated in a discourse. In discourse theory, identity and meaning are constituted in a singular movement, as both are always relational and therefore only constituted in articulation. However, this articulation does not entail a complete fixation of the meaning or identity of the signifier. If such were the case, articulation (and therefore changing the relation of one element to another) would not have been possible. Laclau and Mouffe therefore conceive of a 'discursive exterior' that deforms discourse and prevents it from being a fully closed system of meaning. Because for Laclau and Mouffe discourse constitutes social practice, what follows from this understanding of discourse as articulation is that they view the social as fundamentally open. In other words, the articulation of a discourse is always non-necessary or contingent: it could have been articulated otherwise. Articulation is therefore a key concept in discourse theory: it explains the practices or processes in which the meaning of social reality is shaped. Processes of articulation can follow different logics: either political or social (Glynos and Howarth

2007).² When articulatory practice follows a political logic, the meaning of elements is unfixed, and previously heterogeneous elements become equated to one another in a process that challenges and (if successful) replaces a hegemonic discourse. A social logic of articulatory practice entails the articulation of singular elements without changing the fixed positions of the elements that are part of a discourse. Political logics can therefore be understood as involving contestations and politicisation, whereas social logics are more understood in terms of rule-following and depoliticisation. An element that plays a key role in processes of articulation is social demand (Laclau 2005). A social demand, according to Laclau (2005), can be articulated either in a political logic as a claim or in a social logic as a request. These two concepts represent different styles of political engagement between the state and civil society and consequently give insight into processes of politicisation and depoliticisation. Institutions and actors receive their identity in this articulatory practice, as do democratic norms. Discourse theory thus conceptualises social structures as practices that result from the creation or affirmation of meaning and are characterised by an inherent lack of stability (Glynos and Howarth 2007). It should be noted that the process of articulation is not just a mental activity: it shapes the material elements of society in processes that involve contestations and the exercise of power.

The lack of stability of social systems implies that they need to be sustained by power and equally can be changed by power. That is, the radical *contingency* of discourse offers a basis for the critique of power and at the same time creates the possibility of resistance. Discourse theory conceptualises power as *hegemony*. Hegemony implies two things: first, a single signifier comes to represent a whole discourse. Therefore, the social elements with which this signifier is most closely articulated will be given preference over others. Second, hegemony denotes a dominant power structure that presents itself as natural and self-evident. Studying discourse as hegemonic therefore means being able to criticise power in two modes. First, it can show how a certain articulation of discourse around a central signifier (such as the state) favours some social actors, norms, or interactions over others. Doing so can reveal power inequalities, processes of exclusion, or for instance the lack of empowerment of certain domains of society. It thus shows how power is pervasive. Second, hegemony refers to the dominance of one discourse over others. For example, the discourse of neoliberalism in modern government can be said to be dominant over previous discourses of the state as a deliverer of services. This conception of hegemony allows the criticism of power by opposing it with competing discourses. Both modes of criticism draw on the contingency that accompanies any articulation of discourse. Each of them conceives of power relations not as natural or self-evident, but as the result of a historical act of articulation that fixes meaning

² Glynos and Howarth (2007) also identify a third type of logic in addition to the political and social logics that Laclau and Mouffe (1985) identify: fantasmatic logics. They do so to add a critical layer to discourse theory to account for change and continuity. As in the theoretical framework of this thesis the concept of practice fulfils this function, fantasmatic logics are not discussed.

in a way that is not universal. Claims to authority, legitimacy, or accountability thus can all be contested on the basis of showing that other modes of articulating meaning are possible as well.

Discourse theorists not only criticise power for being contingent, but also employ the concept of *political rationalities* to describe how power is disciplinary and thereby constitutes reality. These types of criticism are often couched in the idiom of governmentality (Foucault 1994, Dean 1999). Governmentality studies examine how power is exercised through rationalities and techniques of government. Rose and Miller (2010) define the analytical category of political rationalities as ‘the changing discursive fields within which the exercise of power is conceptualised ... notions of the appropriate forms, objects and limits of politics, and conceptions of the proper distribution of such tasks’ (Rose and Miller 2010:273). Rationalities describe the inherent logic of actions and decision making and connect drivers for action to actors. They provide the logic of action that is embedded in political discourse (Glynos and Howarth 2009). The study of rationalities therefore fleshes out how articulatory practices operate in social logics of rule-following. They show how such practices consist of characteristic forms of seeing and perceiving, distinctive way of thinking and questioning, and specific ways of acting and intervening by relying on specific methods and techniques (Dean 1999:23). Specifically, governmental rationalities that expand the domination of the state over society through these modes of thinking and techniques are criticised for disciplining subjects (such as bureaucrats and citizens, but also elected officials) into specific modes of behaviour. Rationalities can also be seen to be in competition with one another in a more direct way than discourses are: whereas discourses struggle over the fixation of meaning of entire social systems, rationalities are more concerned with articulating the meaning of singular and targeted elements. This practice of re-articulation can therefore be contested by drawing on alternative rationalities. Using this concept for analysis means that rationalities for different levels of governance and different governance actors may differ. Consequently, the study of governmentality directs attention to the singular or local practices within a larger social system.

Practice

Practice theory operates from the basic assumption that phenomena such as knowledge, meaning, activity, power, and social institutions are aspects or components of the field of practices (Schatzki 2001). Practice can be defined as ‘an ensemble of doings, sayings and things in a specific field of activity’ (Arts et al. 2013). In contrast to discourse, practice conceives of social reality first and foremost as constituted by activity. Moreover, it focuses on the implicit understandings of actors in the practices in which they are situated to help explain what guides their behaviour. Rather than just being focused on ‘mere’ doings, practice theory understands practices as complex ensembles of actions, sayings, objects, understandings, rules, and so forth. What is specific to practice theory is that it does not

explain practices as an aggregation of these separate elements of practice, but rather as the entwinements of all these elements in the field of practice. Social order is therefore not structured by these elements separately, but by the field of practice itself.

Practice theory holds two key implications about how we understand the social to be constructed. First, practice theory does not conceive of institutions, formal rules, or norms as ordering the social, but views these as one of many elements that are part of a practice. These concepts thereby lose their primacy in explaining human action. Second, practice implies that the social is not singular, as hegemonic discourses imply (and impose), but rather multiple. A plethora of practices imply also a multitude of ways in which the social not only can be, but *is* ordered. It is specifically this multiplicity that allows me to conceptualise practices not just as complementary to discourse, but as the sites where contestations and hence politicisation become real. Rather than being based on rule-following, practices are viewed as exhibiting patterns and regularities that lead to certain logics of practice and that in turn can be described as principles for action (Bourdieu 1990). Moreover, practice theorists do not locate agency in autonomous individuals as for instance rational choice theorists would do. Rather, they view agency as always being situated in practice (Bevir 2005).

According to Bourdieu (1977), a *logic of practice* describes the limited number of principles that organise the doings and sayings of actors. A logic of practice therefore gives practice its singularity that tends ‘to guarantee the “correctness” of practices and their constancy over time, more reliably than all formal rules and explicit norms’ (Bourdieu 1990:54). Moreover, the logic of practice concept stresses that logics that inform behaviour do not have to be consistent, but that conflicting principles of action may exist side-by-side (Costa 2006). Finally, the logic of practice concept gives primacy to practice over formal rules or institutions, detracting from the optimistic faith in the possibility of designing the ‘right’ institutions for governance. The logic of practice concept therefore offers an analytical tool to study actions as governed by patterns and principles that are local to a specific practice. This does not mean that actors do not make choices when faced with dilemmas or that they do not have the ability to contest dominant power structures. It means that these choices and abilities always draw on the field of practice in which an actor is situated. The concept of *situated agency* moves away from rationalist accounts of agency that situate the basis of actors’ decisions in fixed economic rationality and interests (Bevir and Rhodes 2006). Instead, situated agency places the basis for agency in the field of practice. Actors need to interpret the social fabric in which they are situated while they pursue their goals, and these interpretations may differ for each situation. As the quote at the beginning of this chapter suggests, practice is the origin from which contestations arise, but also where they eventually fail.

The relationship between practice and power can best be described in terms of *performativity*. This concept has been used to describe how power disciplines practices (Butler 2000). According to practice theory, doings, sayings, and things are not only features of the field of practice, but also recursively (re)produce the fields in which they are embedded (Arts et al. 2013). Performativity as a concept describes not only the disciplining effects of power on subjects, but also how knowledge effectively constitutes reality (Callon 1998, Law 2009). According to Law and Urry (2004), the world that is performed through processes of knowledge production is a highly selective one that ignores, undervalues, and marginalises those aspects that are left out. Performativity also implies that a social system, in order to exist, must be performed over and over again. As each repeated performance takes place in a different historical and local context, performances can lead to unexpected results. For example, according to Butler (1997), a saying is redoubled in the moment of speech: 'there is what is said and there is a kind of saying that the "bodily instrument" performs' (Butler 1997:11). These sayings are not identical, and the concept of performativity therefore opens up diversity and change. Moreover, by deliberately performing elements of the social structure in a specific way, performativity can describe how practices can be used creatively to resist power (Tucker 1998). According to Barnes (2001), to engage in a practice is to exercise power. The analytical concept of performativity shows why this is the case. It conceives of how systems of knowledge, but also the more random doings, saying, and things in a field of practice, actively produce reality. Therefore, performativity highlights both how knowledge is entwined with power and how power is resisted in the specificity and repetition of practice that escape full understanding.

Discourse and practice, as can be concluded from the above, differ in how they identify what receives primacy in the understanding of the social. For discourse, it is systems of meanings that are fixed and unfixed in political logics and that constitute identities, whereas for practice it is the field of practices in which patterns of action and understanding take shape and according to which actors and institutions assume their roles. Whereas discourse theory views the social as being constructed in articulatory practices of meaning construction, practice theory considers the social as historic patterns of activity that cannot be reduced to institutional, discursive, or rational principles, but which have their own socially embedded logics. Moreover, whereas discourse equates power primarily with hegemony and disciplining, practice considers power to be relational and expressed in activities. Discursive and practice approaches therefore appear to locate the primacy of the understanding of the social in different domains. I believe, however, that this does not need to be the case. In order to argue why discursive and practice approaches share similar understandings of the social, I first argue why I think they do not present competing accounts of the social, but only highlight different features.

The discursive and the non-discursive

Foucault, in *The archaeology of knowledge* (1972), distinguishes between discursive and non-discursive practices. The distinction leads to the question of what the limits of discourse are. Foucault never gives a precise definition of non-discursive practices in *The archaeology of knowledge* (1972), but he does associate them a number of times with institutions, political events, social relations, economic processes, or simply calls them practices (Foucault 1972:74,162,164). These are said to form the elements or objects about which discourse can speak, or to serve as general elements for the formation of discourses upon which they are articulated (Foucault 1972:157,162). In other words, discourse ‘is articulated on practices that are external to it, and which are not themselves of a discursive order’ (Foucault 1972:164). The discursive relations between these non-discursive elements constitute discourse as a (discursive) practice itself, because these relations (or articulations) act as the limits of what can be said within a discourse as well as determine the group of relations that discourse must establish to speak of a specific object (Foucault 1972:46). Put more simply, or in line with the above discussion on constructivism: discourse is both constitutive of, and constituted by, social relations.

Discourse theory as developed by Laclau and Mouffe (1985) considers this distinction between discursive and non-discursive practices problematic. They hold that especially the relation between the discursive and non-discursive realms is unclear because of the many interdependencies that Foucault describes but never develops in full (Howarth 2000). Instead, they affirm that every object is constituted as an object of discourse as no object appears outside of discourse (Laclau and Mouffe 1984:107). They argue that objects can only be discussed in terms of discourse and that they can only be conceived of as discursive articulations. They do not hold that such objects do not exist outside of discourse, but rather that for these to *appear as objects* they need to be articulated in a discourse. They argue for the indissoluble totality of discourse in which both language and action are interconnected by giving the example of language games as described in Wittgenstein’s (1983) *Philosophical investigations*, where in a building process if actor A calls for a ‘block,’ ‘pillar,’ or ‘slab’ it entails the action of actor B bringing them to actor A. Therefore, what constitutes the identity with a linguistic element is not the idea of a block or a pillar, but the block and pillar themselves (Laclau and Mouffe 1985:108). However, in order to conceive of the social as fundamentally open, Laclau and Mouffe need to invoke the previously mentioned discursive exterior that deforms discourse and prevents it from being fully closed, and that they themselves never explain in full. Moreover, in order to speak of change, they invoke the concept of ‘dislocation’ that ‘breaks open’ the fixation of meaning in a discourse. Therefore, Laclau and Mouffe replace the distinction between the discursive and the non-discursive with a distinction between the discursive and the extra-discursive. How dislocation occurs, or whence it originates, is never made clear. In my opinion this is problematic, as the extra-

discursive is something that can only be spoken about in the negative or in terms of 'quasi-transcendentalism' (e.g. Butler et al. 2000).

The debate on the distinction between the discursive and the non-discursive so far seems mostly theoretical, but it does have implications for undertaking the kind of critical constructivist analysis proposed in this thesis. Whether the openness of the social is the result of an extra-discursive exterior or results from the multiplicity and heterogeneity inherent in non-discursive practices entails different ideas about where change originates and how power is resisted. If this openness is only found in a system of discourse itself, change can only take place in this system, and power can only be exercised from the positions that this discourse has fixed. Although elements become 'unfixed' in political logics and can create new relations of power that fix them in alternative ways, the explanation of the unfixing process is never insightful. Alternatively, practice theory locates this openness in the logics of practice that do not determine but only guide human behaviour, leaving room for creativity and improvisation by situated agencies. Moreover, its conception of performativity also shows how the discursive and the non-discursive are co-produced in practice, but nevertheless cannot be equated to each other. The difference that arises opens up possibilities for contestations and resistance. Although the concepts of dislocation and contingency can do the same, I believe that practice is a more insightful way of describing how these processes take place because it views the social not only as fundamentally open, but also as fundamentally multiple and heterogeneous.

Foucault found it important to oppose accounts of power 'from above' with resistance. For him, resistance is a productive form of power, originating primarily from the self, that seeks to resist the norms and morals that act upon it. He does not draw on other norms or morals to offer such resistance, but focuses primarily on the material body (Pickett 1996). Discourse theory considers this a problem as it does not allow for a conceptualisation of how systems of power are formed and dissolved (Howarth 2000). By considering the entire field of the social as articulated in discourse and by focusing on practices of articulation, discourse theorists are able to describe how systems of power are challenged and effectively overturned by using concepts such as hegemony and contingency. However, what both Foucauldian and post-structuralist approaches to discourse seem to lack is the ability to describe social processes of contestation and local struggles over power that do not lead to a full shift in a system of power. For the study of the multiple dimensions and domains in which democratic governance takes place, this is problematic. I therefore contend that the concept of practice as developed by practice theorists is a better candidate to explain the fundamental openness of the social and to locate where change originates. This understanding is in line with Foucault's original distinction between discursive and non-discursive elements. It implies a contextual theory of meaning, as is the case in the example of Wittgenstein's language game above, in which meaning is derived not only from different discursive elements, but also

from relations of discursive with non-discursive elements (Bevir 2010b). Moreover, drawing on the analytical concepts of articulation, rationalities, logics of practice, performativity, and situated agency can clarify the many interdependencies between the discursive and the non-discursive that Foucault neglected to develop. To do so, however, it is necessary to show that discursive and practice approaches have an understanding of the social that can be made to correspond with each other. For this, I draw on the shared ontological and epistemological assumptions of the two approaches.

Ontology and epistemology

To claim that discourse theory and practice theory share ontological and epistemological assumptions is not to say that they are identical. It does mean that they can be made commensurable and integrated in a single analytical framework. Both discourse and practice theory conceive of the social primarily as a field of relations and positions, and not as a collection of individual elements, and as being ordered by contingent logics, rather than by universal laws or formal rule. Moreover, they emphasise that knowledge is socially constructed and share a focus on materiality. I discuss these assumptions for discourse theory and practice theory together since I want to show how discourse and practice do not present incommensurable views on the understanding and study of the social, but rather represent complementary approaches to the social.

The 'field' is a basic ontological concept for both discourse and practice theorists. The concept of the field signifies that the fabric of the social cannot be reduced to singular instances of institutions or actors. Instead, the social should primarily be thought of as what gives identity and meaning to objects and subjects without fully fixing these identities and meanings (Laclau and Mouffe 1985). Therefore, all phenomena such as knowledge, actors, power, norms, and institutions take place in, and are part of, the field that is the 'total nexus of interconnected human practices' (Schatzki 2001 et al.:11). The field signifies a primacy of the conditions under which social phenomena are constituted over the operations of these phenomena themselves. The concept of the field also reduces the autonomy of actors to influence social processes and decentres their capacity for agency, but also reduces the scope of powerful structures to do the same. The field of discursivity, in the work of Laclau and Mouffe (1984), signifies the fundamental incompleteness of any social structure and therefore the contingency of any historically formed structure of power. 'It determines at the same time the necessarily discursive character of any object as well as the impossibility of any given discourse to implement a final suture' (Laclau and Mouffe 1985:111). The field is thereby constitutive of social practice. More importantly for the purpose of this thesis, it presupposes that every social object (or norm) can always be interpreted or articulated differently as a result of the openness of the social. Practice theory conceives of the social as a field of practices. It conceptualises the field as a system of positions and relationships among positions (Costa 2006). Thus, order is understood as a feature of the field, rather than as a

result of agreements, negotiations, or other interactions (Schatzki 2001). The field thereby reduces the scope and ordering of power of discourse (Schatzki 2001). Overall, both discourse and practice theory employ the concept of the field as the domain in which the social is constituted. They hold that this constitution of the social is never complete as identities and positions cannot be fully fixed by means of discourse, agreements, norms, or otherwise. Equally, they employ the concept of the field in order to argue that the social is always already there, in the sense that objects and subjects necessarily are part of a system of positions that fixes identities and positions.

As a result of understanding social reality as the contingent articulation or fixation of identities in a system of positions, as both discourse theory and practice theory do, these theoretical approaches place a strong focus on logics as ordering principles. A logic of a practice, discursive or not, 'comprises the rules or grammar of a practice', as well as 'the conditions which make the practice both possible and vulnerable' (Glynos and Howarth 2007:136). The first aspect of a logic hints at the ordering principles that it represents. For instance, the logic of neoclassical economics presupposes principles of supply and demand that determine price allocation (Hoogstra-Kleijn 2013). However, these principles also make markets vulnerable to price fixing and/or artificially keeping supply low in order to keep prices high. So, the second aspect of a logic is that it is open to contestation and does not represent a universal order or reason: a logic may change if it no longer functions in a way that successfully orders a practice. In discourse theory, two main types of logics are identified: social and political. Social logics comprise the rules by which a society is ordered, whereas political logics comprise a contestation to that order. Both types of logics, however, describe how the positions and relationships in a social field are ordered, either in processes of stability or in processes of change. In practice theory, a logic does not imply that a practice conforms to a number of rules, but rather that 'practice has a logic which is not that of the logician' (Bourdieu 1977:109). That is to say, instead of providing a complete ordering of a field, a logic of practice reflects only a limited number of principles that organise the activity in that field (Bourdieu 1977). These principles provide a common sense of how interactions take place (Blackmore 2010), but do not completely fix it to formalised standards or rules. Following principles of economy, 'no more logic is mobilised than is required by the needs of practice' (Bourdieu 1977:110); this implies that, if the needs of a practice change, so will its logic. The concept of logics in both approaches therefore expresses the ordering that takes place in the fields of the social as contingent upon historical and local conditions. The order that logics express is never complete: it may be contested in political processes as it never fully captures all demands or needs of a social practice. Consequently, a logic cannot be said to be universal, but only represents a historical moment of order.

As ontological assumptions inform us about how the social is ordered, epistemological assumptions deal with how that order receives meaning. A basic shared epistemological

assumption of both discourse theory and practice theory is that the world does not present itself in a way that can be neutrally represented by the observer. That is to say, social objects only acquire meaning in the articulation of discourse or 'in action.' Meaning in both approaches is therefore nonrepresentational and viewed as constructed in practice (Thrift and Dewsbury 2000). Discourse theory conceives of this construction of meaning as first and foremost a relational activity, where signifiers or discursive elements only acquire meaning in relation to each other. That is to say, for instance, the concepts of state, civil society, and the market only become meaningful when they are articulated in discourse, for instance the discourse on liberal democracy. Suppose that these concepts are articulated in a different discourse, for instance that of socialism: then each of the concepts will acquire a different meaning as the relations between these concepts change. In practice theory, meaning is not only discursively constructed through reflection (Bourdieu 1977), but primarily an identification of the actions in a practice (Schatzki et al. 2001). It emphasises the flow of practice 'as caught up with and committed to the creation of affect, as contextual, and as inevitably technologised through language and objects' (Thrift and Dewsbury 2000:415). Like discourse though, meaning is seen as constituted in the relations and patterns of the field. Thus, in both discourse theory and practice theory, meaning is tied to the organisation of the field.

Finally, discourse and practice theorists share the epistemological assumption that the social is material.³ That is to say, there is no sharp separation between the social world and the natural world; rather, these are co-produced. This point is supported by Jasanoff (2004:2) when she says: 'the ways in which we know and represent the world (both nature and society) are inseparable from the ways in which we choose to live in it.' Discourses do not simply represent a mental phenomenon, but actively articulate how we view the world. Equally, meanings can be altered, but only in relation to real objects (even though these only acquire meaning in discourse). As a consequence, meaning cannot be unified in the mental consciousness of a singular subject, but can only appear within the relations between diverse subject positions (Laclau and Mouffe 1985:109). Practice theory conceives of practices as embodied, materially mediated arrays of human activity. Moreover, it highlights the interactions of the human and the non-human world that make up the field of practice (Corradi et al. 2008). Therefore, studying meaning is also a way to grasp action, as meanings have a constitutive relationship to actions (Bevir and Rhodes 2006). In other words, thinking and materiality are considered as two sides of the same coin (Thrift 2003). Consequently, meaning is not only constituted by the relations and patterns of the field, but is itself also constitutive of these relations and patterns. This entwinement of language and action in materiality breaks down strict barriers between epistemology and ontology. As meaning (or knowledge) constitutes action, it also affects the patterns and relations within the field.

³ It also holds that the natural is material, but, with the exception of very subjectivist approaches, this is not really a contested view on the natural. Viewing the social as material, however, is not self-evident.

Combining discourse and practice into an analytical frame

Both discourse-theoretical and practice based approaches explain social and political processes by describing how the interdependencies between discursive and non-discursive elements shape the social. These interdependencies are analysed by a process of ‘cutting out and turning over’ (De Certeau 1984:62-63). Discourses and practices are cut out from an undefined field to present ordered wholes. These cuts are made intelligible by means of the analytical concepts of *articulation* and *logic of practice*. The concept of articulation shows how specific links are created between different discursive and non-discursive elements (for example democratic norms and social demands). These links constitute a discourse that can become hegemonic through political logics and that excludes or marginalises other social elements. Thus, it cuts out order from the field by articulating heterogeneous elements together in a specific and contingent way. The logic of practice is able to organise the field by means of a few generative principles according to the economy of the logic of practice. On the one hand, this means that a logic can remain implicit and does not have to be discursively articulated; on the other hand, it means that the constitution of practice cuts out unnecessary or superfluous patterns and relations with regard to the ‘needs of practice.’ The concepts of articulation and logic of practice thus describe the cutting out of concrete discourses and practices from the field. They present positions on different ends of a spectrum, as articulation describes the constitution of discourse in political action, whereas logic of practice understands the ordering of the field as a result of how activity unfolds over time in specific local conditions. Both concepts therefore provide insight into the way power is constitutive of social reality by processes of exclusion and marginalisation: from the explicit articulation of discourse to the implicit logic of practice, power is exercised in and through the cutting out of the superfluous, the other, or the remainder of the field.

In the process of turning over, in which the unity of the social that results from the cutting out is inverted to show its inner differences, discourse-theoretical and practice-based approaches show how power is not only constitutive, but can also be disciplinary or resistance. This turning over of the discourses and practices that have been cut out of the field is accomplished by the analytical concepts of *rationalities*, *performativity*, and *situated agency*. These concepts illuminate the mechanisms by which ordering is sustained and resisted. They shift attention from the boundaries that give discourses and practices their unity to the processes in which they produce and reproduce order. The concept of rationalities educes characteristic forms of seeing and perceiving, distinctive way of thinking and questioning, and specific ways of acting and intervening. It illuminates how the discursive relations between discursive and non-discursive elements are given shape and thereby discipline practices within a discourse. Thus, the concept shows how discourses can discipline the way in which practices take shape. Similarly, the concept of performativity describes how through processes of knowledge production – but also by the repetitions of

doings and sayings – a field is disciplined into an ordered practice that produces a specific reality. However, the concepts of rationalities and performativity also show how discourses can be resisted. In line with the distinction between the discursive and the non-discursive, the gap that exists between these spheres opens up the possibility of agency and resistance. This agency can be analysed by drawing on *multiple* rationalities, on the *unexpected* and *creative ways* in which knowledge is performed, and on the *situated* agency that actors can exert when they actively interpret the field in which they are situated, while drawing on the available discursive and non-discursive elements to make choices when faced with dilemmas. The theoretical openness of the field, or the inability of discourse/knowledge to articulate all elements within a field, are thus used to explain how discourse and consequently power can be resisted and how change occurs.

Each of the five analytical concepts described above presents a specific focus on how the relations between discursive and non-discursive elements are constitutive of, and constituted by, the social: *articulation* is concerned with how social demands are central to the creation of new hegemonic discourses; *logics of practice* study actions as governed by principles and patterns that are specific to a practice; *rationalities* describe how political discourse is connected to drivers for action; *performativity* describes how knowledge actively produces reality as disciplinary power, but also how practices lead to resistance; and *situated agency* understands the actions – including opposition – of actors from the practice in which they are situated. These concepts show how the constitution of the unity of the social leads to exclusion and marginalisation, how power disciplines reality into specific shapes, and how this disciplinary power is countered by resistance. These three modes of power – constitutive, disciplinary, and resistance – are highlighted by the concepts of articulation and performativity. The concept of articulation shows how democratic norms are discursively linked to other discursive and non-discursive elements in a process of cutting out, whereas the concept of performativity shows how democratic norms can act disciplinary or are resisted in the process of turning over.

Having three perspectives on how power is exercised is important for the study of how the introduction of governance affects processes of politicisation and depoliticisation on multiple levels. The analysis of power as constitutive shows how politicisation in terms of the empowerment of some domains involves the depoliticisation of other domains in the processes of cutting out. The analysis of power as disciplinary educes processes of depoliticisation when practices are disciplined within a discourse. The analysis of power as resistance highlights how such processes of depoliticisation are never completed because alternative realities are produced in multiple, creative, and unexpected ways. As these processes involve either the opening up or the closing off of junctures of contestation and empowerment, they can be convincingly analysed by a theoretical approach that views these processes as interlinked with the articulation and performance of democratic norms. The five

analytical concepts introduced in this chapter are fleshed out in more detail by applying them to the case study of the implementation of the EU Water Framework Directive in the Netherlands introduced in the following chapter, and they are reflected upon in the concluding chapter.

Research approach: the implementation of the Water Framework Directive in the Netherlands

Jelle Behagel

Abstract

This chapter discusses the research approach chosen to study the paradox of democratic governance. It introduces an interpretive research approach and links this to the theoretical framework of discourse and practice. Next, it explains and defends the choice of a single case study and provides some background information on the choice of WFD implementation in the Netherlands as a subject for research. The chapter concludes by discussing the methodological choices for data collection and analysis that were made and by presenting an outline of the remaining chapters of this thesis.

'All epistemic orders are imposed, and the epistemological construal is just another one of those orders. It has no claim to ultimate correctness, not because it has been shown inadequate by an exploration of the conditions of intentionality, but because all such claims are bogus. They mistake an act of power for a revelation of truth.' (Taylor 1995:16)

Introduction

This chapter describes the research approach chosen for this thesis. It comprises the choice of an interpretive research approach, a single case study, and qualitative data collection and analysis. These choices are not accidental. As the previous chapter on the theoretical framework has already explained, adopting a critical constructivist perspective on a field of study has implications for how to approach and order reality. The perspective has inspired a theoretical framework that combines discourse and practice through a set of analytical concepts and that is specifically designed to address the research questions posed in the thesis. In the following, I specify the methodological approach used to access my field of study and disentangle the paradox of democratic governance. Specifically, I set out to explain why I employed an interpretive research approach to study democratic governance and how such an approach aligns with the ontological and epistemological assumptions of discourse and practice. Moreover, it addresses the interconnectedness of epistemology and ontology as discussed in chapter 2, premised on the assumption that the social is material, but also on the understanding that critique entails a normative stance of 'not being governed so much.'

The chapter is ordered as follows. First, it introduces an interpretive research approach as a specific form of democratic activity that is linked to the norms of democratic governance. Next, the choice of a single case study approach is discussed, and the case study on the implementation of the Water Framework Directive (WFD) in the Netherlands is argued for. This is followed by a short description of the WFD in terms of the governance elements that it introduces, the democratic norms associated with it, and the democratic debates in which it can be placed. After this description, an account is given of how data were collected and analysed by means of qualitative techniques. The chapter ends with an outline of the remainder of this thesis and briefly introduces the different case study chapters and the concluding chapter.

An interpretive research approach

This thesis uses an interpretive research approach. What distinguishes this approach from other approaches is that it privileges meanings as ways to grasp actions and that it considers meaning to be contextual (Bevir and Rhodes 2006, Bevir 2010b). That is to say, it holds that meanings are constitutive of actions and that therefore actions and practices can be explained by the meanings that actors attribute to them. This builds on the understanding that facts and values cannot be separated in practice (Fischer 1998) and that actions are never completely devoid of meaning. These meanings can be explicitly articulated in discourse, but

equally can be viewed as the patterns and principles of a field of practice according to which actions are ordered. To say that meaning is contextual is to say that it is also part of a broader field of meaning to which specific meanings refer. Adopting an interpretive approach implies that meaning cannot be studied in separation, but must always be located in a broader field. As actions in an interpretive approach are viewed as the expressions of meanings, interpretive approaches go beyond mainstream approaches in policy analysis that employ normative accounts of democracy. Therefore, interpretive approaches also engage with the less rational – but equally real and relevant – ways in which meaning is given, for instance as sentiments and informal values. These are part and parcel of governance processes along with the more rational and formal ways in which such processes are given meaning (Yanow 2007).

An interpretive approach also has a distinct critical component. It holds that actors can interpret situations and actions in many ways. It emphasises the contingency of political norms and practices as these can never be fully fixed in the field of meaning in which these are positioned (Bevir and Rhodes 2006) and considers these norms and practices therefore to be open to contestation. Moreover, taking an interpretive approach means resisting positivist research approaches that have increasingly become mainstreamed (Schwartz-Shea and Yanow 2002). This resistance goes beyond a mere dispute about preferences for methods. Epistemological and ontological assumptions mutually implicate one another since what is perceived as a researchable reality will affect the research approach that is chosen and vice versa. In other words, methodological choices touch upon basic commitments and assumptions about the kind of world in which we find ourselves and to which we wish to contribute. From this perspective, focusing on methods such as cost-benefit analyses, decision trees, attitudinal and other survey research that reproduce positivist understandings of validity, reliability, and hypothesis testing will also reproduce instrumental goals set by the state (Schwartz-Shea and Yanow 2002, Yanow 2007). Instead, interpretive research is concerned with how it derives its appropriateness from the nature of the field under study. It implies that method and worldview are linked and that these links need to be highlighted over and beyond the valuation of certain techniques over others (Morgan and Smircich 1980). This implies that interpretive research is about philosophy (Bevir 2010a): it is about opposing social explanations that present the social as a closed system of causal links and fixed identities by stressing the openness of the field and the contingency of social processes.

As interpretive approaches view the social as constructed in the intertwinement of action and meaning and recognise the impossibility of separating what we take the world to be and how we set out to investigate it, they also hold that research is not about accessing reality but about actively engaging it. Just like the actors that are studied, researchers are agents who cope with things (Taylor 1995). The meaning that the researcher articulates on objects and the objects he or she chooses to articulate are grounded in the way he or she deals with those things conceptually and methodologically. Thus, although a distinction can be upheld

between the meaning of an object and the object itself (or the discursive and the non-discursive), no such distinction between meaning and object is possible when we deal with processes of articulation and performativity. In other words, as soon as meaning is understood as fundamentally entwined with action, the researcher has to acknowledge that he or she him/herself is positioned in a specific field that exhibits logics in which he or she is taking part. How the researcher depicts these processes cannot be fully separated from these processes themselves: 'the notion that our understanding of the world is grounded in our dealings with it is equivalent to the thesis that this understanding is not ultimately based on representations at all, in the sense of depictions that are separately identifiable from what they are of' (Taylor 1995:12). Denying that reality consists of separate identifiable elements that have essential characteristics also undermines a methodological fundamentalism that builds on specific techniques in order to satisfy the 'criteriology' of objectivity, validity, and reliability in positivist approaches (Seale 1999). It also challenges too strong a focus on more constructivist-inspired criteria such as authenticity, credibility, and transferability (Lincoln and Guba 1985). As objects or elements only receive meaning in the field and are constitutive of and constituted by action, all foundational claims about the truth or credibility of such methods become untenable. Much like the introduction of specific governance elements does not necessarily lead to more democracy (chapter 1), methodological techniques cannot be made solely to account for the value and quality of research. Conceiving of a research approach as philosophical therefore locates the value and quality of research primarily in the logic of the arguments that it makes (Bevir 2010a): whether that logic can explain the pattern that the researcher distinguishes in the field, and whether it leads to an account of the social that is open, multiple, and heterogeneous.

Democratic norms of research

The position of the researcher in relation to the field he or she studies and the actors that are part of it becomes a matter of concern once a research approach is adopted that situates the researcher in this same field. It opens up questions about the ways in which the researcher both shapes and is shaped by the actors and practices that he or she encounters (Yanow 2007). Adopting an interpretive research approach therefore concerns not only access to and collection of data, but much more the engagement with a field in which the researcher enters into various relations with actors, norms, principles, and so on. An interpretive approach is 'in many respects, a much more "democratic" undertaking than traditional policy analytic practices, which, in resting on the technical-rational expertise of practitioners, deny not only agency but also local knowledge of their own circumstances to those for whom policies are being designed' (Yanow 2007:112). By opposing methodological fundamentalism, which involves large, randomised samples and experimental design, the regulatory and disciplinary processes that result from the worldviews that these methods imply are countered by interpretive research approaches that build on principles of openness, multiplicity, and

heterogeneity (Lincoln and Canella 2004). To consider the social as essentially an open-ended process in which meaning can be contested and newly created is to challenge the methodological closure that is associated with these conservative methods (Morgan and Smircich 1980).

Methodological closure, by implicating social closure, can favour certain articulations of democratic norms over other. For example, conceiving of the behaviour of actors as determined by a mechanism of rational choice that seeks to maximise economic interests will favour a more restricted notion of citizenship that is more in line with representative notions of democracy. Alternatively, if one considers meaning and action to be mutually constitutive, an active type of citizenship in which positions are shaped in deliberative processes is more likely to be given preference. As I conceive of an interpretive approach as philosophical, this entails using methodological techniques not only to describe, but also to affirm that the social is fundamentally open, multiple, and heterogeneous. If these features of the social are seen as related to methodological principles, they thereby perform in specific ways the democratic norms of inclusion, participation, and accountability discussed in chapter 1. For example, the multiple and complex meanings and actions that are considered to be inherent in social reality lead interpretive researchers to prefer bottom-up studies (Bevir and Rhodes 2006). Such studies view meaning as constituted not only in top-down political discourse but also in the bottom-up practices of local rationalities and situated agencies (Bevir 2010a). In another example, interviewing is employed not only to gather the opinions of subjects and to identify how they personally position themselves in a field, but also to question interviewees in a mode that calls on them to reflect on and/or justify their actions or beliefs (Curato 2012). Such an approach to interviewing therefore enacts norms of deliberation rather than representation. In addition to deliberation, or dialogue, interpretive research also entails the active articulation of norms such as inclusion and accountability. For example, in interpretive research, the norm of inclusion does not necessarily refer to the representativeness of samples but to ensuring that all relevant voices are heard (Howe 2003). Similarly, the accountability of the researcher is achieved not only by publishing peer-reviewed articles or volumes, but also by engaging in dialogues with the actors situated in the field of research to link the logic of the researcher's arguments with those of these actors.

An interpretive research approach is therefore specifically suited to answer the research questions outlined in the first chapter: (1) how democratic norms are articulated in discourse; (2) how these norms are performed in practice; and (3) how the introduction of governance affects processes of politicisation and depoliticisation. To start with the first research question: active engagement with the field in terms of questioning, dialogue, and probing for the justification of actions and beliefs educes the articulatory practice in which democratic norms become part of a political discourse. This is done in a way that fleshes out how specific actions are entwined with democratic norms and how these are situated in the

wider field. In addition, the logics of articulation that are found are argued for in terms of action and meaning. For example, they link practices of lobbying to norms of interest representation, situate these in the broader field of social demands, and argue how these together form a political logic. In relation to the second research question, the fundamental entwinement of meaning and action acts as a basis for enquiry into how norms perform in practice. Moreover, the principles of multiplicity and heterogeneity inform a search for multiple practices and performances by heterogeneous actors. For example, it is not only governmental authorities or experts that are viewed as actors who perform democratic norms; participants, users, and decentralised authorities are viewed as equally performing democratic norms and therefore shaping the meaning of these norms. Finally, in relation to research question 3, processes of politicisation and depoliticisation are highlighted specifically by analysing processes of participation not only in terms of the material inclusion of actors, but also in terms of whether their voices are heard. Moreover, an interpretive approach actively seeks out processes of contestation and power by situating actors in different fields of meaning and by showing how these actors always have the agency to contest political norms because meanings and actions in the field are never fixed. The examples given here are not exhaustive: they merely show how an interpretive research approach aligns with the research questions of this thesis; how an interpretive worldview that stresses openness, multiplicity, and heterogeneity relates to the democratic norms of participation, inclusion, and accountability; and how this allows me to answer the research questions.

Case study research

In the political sciences, the use of case study research is widespread. Case study research is often associated with qualitative methods of data collection. These methods usually include interviewing, document analysis, and participant observation. However, the predominantly qualitative focus of a case study does not make it part of an interpretive approach per se. According to Thomas (2011), every case study must comprise two elements: (1) a practical historical unity that is the *subject* of the case study and (2) an analytical or theoretical frame that is the *object* of the case study. He explains:

Case studies are analyses of persons, events, decisions, periods, projects, policies, institutions, or other systems that are studied holistically by one or more methods. The case that is the subject of the inquiry will be an instance of a class of phenomena that provides an analytical frame—an object—within which the study is conducted and which the case illuminates and explicates. (Thomas 2011:513)

Although Thomas argues for the importance of an analytical distinction between the subject and object of the case study, both are intimately connected in interpretive research. Interpretive researchers treat a case study ‘as part of a broader methodology that emphasises human meaning and reflexivity. These scholars more often engage in single-site research

aimed at detailing the lived experiences of persons in that setting' (Yanow et al. 2008:2). As meaning and action are entwined, the phenomena with which the case study is concerned are not so much explained or illuminated by a theory that is tested, nor are these phenomena expected to lead to induction from an observed pattern to generalisation. Rather, the case study is expected to result in exemplary or critical knowledge (Flyvbjerg 2006). Thomas (2010) also argues for this understanding of the case study when he emphasises that we should distinguish between theory and phronesis and that a case study is supposed to yield the latter: the infusion of practical knowledge with theoretical judgement.

As I understand case study research primarily as concerned with studying 'meaning in action' and as a search for exemplary and critical knowledge, I treat it as a methodological principle rather than as a technique (Yanow et al. 2008). This also explains the choice of a single case study. Multiple case studies are often concerned with achieving comparability and a degree of control that single case studies cannot offer (Lijphart 1971). Conceiving of the purpose of case study research as exemplary and critical does not preclude the use of multiple case studies, but it does give primacy to analyses that connect practical knowledge with theoretical judgment over the comparability of different regions, domain, or time periods. Whether to choose a single or multiple case studies is therefore primarily a question of research strategy (Yin 1994). As the analytical object and the empirical subject field of the case study are mutually implicative, both the empirical delineation of a case study and the analytical object of which it is exemplary or critical are to a substantial extent decided on and identified during research.

As outlined above, I have treated case study research as a methodological principle. This entails my viewing the analytical distinction between subject and object only as a starting point of research and not as a fixed delineation of what the empirical subject of the case study should be; it also means that I allowed for adjustment of the analytical object of the case study during research. These starting points entailed the research questions in chapter 1 as an object of the case study, and the governance elements of the WFD and its implementation timeline in the Netherlands as a subject. This subject of WFD implementation in the Netherlands was chosen because: it is an early example of EU governance; it includes the key governance elements of the increased inclusion of non-state actors, decentralisation, and a new mode of steering by the central state; it is normatively presented as an example of democratic governance; and it is expected to expose contestations between different democratic norms. Each point is discussed below.

The case of the implementation of the Water Framework Directive in the Netherlands

The WFD came into force in December 2000. It obliges all EU member states to adopt a river basin approach in the management of their waters and to report on progress by sending

regular reports to the European Commission (EC), the most important of which are the River Basin Management Plans (RBMPs). The WFD is considered as the third wave in European water legislation (Aubin and Varone 2002): it is designed to replace a number of older directives on water, e.g. on surface water (1975), discharges of dangerous substances (1976), and groundwater (1980); and it integrates elements of more recent directives, e.g. on waste water (1992), nitrates (1992), and integrated pollution and prevention control (1996). These directives are grouped by Aubin and Varone (2002) in two waves. The first wave of water directives was designed to protect consumers' health and introduced quality norms and reporting requirements. The second wave took a more command-and-control approach, setting emission limits, and including measures specifically aimed at sources of pollution. The WFD represents a third wave, combining elements from the first two waves and adding an integrative perspective. That is to say, the WFD combines the elements of quality norms and output control with those of specific programmes of measures.

The WFD includes each of the three key elements of governance identified in chapter 1: the increased role of non-state actors in decision making; decentralisation; and new modes of steering by central authorities. It does so by setting a number of requirements. First, according to the WFD, the active participation of interested parties is to be encouraged in the WFD implementation, in particular in the production, review, and updating of the RBMPs. In practice, this entails the organisation of processes of public participation in which non-state actors such as stakeholders and NGOs can take part in the WFD decision-making processes. In addition, key WFD documents have to be made available for comments from the public. Second, the institution of river basin management entails processes of decentralisation to lower-level authorities. The WFD allows these lower-level authorities to formulate goals that are specific for the waters that they manage and gives them the competence to select measures to achieve these goals by themselves. Third, the WFD introduces a mode of steering that does not follow a command-and control style, but rather seeks to actively enrol lower-level authorities to set goals and design measures. It does so by using mechanisms for accountability that include monitoring and reporting techniques, which in turn serve as information for peer review and scrutiny by the public. The WFD therefore seeks to steer not so much through political or hierarchical accountability as through processes of transparency and peer review. Together, these WFD governance elements can be summed up as follows:

- Active involvement of interested parties and information for, and consultation with, the (general) public.
- National and local authorities set water quality goals according to a systematics outlined by annexes to the WFD (i.e. achieving 'good status' by 2015) and design programmes of measures (that provide the basis for the RBMPs).

- Regular reporting on implementation milestones, setting up a monitoring network, and publishing of RBMPs, which are periodically revised (every six years).

It is believed that the WFD does more than just include governance elements; it is also expected to bring about good governance in terms of participation, effectiveness, and accountability (European Commission 2012, Holzwarth 2002). This belief is based on the following elements: First, participation is believed to be guaranteed by Article 14 that of the directive that requires information and consultation of the public and the active involvement of interested parties. Moreover, the institution of river basin management is believed to be a more efficient way to deal with water issues as it follows the borders of the natural flow of waters. Furthermore, the WFD is thought to institute new modes of accountability through monitoring and reporting and the periodic revision of the RBMPs, which is expected to lead to peer review amongst different authorities as well as public scrutiny. These elements of the WFD have specifically been described as an example of ‘experimentalist governance.’ According to the logic of experimentalist governance, the WFD is designed to systematically provoke doubt about its own assumptions and practices (Zeitlin 2011). Consequently, it is expected to lead to a ‘direct deliberative polyarchy.’ The idea of a direct deliberative polyarchy embodies a number of ideas that are given shape in the debates on democratic governance as described in chapter 1. First, the participation of non-state actors and the greater competencies delegated to lower-level authorities can be expected to lead to the articulation and performance of participatory rather than representative norms of democracy. As many of the decisions in WFD implementation are not directly made by representative institutions, more direct forms of democracy can emerge. Moreover, the decentralisation of authority by the WFD that allows lower-level authorities to set goals and to select measures also conforms more to a more bottom-up than to a top-down approach to steering. Furthermore, the use of steering methods that build on processes of peer review and transparency can also be thought to lead to a more deliberative way of policymaking than the instrumental methods of command-and-control.

The normative account of the WFD as good governance or as a direct deliberative polyarchy was expected to be contested in practice, both by myself as a researcher and by the governance actors in the field. There are a number of reasons why the Netherlands serves as a good empirical subject for these contestations to take shape. These have to do with the political landscape in the Netherlands, its history as a liberal democracy, the specific modes of interaction between civil society and the state that are characteristic of the Netherlands, and the fact that WFD implementation became a serious issue in state politics at the end of 2003. First, there is a history of involvement of non-state actors in water management that does not date back only to the 1970s, when environmental NGOs became active against water pollution, but goes even further back in history with the establishment of water boards by villages and water users as early as 1255. These water boards in the Netherlands have

always had a democratic status, as they have elected boards and the power to raise taxes. In a sense, the Netherlands therefore already had decentralised water policy before the WFD came into force, and the institution of framework goals and river basin management is therefore not necessarily a move towards bottom-up decision making. Moreover, the Netherlands has a strong history of liberal democracy, which can be said to have existed since 1848. This history has established the democratic norms of liberal democracy firmly in Dutch society in terms of voter participation, interest representation, and bureaucracy. Therefore, the tradition of liberal democracy was expected to pose a challenge to the democratic norms of governance. Finally, non-state actors have traditionally had, and continue to have, a prominent role in decision making in the Netherlands through lobbying and consultative processes; this has led to the establishment of professional organisations that engage with state actors in more or less institutionalised ways. These specific characteristics of water policy in the Netherlands led me to expect contestations to arise over the democratic norms of governance, and the specific performance of these, as they were intertwined with the governance elements of the WFD. Indeed, this occurred, as the remaining chapters of this thesis describe.

Data collection and analysis

As I conceive case study research to be a methodological principle rather than a technique, the case study was refined and further delimited in the processes of data collection and data analysis. Thus, the research practice had a degree of relative autonomy from the abstract considerations that provided the starting points of the case study. Methodological decisions were made along the way and based on some of the principles outlined above, rather than strictly following a range of specific techniques (Seale 1999). Such principles, as already mentioned, included openness, multiplicity, and heterogeneity, and were applied to the subject and object of study, as well as to their mutual entwinement. An important, one could say overarching, principle was that I took a *qualitative* approach to the case study, both in terms of data collection and in terms of data analysis.

According to Ritchie and Lewis (2003:267) ‘the particular value of qualitative research lies in its ability to explore issues in depth and from the perspectives of different participants.’ For the purpose of this thesis, both of these are important characteristics of qualitative research. In order to grasp the social field in which discourses are articulated and practices are performed, an in-depth view that sees social elements not in isolation but positioned beside, and in relation to, other social elements is vital. Moreover, an in-depth view is important to expose the different logics that are at play in discourse and practice by uncovering patterns and regularities. Such could not have been accomplished if the different actions of actors, the multiple roles of institutions, or the variety of ways in which norms were articulated had been researched in isolation. An in-depth perspective therefore is sensitive to the openness of the social. Similarly, the importance of ascertaining the perspectives of different participants

addresses the principles of multiplicity. Different participants occupy different positions in the social field and therefore establish different relations. This can help for example to ascertain whether actors share discourses and practices, or whether they give different meanings to similar norms by articulating and performing them differently. Finally, qualitative research is sensitive to the principle of heterogeneity: as different types of actors are approached in different manners, by asking questions that are specific not only to the researcher's theoretical interests but also to the interests and goals of these different actors, differences are respected and heterogeneity remains in the foreground.

The data collection for this study consisted of semi-structured, recorded, and transcribed interviews, document search, and group meetings where notes were taken. Interviewees were selected on the basis of the prominence of their participation in WFD implementation and their role as representatives of organised groups in civil society, authorities, or expertise. This prominence was assessed by indication of participation in key events, structural participation in formalised networks, authority for decision making, impact of statements on the public discourse, authorship of key documents, and by snowball sampling. While the interviewees were being selected, additional care was taken to include heterogeneous voices by selecting interviewees from different domains of society and with different views on the WFD. Moreover, selection was sensitive to include both those affected by decisions and those that made decisions. During the interviews, general guidelines about qualitative interviewing were used to create thick accounts and to prompt the interviewees to reflect on their own actions and beliefs in detail (e.g. Patton 1980, Warren 2002b). For example, interviewees were asked to give their own historical account of WFD implementation, in which key events and documents were called to memory by the interviewer. Furthermore, the interviewees were prompted to give a judgment on why they acted in a certain way and not another, and why they believed other actors in the case study acted in the way they did. In the conversations, I usually started by asking an interviewee to give an account of his or her career and daily activities and stimulated him or her to talk about the activities and events that meant most to him or her. Eliciting emotional involvement and/or social engagement allowed me to uncover where struggles and contestations took place and how these did or did not lead to new actions and meanings. Document selection was based on the roles these documents fulfilled in the articulation of discourses and how they reflected certain practices. As I gave primacy to interviewing in data collection, these roles were assessed by the importance interviewees attached to these documents and how often they were mentioned. In addition, documents that played a visible role in the public sphere were selected. Selected documents included policy reports, advisory notes, parliamentary proceedings, evaluation reports, technical reports, political pamphlets, web content, draft reports, RBMPs; in other words, all those written materials that played a role in the discourses and practices of WFD implementation. Group meetings were held with government officials, experts, and civil servants in order to informally discuss the implementation of the WFD, but also to discuss

issues and dilemmas that concerned both policy professionals and academics and to test preliminary results. These group meetings were sometimes organised to discuss a specific topic, such as the role of expertise in the WFD, whereas at other times they were more open with regard to the agenda. In these settings, the mutual engagement between the researcher and his or her subject came to its clearest expression. This engagement resulted for example in a volume of collected essays that included views on the WFD, both of actors in the field and of academic peers (van der Arend et al. 2010).

Data were collected in three phases that took place intermittently between 2007 and 2011. In the *first phase*, the focus of data collection was primarily on the political discourses that articulated democratic norms on a national level. In this phase, twelve interviews were conducted that focused on both higher and lower-level government officials and on non-state actors operating at a national level. In addition, the author of an influential advisory report was interviewed. As already mentioned, document selection was based on the role of these documents in articulating political discourse. Furthermore, around five group meetings, in which both high-ranking government officials and fellow academics participated, were held to discuss the WFD implementation in terms of what it meant to different actors in society. The *second phase* of data collection focused primarily on processes of participation organised by the decentralised authorities of water boards and river basin committees. Here, sixteen interviews were conducted, eight by myself and eight by my colleague and co-author of two chapters, Sonja van der Arend. The selection of interviewees was coordinated between us, and the transcribed interviews were shared. The interviews were supplemented with documents relevant to the issues described by the interviewees and which they sometimes suggested themselves. The *third phase* of data collection focused on the use of framework goals and their role in democratic governance. Ten interviews were conducted with leading experts who created these goals for the Netherlands as well as with persons who used this expertise by formulating local goals and by carrying out processes of monitoring and reporting. In addition to interview data, numerous reports and drafts used to create and employ these framework goals were analysed. Some of these reports were sent to me directly by the interviewees, others were publicly available. Finally, two group meetings were held with six or seven (depending on the meeting) experts in order to reflect on the function of these framework goals in the broader practice of governance. Together, the case study is based upon 38 semi-structured interviews with an average duration of one and a half hours, a great variety of public and (semi-)private documentation, and seven group meetings.

I analysed the collected data by coding for a number of categories. These categories included the key governance elements, democratic norms, contestations, resistance, hegemonic discourse, principles of action, and so on. These categories could not be fully detached from data collection, as data collection was already structured according to several norms of interpretive research that resonate with the democratic norms described in chapter

1. Moreover, data collection was to a certain degree structured according to the WFD governance elements, for instance when the second phase focused on public participation. Even so, in the coding process I did not seek to reproduce such categories uncritically. Instead, I analysed the data in three phases. In the first phase, I searched for events in which contestations had taken place, junctures at which power was exercised, or examples of where a clear lack of contestation existed, even though events or decisions had some type of negative impact. These events were identified by searching for regular patterns that could be identified across various accounts (Talja 1999): repeated descriptions of events, similar arguments, common explanations, and so on. This phase was expected to expose contestations where meanings were fluid and could be re-articulated or performed in alternative ways as well as instances where meanings were fixed according to a specific logic. In the second phase, I used one of the five analytical concepts (articulation, logic of practice, rationalities, performativity, situated agency) to educe how the introduction of one or multiple key elements of governance (i.e. involvement of non-state actors, decentralisation, new mode of steering) acted as sites where processes of politicisation or depoliticisation took place. For example, I used the concept of performativity in chapter 5 to educe how water quality objectives were performed both in ways that were disciplinary and in ways that resisted this disciplinary force. To do so, I therefore situated the occurrence of contestations or lack thereof from the first phase in the context of the governance in which they took place. In the third phase, I set out to find the interdependencies between these governance elements and democratic norms. This involved an analysis of what justifications were given for engaging or not in contestations, and analysing that justification as a specific link between discursive and non-discursive elements that involved a search beyond governance elements and norms, depending on the analytical concept applied. For example, when I used the concept of articulation, I found the discursive elements of broad policy concepts (i.e. feasibility, level playing field, etc.) in addition to democratic norms; and non-discursive elements of social demands and institutions in addition to the governance elements of the involvement of non-state actors and the introduction of a new mode of steering. The three phases did not progress in a linear order, but were iterative. For instance, when I wanted to identify how a political discourse was articulated, I went back and forth between searching for the contestations that gave rise to this discourse, the processes of politicisation and depoliticisation that it involved, and the democratic norms as well as other elements that it articulated. This iterative process continued until I found that I could clearly link these three phases in a way that was intelligible not only to myself, but also to the actors in the field. Therefore, a hermeneutical circle was followed by engaging in a back-and-forth between multiple and heterogeneous parts of norms, demands, practices, and so on. This process stopped when a convincing and empirically grounded logic of arguments could be constructed without the need for full closure (Kincheloe and McLaren 2011).

Outline of the thesis

The preceding chapters in this thesis have discussed the problem outline, objective, and research questions (chapter 1); the theoretical and analytical framing of the research (chapter 2); and the research approach used (chapter 3). This section presents an outline of the subsequent empirical chapters of this thesis (chapters 4–8) as well as the concluding chapter (chapter 9). The empirical chapters each take one of the five analytical concepts as key to explaining how democratic norms were articulated or performed in WFD implementation in the Netherlands, and how this affected processes of politicisation and depoliticisation. The chapters are all either published as journal articles or submitted to a peer-reviewed journal, with the exception of chapter 7, which is published as a book chapter in a peer-reviewed edited volume. The chapters are organised to present a continuum from discourse to practice. I chose to order the chapters from discourse to practice in order to elucidate how the political is not limited to ‘grand’ political discourses, but can be found in processes all the way to the day-to-day decisions by local actors in the field. Moreover, starting with discourse makes sense in light of the important role of political discourse in ordering the field of WFD implementation in the Netherlands.

Chapter 4 describes how democratic legitimacy was constructed in the political discourse of WFD implementation in the Netherlands through an articulation of representative norms that led to a depoliticisation of civil society. It seeks to address the first research question and builds on the first phase of data collection. It uses the analytical concept of articulation in order to show how political struggles over the meaning of democratic norms were ultimately decided by firmly established power structures and led to the marginalisation of environmental demands in water governance. It also shows how the politicisation of WFD implementation was actively limited to the level of the state and parliament and how this involved the depoliticisation of key elements of governance. It concludes with the observation that initial hopes about the WFD instituting participatory and deliberative norms were ultimately dashed, because representative politics affirmed themselves over attempts by EU law-making to institute a new form of governance.

Using the analytical concept of rationalities, chapter 5 describes how processes of disciplining and resistance are shaped in every element of the WFD. It primarily addresses the third research question as it seeks to create a nuanced image of how processes of politicisation and depoliticisation took place at multiple scales and sites. The chapter builds on all three phases of data collection. It applies the analytical concept of rationalities to describe how these processes are not linked to a single actor, such as the state, or to a single rationality, for instance deliberation, but that multiple rationalities operate in each of the key elements of governance. It concludes that democratic norms are differently performed in practice every time, depending on the positions and relations in which governance actors find themselves.

Chapter 6 shows that EU law-making can have both depoliticising and politicising effects. It describes how the WFD water quality standards operate as a disciplinary force as well as act as sites of resistance. It addresses the second research question and builds on the third phase of data collection. By applying the analytical concept of performativity, it shows that water standards can be performed as a neoliberal tool for accountability. They are not value-free and can be conceived of as a technique of power. For example, they impose ecological values set at EU level that are not necessarily shared by the Dutch state or some local actors. It is also shown, however, that in a number of practices, water quality standards perform as sites of political action and unpredictability. The chapter concludes that the WFD water quality standards have performed in ways that do not follow horizontal modes of accountability, as described in the governance literature, but rather build on mechanisms of accountability associated with the liberal democratic state.

Chapter 7 shows how non-state actors' existing logics of practice were not convincingly changed by the introduction of participatory institutions in the WFD. It addresses the second and the third research question and builds on the second phase of data collection. By applying the analytical concept of logic of practice, it shows how the performance of democratic norms, such as empowerment and deliberation, can be both strengthened and resisted by the logics of practice that are characteristic of the field in which non-state actors are situated. As the design of participatory processes failed to take into account existing fields of practice, its impact on participants' logic of practice was low. The chapter concludes that, although the spaces created by participatory institutions were conducive to higher modes of interaction in the WFD governance network, to a large extent they also depoliticised the public sphere.

Chapter 8 describes how the organisation of public participation builds on a deliberative ethos and a managerialist pathos that omits the role of power in participatory processes and the goals that non-state actors pursue. Like chapter 7, it addresses the second and the third research question and builds on the second phase of data collection. However, it also builds on a case study carried out by the first author (van der Arend) that was not part of the research for this dissertation. The first author and I contributed equally to this chapter. By applying the concept of situated agency, the chapter counters ideas that hold that the top-down organisation of participation is either desirable or possible. It shows how the neglect of the role of power in participation and the poor coverage of participants' activities have led to promoting instrumental and managerial approaches to democratic governance. However, it also shows how participants draw on a repertoire of methods, strategies, and habits to exercise power and engage in contestations outside formal governance architectures. The chapter concludes that the balance of power between government and society takes root in much larger historical and institutional contexts than is recognised in the governance discourse.

Finally, chapter 9 concludes the thesis by discussing its findings and by addressing the research questions and problem outline that informed the research. Specifically, it reflects on the entwinement of democratic norms and governance practices and on the processes of politicisation and depoliticisation that emerged through that entwinement. It concludes that the introduction of governance elements in WFD implementation in the Netherlands led to the articulation and performance of democratic norms in various ways. Accordingly, a nuanced image of the discourses and practices of democratic governance is painted. On the basis of this reflection, the chapter proceeds by discussing how democratic norms are subject to different processes of power: the power to constitute reality; the power to discipline subjects into specific rationalities, behaviours, and shapes; and the power to resist and do things otherwise. Furthermore, the chapter argues that the analytical concepts of articulation, logic of practice, rationalities, performativity, and situated agency are useful to highlight how the interdependencies between norms and governance elements are not isolated but part of larger discourses and practices. In addition, it reflects on the value of an interpretive approach, as this approach conceives of the social as open, multiple, and heterogenic. Finally, the chapter concludes by bringing the concepts of openness, multiplicity, and heterogeneity to bear on the paradox of democratic governance.

Democratic legitimacy in the implementation of the Water Framework Directive in the Netherlands: towards participatory and deliberative norms?

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Published as: Behagel, J.H. and E. Turnhout (2011). Democratic legitimacy in the implementation of the Water Framework Directive in the Netherlands: Towards participatory and deliberative norms? *Journal of Environmental Policy and Planning* 13(3): 297-316.

Abstract

The European Union increasingly shapes environmental policy in its member states. By including public participation requirements in environmental directives, the European Commission aims to open up the policymaking process and move from an administrative to a more participatory approach. Participation is considered to contribute to democratic governance, but has been associated with democratic problems as well, as the bases of democratic legitimacy do not automatically change when a participatory approach is implemented. This article uses a discourse-theoretical approach to analyse how participation in the implementation of the Water Framework Directive in the Netherlands took shape and what the implications were for the construction of democratic legitimacy. Our findings show how market and agricultural groups succeeded in dominating the debate by articulating a hegemonic discourse that marginalised environmental demands. Environmental groups did not succeed in turning the debate around, as the participatory and deliberative norms that they ascribed to were not taken up. The case study demonstrates that although the administrative policymaking process was opened up, political dynamics limited the scope for participation. The article concludes by reflecting on the potential of EU governance to promote democratic legitimacy and fulfil participatory and deliberative norms.

Introduction

European Union (EU) environmental directives are becoming increasingly important in shaping environmental policy in its member states (Beunen et al. 2009). The Birds and Habitats directives are considered prime examples, but directives such as the Water Framework Directive (WFD) are equally significant. As this latter directive was drafted in the late 1990s, it was influenced by what is called the ‘participatory turn’ in the EU (Saurugger 2009). This participatory turn emerged in the middle of the 1990s and has culminated in the White Paper on Governance (European Commission 2001) (Saurugger 2009). In it, the European Commission (EC) considers the inclusion of civil society in policy formulation and implementation as a key principle for good governance (European Commission 2001). This article will follow the White Paper’s definition of ‘organised civil society’ that includes both economic interest groups and public interest groups (European Commission 2001 :40). The participatory turn is reflected in participation requirements, of which the WFD gives a good example. Article 14 of the WFD states that Member states shall:

[...] encourage the active involvement of all interested parties in the implementation of this Directive. (European Commission 2000)

The inclusion of civil society (or all interested parties) is commonly viewed as an antidote to the lack of legitimacy (Scholte 2002) that is currently associated with the changing role of the state in national and EU governance (Skelcher 2000). According to the EC, participation is important *‘for establishing more democratic governance’* (European Commission 2001). Thus, the EU aims to actively open up the policymaking process and move from an administrative to a more participatory approach. Such a participatory approach is supposed to yield benefits such as increased support for decisions, more informed and effective policies, and more effective enforcement. However, the benefits of participation are not undisputed. Numerous studies document how participatory processes have failed to meet their objectives, have generated unanticipated outcomes, and are characterised by unequal power relations (Cooke and Kothari 2001, Turnhout et al. 2010). In addition, organising participatory processes alone does not guarantee democratic legitimacy (Turnhout and van der Zouwen 2010). These observations point to the importance of analysing participation as it is put into practice, including all the power relations and politics that characterise this practice. Accordingly, the aim of this article is *to understand how a specific participatory process was shaped by power relations and how this affected the construction of democratic legitimacy*. In addition, the article seeks to demonstrate the theoretical value of a Laclau-inspired approach to discourse for the analysis of processes of legitimacy construction.

Our analysis is based on material from the implementation of the WFD in the Netherlands. In this case, the implementation process shifted from a mere administrative

issue to a highly political one, in which participation became politicised. The article first discusses several critiques of public participation and relates these to the democratic norms that can be drawn upon to construct democratic legitimacy. The section that follows discusses different modes of engagement between civil society and authorities, by using a discourse approach that is inspired by Laclau (2005). It shows how the articulation of demands can create a discourse that in turn affects how democratic legitimacy is constructed. The article then goes on to describe the case study, which shows how two competing discourses on the implementation of the WFD ('feasible and affordable' versus 'ambitious') are linked to different ways in which legitimacy is constructed.. The article concludes by discussing the implications of our findings in light of the participatory turn in the EU.

Participation, legitimacy, and democratic norms

Although participation is increasingly called for in academic and policy debates, processes of public participation have received criticism. One major strain of criticism is addressed at the limited extent in which participation is put into practice. For instance, Schout and Jordan (2008) address how the limited administrative capacities of actors can limit their participation in governance networks. Others discuss the degree of willingness found in authorities to take up a governance approach (Moss 2004), only minimally implementing participation because it is required by law (Innes and Booher 2003). Some also question the general level of participation of 'new' governance when compared to 'older' styles of governance (Smismans 2008). A second strain of criticism discusses issues of accountability. The elite characteristics of governance network actors and their subsequent failure to empower civil society have frequently been criticised (Cooke and Kothari 2001, Turnhout et al. 2010). If participation within a policy area is limited to those organisations and individuals that are immediately concerned (e.g. 'those affected'), it can diminish accountability to a more general public (Peters 2004). In a similar vein, Scholte (2002) discusses how civil society itself is not necessarily democratic and that its involvement can reproduce or skew power relations.

The above criticisms of participation build on the norms of participation and deliberation, norms that receive growing attention. Since the early debate in the 1960s (Arnstein 1969), participatory democracy has addressed the need to implement direct forms of democracy and the importance of including non-state actors and structures (Vitale 2006). From the late 1970s onwards, deliberative democracy has become a widely accepted ideal, especially when dealing with environmental issues (Dryzek 2005). Since the beginning of the 1990s, policy innovations that promote participation and deliberation have become institutionalised in multilateral, national, and local contexts (Bäckstrand et al. 2010). Accordingly, participation and deliberation are now considered important norms by which to legitimise the processes and outcomes of decision-making processes (e.g. Fung 2003, Papadopoulos and Warin 2007, Parkins and Mitchell 2005).

The term legitimacy is often used in the literature on democratic and political theory, but rarely defined (Parkinson 2003). One strain of scholarship associates legitimacy first and foremost with the process of acceptance or consent (e.g. Häikiö 2007, Saward 2000), which is seen to depend on political participation, interest representation, and effective government (Schmidt 2004). A second strain of scholarship – on deliberative democracy – puts more emphasis on justification and accountability, locating legitimacy in free and unconstrained deliberation and in the resonance of collective decisions with public opinion (Dryzek 2001). As such, the norms of participation and deliberation address two main aspects of *political* legitimacy, which concerns authority relationships in governance (i.e. who has the right to govern): (1) acceptance or consent, and (2) justification of a shared rule by a community (Bernstein 2011). In addition, these norms include the more stringent *democratic* legitimacy demands of participation, representation, transparency, deliberation, and engagement with civil society. (Bernstein 2011).

Recognising that these different democratic norms can all contribute to legitimacy is all the more relevant in context of state withdrawal, where legitimacy is constructed ‘in and through specific processes of governance’ (Connelly 2011:2). The reconfiguration of the roles of government and civil society in governance implies that legitimacy can ‘no longer be understood in terms of the authorisation and democratic accountability of elected governments’ (Wallington et al. 2008:11). Nonetheless, a shift towards more participatory and deliberative norms in the construction of legitimacy is not self-evident. As Häikiö (2007) shows, the bases of legitimacy do not necessarily change when a participatory approach is implemented. A shift from formal consultation to more active participation does not easily materialise in practice, nor does the well-established democratic norm of representation automatically give way to the norm of deliberation. Rather, both the democratic norms of formal consultation and interest representation, as the democratic norms of participation and deliberation, can be drawn upon in the construction of democratic legitimacy in governance processes.

We draw on Liebert and Trenz (2009) and Kohler-Koch and Quittkat (2009) to relate the construction of democratic legitimacy to the roles and input of civil society in decision making. We do so by connecting these roles and inputs to the democratic norms of formal consultation and active participation, and to interest representation and deliberation, respectively. According to Liebert and Trenz (2009), participation can range from an auxiliary to a constitutive role of civil society in decision making. The input in decision making in participation can range from interest representation to deliberation (Kohler-Koch and Quittkat 2009). Figure one combines the two in a two-by-two matrix.

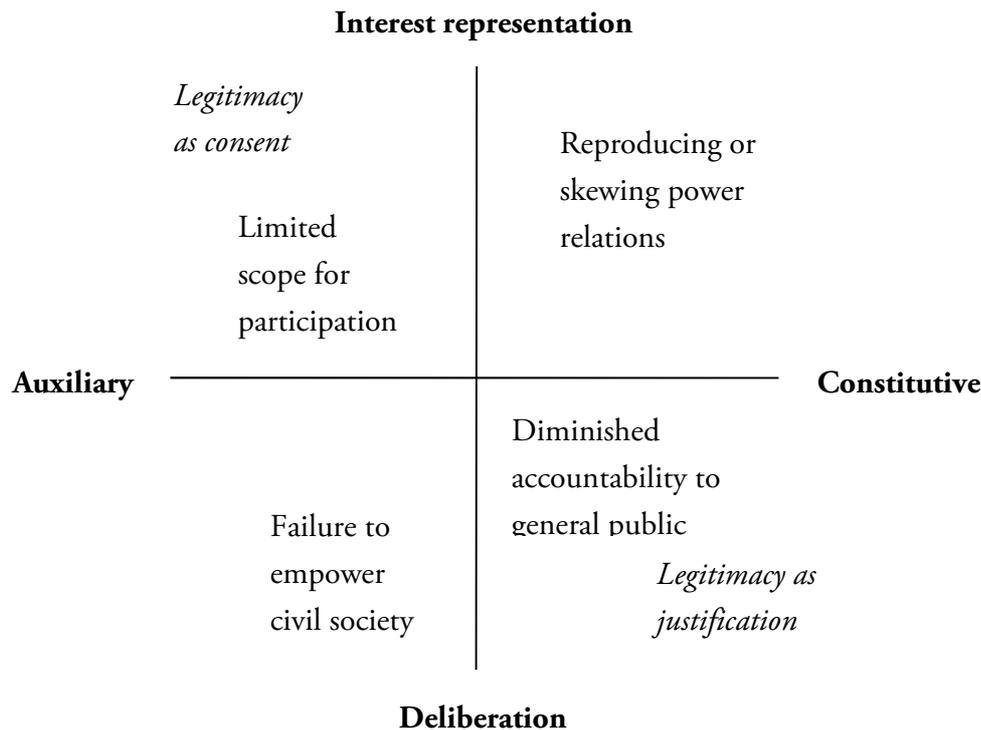


Figure 1: Democratic legitimacy: The horizontal axis represents the role of civil society, ranging from auxiliary to constitutive. The vertical axis represents the input of civil society, ranging from interest representation to deliberation

Understanding the democratic value of participatory approaches requires a close look at how – and what kind of – legitimacy is constructed. In the far upper left corner, legitimacy is predominantly based on the process of acceptance, whereas in the far right lower corner legitimacy is principally understood by grounds of justification. Specific critiques of participation are positioned in the matrix of Figure 1: in combination with interest representation, an auxiliary role for civil society is usually associated with a limited scope for participation, whereas a constitutive role may reproduce or skew power relations. If a deliberative input is present, an auxiliary role may still lead to the failure to empower civil society, and a constitutive role can be associated with a diminished accountability to a general public. As such, the matrix shows how democratic legitimacy does not only depend on who has the right to govern, but also according to what democratic norms governance takes place. This article uses the matrix and the associated concepts to analyse and typify the participatory practices and discourses identified in the case study. The next section explains the discourse theoretical approach used to generate the analysis.

Claims, requests and discourse

For our analysis, we combine a discourse-theoretical perspective (Howarth 2000, Laclau and Mouffe 1984) with the concept of claim-making (Laclau 2005). This specific type of discourse-theoretical approach has gained ground in governance studies more recently (e.g. Paul 2009, van den Brink 2009). The approach fits the current study because of the

following aspects. First, it recognises legitimacy as constructed in processes of governance rather than pre-given (Hendriks and Grin 2007). Second, it fits with the politicised character of the case study. Unlike most governance studies that view governance predominantly as a procedure (Turnhout 2010, Turnhout and van der Zouwen 2010) or a managerial issue (van der Arend and Behagel 2011), a discourse approach considers processes of governance to be characterised by discursive dynamics that have the ability to shift power balances or create political conflict (Hajer 1995). Discourse structures policy options and enables and constrains the role and input of civil society in policy formulation. Third, by distinguishing between claim and request, the specific Laclau-inspired discourse approach that is used here directs special attention to modes of engagement between civil society and authorities. As such, the approach contributes to our understanding of power within governance and links this to dynamics of engagement between civil society and governmental authorities.

In this article, we understand discourse as a relational totality of meaning resulting from the articulation of social demands.⁴ The concept of social demand allows us to describe how a group (or coalition) is constituted (Laclau 2005). Moreover, by using the social demand as a unit for analysis, we avoid ascribing democratic norms to a specific group in an essentialist manner by situating the construction of democratic legitimacy in articulatory processes. In addition, social demands can both be understood to be articulated by civil society and directed towards governmental authorities, and to be articulated by governmental authorities into a specific policy in response. This ambiguity in meaning makes the social demand specifically suited to analyse the different roles that civil society can take up when engaging with government.

According to Laclau (2005), social demands can be either articulated as singular *requests* or articulated together as a *claim*. A social demand that is articulated as a *request* does not call into question the decision-making power of the authority to which it directs itself. That is to say, a request does not attempt to change the institutional order at which a demand is directed. Moreover, a request is posed in a dialectical manner: it is styled as an intellectual exchange of ideas which are believed to be well-defined and not influenced by power relations. Furthermore, a request is passive: it trusts in the current institutional order for satisfaction and does not enter into action itself. Finally, a request does not represent a larger set of demands or some other unarticulated civil grievance. Consequently, it will be articulated within an institutionalised discourse in which meanings are relatively stable. These points - taken together - mean that demands that are articulated as requests do not create a chasm or frontier within society (Laclau 2005). Social demands that are articulated together as a *claim*, do create a frontier within society: when multiple social demands are not satisfied, they can become linked together in a chain of demands. A claim differs from

⁴ For a more intricate and comprehensive account of the status of discourse in Discourse Theory, see Laclau and Mouffe (1984: 105-114).

requests in that it calls the current institutional order into question and in that it may advocate taking action elsewhere. In addition, a claim is put in an active and forceful way as opposed to a request. Furthermore, a claim will be open to include many different demands, which have the commonality of being unfulfilled by the institutional order. Finally, an identity that unifies the claim is created in the articulation of multiple demands in reference to one of them: one demand will act to signify the complete chain of demands that become articulated within the claim, thus becoming the ‘hegemonic’ signifier. This signifier is hegemonic because it structures the articulation of the entire claim. For a demand to attain this function of hegemonic signifier, rhetoric is used: literary devices such as an analogy, metonymy, and metaphor are used to displace the meaning of terms or to aggregate these (Laclau 2005 :109). When successful, a claim gives rise to a new discourse.

When we shift our attention from the specificity of social demands to the logics of engagement between civil society and authorities, we distinguish between *social* and *political* logics (Glynos and Howarth 2007). We encounter *social* logics when there is relative stability in relations of power. This stability is identified by having a specific place or structure in which each single social demand can be addressed. It is reflected in the hegemony of a certain discourse in which social demands are expressed and dealt with. *Political* logics occur when there is a significant instability in relations of power. This instability is identified by a lack of place or structure in which multiple social demands can be addressed. As a result, the dominant discourse might be challenged by a new discourse (resulting from a claim) If a new discourse is successful, it will become hegemonic. In turn, this will result in a new or changed institutional order that is able to address the demands that were previously frustrated; it will specifically address the single demand that structures the hegemonic discourse in the articulation of a claim. Table 1 schematically presents the qualities of a request and a claim, and summarizes our analytical framework.

Request	Claim
Single demand	Multiple demands
Passive	Active
Respects institutional order	Call institutional order into question
Part of a social logic	Part of a political logic

Table 1: Schematic presentation of the qualities of a request and a claim

The conceptual framework developed here allows for the resituating of democratic norms out of the domain of normative theory and into the domain of power and politics. Using the typology of democratic norms, and the associated roles and input of civil society, the analysis will show how democratic norms are articulated with social demands in a discourse. Consequently, the analysis of how a discourse is articulated will also show how democratic legitimacy is constructed.

Case description and approach

The article uses the implementation of the WFD in the Netherlands as a case study. The WFD is an EU framework directive that aims at cleaner (fresh) waters by setting ecological and chemical goals for surface and ground water. As it is a framework directive, EU member states retain the freedom to choose measures to attain these goals and identify the water bodies to which these goals apply. Nevertheless, the WFD requires member states to inform and consult the public and to encourage the involvement of 'all interested parties' in its implementation. The EC offers two reasons for requiring public participation in the WFD: (1) balancing the interests of various groups, and (2) enforcing implementation, through consultation or, if necessary, legal action (European Commission 2009). In the Netherlands, this requirement has led to the modification of a national consultancy body on water and sea issues, the establishment of regional sounding boards, and the organisation of local workshops. These participatory processes were almost exclusively attended by organised civil society. As we will show in the next section, the implementation of the WFD in the Netherlands was accompanied by a distinct politicisation process during which civil society was involved in the articulation of claims and requests and the construction of democratic legitimacy. As such, the case study fits the objective of the article.

Our material focuses on the time period 2003-2008, a period which entailed a number of key events which are considered as exemplary (Flyvbjerg 2006) of the construction of democratic norms within a participatory governance process. We adopted a qualitative approach to data collection. According to Ritchie and Lewis (2003 :267) 'the particular value of qualitative research lies in its ability to explore issues in depth and from the perspectives of different participants'. In order to satisfy our research objective, exploring different in depth perspectives has proved crucial to understanding the complex interactions of power and democratic legitimacy. These interactions are found in the different perspectives of desired input and role of civil society that interviewees sketched and the different discourses in which they situated themselves.

The data consists of documents (from written media, policy notes, public reports, and advisory reports) and transcribed interviews (Appendix 1). Document selection was based on the roles these documents fulfilled in the articulation of social demands into a discourse. These roles entail: influencing public opinion, setting out policy lines, engendering political debate, and legitimising or criticising policy choices. Interviewees were selected based on the prominence of their participation in the implementation of the WFD and their role as representative of organised groups in civil society. This prominence was assessed by indication of participation in key events, structural participation in formalised networks, impact of statements on the public discourse, and by snowball sampling. Twelve key semi-structured interviews were held. During the interviews, interviewees were asked to give their own historical account of the implementation of the WFD, in which key events and

documents were brought to mind by the interviewer. Furthermore, the interviewees were asked to give their opinion on the input and role of civil society in the implementation process. In addition to key interviews, a number of unstructured interviews took place during workshops, informal gatherings, and conferences, in which key events were identified and preliminary findings were tested. We analysed our data by searching for the articulation of social demands within discourses. To identify discourses, we searched for the qualities of a request and a claim and paid special attention to the articulation of democratic norms in terms of the role and the input of civil society. The results that are discussed below follow the chronological order of events in the process of implementing the WFD in the Netherlands.

Claims, requests and emergent discourses in the Dutch implementation of the WFD

From the time of its publication in the year 2000, the implementation of the WFD in the Netherlands had received little public attention. This early period was characterised by an interviewee as follows:

No one in the Netherlands has even heard of the WFD, except for those who are busy with implementing it. (I1)

Indeed, no public participation event to speak of had taken place. This early period may be characterised as mainly administrative and government centred, which is illustrated by the systematic pursuit of the objectives that were set out by the WFD that followed a pre-established timeframe. As the quality of waters in the Netherlands was believed to be good by most officials, the effect of the WFD was thought to be mainly on administrative and technical capacities and limited to the water sector alone:

Originally the Netherlands thought: well, this directive, oh well, it could imply something for Southern Europe. Hey, in the Netherlands we are already very good at water management ... that was around the period when the directive first took effect. But I believe we have changed that view relatively fast, like: Oh, what have we gotten ourselves into?(I2)

These assumptions of limited effects and impacts changed dramatically at the end of 2003, when a scenario-study on the implications of the WFD on agriculture, nature, fishery, and recreation, named 'Aquarein' (van der Bolt et al. 2003) was published.

The Aquarein report

The Aquarein report was commissioned by the ministry of Agriculture, Nature and Food Quality⁵ (LNV) after a major Dutch research institute named 'Alterra' had pointed out the possible implications of the WFD. Alterra, although an independent institute, is historically linked to LNV, and the report covers the impact of the WFD on sectors that are the domain of LNV, which include agriculture, nature, recreation, and fishery. These sectors are different from those handled by the competent authority for the implementation of the WFD in the Netherlands – the ministry of Traffic, Public Works and Water Management (V&W)⁶ which is concerned with infrastructure and water management. As such, Aquarein introduced new demands of the agricultural, fishing, nature, and recreational sectors, which V&W had thus far not addressed. Because these demands lacked an institutional structure in which they could be satisfied, they were in danger of becoming frustrated.

The Aquarein report in itself did not call the institutional order of water policy into question, the demands it articulated were styled as an intellectual exchange. The report included an expert-based 'quick-scan' based on the impacts of the WFD on the sectors of agriculture, nature, recreation, and fishery. For these sectors, it presented four scenarios based on a number of parameters, one of which was the level of 'ambition' ranging from the achievement of 'good ecological status' for all waters in 2015 as the lowest and 'very good ecological status' as the highest. The scenarios all painted a devastating picture for the agricultural sector. Even the scenario based on the lowest level of ambition predicted that 70% of agricultural land in the Netherlands would have to be taken out of production in order to meet the WFD's water quality goals (van der Bolt et al. 2003). The high impact on the agricultural sector that these scenarios predicted made the general message of the Aquarein report more than just an intellectual exchange of ideas. Indeed, according to one of the contributors to the report, Aquarein was intended to stir up political discussion on the implementation of the WFD:

[Making political choices], *that* was the message. Our message wasn't that agriculture would disappear from the Netherlands; that was just a coincidental result of the methods we used.(I1)

The national coordinator of the WFD, who at the time of the publication of the report worked at LNV, was even clearer on the strategic purpose of the report:

...one of the options is to use advice, a study, something that can be thrown in from outside ... [Placing the WFD on the political agenda] was necessary, if you are already busy for years, ... , if it is kept far too bureaucratic, kept out of sight for too long, understand? (I3)

⁵ In Dutch: Ministerie van Landbouw, Natuur en Voedselkwaliteit (LNV)

⁶ In Dutch: Ministerie van Verkeer en Waterstaat (V&W)

In other words, the Aquarein report also aimed at putting new demands on the political agenda. So far, this agenda-setting had been carried out mostly by a LNV and Alterra, but when Aquarein was presented at a broadly set up conference, organised civil society became involved as well.

A claim is made

On the 28th November of 2003, LNV organised a conference to present the Aquarein study and to discuss the impact of the WFD on its policy domains. The conference was attended by almost all of the actors from government and civil society that were involved in water policy, including representatives from three different ministries, interest groups from agriculture, fishery, recreation, commerce and industry, and environmental NGOs. The presentation of the Aquarein study stirred up discussion, especially amongst members of civil society groups, who were explicitly asked to give their perspective on the WFD. At the conference, some representatives of civil society gave presentations, and all took part in workshops in which they commented on specific themes of the WFD, such as nature and agriculture. During these events, demands were articulated. For example, the foundation for Nature and Environment (SNM)⁷ wanted more protected areas and more waters to be designated as ‘natural’, rather than ‘artificial’ or ‘heavily modified’, and the organisation for recreational fishing wanted a healthy and diversified fish population that is also accessible. The organisation for agriculture and horticulture in the Netherlands (LTO)⁸ made their demands more forcefully:

LTO wants to see the international competitiveness of the Dutch agri- and horticulture reinforced. ...[This] is also the basis of the Note on Spatial Planning⁹ and thereby also gives shape to the framework of the Agenda Vital Rural Area¹⁰. This means that we ask the minister of LNV how he reconciles the results of [Aquarein] with the reinforcement of our international competitiveness. (Expertisecentrum LNV 2004)

The LTO is a firmly institutionalised and historically influential interest group in the Dutch policy scene with strong ties to major political parties and access to policy makers. As such, their demand carried weight.

As the following comments illustrate, the conference also included a first attempt to articulate these diverging social demands around a demand that all societal groups had in common, namely public participation:

⁷ In Dutch: Stichting Natuur en Milieu

⁸ In Dutch: Land en Tuinbouw Organisatie

⁹ In Dutch: Nota Ruimte

¹⁰ In Dutch: Agenda Vitaal Platteland

Do not handle the Water Framework Directive as a technical drill, but as a democratic process' ... 'LTO wants to be regionally and nationally involved with the formulation of policy on water quality. Public participation! (Expertisecentrum LNV 2004)

Nevertheless, the demand for public participation did not lead to a claim. The different demands, which included competitive agriculture, recreational fishing, nature conservation, and public participation, were still made in the form of separate requests. Moreover, these requests were directed at the appropriate authority that dealt with these demands, for instance to the minister of LNV when it concerned agriculture or the protection of nature areas. A claim was articulated only after the demand of competitive agriculture within the WFD context had been linked to demands that had arisen out of frustration with the implementation of earlier EU environmental directives. These frustrations concerned fears that the EU environmental directives were 'locking down' the Netherlands, meaning that new economic developments would be delayed or stopped by legal procedures initiated by environmental groups. In the Netherlands, EU environmental standards on air quality had led in many instances to the delay or even abandonment of big development projects. The resulting frustration had led to demands by industry and entrepreneurs for fewer (legal) obstacles to spatial developments. As a spokesperson for the drinking water companies put it:

Besides [the lobby for agriculture], the dossier on air quality has resulted in a lot of problems ... Politically, this meant: 'never again' ... That's why I think [the government] is more sensitive to demands by VNO-NCW¹¹ and the agriculturists.(I4)

VNO-NCW represents the interests of industry and employers and is one of the most powerful interest groups in the Netherlands, next to LTO. To illustrate, their president was elected the most influential Dutchman of 2010 by a leading newspaper (Dekker and van Raaij 2010). Just as LTO, VNO-NCW has strong ties to major political parties and access to policy makers. VNO-NCW had a clear position about how the Netherlands should deal with environmental directives:

We did everything to prevent the possibility for the environmental movement to start legal procedures. ... VNO-NCW has no interest in the environmental movements to start legal procedures with the province, with the State Counsel. That only creates difficulties. (I5)

By linking their demand for competitive agriculture to the frustration with EU environmental directives in general, LTO was able to articulate a claim. This claim explicitly

¹¹ VNO-NCW is the confederation of Netherlands Industry and Employers..VNO-NCW is the full legal name of this confederation.

challenged the institutional order of water policy and placed itself outside that order. LTO demanded change:

It should be clear that if these are the consequences for Dutch agriculture, leaving no future for agriculture, then a discussion on the vision on the WFD is of little use. ... The manner in which elected officials are dealing with the development and implementation of European Directives should be made subject to discussion ... the implementation of the WFD has been, up until this moment, an affair of civil servants and scientists that are concerned with water quality. The situation should not be that ecologists are responsible for the implementation of the WFD. (Expertisecentrum LNV 2004)

LTO accused civil servants and scientists of having a predominantly environmental focus. Moreover, LTO criticised the junior minister of V&W for not opening up the debate on the implementation of the WFD (Expertisecentrum LNV 2004 :32). The different demands that were frustrated by EU environmental directives were now articulated together by excluding environmental demands. According to one of LTO's spokespersons, the most important issue in the implementation of the WFD was to make sure that: 'the existing agricultural functions [...] don't have to give way to water quality' (I6). LTO's demand for change was picked up by regional and national media. The heading of one national newspaper read: 'Eco-norm EU finishes agriculture' (Schreuder 2003), the heading of another stated: 'rules drive farmers out of the country' (Algemeen Dagblad (2003, December 1) cited in Expertisecentrum LNV 2004 :43). As a result, action was taken. A majority of Members of Parliament joined the claim of LTO by demanding that the junior minister of V&W should draw up a strategic plan that would protect the Dutch agricultural sector from the effects of the WFD. They backed up this demand by refusing to transpose the WFD in national legislation. Now, what had been imagined to be an administrative step within a timeframe for implementation had become a political moment. This moment resulted in a social divide in the field of water policy with two competing discourses on the implementation of the WFD.

A new discourse

As a result of LTO's claim and the media attention and political pressure it generated, the junior minister of V&W drafted a strategic note named 'Pragmatic Implementation of the WFD in the Netherlands' (Verkeer and Waterstaat 2004), which started a new phase in the implementation process. First, the call for public participation that was made during the conference described above was honoured. This meant that civil society groups, departments outside of V&W, water boards, provinces, and municipalities got involved in the drafting of the note, and sounding boards were set up for regional public participation. Second, the WFD was no longer thought of as a merely administrative process, as the note required

V&W to draft annual notes reporting the progress of the implementation of the WFD in terms of feasibility and expected costs to the national parliament. In other words, the WFD was placed on the political agenda.

During the preparation of the strategic note, groups from civil society were invited to comment on which themes of the WFD should be identified as either feasible, feasible with extra effort, or not very feasible. Many themes were identified as ‘feasible with extra effort’, including the achievement of ecological goals and measures that would involve spatial planning. The only themes that were identified as ‘feasible’ were public participation, effective water pricing, and ‘new’ pollutants. Although ‘feasible with extra effort’ appears to be a rational phrasing of whether something can be accomplished, it had a significant rhetorical function of displacement that some parties had overlooked. When the note on pragmatic implementation spoke of extra effort, it was referring to innovative techniques, not money: ‘The task seems feasible with extra effort, on top of existing policy, ... The application of innovative techniques will be necessary to accomplish this’ (Verkeer & Waterstaat 2004). As a result of this interpretation, all measures that would require extra financial effort were considered to be not very feasible. In this way, the note on ‘pragmatic implementation’ was very effective in shaping a new discourse. It did this by fixing the meaning of what it meant to implement the WFD in a ‘feasible and affordable’ manner, that is, by articulating what would be considered as ‘feasible’, which excluded all measures that would require extra financial input, and by appealing to cost-effectiveness:

The Netherlands takes as a starting point a pragmatic implementation of the WFD and nothing more. This note chooses a course of action that keeps the consequences and the costs as restricted as possible and optimises the benefits.(Verkeer & Waterstaat 2004)

In practice, this meant that very little consequences or costs would be acceptable. Similarly, something was considered ‘feasible’ only when goals could be achieved based on existing policy measures, that is to say, measures that were already anticipated upon independently of the WFD.

The way that the strategic note fixed the meaning of the terms ‘feasible’ and ‘affordable’ can be interpreted as an articulation of the social demands that made up the initial claim – the insurance that agriculture, industry, and entrepreneurs would not meet any obstacles for new or existing developments – into a new discourse. To establish itself and to signify the frustrations of the social demands that gave rise to it, this new discourse articulated itself in opposition to another discourse. This was done by portraying the WFD as a piece of legislation that was forced upon the Netherlands by the EU and imposed difficult obligations. These obligations could be escaped through strategies of pragmatic implementation. The excerpt from the strategic note below offers some examples:

In the River Basin Management Plans, the Netherlands will identify goals that are feasible, if necessary with phasing until 2027.

The Netherlands will, where possible, identify water bodies as ‘artificial’ or ‘heavily modified’.

The WFD offers, within restrictions, options to phase goals when the achieving of a good status in 2015 leads to unreasonable demands. The Netherlands will have to use the options to phase goals frequently. (Verkeer & Waterstaat 2004)

These strategies taken from the strategic implementation note show that LTO’s claim had been institutionalised and had become hegemonic. The lowering of ambitions was articulated as a national interest of pragmatics and cost-effectiveness, yet the private interests of agri- and horticulture were central: ‘An extra load on top of the Nitrates Directive would lead to disproportionate costs for the [agricultural] sector’ (Verkeer & Waterstaat 2004). This equation of feasibility and affordability with the interest of the agricultural sector would remain dominant. Subsequent governmental notes (Verkeer & Waterstaat 2005, 2006) continued to stress that implementation would be ‘feasible and affordable’ and during subsequent events of public participation the same discourse was applied by authorities in the selection of water quality measures.

Sustaining the feasible and affordable discourse

Although the hegemonic discourse of ‘feasible and affordable’ adequately addressed social demands by groups from civil society such as LTO and VNO-NCW, some concerns remained. To keep up pressure on authorities to maintain the strategic course that was set out by the strategic implementation note, they held on to their ‘outsider’ role. Moreover, they relied on interest representation to satisfy their demands, as they were accustomed to do. For instance, they sent a letter to all the ministries involved in the implementation of the WFD in which they expressed the following concern:

[The WFD] is very ambitious in its aims and will demand great efforts of the Netherlands in the fields of environment, spatial planning, and agriculture. The boards of VNO-NCW and LTO-Netherlands are seriously concerned about the economic consequences of the European Water Framework Directive. Great concern exists about the manner of implementation employed by the government. (VNO-NCW and LTO 2004, November 23)

In addition, LTO and VNO-NCW also took part in formal participatory venues – such as the quadrennial national consultative body consisting of civil society groups and authorities (Consultative Committee Water and North Sea¹² (OWN)), regional sounding boards, and

¹² In Dutch: Overlegorgaan Water en Noordzeeaangelegenheden (OWN)

local workshops. These actors believed that an auxiliary role for civil society was appropriate for these venues. As one interviewee participating on behalf of LTO put it:

In essence I believe [the sounding boards were] useful and especially informative for societal parties. That is to say that there was ample opportunity to develop your own perspective and make it heard. There was less room for advice. (I6)

Agricultural parties were used to having their demands addressed by regional and national authorities. Those parties that feared the threat of environmental legislation for spatial developments – such as VNO-NCW – also focused primarily on the national level as that is where laws are made. In this context, an auxiliary role to decision making which is limited to consultation made sense

The discourse of ‘feasible and affordable’ that had resulted from the claim made by LTO dominated the participatory processes that were organised. The two main parties that supported this discourse were lobbying organisations; they had extensive experience with representing their interests and were not – and this is especially true for VNO-NCW - very interested in deliberation. As the following quote by one participant illustrates, the input of these organisations focused predominantly on stakes or interests and did not involve deliberation:

The moment we didn't have support from LTO [for the discussion of goals on water quality], we gave up on them... LTO puts its stakes on what is possible for them as agriculture and it ends there. (I7)

Most organisers of participatory venues also understood the input of civil society to be interest representation and its role as auxiliary. Accordingly, they organised participatory venues in which comments could be offered and interests could be balanced. According to one of them:

...there are differences between those who have to [implement the WFD] and pay for it and interest groups that just keep on asking. And then you do not get a constructive dialogue. (I8)

Indeed, decision making remained the domain of authorities and deliberation was hard to find. In 2006, the pragmatic coalition still used the same rhetoric that aggregated frustrations of the past with possible implications of the WFD for the future. They kept warning that the WFD could result in the ‘locking down’ of the Netherlands. For instance LTO voiced its concern that ‘...trouble will arise in fragile areas. New WFD measures could ‘lock down’ these areas for farmers.’ (WaterForum Online 2006a). VNO-NCW also continued to lobby against stringent WFD legislation, pointing out that the Dutch economy should not be

locked down and stressing that: ‘.. By having Dutch law refer to [the possibility for exceptions in the WFD], companies can move and expand’ (WaterForum Online 2006b).

Building a counter-claim

The new discourse excluded and frustrated environmental demands. Environmental groups in civil society, such as Natuurmonumenten¹³ and SNM became increasingly discontent with how the implementation of the WFD took shape in the Netherlands. This discontent concerned not only the low ambitions that the government set for the implementation of the WFD in terms of allocated resources and goal commitment, but also the expectations that government had of civil society in terms of the role it could play and the input it could deliver. More specifically, the environmental movement wanted to provide a deliberative input that went beyond interest representation and they had the ambition to play a constitutive role, not just an auxiliary one. Out of discontent with the hegemonic discourse of ‘feasible and affordable’, environmental groups tried to build a counter-claim which highlighted the environmental aspects of the WFD. The counter-claim was supported by a coalition that called itself ‘benefits of clean water’. This coalition articulated a discourse of ‘ambition’, for instance by means of a pamphlet (Coalitie Baten Schoon Water 2006) that described the benefits of clean water. The pamphlet appeals to the official text of the WFD, which states:

Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such. (European Commission 2000, preamble 1)

The coalition was initiated by the environmental lobbying group SNM and included a broad spectrum of civil society actors including not only environmental groups, but also recreational groups and drinking water companies. The coalition wanted to change the hegemonic discourse of ‘feasible and affordable’ and emphasised the benefits that would result from an ambitious implementation of the WFD:

Direct use value: agriculture, fishery, industry, recreation, and private citizens could profit from clean water. Even better, it could help some sectors grow. (Coalitie Baten Schoon Water 2006)

In doing so, the ‘benefits clean water’ coalition attempted to shift discussions away from the mainly negative focus on costs. Within the discourse of ‘ambition’, the terms ‘feasibility’ and ‘affordability’ included not only economic but also environmental demands. However, the coalition was not very strong as illustrated by decreasing involvement of the recreational sector and the drinking water companies in the coalition. Also, the coalition was not

¹³ Natuurmonumenten is an organization that owns and manages a large number a nature areas in the Netherlands

successful in building its counter-claim and could not change the hegemonic discourse. This became apparent in participatory venues, as the quote from a representative of Natuurmonumenten below illustrates:

Very soon in those discussion groups (organised by water boards), when financial objections, or mainly the objections of the agricultural sector came into view, Pavlov-reactions occurred in those workshops, like: ‘this is significant damage or disproportionately expensive’, that’s not an obligation of the WFD. In the end, the notion of ‘disproportional costs’ was no longer used, it was just ‘feasible and affordable’. It was just very hard to verify: is that correct? [Our staff] let themselves be influenced by the societal discourse. (I9)

In spite of their inability to change the discourse, environmental groups continued to seek ways in which to make their arguments heard. For instance, they identified the complex administrative process of implementation as an impediment to constructive dialogue:

It is not about how the Netherlands took on the administrative route, it is about interaction, involving civil society in the planning. ... The entire administrative route is so complex that one does not have time for actors from civil society, it is just too difficult to have a real dialogue. I am still searching for possibilities for constructive deliberation in the future. (I10)

The deliberative norm of a joint search for a common good based on the open exchange of ideas and perspectives is reflected in many of the arguments and strategies of the coalition ‘benefits clean water’. They looked for ways in which all parties would benefit from a more ambitious implementation of the WFD, they searched for ‘best practices’, and they wanted rational discussions on which measures to take.

In addition to their attempt to bring in more ambition to the implementation of the WFD by means of deliberation, environmental groups also tried to obtain a constitutive role for civil society in the policy process. They asked the junior minister to create a help-desk that would actively support the involvement of civil society groups and organise additional national meetings for specific target groups (OWN 2008). This would help to increase the possibilities for civil society involvement in the decision-making process:

Look, if you attend these sounding boards ... I can go and state my opinion, but I am still on the outside, I am not really a decision-maker ... more attention should be given to the carry-over to the societal arena. Special meetings for civil society actors where national and regional are sitting side-by-side. Some kind of target group meetings... (I10)

In a letter (Verkeer & Waterstaat 2008, June 16) to OWN, the junior minister rejected the request for more participation. Instead, she redirected it to the regional authorities and promised to improve existing information channels. In doing so, her primary focus remained on providing information, rather than on stimulating active participation.

The construction of democratic legitimacy in governance processes

In the implementation of the WFD in the Netherlands, we have seen a move away from an administrative approach to policymaking. Our findings demonstrate how civil society groups became involved in the implementation process and how some of them articulated a discourse that became leading in determining policy choices. The hegemonic 'feasible and affordable' discourse included demands frustrated by EU environmental directives while excluding environmental concerns. The implementation of the WFD became dominated by a pragmatic strategy aimed at avoiding costs and protecting the interests of agriculture and business. Although we have seen that all actors involved were in favour of participation, the interpretations of what this participation should entail differed. VNO-NCW and LTO opted for an auxiliary role of civil society based on interest representation. In contrast, environmental organisations had the ambition to play a constitutive role and provide deliberative input. Our findings also show how the environmental movement was unable to break down the hegemony of the feasible and affordable discourse and instead became, at least partly, co-opted by it. Subsequently, its participatory and deliberative ambitions were not fulfilled.

We trace the failure of environmental organisations to build a counter-claim and to break the hegemony of the discourse of 'feasible and affordable' to the mode of engagement that they for which they opted. By choosing a deliberative input, they were not able to exclude other demands, and subsequently could not establish a strong identity that connected various social demands together in a claim. Although a call for more active participation could have acted as a challenge to the institutional order of water policy, this demand was styled as a request to the applicable authority and therefore lacked the force that characterises a claim. Environmental groups continued to follow social logics that do not have the capacity to significantly alter a discourse. The participatory approach that authorities had chosen favoured interest representation and an auxiliary role for civil society groups. Drawing on the conventional democratic norms of consultation and interest representation, this arguably better suited the political mode of engagement that gave rise to and sustained the feasible and affordable discourse. Because participatory and deliberative norms were not met, the inclusion of a broad range of civil society actors did not result in the inclusion of all social demands: demands that were connected to environmental quality were marginalised.

Although the requirements of political legitimacy, acceptance and justification, were largely met – there was broad acceptance of the implementation path chosen by

governmental authorities by civil society and it was justified to most – the same cannot be said for the more stringent demands of democratic legitimacy. In the context of governance, interest representation is arguably not sufficient to achieve democratic legitimacy. In the case described above, the central role of V&W in articulating the discourse of ‘feasible and affordable’ together with the dynamics of interest representation led to the skewing of power relations as this hegemonic discourse clearly favoured agricultural interests over environmental concerns. In addition, as civil society groups were mainly given an auxiliary role in decision making, there was a limited scope for active participation and no real empowerment of civil society. Therefore, the failure to meet the democratic legitimacy demands of a constitutive role for civil society and deliberation leads us to assess the basis for democratic legitimacy in our case as thin and incomplete.

The analysis demonstrates the interrelations between social demands, and participatory and deliberative norms. It shows how legitimacy is constructed within processes of governance and articulated within discourses. Consequently, an analysis of why governance processes often fail to live up to participatory and deliberative norms should not be sought in the organisation of participation alone but should also consider what happens in practice during governance processes. When democratic legitimacy is constructed in a political mode of engagement that draws on conventional democratic norms of elected authorities and interest representation, then these can come into conflict with participatory and deliberative norms. A participatory approach that would construct democratic legitimacy by drawing on these latter norms entails the articulation of a discourse at some distance from authorities (Dryzek 2005). As discourses are part of and structure power relations, so is the construction of democratic legitimacy. A discourse where a governmental authority (V&W) has had a central role in its articulation, as was the case in our study (even if resulting from a claim made by an interest group), is therefore unlikely to favour participation and deliberation.

Conclusion

In the implementation of the WFD in the Netherlands, there was a need to open up the administrative process to a more democratic process. Although this was done, it is not clear whether this will also result in increased democratic legitimacy, support for decisions, and more informed and effective policies. Environmental groups have not supported the overall policy choices that were made and decisions have sometimes been made based on rhetorical imagery rather than a dialectical exchange of ideas. As the involvement of civil society groups in decision making was limited and deliberation was often hard to find, legitimacy was first and foremost found in the conventional democratic norms of elected authority and representation, with civil society only playing an auxiliary role.

This leaves a conundrum. The opening up of an administrative process can be achieved in more than one way. The established way of doing so in probably most EU member states is

by means of political activity that involves lobbying, agenda setting, mobilisation of elected authorities, and interest representation. As we have seen, this leads to the construction of legitimacy in a way that interferes with a participatory approach that builds on the norms of participation and deliberation to construct democratic legitimacy. The problem of competing and possible conflicting conceptions of democratic legitimacy has been recognised in literature, yet has hardly entered academic and policy debates on governance. Too easily, it is assumed that participatory governance brings about deliberation (Klijn and Skelcher 2007). Our analysis makes clear that in order to promote democratic legitimacy in EU environmental governance, more is needed than the inclusion of requirements of public participation in EU directives. The exclusionary effects of interest representation, particularly when participation is limited to an elite and select group of actors, call for increased attention to the democratic norms of participation and deliberation.

Annex 1: list of interviewees

I1: A researcher at the Dutch research institute Alterra: Interview, 24-04-2008.

I2: A civil servant of the ministry of V&W: Interview, 18-03-2008.

I3: National coordinator of the WFD in the Netherlands: Interview, 02-07-2008.

I4: A spokesperson of VEWIN: Interview, 23-06-2008

I5: A spokesperson of VNO-NCW: Interview, 18-06-2008

I6: A spokesperson of LTO Netherlands: Interview, 02-06-2008.

I7: A spokesperson of Produktschap Vis: Interview, 16-06-2008.

I8: A civil servant from the water board 'Rivierenland': Interview, 14-03-2008.

I9: A spokesperson of Natuurmonumenten: Interview, 18-06-2008.

I10: A spokesperson of Natuur and Milieu: Interview, 31-06-2008

Political rationalities in the new governance: the case of the implementation of the Water Framework Directive in the Netherlands

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Submitted to: *Public Administration*

Abstract

The study of effective and democratic governance continues to grow as a field of research. Multi-level governance, network governance and, more recently, experimentalist governance are important lines of scholarship. However, all of these approaches offer accounts of 'the new governance' that reproduce a number of functionalist assumptions. They simplistically link elements of governance to specific outcomes and undervalue how governance processes are shaped in historical and local contexts. This article advocates the analysis of governance from the perspective of multiple political rationalities to correct such assumptions. It analyses the implementation of the Water Framework Directive in the Netherlands as an example of the new governance, by showing how governmental, instrumental, and deliberative rationalities are at work in each of the governance elements that it introduces. The paper concludes by discussing the implications of a perspective of multiple political rationalities for our understanding of democratic and effective governance.

Introduction

The term 'governance' has been propagated as a new form of steering since the 1990s by national governments (Bevir et al. 2003), transnational organisations like the World Bank or the United Nations (UN) (Doornbos 2001), and the European Union (EU) (Kohler-Koch and Rittberger 2006). Works such as those of Rhodes (1997) and Pierre and Peters (2000) have contributed to making governance a central theme in policy literature and political studies. Although governance is defined by authors in different ways, depending on their field and subject of study, it holds common elements that are more or less undisputed: governance is no longer the sole domain of states, but also of non-state actors such as markets parties and NGOs; governance takes place in networks and at multiple levels; and the changing role of the state in governance can be described as going from command-and control to 'steering at a distance'. As such, governance is a departure from previous understandings of how policy is made. Policy is no longer made by the bureaucratic apparatus of the state alone and the idea of government as a 'single rational actor' (Colebatch 2009) has lost significance. Consequently, governance studies explicitly pay attention to the role of supra- and sub-national governments – as in multi-level governance (MLG) (Hooghe and Marks 2003) – and to non-state actors that are part of the policy process (Arts 2006, Bulkely and Mol 2003).

The shift in attention to multiple levels of government and non-state actors not only brings new understandings about how policy is made, but also what the implications of governance are on effective steering and democratic legitimacy. Historically, the norms of effectiveness and democracy have been intrinsically linked to liberal democracies (Mouffe 2000). Over the last two decades, these norms have increasingly become relevant to governance and are often discussed in terms of 'good governance' (Sørensen and Torfing 2009). Governance studies rearticulate the terms of effective steering by placing emphasis on output standards and decentralising tasks to lower authorities (Osborne and Gaebler 1992). Democratic legitimacy is rearticulated as well: as decisions are increasingly made in networks that lack formal accountability structures and by actors that have no political mandate in the form of elections, the democratic qualities of governance are instead located in an empowered civil society, increased accountability, and procedural rules (e.g. Scholte 2002, Sørensen and Torfing 2005). Following a shift in focus from the analyses of political integration to the EU as a system of governance (Eberlein and Kerwer 2004), effective and democratic governance has also become an increasingly popular research topic in EU studies. (Kohler-Koch and Rittberger 2006). This has led to a proliferation of literature on how the EU can be governed effectively and democratically (Scharpf 1999) as well as a reflection of the European Commission (EC) itself on 'new modes of governance', as exemplified by the White paper on governance (European Commission 2001).

New modes of governance in the EU have gained salience, both in scholarly debates as in their application in various policy areas (Eberlein and Kerwer 2004). Characteristic to this 'new' approach to governance is a higher freedom for member states and public and private actors to make policy choices, and a greater involvement of relevant actors in the processes in which policy goals and instruments are defined (Kohler-Koch and Rittberger 2006). As a result, in the new EU governance, member states have more room for manoeuvre to define policy goals, to design policy instruments suited to a local context, and to involve relevant actors in decision making. According to Eberlein and Kerwer (2004), one promising perspective on the new governance is experimentalist governance, which operates from the premise that a deliberative logic is core to effective and democratic decision making and that deliberation can be promoted by introducing such governance elements as described above (Sabel and Zeitlin 2008). However, such accounts of governance have been frequently and repeatedly subjected to critique (e.g. Papadopoulos 2007, Arts et al. 2009, Turnhout et al. 2010). In such critiques, specific elements of governance may actually obstruct democracy when they are performed within governmental or instrumental rationalities. Accordingly, they can lead to top-down, technocratic decision making that takes place beyond the eye of the general public.

This article criticises the premise that introducing the new governance unequivocally brings about a mode of governance that is effective and democratic. We do so by addressing two main points: (a) that this premise is based in functionalist accounts of institutions and policy instruments that do not do justice to how these perform in practice and (b) that political rationalities play an important role in shaping the performance of governance. The article is organised as follows: (1), a critique is offered of how current analytical approaches to governance conceptualise issues and challenges to effective decision making and democratic legitimacy in a functionalist way, after which we (2) present our theoretical perspective that discusses governance in terms of multiple political rationalities. The article then continues to (3) describe the EU Water Framework Directive (WFD) and the governance elements that it introduces in European water governance as an example of the new governance. Next, we will use a case study of the implementation of the WFD in the Netherlands to illustrate our theoretical perspective. The article concludes (4) by discussing the implications of our perspective for effective and democratic governance.

From functionalist assumptions to political rationalities

According to Schout and Jordan (2005), it is now widely accepted that the EU constitutes a system of governance that exhibits features of both multi-level coordination and multi-actor involvement. This system of governance is frequently analysed in terms of MLG (Hooghe and Marks 2003) and network governance (Torfing 2005). Each approach conceives of effectiveness and democratic value in somewhat different terms. MLG operates from the assumption that effective steering is best attained at higher levels of governance, whereas

democratic legitimacy is most likely to be attained at lower levels where there are increased possibilities for participation of relevant actors (Moss and Newig 2010). Consequently, MLG scholars tend to discuss effectiveness and democracy in terms of a trade-off or dilemma between participation and system effectiveness (Dahl 1994). From the perspective of scholars in network governance, the performance of (horizontal) governance networks in terms of effectiveness and democratic quality depends on societal context, institutional design, and the political struggles that shape them (Sørensen and Torfing 2009). To promote effectiveness and democracy, they therefore call attention to the importance of an institutional framework that can make governance networks robust in the face of a changing environment and to careful meta-governance by public authorities (Sørensen and Torfing 2009). An alternative view on new modes of governance is presented by 'experimentalist governance'. Its proponents believe that what shapes the performance of governance are not so much institutions or multi-level governance structures, but the systemic interaction of the elements of governance. This interaction is based on the governance elements of having a higher freedom for member states and public and private actors to make policy choices, a greater involvement of regional or local actors in the processes of defining of policy goals and instruments, and recursive revision of goals and procedures based on peer review of results. The resulting governance architecture is believed to systematically provoke doubt about its own assumptions and practices (Zeitlin 2011) and consequently promote deliberation.

Beliefs about how governance architectures and the institutional innovations and policy instruments which they introduce can lead to more democratic and effective forms of governance are widespread. They are central to accounts of 'good governance' that are reproduced by for instance the White paper on governance (European Commission 2001) and often uncritically adopted by scholars in their discussion of new modes of governance (e.g. Eberlein and Kerwer 2004, Holzinger et al. 2006). Such beliefs, however, build on functionalist assumptions that simplistically link single functions to specific elements of governance (Cleaver and Franks 2005) and in which the effects of these governance elements explain their presence (Pierson 2000). For example, they frame representative and participatory institutions to seek to perform similar democratic functions (Klijn and Skelcher 2007), which consequently leads to an understanding of the EU where member states are leapfrogged by supra-national and subnational actors in processes of issue-definition, the proposal of policies, and their implementation (Pollack 1996). Second, proponents of new modes of governance place a high level of trust in the efficacy of institutional frameworks and formal rule-making. The performance of governance is consequently explained by factors that obstruct the functioning of these frameworks, for example the administrative capacities of governance actors (Schout and Jordan 2008). Third, the performance of governance is presented to depend on the functional interplay of different elements of the governance process, such as goal selection, goal coordination, implementation, and feedback and accountability (Peters 2011). These types of functionalist reasoning, however, lead to an

understanding of the effectiveness and democratic quality of governance that very much builds on a discussion of what elements of good governance should entail and detracts from issues of complexity, power, and more radical interpretations of democracy (Bevir 2010a).

As an alternative to functionalist reasoning, we propose a historical constructivist mode of enquiry. By doing so, we see that institutions are often performing other functions than they were originally intended to (Pierson 2000). Moreover, such a mode of inquiry shows that institutions are to a substantial extent *dysfunctional* in terms of the functions they are designed to perform (Miller 2000), due to the play of interests, bureaucratic rationalities, or simply because important aspects of human behaviour are not guided by instrumental considerations. A similar argument applies to the nature of policy instrumentation. Lascoumes and Le Gales (2007) critique how policy instruments are wrongfully conceived of as pragmatic devices to solve problems and ‘naturally’ at our disposal; and that they are only studied in terms of their effectiveness in sorting the effects for which they were designed. In contrast, they hold that policy instruments ‘produce specific effects, independently of their stated objectives (the aims ascribed to them), and they structure public policy according to their own logic’ (Lascoumes and Le Gales 2007, 10). Consequently, in order to study the effects of policy instrumentation, it is crucial to separate policy instruments from the aims that are ascribed to them. Similar critiques apply to accounts of MLG and network governance. These accounts build on the assumption that new modes of governance guide actors to new modes of interaction. By doing so, they however downplay the substantial role of ideas and paradigms in decision making and how these shape the actions of individual actors (Blatter 2003).

Criticising functionalist accounts of governance is not to deny the challenges that governance faces to be democratic and effective. However, we do want to correct the assumption that governance can be described to fulfil a number of *necessary* functions. Rather than being necessary, the above listed criticisms make clear that human behaviour is also guided by other considerations than a governance architecture is designed to promote. Such considerations are diverse and can be found in dysfunctions and unexpected effects, bureaucratic tendencies to resist change, managerial rationalities adopted from the market as in New Public Management, or other ideals that actors adhere to. Therefore, rather than ascribing single functions to governance elements, we situate these in the socio-historical fields in which they are performed and receive meaning. We do so by drawing on the analytical category of political rationality. Rose and Miller (2010) define political rationalities as ‘the changing discursive fields within which the exercise of power is conceptualised, ... notions of the appropriate forms, objects and limits of politics, and conceptions of the proper distribution of such tasks’ (Rose and Miller 2010 :273). In our view, the emphasis that political rationalities place on the exercise of power in the forms and conceptions of decision making counters a tendency towards functionalist explanations.

Unlike Rose and Miller though, who conceptualise power as monolithic and pervasive, we conceive of power to exhibit diversity, heterogeneity, and resistance within and over time (Bevir 2010b). In other words, rationalities are not only constructed historically, but also locally. Therefore, the next section introduces the analysis of *multiple* rationalities that shape governance.

Rationalities of governance

Rationalities describe the inherent logic of actions and decision making and connect drivers for action to actors. As such, rationalities provide the logic of action embedded in more comprehensive discourses that explain and guide decision making (Glynos and Howarth 2009). We identify three types of political rationalities that can be found in governance processes: (1) governmental, (2) instrumental, and (3) deliberative. We base these rationalities on an extensive review of literature on governance of which a selection is discussed below. Although these three rationalities by no means are meant to be exhaustive of the rationalities that are enacted in the diversity and multiplicity of practice, we do hold that they cover a broad spectrum of rationalities that are employed by both scholars of governance as well as by the actors that we study.

The first type of rationality not only builds upon the notion of governmental rationality or ‘the reason of state’, i.e. the ‘conduct of conduct’ by the state to maintain control over its population through the promotion of well-being (Foucault 1994), but on the idea of bureaucratic self-interest as well, i.e. the inclination of any bureaucratic organisation to resist change and to protect its (self-perceived) interest, autonomy and identity against others (Allison and Zelikow 1999). Here governance is understood as a play between an effort to maintain control ‘at a distance’ by state bureaucracies through new technologies of power (Rose and Miller 2010) such as output orientation and the resistance to such efforts by lower-level bureaucracies. The second concept – ‘instrumental rationality’ – entails economic and managerial approaches. Whereas economics emphasise efficiency and the weighing of costs and benefits, managerialism strives for effective leadership (Covey 1991) and focuses on auditing and outputs (e.g. Power 1997). Here governance implies both an economisation of politics and a managerial turn in public policy making. Finally, ‘deliberative rationality’ stands for opening up the political process to communication and a search for the ‘common good’, for example through participation and transparency (Elster 1998). Here principles of democracy and citizenship as well as dialogue and inclusiveness are important sources of inspiration. Our thesis is that in governance theory and practice these three different political rationalities are all simultaneously, but not necessarily evenly, performed.

Our choice for the above three rationalities is based on a diverse literature that discusses how multiple rationalities can guide action and decision making. First of all, political philosophy is an important source of inspiration for considering multiple rationalities in

politics, policy, and governance. Well-known is Habermas' distinction between instrumental and communicative rationality (Habermas 1996). In an attempt to escape from the 'Weberian cage' of rational instrumentality, while rescuing the ideal of Enlightenment, Habermas posits the idea of communicative rationality. This type of rationality ideally leads to power-free speech, open discussion, argumentative decision making, and deliberative democracy in the public sphere and should serve as an alternative for the cynical interest-based and power-driven practices of representative democracy. Foucault (1994), takes a fundamentally different perspective on politics and democracy through his notion of governmentality, or 'the reason of state'. This rationality is based upon control of the well-being of a population in the interest of the state, while producing self-control by the people in parallel. Through technologies of power, institutional practices, and societal discourses, civilians are taught what social practices are good for them, thus reproducing the rationality of the state and disciplining themselves at the same time (Dean 1999). Secondly, public administration literature shows that the current dominance of effectiveness and efficiency criteria in the many variants of NPM is just an historical phase, rather than an end stage, and only one of the many rationalities possible in policy evaluation (Denhardt 2004). In the so-called JEP triangle, Nelissen (2002) and Arts and Goverde (2006) distinguish three logics – or rationalities – for evaluating new modes of governance: Juridical, Economic-managerial and Political-civic. These three logics of evaluating governance employ different criteria (e.g. legality, efficiency, and legitimacy respectively), but all three are considered related and relevant by these authors. Finally, governance literature emphasises the need for a 'new' rationality in realising democratic governance. For example Bevir (2010) challenges the modernist notions of economic and sociological rationality in economics and institutionalism with what he calls 'local rationality' for democratic governance. Whereas economic rationality presupposes an universal but limited logic of action, the *homo economicus*, sociological rationality even loses sight of human agency, assuming that people automatically adapt to shared rules, norms and beliefs in a given community. 'Local' rationality, in contrast, emphasises the contingent, situated, often tacit but creative nature of reasoning and decision making by humans, thus going beyond modernist beliefs of rationality.

In the example of the WFD below, we show how rationalities are at work in separate elements of governance. The picture that thus arises provides a more dynamic, practice-based account of what effective and democratic governance actually looks like. The empirical data which is drawn upon to illustrate the various rationalities 'at work' is the result of an in-depth case study of the implementation of the WFD in the Netherlands by the first author, which comprises 38 qualitative interviews, numerous policy documents, and a number of meetings and conferences with diverse governance actors in the Dutch water sector.

Governmental, instrumental, and deliberative rationalities in the WFD

The WFD: an example of the new governance

The WFD came into force in December 2000. It is a framework directive that incorporates many elements of the new governance and according to Zeitlin (2011) also serves as a good example of experimentalist governance. The WFD combines elements of quality standards and output control with that of specific programmes of measures and introduces elements of public participation and decentralisation. Taken together, these elements form the governance architecture of the WFD. They are:

1. Water quality objectives (i.e. achieving 'good status' by 2015), set by national and local authorities according to a systematics outlined by an annex of the WFD.
2. Active involvement of interested parties and information and consultation of the (general) public.
3. Regular reporting on implementation milestones, setting up a monitoring network, and publishing of River Basin Management Plans (RBMPs).
4. Lower-level authorities design programmes of measures (that provide the basis for the RBMPs).

As such, the WFD places emphasis on output steering and decentralises tasks to lower-level authorities that according to functionalist accounts of governance should lead to more effective steering. Moreover, by dispersing decision making over multiple levels of government and actively involving non-state actors, the WFD invokes accounts of democratic legitimacy that base the democratic quality of governance in an empowered civil society, increased accountability, and procedural rules. Within a logic of experimentalist governance, the systematic interaction of the governance elements listed above will bring about systematic doubt about assumptions and procedures that is facilitated by the scrutiny of civil society and peer pressure by member states and neighbouring authorities, which in turn leads to deliberation. In addition, having lower-level authorities design programmes of measures and allowing them the freedom to adjust water quality objectives to local circumstances is believed to result in efficient and pragmatic management.

The functionalist assumptions that are thus associated with the WFD have led scholars to discuss the main challenges of the WFD in terms of MLG or network governance. For example, Lundqvist (2004) describes the challenge of the WFD in terms of the tensions between effectiveness, participation, and legitimacy and Moss (2004) considers the main obstacle to an effective implementation of the WFD to be the willingness by water authorities to take on a governance approach. Such accounts tend to ignore how the governance elements of the WFD can all be subject to either one of the three rationalities listed in the preceding section and how these rationalities cannot be simply linked to one

specific element alone. Therefore, each element is discussed individually to show that the way in which these elements perform is contingent on historical and local contexts and performed within multiple rationalities.

Water quality objectives

The WFD sets objectives for water quality for each water body based on water type, of which it distinguishes three: natural, heavily modified, and artificial. The status of a water body is determined by measuring four biological quality elements, a chemical element, and a hydromorphological element. That status is defined qualitatively by categories ranging from high to poor. Although the status of water quality is reported in qualitative terms, the method by which to determine such a status is not. A coefficient between 0 and 1 is produced for each water body in reference to a natural state (called the reference condition) with 1 being a completely undisturbed water and 0 'dead' water. All water bodies are measured in reference to a natural water body of a similar type, yet for heavily modified and artificial water bodies the scale is adjusted to incorporate non-reversible human interventions in the water system (such as dams or economic functions of overriding public interest such as agriculture). As such, water quality objectives appear to be scientifically neutral, to be designed to inform policy makers and non-state actors in clear terms about the status of a river basin and its water bodies, and to provide a basis for deliberation.

However, water quality objectives were performed in a *governmental rationality*. Having legally binding targets within a set timeframe worked disciplinary on lower-level authorities. Ecological quality standards turned into undisputed values which seemed to be decided from above (i.e. the EU). In the Netherlands, especially the 'reference condition' functioned as such. The mere fact of having people write down quality objectives led in many instances to water boards¹⁴ setting more ambitious targets than was formally required. Water managers did not want to give the impression that they did nothing to improve water quality. Moreover, the legal status of water quality objectives was not (and still is not) very clear to most managers. The idea of having undisturbed, natural waters in a highly urbanised country such as the Netherlands was considered infeasible by a segment of Dutch society that was represented by market groups and agricultural groups. This led to resistance to being held accountable to water quality objectives. In addition, the nature of legally binding targets invited strategies to circumvent these legal requirements, a well-known issue in performance based policy. The junior minister responsible for water management wrote a note on 'pragmatic implementation' of the WFD (Verkeer en Waterstaat 2004) in which a number of strategies were set out to avoid obligations towards the EU. In addition, discussions were held in parliament to designate all waters in the Netherlands as 'artificial', so that a lower

¹⁴ The main lower-level authorities in the Netherlands on water issues. The Netherlands is divided in 26 water boards that set goals for and manage all regional waters. National waters, such as big waterways, are managed by a national agency called Rijkswaterstaat.

objectives could be set. In the end, peer pressure from neighbouring countries as well as the general inclination of authorities to 'follow rules' brought a balance between engaging into strategies to avoid obligations and following policy objectives to reach water quality that equals an undisturbed state. The compromise consisted of designating most waters (around 95%) in the Netherlands as heavily modified or artificial, so that water quality standards could be adjusted to account for urbanisation, agriculture, or industry.

Water quality objectives have also been performed in an *instrumental rationality*. In the Netherlands, the clearly defined status of water bodies (from poor to good) led water managers to place a strong focus on measures to attain progress within these statuses (i.e. from poor to moderate, or from moderate to good). The focus of water managers was not so much on achieving good ecological status or potential by 2015, but to make progress from one category to the next. This focus on output was also shown in the fact that most water boards turned out to be very limited in the choice of the kind of measures they would take. More than 90% of the measures that are planned are one of three: creating 'natural' or soft river beds, installing fish traps; and creating artificial meanders (or bends) in rivers and brooks. These measures all provided ecological benefits, but they were also measures that in which water boards had knowledge and experience. More importantly, those measures were within their field of authority. Economic considerations also played a major role in the setting of water quality objectives and the selection of measures. Water quality objectives for heavily modified and artificial waters were set by a number of methods, one called the 'Pragmatic method'¹⁵, which was widely used. This method set objectives by first listing all measures that could be taken and then removing those measures that would be too costly to carry out. Water quality thereby became defined by the range of measures that could be taken 'cost-effectively'. Furthermore, programmes of measures were intentionally spread out over implementation periods beyond 2015 in order to spread cost. Having economic considerations play a large role in the setting of quality objectives and in the selection of measures brought about decision making based on efficiency. However, it also hindered a broad deliberation on goals and measures and left water management in the hand of experts and managers.

Water quality objectives have nevertheless also been performed in a *deliberate rationality*. They acted as a catalyst to open discussions on how to arrange the water system and debates on how society should concern itself with water quality in terms of health, environment, and economic and social functions. Especially environmental groups in the Netherlands tried to promote this perspective. They did so in a number of ways. First, they tried to spark discussion on the benefits that clean waters could have for all sectors connected to water policy, including industry, agriculture, recreation, and nature. They also tried to use ecological quality as a way to frame water as a public good rather than as a commercial

¹⁵ As it was develop during a meeting of water managers in Prague.

commodity. Moreover, they organised public campaigns, including short movies on how to achieve good water quality. They also set out to find best practices on how to improve water qualities and sponsored experiments, for instance with helophyte filters, where water is purified from nutrients by reeds¹⁶. Finally, they tried to initiate discussion on what would be possible for specific waters and how good ecological status or potential could be achieved. In general however, they failed in their attempt to make water policy more deliberative and responsive to their preferences in the Netherlands.

We conclude from the above that how water quality objectives perform depends on which rationality is performed by the actors in the field. A governmental rationality has strengthened the ecological standardisation of water policy, yet did so without reflection. It invoked a closing off of authorities from further inquiry, either by peers or by civil society. An instrumental rationality led to the drawing up of concrete plans of measures to improve water quality and a more professional management of water bodies, including the weighing of economic, environmental, and social considerations. Yet this was carried out with a focus on results and with less attention for issues of legitimacy and accountability. Finally, a deliberative rationality regarding water quality brought some form of accountability and democratic legitimacy through discussions and debate, as well as the impetus to discuss what is considered to be clean water. However, these discussions did not necessarily inform government authorities, nor did they easily translate in concrete measures.

Public participation

The WFD, in article 14, calls for Member States to ‘encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans’(European Commission 2000). In addition to active involvement, consultation and information is required with regards to the work programme, key issues, and the RBMPs. In the Netherlands, the consultation and information requirements were considered sufficiently covered by existing law, yet the active involvement of ‘interested parties’ was to some extent new. This call for the encouragement of active involvement was taken up as a requirement to organise public participation on multiple levels. On the national level, connected to the ministry of Infrastructure and the Environment, a deliberative body with national societal groups was reformed to better suit the demands of the WFD. On the level of river basins, sounding boards were established. Finally, water boards organised public participation events as well. Especially on this lower-level, the organisation of participation was diverse, ranging from information meetings to joint selection of measures with societal groups. On all levels however, the same types of actors were invited. These were representatives of the sectors of agriculture, industry, the market, drinking water, and environment. All were full-time, paid professionals whose job it

¹⁶ Reed is a common water plant.

was to lobby for their sector or interests and to influence government policy. Private citizens did not play a role to speak of on any level. In total, and spanning across levels, over a hundred public participation events have taken place. Although participation is usually represented as a democratic good or as a tool to promote enforcement and efficiency, different rationalities have been at play during the participation processes.

In academic literature, participation has been prized as a democratic good, but the practice of participation has also received strong criticism. In her seminal article on public participation, Arnstein (1969) discusses participation in terms of empowerment on the rungs of a ladder. The bottom rungs of the ladder describe the levels of manipulation and therapy, where the objective of participation is not empowerment, but 'to enable powerholders to "educate" or "cure" the participants'(Arnstein 1969 :2). In Cook and Cothari's book *Participation: the new tyranny* (2001), this insight is used to describe three forms of 'tyranny': when facilitators of participatory processes override existing legitimate decision-making procedures; when group dynamics reinforce power structures; and when participatory methods exclude other forms of involvement that provide benefits which participation cannot provide. In addition, participation is often criticised for the elite characteristics of its participants (Saurugger 2008, Turnhout et al. 2010), which hampers their capacity to increase democratic legitimacy. These criticisms relate to a governmental rationality, when they point out that participatory processes can reinforce top-down steering. Participatory processes in the Netherlands in general have performed above the bottom rungs of the Arnsteins ladder: there was room to make different voices heard and advice could be given, but top-down steering remained dominant. Policy makers considered the WFD to be a very complex directive and consequently some demands that were made by civil society – for instance for a higher goal achievement rate by 2015 – were viewed as based in a lack of understanding. As a result, the facilitators of these participatory processes, especially on the level of water boards, took on a strongly guiding role. Processes were usually shaped to choose measures, where civil servants would decide which measures were cost-effective, leaving little room for participants to bring in their own ideas. Finally, sitting 'on the table' with decision-makers meant for environmental groups that they were more reluctant to engage into legal action (against these same decision-makers), as, according to one of our interviewees, they were informally told that this would cost them their place on the table. Although such more or less subtle forms of disciplining of civil society groups took place, these groups also represented the established field of stakeholders or the 'usual suspects', consequently reaffirming the status quo.

Participation can serve purposes other than democratic legitimacy as well. Participation is often promoted as a way to enhance the effectiveness and efficiency of implementation processes. This can be done in a number of ways. To start, local knowledge brought in by participants can prove helpful in managerial issues like the selection of measures. Moreover,

having broad support for specific decisions aids in their successful implementation. In terms of efficiency, participation can save time and money in the long run (Woltjer 2002), for instance by preventing legal action or obstruction. Indeed, the participatory processes around the WFD in the Netherlands showed such instrumental rationality. For example, recreational fishing groups pointed out existing fishing spots so policy makers could take these into consideration while planning measures, thereby saving time and money. Environmental groups set up a search for best practices and land surrounding water has been made available by both agricultural and environmental actors to perform measures on, such as creating soft river beds. The organisation of participation also led to a reformulation of strategy by environmental groups, going from an antagonistic, legal-based role to a more cooperative, participatory role.

Participation is also intricately linked with a deliberative rationality. Both the ideals of participatory and deliberative democracy seek to challenge the hegemony of economy and state over democratic citizenship. Moreover, both want to re-absorb citizens or civil society groups into public debates by means of participation and deliberation (Vitale 2006). This was partly the case in the Netherlands. Many civil society groups now feel they have become more involved in water policy. Civil society groups have been actively involved in the formulation of policy-lines and the selection of measures since the beginning of 2004, working up to the RBMPs of 2009. They entered into debates with decision-makers and each other about the ambitions of the WFD and what its goals should be. For example, a coalition of environmental groups, drinking water companies, and recreational groups formed a coalition to promote the 'common good' of clean waters. However, the hegemony of economic interests has not been overcome and is not likely to be in the future. Moreover, private citizens have not become involved, even though public campaigns were held.

As the above shows, how public participation functions depends on what rationality actors perform. Participation both empowered civil society groups and disempowered them by reproducing power relations and upholding the status quo. In the long run, it may bring more effectiveness and efficiency to the implementation of policy as happened in some instances, and it can open up policymaking to new actors. In what measure, if at all, this all actually happens depends on the rationalities that are at play.

Monitoring and reporting

The WFD sets out detailed requirements for monitoring and reporting. To begin with, a detailed step-by-step timeline is set out for the implementation process. This timeline is accompanied by reporting requirements. The most important of these are the characterisation of the water basin district, including a review of the environmental impact of human activity and economic analysis of water use (2005); the establishment of a program for monitoring (2007); the publication of RBMPs according to detailed list of elements and

a program of measures. All these reports are to be sent to the EC Directorate General of Environment (DGXI) and are published on an official EU website. DGXI gives 'smiley faces' to countries that have satisfied their reporting requirements and 'unhappy faces' to countries that have not. These reports are then analysed by the DGXI and compared across countries. As a result, member states can see how they perform in relation to other member states. Monitoring networks are also established. Water bodies were surveyed by 2006 in order to establish their current conditions and to determine whether they were at risk of failing to meet good ecological status or good ecological potential by 2015. They are monitored every six years on all quality elements, which is called 'surveillance' monitoring. Surveillance monitoring is aimed to give a general overview of the condition of a river basin and to act as a basis for operational monitoring. Operational monitoring is undertaken when a water body is at risk of failing to meet good status by 2015 and monitors whether measures that are taken to improve the status of that water body. Operational monitoring only monitors the quality elements that are indicative of pressures that cause the failing to meet good status. Finally, investigative monitoring should be undertaken when the reasons for failing to meet good status are not clear.

In the implementation of the WFD in the Netherlands, monitoring and reporting operated as 'technologies of power': they had disciplinary effects and followed governmental rationalities. According to Power (1997), these systems of control show a commitment to push control further into organisational structures, in an attempt to 're-order the collective and individual selves that make up organizational life' (Power 1997:42). A good example of such a re-ordering of organisational life is the reporting requirement on the characterisation of the river basin district by 2005, which spurred Dutch policymakers to create water types and develop water quality objectives. These water types and objectives were created within a period of months only, and therefore without much reflection. Similarly, much focus has been put on the drafting and reporting of RBMPs. To be able to have these plans ready by 2009 was, according to a high-ranking civil servant, more important than what its actual contents turned out to be. As a result, all the elements that should be listed in the RBMPs, which consist predominantly of what measures have been taken to achieve different WFD goals, such as cost-recovery, public participation, and good chemical and ecological water status, have led to a substantial re-ordering of how water is managed, especially with regards to water quality. Yet this restructuring of management has not necessarily brought any new measures to be taken on the ground. This has led most actors involved in water management to assess the impact of the WFD on actual water quality to be slight. In addition to reporting requirements, the monitoring network has already shown disciplinary effects as well. When water managers needed to choose between WFD water bodies and non-WFD waters (which make up more than 50% of the Dutch water system) to plan measures, they favoured WFD water bodies because these are monitored and data are reported to Brussels. In addition to disciplinary effects, monitoring and reporting also brought about bureaucratic

tendencies. As already mentioned above, the process of reporting gained primacy over actual policy formulation and the planning of measures. What is most important in this rationality is to get the 'smiley face' of the DGXI. In other words, the need for authorities to show they have fulfilled what is required of them took primacy over their need to achieve good water quality. Such bureaucratic tendencies were also present in the monitoring network. Although the Netherlands has a tradition of monitoring for water quality that predates the WFD, the monitoring network for official WFD reporting has a relatively low number of monitoring points, also when compared to other member states. This has been rationalised from a tendency of authorities not to be held accountable. Although monitoring of water quality in the Netherlands takes place on an extensive scale to inform authorities about the status of their waters, they only report a fragment of it to the EC.

The requirements for monitoring and reporting were also performed within an instrumental rationality. Performance-based policymaking, as has become popular in the NPM paradigm (Hood 1995), stresses the creation of manageable units, private-sector styles of management, discipline and frugality in resource-use, and greater emphasis on output controls, amongst others. Monitoring and reporting fit in such a paradigm as they are supposed to promote management based on clear targets and the economic use of resources to achieve these targets. Indeed, the WFD has changed water policy in the Netherlands from one based on intentions and horizons – where broadly framed visions for the future were set out in policy notes, yet without a clear strategy to achieve those visions – to one based on clear targets within set timeframes with programmes of measures to achieve these targets. Moreover, by managing waters as water bodies within a river basin, a more private sector style of management has gained terrain over management based on administrative boundaries. In addition, economic considerations have become more explicit in the selection of measures. Where earlier measures should primarily fit into a budget, now they also have to be cost-effective in relation to the achievement of good water status. Moreover, the reporting requirements bring in economic considerations by specifically asking for an economic analysis of water use, measures taken to achieve cost-recovery of water use, and allowing economic considerations as an argument not to achieve ecological targets.

By bringing transparency, monitoring and reporting can also be part of a deliberative rationality. For example, the characterisation of the river basin district has spurred discussion in parliament and civil society on whether Dutch water bodies can be considered natural, and accordingly on what objectives should be established for these waters. As one member of parliament from the populist freedom party (PVV) put it: 'as long as my children can swim in it and don't get sick I consider it clean'. Most would disagree with such a statement, but it shows how water quality and the question how to define it entered the debate. In addition, the requirements set out by the WFD have led to various reports on the economic and social impacts of the WFD (e.g. Planbureau voor de Leefomgeving 2008a), or booklets about the

economic value of water (e.g. Bade and van der Schroeffer 2006). These reports, in turn, were meant to facilitate debate and present different visions on 'the common good'. Monitoring networks served to bring the quality of water to public attention, and subsequently led to debates about what pressures keep water bodies from achieving good ecological status, being urban, industrial, or agricultural pressures. Consequently, they helped facilitate debates on land use planning in terms of development of nature, urban areas, agriculture, etc.

Monitoring and reporting did not bring the heightened efficiency that NPM predicts, it did not lead to the disciplining of authorities towards ecological goal achievement by default, nor did it unquestionably promote debate and discussion. How these requirements performed depended on how actors dealt with them. Whether they simply went to the task of meeting all requirements, whether they chose to meet only policy goals that are cost-effective, or whether they made use of the transparency these requirements bring to initiate public debates differed for each actor and changed over time.

Lower-level authorities

The WFD requires each member state to provide a list with competent authorities on the WFD. In the Netherlands, these competent authorities include the ministry of Infrastructure and the Environment for national waters (which are managed by its executive arm called Rijkswaterstaat), the water boards for regional waters, and provinces for ground waters. Although officially not placed within an hierarchical accountability structure (and having only functional differentiation), water boards and provinces represent lower-level authorities when compared with the ministry. Coordination between these authorities takes place on the scale of river basins, within regional consultation bodies of water managers and of civil servants. In addition, a national coordination body for the WFD exists that handles reporting to Brussels and drafting the RBMPs. In the implementation of the WFD in the Netherlands, most programmes of measures are drafted by water boards as they manage the largest share of WFD water bodies. Moreover, for heavily modified and artificial waters they are also allowed to set water quality objectives. As such, they have had a large impact on the implementation process of the WFD as a whole.

Although formally 'competent authorities', meaning they have the discretion to make their own policy choices, the water boards are actively steered from coordination bodies on the river basin and national scales. In the coordination bodies at these scales, regional water directors and civil servants come together to attune their efforts with each other. The main role of these coordination bodies in the Netherlands has been to create a homogenous approach to the WFD. That is to say, different water boards should not set water quality objectives for the same water types that were too far apart and that a uniform level of (low) ambition towards reaching these objectives should be present. More in general, a discourse of selecting measures that were 'feasible and affordable' emanated from the national level and

was taken up by most water boards. This disciplinary force from above was also resisted by bureaucratic tendencies from below. Most notably is a meeting of water directors in which they decided not to report all measures they had planned to improve water quality to the national coordinative body that drafted the RBMPs. The rationale for this was that water boards did not want to be held accountable in the case that budgetary cuts or changing political circumstances would prevent them from executing these planned measures. In addition, some measures entailed the purchase of land, and water managers feared that publishing such measures would drive up land prices. Water boards also tried to circumvent accountability by designating larger water bodies rather than smaller and by keeping WFD monitoring very limited.

Decentralisation is most often understood within an instrumental rationality. Having decisions made as close as possible to 'the ground' is intended to lead to more context-specific solutions as well as higher public support. Moreover, smaller administrative bodies are expected to work more efficiently than large, centralised planning. In the WFD, some success have been booked as a result of this. Water boards have cooperated with local actors such as farmers or nature conservation organisations to implement measures for one specific water body. These were at times accompanied by participatory processes that focused on one specific water body. Another success story is the instalment of fish traps to facilitate upstream fish migration. Within the framework of the WFD, water boards actively sought for measures that they could implement within their competence, and a series of fish traps is now in place. An example of finding context-specific solutions are the 'default' water quality objectives that can be applied to set objectives for comparable water bodies in a specific region that have been developed in the river basin Meuse. Having water boards draft programs of measures has arguably also resulted in lower costs than originally estimated (Planbureau voor de Leefomgeving 2008a).

As lower-level authorities are considered to be at closer proximity to the public, they are expected to promote a deliberative rationality as well. Indeed, water boards have organised the largest number of participatory processes. Moreover, the joint task of 26 water boards to implement the WFD promoted discussion and cooperation between water boards, which is one of the most positive outcomes that many water managers list. Communication between water boards and civil society groups, although already present, significantly improved as well. Civil society groups now know whom to address when they are dealing with water issues and water boards have become more sensitive to the different demands that exist within civil society.

Assigning higher levels of competence to lower-level authorities can be a way of 'steering at a distance', by replacing formal decision-making authority with coordinative force. Certainly, this has for a part been the case in the implementation of the WFD in the Netherlands. But lower-level authorities also made use of their competence in unexpected

ways, by circumventing reporting requirements, by creating new networks of cooperation, and by finding more cost-effective programmes of measures than national authorities could have. Moreover, having multiple smaller authorities rather than one big authority promoted diversity, greater involvement of civil society, and ultimately more communication and deliberation across networks.

Conclusions

The analysis of political rationalities in the implementation of the WFD in the Netherlands allows us to draw two main conclusions about the challenges to democratic and effective governance in the EU. First, that functionalist accounts of governance cannot adequately describe the practices of governance without taking into account that these are performed within the multiple political rationalities that are contingent upon the time and place in which they are performed. Second, that the assumption that a single deliberative logic can be realised in practice as a result of the interaction of a number of governance elements within a governance architecture seriously overestimates the extent in which rules and institutions can exert influence over the behaviour of human actors.

To conceive of the challenges of governance in terms of democratic quality as either trade-offs between system effectiveness and participation or as (potential) conflicts between representative and participatory democracy does not do justice to the multiple political rationalities that are at play in governance. Reducing the complexity of political reality to such dichotomies does not help in clarifying the real challenges that governance faces. The case study above shows how participation can take shape as a top-down phenomenon, can be instrumental to policymaking, and can also bring about deliberation. These rationalities were each present, at varying periods and instances, and were specific to the contexts in which actors were situated. Equally, the effects of the governance elements of water quality objectives, reporting and monitoring, and decentralisation in terms of effective and democratic governance depends on the rationality in which they are performed. All these elements may promote effectiveness and deliberation, but can equally work disciplinary and obscure reflection.

Answering challenges to effective and democratic governance with meta- or better institutional frameworks, as some scholars suggest (e.g., Moss and Newig 2010, Sørensen and Torfing 2009), would be politically naïve at best. As was shown, meta-governance can be undercut when lower-level governance units engage in strategies to avoid accountability. Moreover, it can have a disciplinary effect, resulting in closure of the governance process rather than its opening up to deliberation. Too much faith in institutional frameworks to ensure effective and democratic governance is naïve for similar reasons. In the case of the implementation of the WFD in the Netherlands, a complex and extensive institutional framework was present, with many opportunities for participation, high levels of competence

for lower-level governance units, and the possibility for local formulation and revision of goals. Even so, the performance of the resulting governance network was ambiguous. Finally, explaining the performance of governance by referring to the governance capacities of actors or the willingness of government actors to take up a governance approach (Schout and Jordan 2008) does not sufficiently do justice to processes of disciplining and resistance in governmental rationalities, to instrumentalist reasoning of both state and non-state actors, and to the often limited impact of deliberative reasoning on the actual decision-making process.

Conceiving of governance as an architecture and locating the conditions for effective and democratic governance in the interaction of different governance elements rather than in their single functions (Sabel and Zeitlin 2008) provides no satisfactory answer to the challenge of democratic governance either. To continue to hold functionalist assumptions about governance foregoes our observation that governance does not perform as a closed system. Rather, it is characterised by heterogeneity and diversity, with elements that are only loosely coupled and often do not present feedback loops. Even if they do, they do so in unexpected and new ways in every new situation that presents itself. The separate elements of governance in many instances do not function according to what is assumed by scholars or policy makers, nor can the system as a whole be expected to function according to a single logic.

We end with the observation that current scholarship of the EU as a system of governance does not provide a satisfactory analysis of the challenges to effective and democratic governance that society faces. We have argued to correct the functionalist assumptions of this body of literature by the analysis of multiple political rationalities. With our analysis, we have intended to shift focus from the EU as a system of governance to the rationalities and actors that shape governance in practice. We understand that we have only partly succeeded in doing so. Analysing the multitude of rationalities that have their own nuances in each local context was beyond the scope of this article. Nonetheless, we believe that political rationalities present a subject of inquiry that requires more attention of governance scholars and can offer a perspective on governance that regulators and policymakers should be more attentive to.

The performativity of environmental quality standards: convergence and resistance in the constitution of water quality

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Submitted to: *Geoforum*

Abstract

In environmental governance, increasing emphasis is placed on the assessment of environmental policies by means of quality standards. This emphasis follows wider trends in governance where the uses of performance standards and auditing processes are considered to contribute to new modes of accountability. However, the uses of such calculative techniques have also been criticised for extending control by the state and disciplining environmental and human subjects. This article engages with the use of standards by studying their performative dimensions. It uses the example of the creation and use of water quality standards in the European Water Framework Directive to illustrate how they (1) constitute reality;(2) act as sites for political action; and (3) behave in unpredictable ways. By applying these dimensions of performativity as analytical tools, the article discusses the processes of convergence and resistance involved in the creation and use of water quality standards and the role of scientific experts in these processes. In particular, the article demonstrates how the performativity of standards in practice undercuts the imagined aims of accountability and efficiency. The article concludes by discussing the diverse and heterogeneous practices in which standards perform and produce their effects.

Standards as techniques of governance

Under the influence of a new public management (NPM) ideology, we have witnessed a rise in the use of performance standards and auditing processes in such domains as healthcare, education, and environmental protection over the last decades. As NPM entails the transferral of the methods of business management to government (Arts and Goverde 2006, Nelissen et al. 1999, Osborne and Gaebler 1992), the use of performance standards and auditing processes in policy fields that are traditionally considered to be public affairs have been critiqued for leading to a marketisation of ‘spheres of life on which social solidarity and active democracy have always depended’ (Leys 2001: 4). In such critiques, the use of business methods by governments is frequently subsumed under a critique of the hegemonic project of neoliberalism (e.g. Mansfield 2004, Prince et al. 2006, Robertson and Dale 2002, Rose and Miller 2010). The core of this critique is that the neoliberal project seeks to extend the power of the state over previously autonomous or semi-autonomous spheres and disciplines subjects within a market rationality, consequently undermining democratic governance.

Equally however, NPM has been presented as an alternative to an outdated mode of accountability that is based in the processes and procedures within a hierarchical system of bureaucracy in which civil servants are answerable to elected politicians (Bevir 2010) and that has been associated to ‘big government’ or ‘the overloaded state’ (Skelcher 2000). In response to the legitimacy crisis of the state that followed notions such as big government in the late 1980s and early 1990s, NPM stresses a mode of accountability that is based on results rather than processes, by having clearly stated aims and a strong focus on meeting these aims (Hood 1995). Notwithstanding early and on-going critiques of the disciplinary effects of performance measurement (e.g. Rose and Miller 2010) and the identification of auditing processes with the extension of control (e.g. Power 1994), these methods also continue to be promoted as a key ingredient of democratic governance. Thus, by promoting horizontal coordination and by putting the activities of public officials and bureaucrats up for public scrutiny, NPM presents itself as a way to strengthen democratic governance.

The European Union (EU) in particular, in its White Paper on Governance (European Commission 2001), advocates the use of framework directives that include the use of standards, indicators, performance measurement, and auditing as a ‘new mode of governance’ and believes that these techniques are able to address issues of democratic legitimacy (Knill and Lenschow 2004). A good example of such a new mode of governance is the EU Water Framework Directive (WFD) (European Commission 2000), as it operates by setting objectives and standards for ‘good water quality’ and requires monitoring and reporting of results. Moreover, standards and auditing have become key elements of discourses on democratic governance. They play an important role in ideas on participatory accountability that consists of stakeholders being satisfied with outputs (Bevir 2010) and ideas on peer accountability that consists of the mutual evaluations of organisations by their

counterparts (Bäckstrand 2008). In the WFD, these forms of accountability are expected to contribute to a 'direct, deliberative polyarchy' (Sabel and Zeitlin 2008), because they are expected to open up settled practices to the involvement of different groups and build on the experiences of these groups to generate new solutions. Whether performance standards and auditing processes in the WFD indeed lead to an opening up of policy processes, as suggested by the EU and by the governance scholars cited earlier, or whether they rather do the opposite by extending control of the state and disciplining subjects (and water systems), as suggested by critiques of neoliberalism, is the main question that this article addresses.

In order to answer the question as formulated above, the uses of performance standards and auditing processes in the implementation of the WFD in the Netherlands are taken as a case study. Placing attention on water rather than only on human interaction implies two important considerations. First, as water can be called an 'environmental subject' rather than a human subject, efforts of control and disciplining are expected to be directed at waters or water systems in addition to the human actors that are their managers, users, or protectors. In this matter, we follow the argument that describing certain realities through water quality standards also entails the creating of these realities (Callon 1998). Second, water invokes the concept of materiality: it recognises that 'the "things" (pumps, dams, canals), which make a difference for the way social relations unfold, are not merely pre-given substrates that enable and constrain social action' (Bakker 2012:6), but can also be sources of unpredictability, unruliness, and resistance to human intentions (Bakker 2012). Therefore, waters or water systems are implicated in and part of modes of accountability and can either further or obstruct these.

The choice for studying the water quality standards and processes of monitoring and reporting in the WFD in the Netherlands was the result of earlier research of the authors (Behagel and Turnhout 2011) that showed how these methods in the implementation of the WFD of the Netherlands had become part of intense political processes. The next section will detail how such political processes can be linked to the role of water quality standards in governance practises. These linkages are conceptualised as relations of power, specifically as processes of convergence and resistance. Section 3 will describe these processes as performative and highlight how water quality standards: (1) constitute reality; (2) act as sites for political action; and (3) behave in unpredictable ways. In section 4, the concept of performativity is applied to a study of the creation and use of the water quality standards and monitoring and reporting of results in the Netherlands. The article concludes in section 5 by demonstrating the value of the concept of performativity for a critical understanding of how water quality standards in the Netherlands have impacted environmental protection and practices of democratic governance .

Accounting by standards

According to Lemke (2002), neoliberalism can be viewed as a political project that aims to create a reality that it suggests already exists. By using calculative techniques, it makes specific domains of society or the environment readable, recordable, and calculable, and produces knowledge that makes these domains governable (Raj-Reichert 2012). Neoliberalism requires the depoliticisation of governance; it uses methods such as performance measurement and auditing to turn complex social conditions into standardised concepts and categories that can be easily governed through 'check-lists' (Raj-Reichert 2012). By doing so, they 're-code' the complex relationships within a social domain to a new, ordered whole. The increasingly central role of standardisation and the emergence of performance indicators and output controls in environmental governance (Borraz 2007) have a similar effect: they create and reflect an understanding of how human and environmental systems operate and what their linkages are (Rametsteiner et al. 2011). This understanding does not only lead to the construction of an ideal image of what an environmental system looks like, but also steers the selection of measures to achieve environmental objectives (Turnhout 2009). Studies by Bowker (2000), Waterton (2002), and Turnhout and Boonman-Berson (2011) have also pointed to how nature and biodiversity are constituted through scientific practices of classification and databasing. Bowker (2005:659) explains this as follows: 'A set of data structures and information retrieval models are set up so that a particular, skewed view of the world can easily be represented. [...and...] The world that is explored scientifically becomes more and more closely tied to the world that can be represented by one's theories and in one's databases: and this world is ever more readily recognised as the real world'. Consequently, one can say that standards do not merely represent reality, but also constitute it (Pickering 1993, Callon 2007).

Standards constitute reality by providing a basis for common action. In order to do so, they need to be able to place actions and objects outside the realm of politics in which public contestations take place (Barry 2002). However, these processes of depoliticisation are themselves political activities as they determine what is and what is not to be the subject of political debate (Flinders and Buller 2002). It follows that standards are not neoliberal by themselves; they are only neoliberal to the extent that they are deployed in a depoliticising way (Guthman 2008). Consequently, neoliberal techniques do not necessarily lead to neoliberal outcomes (Higgins et al. 2008). In other words, in order for standards to have disciplinary effects and provide control they need to be actively protected from external scrutiny or 'external scrutiny must be managed in a way that does not provoke an excessive politicisation' (Barry 2002:280). In the case of water quality standards, as in many other examples in environmental and conservation policy, external scrutiny is often minimal and it is mainly ecologists and other experts that struggle with the question over how to measure

and evaluate nature and the environment. They are concerned with how to best represent complex ecosystems in a comprehensive and objective way that is at the same time relevant for policy practice and easy to measure. As such, they protect water quality standards from being contested and politicised. In addition to using scientific expertise, politicisation is also avoided by channelling political processes within specific modes of interaction. The mechanisms of participatory and peer accountability can serve such a protective function. These mechanisms do involve possible contestations, but only in specific ways that do not provide room for contestation of the standards themselves as these provide the units of measurement that makes participatory and peer accountability possible. As such, they channel possible contestations to specific depoliticised spaces and refigure them as interactions between organisations and civil society or between different organisations.

Depoliticisation does not always succeed: proposals for ecological standards and indicators or water quality objectives often meet with severe debate, criticisms, and opposition (Rametsteiner et al. 2011, Turnhout 2007). Such debates are not limited to the field of expertise as standards can be important sites for societal resistance, when for example citizens use standardised methods for the monitoring of air quality in creative ways (Ottinger 2010). As such, standards can have political effects as they yield results that are employed for or lead to political contestations. In other words, they do not only provide a clean way to 'steer at a distance', but can also become a 'conduit for contamination' (Barry 2002:280). Moreover, ecological classifications have been shown to be negotiable and can be used in support of social or political goals (Waterton 2002). This means that neoliberal techniques such as standards and performance measurement do not simply reproduce neoliberal rule, but that their performance is negotiated in and shaped by their local application in practice. In this regard, it may not be surprising that environmental concerns have historically been the most political effective resources of resistance against neoliberal projects (Higgins et al. 2008). The struggles, contestations, and negotiations that take place around standards are not some type of break with these standards – and the programs and technologies behind them –, but the very condition of their existence (Lemke 2002).

Reflecting on the above discussion, we can identify two types of processes that standards can simultaneously be a part of. First, they can be part of processes of control and disciplining. In order for these processes to occur, a political activity of depoliticisation is necessary in which standards are presented as objective and are protected from contestations. When successful, these processes lead to the extension of control by the actors that engage in this political activity through the disciplining of environmental and human subjects. Second, standards can also be used in support of social or political goals by creatively negotiating these in local contexts and using them for societal resistance. Both processes are believed to occur simultaneously, as full depoliticisation is not deemed possible and depoliticisation itself requires continuous political activity (Barry 2002). Therefore, the question whether water

quality standards lead to an opening up or a closing off of the policy process is ultimately a question about how these standards are situated in relations of power. Giving lower-level authorities a degree of competence to set standards themselves, as the WFD does, is a good example. Whether these actors deal with this responsibility by faithfully carrying out measures in order to meet water quality standards or whether they use it to shape these processes in their own way is a matter of how they position themselves in a field of power: whether they succumb to the disciplinary force of the WFD, or whether they manage to creatively adapt the methods and techniques of the WFD to their own goals. National or local contextual factors such as the institutional history of water management, the strength of civil society, or the administrative culture of the state therefore all contribute to whether water quality standards are locally adapted or whether they are resisted and contested (Bonal 2003).

In the ideology of NPM, performance standards and auditing processes lead to a mode of accountability that is based on results. In the WFD, these results can provide a basis for participatory and peer accountability (Sabel and Zeitlin 2008). However, to situate standards in a field of power brings two important issues to the fore. First, the question arises to whom the transparency or disclosure of results are directed (Gupta 2008): whether that is to the central state, to the European Commission (EC), to interest groups, and/or to peer organisations. Second, the question arises what it is exactly that is made accountable: whether information is standardised or not (Gupta, 2008); whether accountability is about the processes of ‘control of control’ (Power 1994) or the actual state of water quality; and whether the purpose of accountability is to make informed decisions or to empower lower levels of government and civil society (Gupta 2008). In other words, to situate standards in a field of power raises the question in what way and to what extent the practices of water policy in the Netherlands are invested in the methods and techniques of the WFD (Law 2009). This includes the governance actors of the WFD, but also distinct aspects of ‘the natural world’; of water systems that participate in such social processes of ‘giving account’ (Mansfield 2003). Importantly, the mode of accountability that emerges from this situatedness of water quality standards is a contextualised rather than a universal one. To understand how such a mode of accountability takes shape, the next section highlights the *performativity* of knowledge.

Performativity: convergence and resistance

The concept of performativity as pioneered by the work of Judith Butler (1990) is often used to refer to ‘the disciplining and production of subjects through institutions and particular practices’ (Tucker 2005:46). When applied to expert models and standards, performativity shows how knowledge produces the reality it aims to describe. As Callon (2007:231) explains: ‘scientific theories, models and statements are not constative; they are performative, that is, actively engaged in the constitution of the reality that it describes.’ As such,

knowledge appears as a constitutive force, rather than a neutral vehicle for representation (Pickering 1993). Only those items that are measured and represented can be made to count and are taken into account. Conversely, what is not measured, is not known, will not be represented or taken into account and will not become part of the world (as we know it). In other words: only what is counted counts (Turnhout and Boonman-Berson 2010). This aspect of performativity is called convergence (Bowker 2005).

Although the process of convergence can be seen to be rather deterministic, the previous section has discussed how standards can also include resistance and afford scope for political action. Resisting convergence may involve deliberate practices and strategies that constitute political action (Tucker 2005, Buizer and Turnhout 2011). This specific form of political activity uses creativity in order to change outcomes, or to make – hidden – political statements. Not only actors can be seen to resist convergence, but nature as well. Arguably, nature resists representation as ‘classifications [...of nature...] seem to perform in highly unpredictable ways, dependent upon often un-envisaged contingencies and local contexts, and shooting off in unanticipated directions.’ (Waterton 2002:197). As classifications only become real as they are continually and repetitively performed (Bowker and Star 2000), there is always the possibility for change to enter in, even when following strict scripts (Waterton 2010). Consequently, the concept of performativity highlights the contingency of outcomes in the sense that no act is inevitable in the form that it takes (Waage and Benedictson 2010). The two processes of convergence and resistance – in the form of political action and in the form of unpredictability - make clear that standards perform in multiple ways.

By highlighting the contingency of how standards perform, the concept of performativity is sensitive to processes in which the possibilities for contestation and/or negotiation are closed off or opened up (Thrift 2003). On the one hand, it does this by highlighting the process by which the world is made to conform to and converge with our abstract models of it (Carrier 1998). On the other hand, it does so by stressing that knowledge performs on the amalgam of nature and society in ways that bring in agency, unpredictability, and change. As such, the concept of performativity, by highlighting processes of convergence and resistance, brings out how standards can be deployed both in a depoliticised and in a politicised way and how this impacts on accountability. Moreover, the specific nature of environmental quality standards allows us to invoke the concept of materiality so as to include the following three dimensions of the performativity of standards: how they come to constitute reality through processes of convergence, how they offer a site for political activity, and how they behave in unpredictable ways. The following section uses these dimensions of performativity to discuss how accountability was shaped in the implementation of the WFD in the Netherlands.

The performativity of water quality standards in the WFD

Water quality standards and processes of monitoring and reporting have a central role in the governance processes of the WFD (Sabel and Zeitlin 2008). As the analysis below details, they impact which waters are managed for water quality and which are not, they provide a reference for what measures to improve water quality are taken, and they co-define policy goals. They have this central role due to the formal requirements of member states to report to the EC about the water systems and quality objectives they identified, the monitoring networks they set up, and the management plans they designed to improve water quality. The member states set water quality standards using a method that is defined by the EU in the legal text of the WFD and that draws on different 'quality elements' such as aquatic flora and fauna, and uses a 'natural, undisturbed state' or ecologically pristine condition as a reference. In line with the scientific character of these quality elements, ecological experts have gained a prominent role in the implementation of the WFD in the Netherlands, as they created water quality standards, set up monitoring networks, and measured and reported water quality. The Netherlands presents an interesting case to study the performativity of the water quality standards of the WFD as there was considerable pressure to come to results and little time for scientific debates about how to measure and evaluate water quality. This has shown quite visibly how several methods to establish water quality standards were devised and used, how official reports were repeatedly adjusted or diverted from, and how adjustments continue to be made today.

The material for the case study was collected by means of in-depth interviewing of ten experts, two workshops, and document analysis. Interviewees were selected based on their involvement in the WFD, on the role they had in the production, use, and evaluation of the water quality standards, and to include a strong variety in expertise and institutional affiliation. Moreover, two reflection meetings were held on the role of ecological knowledge in the WFD implementation process with a group of another eight experts. In addition, extensive use was made of official and other policy documents, including drafts of the water quality standards, their final versions, documents that related concrete water quality standards for water bodies, evaluation reports, and monitoring results. Finally, the results of further research on the implementation of the WFD in the Netherlands carried out by the author (Behagel and Turnhout 2011, van der Arend and Behagel 2011) were used to be able to assess the role of the water quality standards in the broader implementation process. The empirical examples that are described in the three subsections below were identified by the interviewees as key issues in the creation and use of water quality standards, monitoring, performance assessment, and expertise.

Constituting water quality

According to article 5 of the WFD, all member states had to complete, by the end of 2004, a detailed analysis of the characteristics of their river basin districts, including a review of the



Figure 2: WFD and non-WFD waters in the Netherlands

pressures and impacts of human activity on surface and groundwater, and an economic analysis of the use of water. A web communication by the DGXI states: “The results of these analyses serve as a starting point and a source of information [...] which the River Basin

Management Plans (RBMPs) and the Programme of Measures will be built upon' (European Commission 2012). Part of the characterisation of the river basin district was to identify the water bodies that would fall under the WFD. This has been a highly selective process that left a large number of waters outside of the scope of the WFD. First, in order for a water to be designated as a water body, it needed to have a substantial geophysical size; in practice above 5 square kilometres of water surface. As a result, many smaller waters are not considered WFD water bodies. Next, a typology had to be made of all the types of waters that were present in the Netherlands. To this purpose, 55 types of water bodies were drafted by a group of ecological experts and over a 1000 waters were designated as WFD water bodies. Only 900 of these made it to the article 5 report. After the initial article 5 report, the typology of water bodies was 'revalidated' and in the concept RBMPs that were published by the end of 2008, only 35 of the original 55 water types had remained. Moreover, of these 35 types, now only 27 were actually used to identify water bodies. In addition, of the original 900 water bodies that were reported in 2005, by the time of 2008, 623 remained as a result of the combining of smaller water bodies into larger ones.

One consequence of these processes to identify the WFD water bodies was that a substantial amount of waters were not held to be representative for the water system. Although no absolute figures are available, most respondents estimate that around 60% of the Dutch water system consists of non-WFD waters. Figure 2 shows both WFD and non-WFD waters in the Netherlands, based on GIS-data. Some of these non-WFD waters have high biodiversity values and are so-called 'water pearls' (Planbureau voor de Leefomgeving 2008b), which used to take a prominent place in the management of waters by water boards¹⁷. However, as budgets are limited and the WFD has taken a central role in water policy, funds are now first and foremost directed towards WFD water bodies. This is expected to lead to a deterioration, or at least a lagging behind of the water quality of non-WFD waters. One respondent related an anecdote on how the management of amphibian pools was completely forgotten by a water board, leaving the pools to turn into huddles of sand. Thus, the identification of water bodies was the first step towards constituting water quality in the Netherlands according to the water quality standards of the WFD.

Creating larger water bodies did not only mean that smaller waters would not become representative for the whole water system, but also that more water bodies could be designated as heavily modified or artificial. Water bodies in the WFD are designated by one of three statuses: natural; heavily modified; or artificial. A body of water is in principle designated as natural. However, when a water body is substantially changed in character due to human activity, it can be designated as heavily modified. Finally, when a water body is created by human activity, it can be designated as artificial. Depending on their status, different objectives are set per water body, with higher objectives being set for natural bodies

¹⁷ Water boards are regional water authorities. The Netherlands has 26 water boards.

than for heavily modified and artificial water bodies. Figure 3 gives an example of how this works. Consider a brook that consists of three parts: part one (blue) contains hard concrete river beds, part 2 (green) flows freely, and part 3 (red) has been channelized (taking out natural bends in the river flow). This brook can be split into three water bodies: one artificial (blue), one natural (green), and one heavily modified (red). Although this would mean that you would have three different objectives for the three water bodies, the fear was that – since water does not stop flowing on the border of one water body to the next – the highest objective of the natural water body would become critical for the selection of measures that needed to be taken for this brook. However, if the same brook is identified as one water body that is heavily modified, a lower objective will become leading for the whole brook. Depending then on how a water body is identified in terms of type and size, monitoring requirements and objectives change, which in turn translates into what measures will be taken, and what is considered the current status of water quality of this water body.

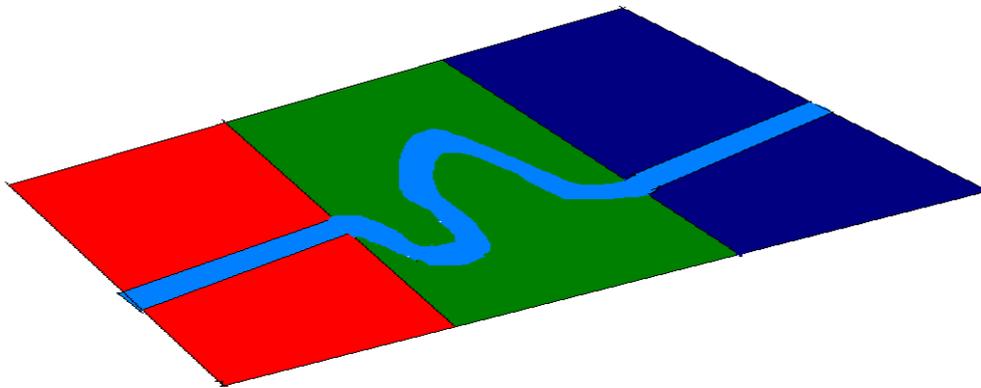


Figure 3: Schematic example of a brook split in three water bodies

Because water quality is defined in terms of 6 quality elements - chemistry; hydromorphology; phytoplankton; macrophytes (surface plants) and phytobenthos (bottom plants); benthic invertebrate fauna; and fish fauna - measures are specifically designed to address these elements. Moreover, as the quality elements are described in terms of a reference to an ecologically pristine condition, measures are more likely to be designed to mimic such a condition. Meandering offers a striking example. The re-meandering of rivers and brooks is one of the most common measures that is scheduled to improve water quality in the Netherlands. Re-meandering diversifies the flow of water, decreasing water flow in the centre of the river and increasing it in bends. Such a single measure addresses three out of six quality elements: hydromorphology, macrophytes and phytobenthos, and fish, and is therefore an appealing measure to choose. Re-meandering doesn't give a river back its natural flow, which would mean a constantly changing river bank. Nevertheless, it does resemble a natural, undisturbed state in terms of hydromorphology more closely and will score higher on that element. Moreover, the diversification of water flow will also bring a higher diversification of macrophytes, phytobenthos, and fish, leading to a higher score on those

quality elements. A similar popular measure that forms a substantial part of the programme of measures is the creation of soft river beds. Soft river banks allow for more plant life and can serve as breeding grounds for fish, again addressing multiple quality elements. Yet, the effect of these soft beds on overall water quality is uncertain, and many interviewees expressed scepticism about their impact on water quality. As in the example of re-meandering, the natural reference that informs the water quality standards appears to be driving these measures. Natural waters have soft river beds, and it is relatively simple to recreate this condition. Importantly, both measures do nothing to reduce nutrient pollution, despite the fact that this is the major source of water pollution in the Netherlands and likely to mitigate the potential effects of re-meandering and the creation of soft river beds on macrophytes, phytobenthos or fish diversity. In general, the problem of nutrients pollution is hardly dealt with in the programme of measures. This is partly due to the fact that water authorities have little or no authority over agricultural policy, which is formulated centrally by a different ministry¹⁸. Thus, the majority of measures taken by the Netherlands is aimed at recreating (or to be more precise: mimicking) natural ecosystems, rather than addressing pressures by pollution and this is illustrative for how water quality standards have begun to start constituting waters bodies in the Netherlands.

Water quality standards as sites for politics

The WFD's water quality standards did not only lead to convergence but also triggered resistance. Following a political uproar over the WFD in the end of 2003 (Behagel and Turnhout 2011), the Ministry of Traffic, Public Works, and Water Management (V&W) published a 'strategy note' (Verkeer en Waterstaat 2004) that actively sought to protect the agricultural sector from possible detrimental effects of the WFD. The note recognised that the standards for water quality provided room for political manoeuvre and proposed to characterise as many water bodies as possible as either heavily modified or as artificial because this would avoid the setting of what were considered unduly high ecological standards. The aim of the note was to evade the requirements of the WFD and it did so by using creativity and procedural 'tricks'. As the note explains, it was considered important to come to a:

[...] provisional characterisation of water bodies: If possible water bodies will be characterised as artificial or heavily modified because that will create room for the government to weigh and select objectives and measures. (Verkeer en Waterstaat 2004)

One member of the national parliament even went as far as to propose to characterise as many water bodies in the Netherlands as possible as artificial, giving the rationalisation that

¹⁸ In the specific case of the Netherlands, non-point pollution by agricultural use is regulated on a national level by the implementation of the EU Nitrates Directive (EC 1991) and handled by the ministry of Food, Agriculture and Nature Quality. It is kept separate from the implementation of the WFD.

the most of the Netherlands are below sea-level and therefore artificial in itself (Tweede Kamer der Staten-Generaal 2004, July 1). Although this proposal was not completely adopted by the junior minister, and the lower governmental bodies of the water boards had their own authority to characterise water bodies, about 95% of the water bodies in the Netherlands ended up being characterised as either heavily modified or as artificial. This is by far the highest percentage in the EU – the average being 16% -, only followed by Belgium at just over 50%. According to many of our interviewees, this was clearly a political decision. There are waters in the Netherlands that have been regarded as natural by ecologists for decennia and have not been modified over centuries, yet that are still characterised as heavily modified water bodies in the WFD. The article 5 report of 2005 also required member states to indicate which water bodies were at risk of not achieving good ecological status or good ecological potential after the first implementation period of RBMPs between 2009-2015. The Netherlands designated 98% of water bodies at risk of not reaching the water quality standards against an EU average of 40%. The rationale behind this was to prepare the EC for the Netherlands not achieving its objectives in 2015: Risk assessment [should not be] optimistic but realistic, otherwise there will not be legitimate grounds for the possible phasing of the reaching of objectives or the lowering of objectives in 2027' (Verkeer en Waterstaat 2004).

Designating water bodies as heavily modified or artificial does not in itself result in the lowering of the ambitions for water quality because the ecological reference remains the yardstick by which to assess water quality. However, it does give water authorities the opportunity to set standards for each water body individually and lower them. They used a number of strategies to lower water quality standards. As a first strategy, the so-called 'Pragmatic method'¹⁹ was widely used. This method does not take a natural condition as a starting point but sets a maximum ecological potential by listing all the measures that can be taken to improve water quality. Then, the water quality standards are arrived at by removing all measures that would prove too costly to carry out (for example buying large quantities of agricultural land and turning it into nature area). The standards are thereby no longer derived from a natural situation but, pragmatically, from the measures that are considered feasible and affordable. A second strategy was to place a water body at risk of not achieving its objective. This downplayed the necessity of taking measures, even those that were identified as feasible and affordable. In a way, it was already creating an argument for why the WFD's deadline of 2015 would not be met. As a third strategy, water authorities further lowered water quality standards for heavily modified and artificial waters by integrating surrounding land use and local contexts in the objectives. For example, a group of water

¹⁹ This method was first devised in a meeting in Prague, (in Dutch: Praag), and contains a reference to the word 'pragmatic'. It is a pun.

boards in the Meuse river basin in the south of the Netherlands created a taskforce to make templates or ‘dummies’ for specific types of heavily modified water bodies. These dummies operate from the assumption that the pollution pressures resulting from a predominantly urban or agricultural environment cannot be changed and they therefore no longer used a natural standard to measure quality. Yet another strategy of some water boards was to not adopt the full list of species that was described in the quality standards. For instance, they argued that when a specific type of water plant had not been native to a region for over a hundred years, there was no need to include it at all. As a result, the desired water quality became easier to meet. Finally as a fifth strategy, central water authorities made ‘dummy’ standards for artificial water bodies like trenches and channels that no longer referred to any type of natural water at all. Consequently, there was no reason to adopt the list of species described in the natural standards. This resulted in short lists of species to describe each of the quality elements and sometimes the complete omission of one of the quality elements (such as phytoplankton for ditches).

Unpredictable outcomes

In the philosophy of NPM, clearly defined objectives bring about higher efficiency. In order for that logic to work, measures need to have predictable results and monitoring data of water bodies need to be able to show those results. Yet not much is known about the effects of measures on the improvement of water quality and monitoring programs do not always deliver expected results. Moreover, standardisation improves comparability, but also – by definition – negates differences between water bodies. These issues came to the fore in the process of monitoring. Monitoring results did not always line up with the outcomes that were expected based on the measures that were taken. In addition, standards yielded results that were either unintelligible to experts, or undesirable.

As we described above, the Netherlands designated 98% of its WFD water bodies to be ‘at risk’ of not achieving their objectives by 2015. When the monitoring network required by article 8 of the WFD was set up, everyone expected the first measurements to show all water bodies to be below the ‘good ecological potential’. Yet that was not the case. Take the earlier example of the brook (figure 3). Although this brook contains natural and artificial elements, the heavily modified character of the brook is leading in the formulation of its quality standard, with the expectation that this will produce favourable outcomes and require affordable and simple measures. However, when a single point was monitored in ‘surveillance monitoring’ (which takes place every six years and is considered to give a representative picture of the water system), it turned out that the water quality of that water body already complied with the standard (figure 4). And, as this single water body (a brook) represented a cluster of water bodies, all these water bodies – in this result – were required according to the requirements of the WFD to not deteriorate below this quality standard. This unsettled water managers: That was quite a scare, an image appeared that did not fit

with the article 5 report where those problems were listed' (expert at consultancy firm, personal communication, 25 May 2010). This outcome was not only unexpected but also undesired, especially since almost all water bodies were designated as at risk of not achieving their objectives by 2015. Accordingly, the monitoring network was revised to include more monitoring points in the scheme of 'operational monitoring' (as represented by the right side of figure 4). Operational monitoring is targeted at the specific quality elements that are decisive in placing the water body at risk with the aim to assess whether the measures that are taken are sorting effect. By monitoring those quality elements that were causing the water bodies to be 'at risk', a more differentiated picture emerged in which many water bodies ended up as not yet achieving their quality standards.

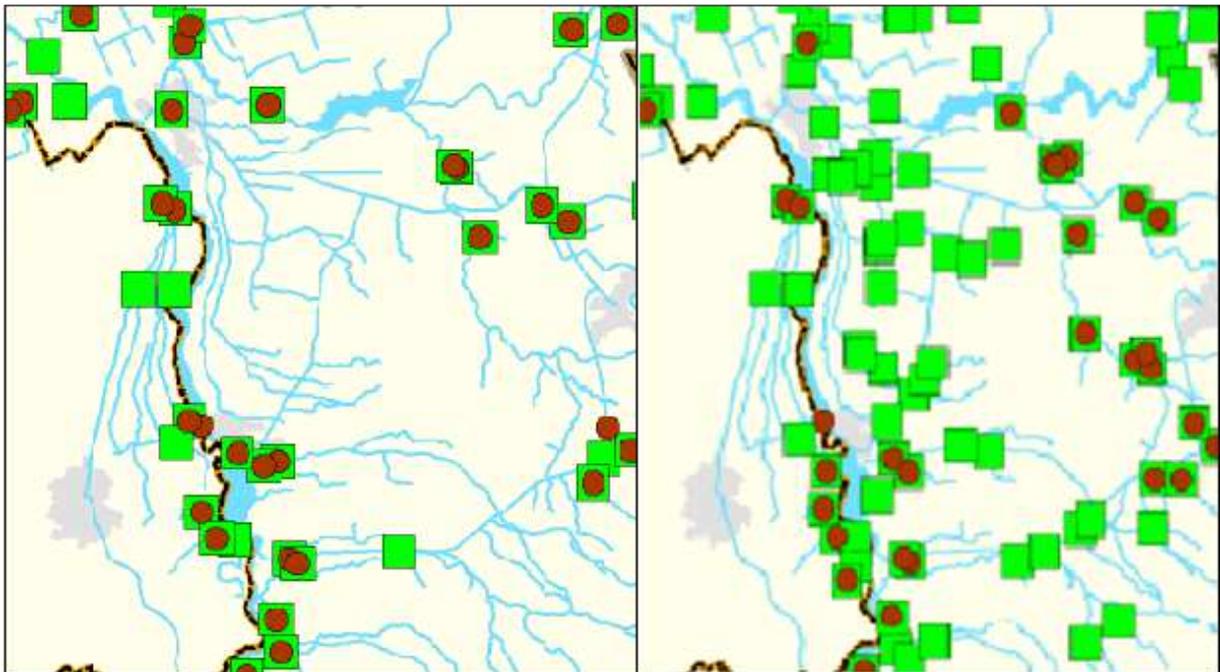


Figure 4: The same chart of operational monitoring for hydromorphology (red, circle) and biology (green, square) is represented two times. To the left is the draft chart of 2007, to the right the official chart taken from the RBMP of 2010.

Unexpected results like the one documented above were common. On the one hand, high status was sometimes achieved when expert judgment said otherwise. 'Then you would get scores of waters of which you could see, the water looked so appalling, and nonetheless you would get a good score, so that couldn't be right' (expert from V&W, personal communication, 14 April 2011). For instance, the quality element of macrophytes was especially prone to score a high status. In some water types, only one specimen of a plant was needed in order to reach a good status. In another example, the quality element of fish showed some very interesting scores on the quality standard as a result of monitoring. This quality element is primarily built up out of fish abundance and of the composition of species, both of which are weighed equally. Now, when there was a very good species composition, but almost no fish in the water, the water body would still reach a good status,

even though experts would not call such a sample representative of good water quality. As one interviewee explains: ‘For flowing waters it is not so much about kilograms per hectare, but about the relationships between species. This percentage of that, well, that is also a shortcoming, because when you catch each group of species in a relationship of 1:1:1, than you might have an abundance of 25 per cent, and this will give you a very good score on the water standard. But you will know perfectly well: I have only caught a very small amount of fish, in reality it doesn’t work here at all’ (expert at consultancy firm, personal communication, 6 April 2011) Another issue was the large number of very young fish, which sometimes made up almost 90% of the sample. This skewed results as fish younger than a year are not representative for longer periods according to experts, and it makes little sense to hold them representative for a the 6 year period that surveillance monitoring is intended to describe. Nevertheless, they do count according to the WFD standards.

Water bodies have not always responded to the measures that were taken in the sense that water quality was improved. Or alternatively, water bodies that according to experts had a low water quality, ended up scoring high on the water quality standards and as a result did not need any more measures to improve their quality. To improve the alignment between expert expectations, political desires, and monitoring outcomes, adjustments were made in the monitoring program and the sampling practices and water quality standards were re-evaluated. More radically, the unpredictable and undesirable outcomes also led to a general resistance to the use of the WFD water quality standards. For instance, water boards often preferred to use the water quality standards that were in use before the introduction of the WFD , or they preferred to use expert judgments over monitoring data to report on water quality. As a senior civil servant working for the ministry voiced it: ‘in half of the cases those people that submitted the score on the water objectives, they didn’t agree with the results according to the WFD method, because it was too high or too low, and they adjusted them on their own authority’ (expert from V&W, personal communication, 14 April 2011). The unpredictable outcomes of monitoring brought to the fore that convergence often failed – in the sense that Dutch water bodies did not successfully align with the set water standards. This directly led to resistance, evoking the agency of experts to trust their own judgement over the standardised measuring of water quality as set out by the WFD.

The performative dimensions of environmental quality standards

In the above, we have demonstrated the performativity of water quality standards and how this involved processes of convergence as well as resistance. The concept of performativity highlights how measuring and evaluating water quality are not just a matter of finding the right classifications of water types, selecting the proper indicators or quality elements, and establishing the most objective quality standard. It shows how measuring and evaluating water quality involves the constitution of reality while at the same time it brings unpredictability and political action. Already in the first step of the classification of water

types and the designation of water bodies, selection and marginalisation were brought about (Law and Urry 2004) as WFD water bodies were put in the centre of water management while other waters, for example waters with a surface smaller than five square kilometres, are excluded from the WFD and pushed into the periphery. The examples of re-meandering and creating soft river beds demonstrate that similar processes occurred with the selection of measures that led to convergence of WFD water bodies with the presumed pristine condition of waters as described in the WFD standards. This exemplifies that by classifying waters and creating standards, reality is not so much represented but actively constituted (Callon 2007). Also, we see processes of depoliticisation and marginalisation taking place: water bodies are being disciplined by standards into certain shapes that mimic what are taken to be natural conditions in ways that do not offer room for alternative images of water quality. Experts and water managers are part of these process as they feel compelled to perform the WFD methods of standardisation and evaluation and direct funds to measures that contribute to reaching the WFD's objectives.

The analysis has also demonstrated how both people and waters resist. What would count as a water body – and what not – had been subject to negotiation from the start, and continued to be under negotiation up until the publication of the RBMPs. In these processes, water quality standards became sites for political action as methodologies for identifying water bodies and formulating water objectives were employed to lower ambitions of environmental protection. Finally, although water quality standards produce a specific kind of reality and can become the site for politics, their performativity also entails unpredictability (Waterton 2010). We have seen how monitoring led to unexpected results, due to the unpredictability of how ecosystems behave. Moreover, we highlighted how the uniformity that standards inevitably represent could not be unequivocally imposed upon practice. Each water body, all things considered, is unique as a result of its circumstances and will behave in a similar unique way. This resistance that was carried out both by the political actions of governance actors and the unpredictability and unruliness of waters to being standardised brought about processes of politicisation and an opening up of different ways of evaluating water quality. Water quality standards were contested and tinkered with by experts and water managers; and flexible and alternative ways of evaluating water quality were used. Processes of resistance therefore appeared to bring democratic values such as inclusion and multiplicity whereas processes of convergence brought about the extension of control over waters and the disciplining of experts and water managers into a rationality of pristine waters.

While there is a considerable literature on de disciplinary and depoliticising effects of standards and other calculative techniques (e.g. Dean 1999, Guthman 2008, Robertson and Dale 2002), less attention has been paid to how knowledge and expertise can act in contradiction with the objectives for which they are deployed (Higgins and Larner 2010,

Waterton 2002). This last point is important in order to critically engage with claims to new modes of accountability that are associated with standardisation. The case showed that the role that water quality standards, monitoring, and reporting played in creating accountability towards the EC stimulated these standards to become sites for political action. First of all, the resulting strategies and tinkering with water quality standards undercut accountability towards the EC as measures and monitoring were designed to fit with what was considered desirable to report. Second, it also undermined mechanisms of participatory and peer accountability as monitoring results could not be used by interested citizens and civil society organisations to assess the performance of the government in enhancing water quality. In processes of resistance, the purpose of water quality standards was reduced from making informed decisions or empowering lower-level actors to complying with formal requirements. As standards were adapted to local contexts and as monitoring and reporting became based on expert judgement rather than on the WFD standards, performance measurement and evaluation in the WFD became the 'control of control' (Power 1994) rather than the means to make water quality transparent to different state and non-state actors. The water quality standards of the WFD in the Netherlands were not able to provide a basis for the channelling of political action in forms of participatory and peer accountability as they became sites of political action themselves. Consequently, a new mode of accountability was not achieved. Instead, an 'outdated' form of accountability that is based in the processes and procedures within a hierarchical system of bureaucracy in which experts and water managers remain answerable to elected politicians prevailed. Contrary to the ideology of NPM, such bureaucrats were not evaluated based on their performance in improving water quality, but on the processes of reporting water quality standards in line with political choices to lower environmental protection ambitions.

To conclude, this article has shown that agencies also make standards *not* work and argued that by showing the unruly and contradictory effects of standards one does not only show how standards sometimes fail to perform, but that this unpredictability is a key dimension of the performativity of standards. Thus, although standards can be seen as *not working* according to set objectives or intentions, this does not mean that they do not *do* work. By including the dimensions of political action and unpredictability we have shown how the concept of performativity can be employed to produce a rich account of power and resistance, and of the creative and contextualised ways in which quality standards perform in practice. In order to interpret practices of power and politics in their many aspects, accounts of the disciplinary power of government programmes that critiques of neoliberalism offer and accounts of the convergence between systems of knowledge and reality need to be supplemented with stories of resistance and descriptions of local sites of action and agency. In our view, it is exactly in the exchange and meeting of processes of convergence and resistance that performativity 'happens', that power effects become real, and that agency is

exercised. Such an approach to performativity gives diverse and heterogeneous accounts of standardisation practices, and shines new light on what it is that standards actually 'do'.

What institutions do: grasping participatory practices in the Water Framework Directive

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Published as: Behagel, J.H. and S.H. van der Arend (2013). What institutions do. grasping participatory practices in the Water Framework Directive. In: Arts, B., J. Behagel, S. van Bommel, J. de Koning and E. Turnhout, eds. *Forest and nature governance: a practice based approach*. Dordrecht: Springer, 69-88.

Abstract

The EU Water Framework Directive (WFD) requires member states to organise public participation in the implementation of the Directive. In the Netherlands, neither the great effort put into organising such public participation in the WFD nor the numerous participatory processes that have taken place have been evaluated very positively by societal groups. This dissatisfaction leads us to question to what extent it is possible to design and organise participation that the organisers experience as successful and the participants accept as legitimate. In this chapter, we apply the practice based approach to analyse both the organisation of public participation in the Netherlands and the ways in which participants have used and experienced it. The chapter draws on literature on institutional design, practice theory, and public participation in order to describe the practice of participation and the logic it exhibits. The case study of the design and organisation of public participation in the context of the WFD in the Netherlands shows how newly introduced participatory institutions were introduced in an effort to reorder the three fields of practice in which participants were situated: the public sphere, the governance network, and the economic sphere. Our findings show that the participants' logic of practice changed very little. These findings are not to be interpreted as a disincentive for the institutional design of public participation, but rather as a call to policy makers and academics to pay due attention to the fields of practice in which actual or potential participants are entwined and to the principles that implicitly guide these actors' doings and sayings.

Introduction

Under the Water Framework Directive (WFD), which came into force in 2000, EU member states are required to adapt the institutions that organise their water management in accordance with the model of integrated river basin management (Biswas 2004, Rauschmayer et al. 2009). The WFD introduces river basins as the primary unit of management through a number of formal requirements, such as the drafting and reporting of River Basin Management Plans (RBMPs). In the process in which these RBMPs are drafted, informing and consulting the general public is legally required; whereas active involvement of interested parties is to be encouraged. The WFD – in preamble 14 – states that public participation is a key factor for successful implementation:

The success of this Directive relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public, including users. (European Commission 2000: preamble 14)

Consequently, article 14 of the directive calls for the active participation of societal groups:

Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans. (European Commission 2000: article 14)

Although this is not a *de jure* requirement to organise participation – one can imagine ways of encouraging participation without actually organising it – it is so *de facto* (Rauschmayer et al. 2009), specifically in combination with the reporting requirements stipulated by the WFD. Indeed, in common with most member states, the Netherlands have taken article 14 of the WFD as a strong incentive to design and organise participation: In the years leading up to the publication of the RBMPs in 2010, Dutch government officials have created or modified a considerable number of participatory institutions in order that they might play a key role in the process of implementing the WFD. During an interview conducted by the authors, the national coordinator of the implementation of the WFD in the Netherlands at the time commented on his own role as follows:

Every year we have made governmental notes built up by following the line: first, societal groups, then the bureaucratic considerations, and then the political arena. We have organised everything: [the national consultation body], three times a year the sounding boards in the [sub-river basins], and below that the area based processes. This structure has been fully directed so that it has become unavoidable [...] for all the groups to be confronted with [public participation]. We fully staged that in order to drag everyone into the process.

The quote shows that participation had been deliberately designed to actively involve all societal groups and that considerable effort was made to organise formal participatory processes.

Even so, the organisation of public participation in the WFD has not been viewed as particularly successful by everyone in the Netherlands. An evaluation of the implementation of the WFD in the Netherlands carried out by Delft University of Technology (Ten Heuvelhof et al. 2010) revealed that officials and civil servants were generally positive and believed that societal groups had been listened to sufficiently, whereas most societal groups did not (Ten Heuvelhof et al. 2010:78). Several societal groups (e.g. those for nature conservation, recreation and drinking water), have felt frustrated with what the participatory institutions offered, and sometimes dropped out of participatory processes. This divergence of opinion and experience is remarkable, given the effort invested in organising participation. Other than being remarkable, it also raises the issue of legitimacy. When societal groups become frustrated with participatory institutions and do not feel listened to, this can have detrimental effects on democratic legitimacy (Abelson et al. 2003). Furthermore, when societal groups pursue venues outside of formally organised participatory institutions to accomplish their goals, it can undermine the authority of these institutions (Lowndes et al. 2001).

The diverging valuations of processes of participation led us to question to what extent it is possible to design and organise participation that is not only successful in the eyes of organisers, but is also legitimate in the eyes of participants. Research on participation in water management by Cleaver and Franks (2005) has shown that designers and organisers alike often have an unrealistically high level of trust in the efficacy of participatory institutions (see also De Koning and Benneker, this volume). Moreover, institutional approaches to participation can be criticised for a failure to understand the social, cultural and political contexts in which participation takes place (Cleaver and Franks 2005, Fischer 2006). Accordingly, we set out to find out how the design and organisation of participation in response to the requirements set by the WFD affected participatory practices in water management in the Netherlands. To this end, we apply a practice based approach to the design and organisation of participation. We will focus on what participatory institutions do and how the established practices of participants resist being shaped. By drawing on practice theory, we conceptualise the introduction of new (participatory) institutions as more or less deliberate attempts to change different fields of practice. The disparity that we encounter between the considerable effort invested in organising participation and the negative evaluation of a number of aspects of the resulting participatory processes by societal groups will be fleshed out by showing the tension that unfolds between purposefully designed participatory institutions and the established fields of practice in which participants are situated. We identify three fields of practice, which are (1) the public sphere, (2) the

governance network, and (3) the economic sphere, and analyse how or to what extent practices were changed with the introduction of participatory institutions.

The chapter offers a reading of participatory institutions and practices in the context of the implementation of the WFD in the Netherlands at the levels of the nation, river basin, and region. In the following section, we will describe how we understand the linkages between institutions and practices in a practice based approach. Next, we apply this understanding to shed light on the case study that we carried out. The case study is confined to the Netherlands and spans the period from the adoption of the WFD in 2000 up until the publication of the RBMPs in 2010. It addresses both national and regional levels of public participation and was carried out with specific attention to the participatory practices. That is to say, we did not follow formal events only, but also examined informal forms of participation. The case study draws on 23 qualitative open interviews conducted in 2008 and 2009, approximately one year after most regional processes had concluded and at the time when the RBMPs were drafted, of which some are cited in the text (see Annex 2). During the interviews the interviewees were asked to give their own historical account of the implementation of the WFD, occasionally being prompted with key events by the interviewer. In addition, the interviewees were asked to give their personal opinion on the implementation process. The interviewees were selected on the basis of their participation in organised participatory processes, presence in governance networks, and snowball sampling. The final section discusses the limits of institutional design. It does so both in terms of the possibility of achieving democratic and governance ambitions by deliberately introducing institutions, and in terms of the extent to which participants view participatory institutions as legitimate. We conclude by offering an answer to the question of whether it possible to 'grasp' participatory practices.

What participatory institutions do

According to Goodin (1996), institutions serve as collective constraints for individual agents and groups who pursue their respective projects. In addition, institutions shape the patterns of human interactions and the results that individuals achieve (Ostrom 1992). Ostrom (idem) defines an institution as the set of rules that is followed by a set of individuals. These rules impact on incentives, which means that institutions operate in an indirect manner to achieve or frustrate outcomes. In other words, institutions are simultaneously enabling and constraining and are never directly concerned with the output of a project or a policy process, but rather with the practices in which these outputs come about. They work on these practices by creating spaces where interactions take place and by setting the norms and rules of the game.

Designing new institutions for public participation entails the creation of new spaces where governmental and societal actors can meet (Cornwall and Coelho 2007) and the

introduction of new roles (Rowe and Frewe 2005) that imply certain norms and rules of conduct. Thus, designing institutions for public participation entails two major elements: first, creating a participatory meeting place in space and time and establishing its boundaries (for instance, a series of workshops in a community centre); and second, setting up formal, generally accepted roles, norms, and rules of conduct within these boundaries (e.g. an independent chair, unanimous decision-making procedures, the type of stakeholders invited, certain methods for conflict resolution, etc.). However, as in liberal democracies governmental and societal actors usually already have spaces where they interact, and do so according to established norms and rules, participatory institutions do not so much create practices where formerly there were none, but instead can be considered to be an attempt to change existing practices. In order to understand what these attempts imply, we now describe in some detail how we conceptualise practice.

We understand a practice to be an ensemble of doings, sayings and things, situated in, and performative of, a specific field of activity. Such an ensemble has a logic of practice. When we use the term logic, we do not mean to say that such a practice fully conforms to a set of rules, but rather that ‘practice has a logic which is not that of logic’ (Bourdieu 1977:109). A logic of practice is able to organise the doings and sayings of actors by means of a few generative principles (Bourdieu 1977). Such principles provide a common sense of how interactions take place (Blackmore 2010). As a logic of practice is defined by its practical relation to a situation, it is most often implicit. The situations that define a logic of practice do not occur at random, but are constituted in a field of practice. A field of practice, on an abstract level, is a system of positions and relationships among positions (Costa 2006). Concretely, actors and institutions occupy these positions by creating spaces, assuming roles, setting norms, and following rules. A logic of practice is implied in the relationships between these positions and cannot be reduced to one of them.

A field of practice and its logic unfold in time and space. In other words, actors and institutions are *entwined* in practice (Sandberg and Tsoukas 2011); they do not come into being separately, but emerge and become real in their mutual relationships (Giddens 1984). This gives practice a certain materiality or embodiment which ‘tends to guarantee the “correctness” of practices and their constancy over time, more reliably than all formal rules and explicit norms’ (Bourdieu 1990:54, cited in Sandberg and Tsoukas 2011:344). In other words, the spaces, roles, norms, and rules that make up a field of practice tend to fit the principles or logic of practice that govern the doing and sayings that make up a practice as such. What is correct in a practice is therefore not so much an issue of truth or the following of formal rules as it is the fit of a practical logic with the field of practice.

Given our understanding of practice, we view participatory institutions as a deliberate attempt to change the structure of positions in the field of practice with the aim of introducing new principles or a logic of practice. By designing a space where participation

take place, new situations are created that reorder the field of practice by creating new relationships between established positions (e.g. of state and civil society, or between business groups and NGOs). Moreover, the devising of roles, norms, and rules of conduct causes positions to shift or new positions to be created. When a field is reordered according to these new situations and positions, the result can be the emergence of new generative principles in the logic of practice. For example, some deliberative democrats seek to create ‘ideal speech situations’ through discursive designs that create the role of a facilitator who can mediate between actors and thereby change their relationships to one another (Dryzek 1987).

The field of practice in which actors are situated constitutes a meaningful, unfolding totality, and not a set of isolated and abstractly linked variables such as interests, rules, resources, incentives, or goals (Bourdieu 1990, Sandberg and Tsoukas 2011). That is to say, organisers and participants cannot be fully detached from the roles they play outside of participatory processes, nor can participatory institutions provide isolation from the wider fields of practice in which officials, civil servants, and participants are situated. Such fields of practice inevitably entail an uneven distribution of resources and a diversity of interests that are at odds with each other (Costa 2006). As such, a field of practice in which a logic of practice takes shape will necessarily be characterised by different and probably conflicting principles of action, as well as by power inequalities. Therefore, the idea of a universally applicable model of design is challenged by a practice based approach. The variability and dynamics of the fields of practice in which the design is introduced, and the inevitable shaping of this design in the field of practice make each participatory institution unique. Moreover, we see participatory institutions at work in different fields of practice simultaneously, as they cater for different goals.

We identify two main groups of goals of participatory institutions: democratic and instrumental. Democratic goals that are often ascribed to participation include public acceptance, empowerment, inclusion, consensus building, and deliberation (e.g. Beierle 1999, Rowe and Frewer 2000, Webler et al. 2001, Cooke and Kothari 2001, Innes and Booher 2004, amongst others). These goals are often linked to a specific field and logic of practice. They are aimed at extending and improving the public sphere. When we consider goals such as public acceptance and empowerment, then these can be understood to seek to extend the public sphere in the direction of (and sometimes at the cost of) government. Democratisation of the workplace, neighbourhoods, or the educational system are goals long held by participatory democrats (Arnstein 1969). Goals such as consensus building and deliberation are more aimed at improving or transforming the public sphere, by improving the quality of engagement and deliberation by the public (Fung 2003) and by having arguments take precedence over the positions of actors (Calhoun 1993). As such, democratic goals can be seen to direct the design of participatory institutions towards attempts to change the field and logic of practice in the public sphere.

The instrumental goals we identify entail the improvement of decisions and policies, policy efficiency and efficacy, and goal achievement (Lowndes et al. 2001, Woltjer 2002). These goals direct participatory institutions more towards the role that they can play in strengthening or creating governance networks (Sørensen and Torfing 2005), in the wake of the shift from government to governance (Pierre 2000, Arts and Leroy 2006). They are thus aimed at extending and strengthening governance networks that take on functions that the state is no longer willing or able to take on by itself. The aim of instrumental goals of participation then is to change the role of societal actors from bystanders to active participants in policy making, and from those that are demanding action by the state to partners in implementation. Instrumental goals also include the goals of the participants: to promote their stakes and values given a limited amount of time and energy (van der Arend and Behagel 2011). Participants engage in participatory processes to achieve things that would be difficult or impossible to achieve through their private efforts (Fischer 2006). So they operate in an economic sphere, in addition to a public sphere and governance networks. We will describe the field and logic of practice of the public sphere, the governance network, and the economic sphere in more detail in the following section, and let them structure our subsequent analysis.

Fields and logics of practice

The first field of practice that participatory institutions can be seen to work in is the public sphere – the open, visible space of deliberation and meaning-making where interests and perspectives are articulated, exchanged and confronted, issues are put on the agenda, and public opinion somehow emerges. As a field of practice, the public sphere is characterised by voluntary relations based on shared convictions and habits. The fully established organisations and less organised movements in civil society are a crucial element in the on-going process of group formation, association, and dissociation that is the public sphere. They often articulate interests, values, and viewpoints before these are explicitly expressed or consciously felt by those they seek to represent. Between stakeholder organisations a continuous game of relative positioning may be observed: an on-going movement of associating and dissociating. Representative organisations engage in public opinion formation, disagreement, taking sides, forging coalitions without ever coalescing permanently with another organisation, seeking centre stage for the interests represented, expanding the group they speak for, etc. All this is led by voluntary association, goal achievement, and public visibility as a key logic of practice.

A second field of practice in which participatory institutions are at work is that of the governance network. Unlike the relationships in the public sphere, relationships in policy networks are characterised by mutual dependencies, by sustained direct interaction between actors, and by a certain level of professionalism (van der Arend 2007). The relationships include lobbying, partnerships and the pursuit of legal options. A central notion in

governance thinking is to conceive of governance networks as foci for a new form of public management: network management (Kickert et al. 1997). This managerial perspective is closely related to the notion of institutional design of participation. Both work from the assumption that it is possible and desirable to externally design and organise other people's practices. To design institutions for public participation means to create new formal places where governmental and societal actors can meet and where new principles of action (including implicit rules and norms) can be introduced.

A third field of practice is the economic sphere in which participants are situated. Societal groups are organisations that need to efficiently convert resources into results (Mayer 1991: 62). Accordingly, participants act according to economic principles of efficiency and scarcity. Participants have to negotiate salaries with their staff, hire affordable office space, choose strategically between their own multiple goals and possible courses of action, and secure their income. Different types of participants have diverging ways to acquire and reproduce the means necessary to represent and pursue their goals. Some stakeholder organisations are operated on the basis of voluntary or obligatory membership, others get the bulk of their income from government funding. In some organisations, most of the work is done by volunteers; others are mainly run by a professional staff. Such differences relate to diverging positions in the economic field, with specific advantages and flaws under specific circumstances.

The practice of participation in the WFD in the Netherlands

Below, we will show how the introduction of participatory institutions during the implementation of the WFD in the Netherlands worked on each of three fields and logics of practice described above. Our aim is not only to ascertain how successful participatory institutions were in changing the logic of practice according to one or more of the goals stated above, but also to provide insight into why participants often undervalued the legitimacy of these institutions. In Section 4. 4.1 we describe how public participation was designed and organised for the implementation of the WFD in the Netherlands. We then move on to the practices of those who were expected to make use of the newly designed institutions as participants: the employees of NGOs and interest organisations with a stake in river basin management. We will show what the participatory institutions did in the three fields of practice in which these participants were situated. Section 4. 4.2 describes how the participants are positioned in the public sphere as representatives of social interests, values and groups. Section 4.4.3 shows that participants are situated in a governance network in which they engage into the practice of governance. Section 4.4.4 situates the participating organisations in an economic sphere. In each of these sections, the field of practice is described as an ensemble of spaces, roles, norms and rules with an operational logic of practice. The impact of the participatory institutions on the order of the field and the logic

of practice is analysed as it occurred during the implementation of the WFD up until the publication of the RBMPs 2010.

The design and organisation of public participation in the WFD

Although the WFD encourages participation, it does not offer a set of prescribed measures to achieve or promote public participation, but only offers a limited set of design choices (Ker Rault and Jeffrey 2008). That is to say, there is no blueprint for the implementation of public participation. In general, the lack of detailed guidelines is inherent to the nature of framework directives, as it is the responsibility of EU member states to implement them. To stimulate active involvement, a number of official participatory institutions have been created in the Netherlands over the years. In 2004, a new structure for intergovernmental cooperation between different levels of government in the Netherlands on water policies was introduced, that mirrored the division of the sub-river basins²⁰. It became the primary institutional context for the implementation of the WFD, with the similarly newly created 'Coordination Office of Dutch River Basins' (CSN) as its organisational hub. At this point, the department of Water Works at the ministry of Transport, Public Works and Water Management (V&W) began to put in place the formal organisation of active involvement in the implementation process at the national level. The main participatory institute at the national level was a deliberative body of societal groups (Overlegorgaan Water en Noordzeeaangelegenheden (OWN)), which was linked to the junior minister of V&W. The status of this body was to advise on general issues, based on consensus. The same societal groups were also invited to contribute their knowledge in thematic clusters within the structure for intergovernmental cooperation. The civil servants at the ministry did not design public participation at the regional level, as they had no wish to interfere in what they called 'the bottom-up process' of the WFD and the responsibilities and decisions of the lower tiers of government in the country (municipalities, provinces and regional water boards²¹).

Most local and regional governments at the sub-river basin level in the Netherlands began implementing the WFD in about 2005. The officials responsible in each of the seven sub-river basins devised similar structures. The main regional societal groups in a sub-river basin participated in the deliberative body of a sounding board that offered advice on general managerial issues. One level lower, and slightly later, the water boards all set up their own sounding boards, which consisted of societal groups. In 2006 and 2007, the water boards also organised so-called 'regional processes', to discuss and decide upon the regional goals and measures to be reported to the EC in the River Basin Management Plans (RBMPs). In total, there were 140 of these regional processes in the Netherlands. In most sub-river basins,

²⁰ In the Netherlands, there are sub-river basins of four international river basins, the Rhine, the Meuse, the Scheldt, and the Ems. In total, seven sub-river basins exist in the Netherlands.

²¹ Water boards (*waterschappen*) are sector-specific regional authorities that manage water quality and quantity. These authorities have the right to levy tax and have an elected board.

the main actors to participate were the municipalities. In some cases, local and regional stakeholders were in the same committee as representatives of the lower tiers of government; other water boards organised separate sounding boards for societal groups.

The three levels at which formal public participation took place showed differences, as well as similarities. The differences between national, river basin and regional level bodies are mainly in the topics discussed during meetings. At national level, there was scope to discuss a general view on the implementation of the WFD. OVN dealt with the overall progress of the implementation of the WFD and the associated legislation, general measures (such as the appointment of water bodies and the setting of ecological standards), and economic and societal costs. In turn, the sounding boards at sub-river basin level dealt with managerial issues, decisions, and reports. At the regional level of the water boards and the regional processes, participants were mostly involved in the planning of measures. At this level, measures for attaining water quality goals were discussed in terms of their feasibility, cost, desirability, and efficiency. The style of the design of the participatory processes was similar in the three levels of participation, but differed in the issues that were discussed. At all levels, the participants were generally ‘the usual suspects’: those societal groups that were mostly already taking part in water policy issues. Furthermore, all participatory bodies had an ‘advisory’ status, which is to say that decision-making power remained in hands of the respective water governors, such as the water boards, the provinces, and the junior minister of V&W. Advice from the national body (OVN) to the junior minister had to be consensual, which meant that all the parties represented in OVN had to agree. The sounding boards at the river basin level were mostly consultative. They were primarily designed to reflect and comment on management plans, and not so much to develop policy. At the regional level, the sounding boards and working groups at the level of the water boards and the ‘regional processes’ were strongly involved in the selection of water quality measures, although they had no formal decision-making power. The selection of measures was sometimes set up as a joint process, in which societal parties together with civil servants from the water boards and municipalities would identify a set of measures during a number of meetings. At other times, societal parties would work in separate sounding boards. Both types of meeting were usually heavily directed by civil servants from the water boards – who would be present in considerable numbers – or by independent consultancies, depending on the water board in question. Participation at all levels worked on the fields of practice in which the participants were situated, as we will now discuss.

Extending and improving the public sphere?

Organised public participation requires the establishment and design of new public spaces, where new roles (including implicit rules and norms) can be introduced. In the spirit of Article 14 of the WFD, a new public sphere would help stakeholders to do their representational work: to promote the goals of their constituencies in the implementation of

the WFD and the drawing up of RBMPs. This spirit may be interpreted in several ways, such as to empower stakeholders and be inclusive, to promote cooperation between stakeholders, or to foster public deliberation on water quality and integrated river basin management. In the various sounding boards and workshops that formally took place in the process of implementing the WFD in the Netherlands according to these interpretations, a number of issues came up. In terms of empowerment, decision-making power was kept firmly in the hands of the formal authorities in the existing institutional structure: the national designers of participatory processes and their organisers were reluctant to give up their decision-making power. The organisation of participation led to a greater inclusion of societal groups in water policy, but the general public remained all but absent. Accordingly, when we conducted our interviews in 2008 and 2009, many respondents stated that in their view there was no real active involvement of interested parties (let alone of the public).

Yes, participation in the WFD is threefold, isn't it? Informing the public takes place and so does consultation. But if you consider active involvement, then I still have to say: [Government officials] are not fulfilling that requirement. They do not give body to ...the active involvement. (R1)

This representative of an environmental group did not feel empowered to influence decision making. Interestingly, not all groups that participated considered this to be a problem: the agricultural and business groups in particular stated that they were content with an advisory role. In general, they were satisfied with how governmental authorities were handling the implementation of the WFD and considered themselves to be monitors of the process, rather than active participants. As such, they were comfortable with the position created for them. At regional level, greater participation was possible. The joint search for a programme of water quality measures that was organised by most water boards gave some power to societal organisations initially, albeit informally. Interviewees characterised some of these processes as a good way to secure their interests: they made sure that their interests were mentioned in management reports, and in some cases even wrote text for inclusion in reports. In addition, societal groups (the organisation for water recreation, HISWA, for instance) contributed actively and creatively to the selection of measures. However, in most cases the submitted texts and creative measures did not make it to the final documents:

And then what happens? Then in the final documents that issue has been moved to the appendix. The whole recreational boating sector is no longer mentioned in the main document; it has been completely removed. (R2)

There were several reasons why the input of some interest groups did not make it to the final documents. In this specific example, it was a result of institutional boundaries between ministries. The ministry of V&W, which handled the WFD, was not allowed to make judgments about boating, as this was the domain of the Ministry of Agriculture, Nature and

Food Safety. Other reasons to exclude measures at a higher level were costs and the fear of committing to measures vis-à-vis Brussels. This shows that not only participants but also officials were sometimes uneasy about the reordering of the field of practice by the organisation of participation. Positions were held tight and leadership of decision-making processes was not relinquished. In such instances, the lack of formal decision-making power led to disappointment among societal groups and eventually reduced their involvement in the organised participatory processes. The principles of empowerment and decision making based on arguments rather than positions were not shared by all the actors involved and meant different things to those who did adhere to these principles. The possibility for the principle of empowerment of stakeholders to become part of a logic of practice in the public sphere was thwarted by the lack of uptake of the outcomes of participatory processes in formal decision making.

The principle of cooperation has not been given great attention in the design and organisation of the participation in the WFD. Nonetheless, some design choices have led to more cooperation. For instance, the fact that OWN could only give consensual advice obliged its constituent parties to come to a common understanding. Similarly, the joint search for a programme of measures led to a reordering of the field, in so far that societal groups needed to deal with each other and work together. In the Netherlands, most societal groups are on speaking terms and uphold a certain ethics of ‘professionalism’ (see section 4.4.3), which means, *inter alia*, that they are transparent about their interests and the actions they take to pursue them. As such, increased cooperation can be explained by the strong institutional constraint that the demand of offering advice unanimously poses and the already existing principle of professionalism. However, the principle of cooperation that was part of the participatory processes did not always transfer successfully to the public sphere. For instance, after a programme of measures had been selected in a regional process and had to be made official by the water board and the province, the following happened:

After [the selection of a programme of measures] everyone starts to shout and yell and everybody gets mad: nothing should happen in that nature area, LTO²² and the farmers who live there say. And subsequently the water board says ‘there is no popular support’ and the province says ‘there is no popular support’. Well, nothing happens then in the end. (R3)

The quote shows how a logic of practice was successfully changed in the practice of participation, but that it disintegrated – so to speak – immediately after the participatory process was over, when actors reverted to established principles of representing the interests of their constituencies. These principles proved to be more reliable than the principles that a participatory process could bring.

²² Dutch Federation for Agriculture and Horticulture (Land en Tuinbouw Organisatie)

The degree of empowerment that participants experienced, their positions in the public sphere, and the way in which participants are accustomed to pursue their interests largely determined how at ease they felt with the positions offered by the newly designed participatory process, and this also influenced how willing they were to be part of such a process. Differences between participants can be ascribed to diverging interpretations of the spirit of active involvement, and also to how well the spaces and roles that participation offers match the field of practice in which participants are situated. Sometimes, participants have the same expectations, and sufficient institutional restraints and incentives are put in place to reorder a field of practice to such an extent that its logic changes, as was the case with increased cooperation. But more often, the goal of extending and improving the public sphere through principles of empowerment and deliberation failed, as both governmental and societal actors felt more at ease interacting from their established positions. Participatory venues could change the field of practice temporarily, but could not be said to successfully transform the public sphere. In the entwinement of practice, the practices that constitute a public sphere depended not so much on design choices but rather on the pre-existing logic of practice.

Changing the logic of the governance network

As actors and institutions are constituted only in the entwinement of practice, the very existence of stakeholders and representatives indicates that they already 'do and say' according to a logic of practice. This section illustrates how a logic of action in a governance network hindered the workings of the meeting places organised in the WFD. Despite their already overwhelming number, the formally designed participatory events were definitely not the only meeting places where governments and stakeholders discussed the new EU water policies and plans. The governance network in which decisions about the WFD are discussed and influenced was not as clearly demarcated to a specific time, place and sector as the institutional design of participation assumes. Although it had a certain unity, it was made up out of nested and overlapping networks that spread through time and place, and covered several policy fields. At regional level, the major, broader field of practice for our interviewees was the regional network where civic and governmental policy professionals discuss and negotiate planning issues in general; i.e. the entire range of policies regarding water, environment, spatial planning, nature, economic development, housing, agriculture, and so on. At national level, the network seemed slightly more confined to the separate policy issue of water, as water is more closely linked to a single ministry and field of expertise.

In the interviews on participatory practices, representatives of societal groups mentioned many other places where they tried to exert their influence on the WFD implementation. These places differed from the newly designed participatory places in that they were either informal, not clearly demarcated or not newly created, or all of the above. To most NGOs, some of these informal, blurred, and pre-existing places for participation were more

important and more effective to further their goals than those formally designed for it. This employee of a regional nature organisation told us:

We focus specifically on the people who hold the pens, the people who write these WFD plans. [...] For instance at the water boards, in the end it is they who write the River Basin Management Plans and the Programmes of Measures. Well, we succeeded to contribute a lot to the Programme of Measures for the WFD. [...] Like Natura 2000, the WFD is an enormous circus. [At the formal meetings] half the day is spent explaining the directive, because at each meeting there are always new people, time and again. So at one point we said: this is a waste of time, were not going there anymore. Because we just want to communicate our preferences directly. (R3)

In other words, the spaces for public participation and the roles such participation offered did not link up with the logic of practice in governance networks on how to influence policies and plans. Likewise, employees of societal groups used and expanded their contacts in the municipal councils, the water boards, and other groups, to influence the implementation of the WFD. Others worked directly with individual farmers to make covenants to carry out specific water quality measures on their own land. That is to say, these parties continued to perform the logic of practice that they were accustomed to.

The same set of key stakeholders and decision makers in a region or in a broad national policy field encountered each other and interacted frequently on many occasions, both formal and informal. One of our respondents related how people influence the political agenda informally and come to define formal policies:

They meet at a party and tell each other: I have this problem, I am annoyed by that issue. And they pull out their diaries, and plan an informal meeting, like: we should discuss that issue one day. [...] A small group of three, four, five people, key figures, meet each other two, three times at a social gathering. And two or three times they hear: I'm working on this issue, or I've got a problem with that issue too. And then, at some point they have the same sense of urgency, and they find a moment. And then it takes place not at a party, but in a meeting room. In the corridors [at the social gatherings, parties, etc.] they test the water [to find out] what the problems are. And when several organisations have a shared problem, then they start with informal meetings. [...] And then they give it a name, like: we'll call it a covenant meeting. And sooner or later this word shows up in a newsletter, and government gets to know about it, and they pull up a chair as well. And that's how it gets a life of its own. And then at some stage it is official. Then it is a policy. (R4)

Certainly, this description of the policy process is not new. Policies have come into being like this for ages. That does not mean that the informal institutions in such networks are

universally agreed upon or invariable. For instance, this same respondent said how much she welcomed the fact that the relationships in the networks in her region were slowly becoming less personal and more professional. In the words of Bourdieu, they were becoming 'objectified' (Bourdieu 1977: 187). With this picture of governance networks in mind, one comes to understand the limited efficacy of designing spaces for participation. What can be designed is formal meetings, where decisions are made public and official. In many ways, however, these decisions have only a limited impact on the logic of practice by which things are said and done.

The main thrust of instrumental goals of improving decision making, policy efficiency, and goal achievement is for participatory institutions to introduce new roles for participants to become active in policy formulation and partners in the implementation of measures, thereby changing the logic of practice in that field. Accordingly, preventing other participatory activities was not an aim of the ministry of V&W either, as it explicitly stated that, next to the officially organised meetings at the national level, 'the NGOs involved were free to use other channels available to them to advocate their interests' (Ovaa and Ottow 2006: 8). Societal groups did indeed often act as active partners in governance, but according to our respondents this was not so much the result of participatory institutions. Much more, it was an existing practice that was made up of roles, rules, and norms that could not easily be practised in participatory processes because of the alternating composition of parties that participated in and the largely informative set-up of the meeting. Nonetheless, the spaces for participation were conducive to increased and professionalised interaction between societal groups themselves and between them and government (national, provincial or local). They provided space for interaction and could formalise the input of participants. As such, the logic of practice of a governance network does not mainly consist of the rules and norms in the books of administrative law, or of the consensus-based roles in the formal participatory exercises. Rather, it is couched in a field of practice that has informal rules of engagement in the networks of people with relevant positions in administrative, political, public and civil organisations.

The economics of participation

Goal achievement is a major issue for any stakeholder. If societal groups cannot publicly exhibit their activities directly, they should be able to present solid results of what they do to their constituencies. This is not only a matter of accountability or representation, but also of creating resources by securing funds or time from members or obtaining subsidies. These resources need to be spent economically. The great number of participatory processes surrounding the implementation of the WFD in the Netherlands did not match well with the capacities and resources available to participants. A frequently heard comment was that there were simply too many participatory processes. Most societal groups found it took too

much time, effort, and knowledge to participate in all the participatory sessions organised. One of the respondents described this vividly:

During the participatory processes a lot of parties dropped out [...], also because it was all very technical – the information you receive – and it's all during working hours. And there is also no remuneration: you have to pay for it yourself. [...] In the end it was only us larger parties. [...] I asked VNO-NCW²³ to join, but they could not manage that in terms of staffing either, because there were so many regional processes happening simultaneously. (R4)

The WFD implementation process totalled over 150 distinct participatory bodies which met frequently and put great pressure on societal groups. Most groups were invited to participate at every level at which participation took place, and it was not uncommon for one individual to attend the national deliberative body as well as multiple sounding boards connected to the sub-river basins. Similarly, some of the people who participated in the water board meetings and the regional processes also participated in the sounding boards of the sub-river basins. These overlaps can mainly be attributed to the fields of practice in which participants were situated before participation in the WFD was introduced: many societal groups engage with government at national level in order to further their goals and simply do not have many employees. Consequently, water policy is usually not the only issue that these individuals need to address:

For those business organisations [to participate in all meetings] is just very difficult, because it is just a part of your workload. And, regrettably, a small part at that. There are so many different subjects about which you need to know something because there is no more capacity within your organisation. (R5)

Public participation started relatively late, especially at the lower level of water boards. As most participatory meetings at this level focused on programmes of measures, many events had to take place in a relatively short time period. The sounding boards of the sub-river basins were also pressurised by the high pace of the WFD implementation process. As a result, large amounts of information were circulated just days before sounding boards would meet, which meant that those who lacked the time or knowledge to process the information were unable to participate meaningfully. One respondent (R6) described this pace as 'killing'. The complexity of the WFD exacerbated the difficulty for societal groups to participate in a meaningful way. According to the national coordinator:

The inner circle, those who are directly involved in the implementation of the WFD, consists of about a hundred people, within the Netherlands. The next circle of people already has a lot of trouble following the process. (R7)

²³ The Confederation of Netherlands Industry and Employers (VNO-NCW).

Indeed, the WFD is so complex in terms of ecological goals, monitoring requirements, and administrative demands, that it became very difficult to comprehend for people who are not involved with it daily. According to one respondent (R8), not even the governor of the water board could keep up, so how could stakeholders, let alone the public? In this sense, complexity issues had their effect on the capacity issues of societal groups as well. Although most groups have local departments or affiliations, these lower-tier organisations were mostly unable to cope with the level of knowledge required. What was more, discussions floundered in complex issues that no one could really make clear sense of. The question of whether the WFD set 'obligations of intent' or 'obligations of result' became extremely contentious in the Netherlands (see Behagel and Turnhout 2011). It occupied elected officials, civil servants, lawyers, and interest groups for years, without ever resulting in common understanding. Fear of these 'obligations of result' resulted in many policy measures that had been proposed by interest groups being left out of programmes of measures. So, complexity not only led to unease among participants, but it also negatively reinforced the attempt to establish a new logic of practice in participatory processes. Ignoring the measures proposed during participation caused frustration, especially in environmental groups, and subsequently diminished their involvement.

This section shows that public participation in the Netherlands needed to draw on a highly skilled and thoroughly organised civil society in order to be meaningful. Such a civil society was not equally developed at all levels, and nor could it be, given the confines of the economics of representation. This is not surprising if we consider that the societal groups were shaped in the entwinement of the positions they already inhabited and the principles they were implicitly following. Groups accustomed to lobby at national level, such as VNO-NCW, could successfully participate in national venues, but did not have enough staff to send delegates to the regional meetings with the water boards. Groups more concerned with representing values and having a high public profile, such as the environmental groups, were present at many levels and thus had to deal with an enormous amount of work and complexity. Capacity issues overloaded civil society in general and reduced the impact that participatory processes could have had on the logic of practice of participants. As the participants realised that it was unlikely they would achieve their goals in the participatory institutions of the WFD, they did not wholeheartedly inhabit the spaces and roles that these venues offered.

Conclusion: grasping participatory practices

Our analysis shows that fields of practice are not level surfaces, but are very uneven terrains with a diversity of positions and outlooks that cannot be smoothed out by participatory institutions to create a level playing field for all participants. Indeed, the impact of newly designed institutions in such terrains is uneven, and often reproduces or skews the existing positions and roles in a field of practice. Moreover, the way in which different spaces created

by the design of participatory institutions were suitable for participants to pursue their goals depended highly on the different practices that participants were entwined in. Additionally, some positions created by the reordering of a field of practice were more acceptable to some participants than to others.

In general, we have seen how the design of participation can fail to take into account the existing field of practice in which participants are situated, and that this reduces the impact that the organisation of participation can have on the logic of practice that participants are engaged in. A failure to empower participants diminished the possibilities for participatory institutions to make a real impact on the principles that govern how actors interact in the public sphere. Furthermore, the roles offered by participatory institutions did not align well with the existing logic of practice of the governance network. Although the spaces created by participatory institutions were conducive to higher modes of interaction in the governance network, they mostly offered formalisation of interactions in the governance network *ex post*, thereby attracting attention away from the main forms of political action that societal actors engaged in (Fischer 2006). Like all formal, public meetings on policy, a public participation event is only the final act of an emergent, yet carefully nurtured process of informal decision making constituted by a logic of practice that is stronger than the incidental design of official places, norms, and rules that are enacted during a limited number of formal participation meetings. Another major factor contributing to the impact of the newly introduced participatory institutions was the huge strain they put on the resources of participants, making it difficult for them to meaningfully engage in the policy process. Consequently, many participants shunned the participatory venues and instead continued to influence policy making within the logic of practice they were accustomed to. As such, the institutional design and organisation of participation seemed to be no more than a semi-conscious effort to change the ordering of a field of practice and the logic of practice that participants follow.

The introduction of participatory institutions was convincingly incentivised by article 14 of the WFD and succeeded in that many occasions for participation were available for participants, and societal groups attended these events. But the democratic and governance ambitions that are often associated with the introduction of participation were less convincingly present in the design of the participatory institutions, and neither did they amount to a considerable change in the practices of participants. The various normative and instrumental goals proved partly contradictory and can be seen to require trade-offs. For instance, being inclusive of a wide range of societal actors was experienced as hindering decisive action in governance networks. But the informal lobbying strategies that are accepted ways of interacting in a governance network were equally considered to infringe on the democratically selected measures in regional processes. Moreover, by placing too much strain on the resources of participants, neither democratic nor instrumental goals were likely

to be met. The result of all this was that participants became frustrated and disappointed in what participatory institutions had to offer.

The disappointment of many societal groups in the participatory institutions of the WFD has seriously harmed the legitimacy of the institutions, and possibly even the entire WFD implementation process in the Netherlands (Ten Heuvelhof et al. 2010). In academic literature, legitimacy is generally conceptualised as consisting of two dimensions: acceptance and justification (Bernstein 2011, Behagel and Turnhout 2011). Acceptance as legitimacy usually refers to the outcomes of policy making, but can equally be applied to the rules of policy making and the institutions that play a role in this process. In this respect, the participatory institutions of the WFD in the Netherlands do not score very high in terms of legitimacy. We can trace this low level of legitimacy to the mismatch between the spaces and roles that these institutions created and the field of practice that participants are situated in. Justification as legitimacy depends on the actors' goals and on whether actors see these as worthy of aspiring to. Here, the survey of Ten Heuvelhof et al. (2010) reveals a more mixed picture. Actors who were comfortable with the logic of practice in the governance network considered participation mostly from an instrumental perspective, and although there were some mismatches with their field of practice, did not judge it negatively. Those who sought empowerment and transformation of the public sphere were less satisfied, as on the one hand the design of the participatory institutions left them wanting in terms of empowerment, and on the other hand the limited impact of participatory institutions on the public sphere could not realistically bring about a turn towards deliberation. Our focus on practices shows us that legitimacy cannot be achieved by design alone. For instance, participation that is more specifically tailored for a single purpose, such as strengthening democracy, is likely to erode the enthusiasm required for participation, policy making, and improving water quality, as it leaves less opportunities to engage in the accustomed and reliable interactions of the governance network.

Neither the designing of participatory institutions that specifically cater to a certain set of norms and goals, such as 'empowered participatory governance' (Fung and Wright 2001), nor the providing of 'recipes' for the public sphere (Fung 2003) is as interesting as discovering how an existing logic of practice is already available to build upon. Rather than trying to accomplish lofty democratic ideals by a standard recipe, or to pragmatically grasp all the potential of governance networks to further the instrumental goals of improving water quality, it would be more in line with our understanding of participatory practices to approach participation from a more open starting point. Allowing various actors to engage with each other in the ways they are accustomed to and building on and incrementally transforming established logics of practice promises to be a more productive way of actively involving societal groups in policy making. Like all meetings, any new event can be a breeding ground for new informal contacts and relations, producing new informal

institutions and outcomes, and leading to new ways of doing and saying. As such, the democratic and instrumental value of direct, informal contacts between governments and civil society, however opaque, conflict-ridden and asymmetrical they may be, should not be underestimated. They can help us trace and understand participatory practices and the ways in which they are impacted by newly designed participatory institutions. Thus, the notion of participation as practice opens up a mode of research that to us seems much more interesting and challenging than a generic, criteria-based evaluation of formal participatory institutions (as for instance proposed by Chess 1999 or Rowe and Frewer 2000). Those who ascribe all the outcomes, successes and failures of public policy making to institutional design and the formal spaces and roles of decision making, fundamentally misunderstand the nature of policy practices and will be groping at participation, not grasping it.

Annex 2: List and dates of interviewees cited in this chapter (all interviews were in Dutch and have been translated by the authors)

R1: A spokesperson for *Natuur and Milieu* (an environmental organisation), 31 June 2008.

R2: A spokesperson for HISWA (the organisation for the Dutch water sports industry and water sports enthusiasts), 17 July 2009.

R3: A spokesperson for *Stichting Het Zuid-Hollands Landschap* (a provincial landscape protection foundation), 8 April 2009.

R4: A spokesperson for *LTO Glaskracht* (the platform for greenhouse horticulturists), 17 April 2009

R5: A spokesperson for *Bouwend Nederland* (an association for the construction industry), 9 April 2009.

R6: A spokesperson for *Stichting Reinwater* (a foundation fighting water pollution), 15 April 2009.

R7: National coordinator of the WFD in the Netherlands, 2 July 2008.

R8: A spokesperson for *Milieufederatie Zuid-Holland* (a provincial environmental organisation), 7 April 2009.

What participants do. A practice based approach to public participation in two policy fields

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Published as: Arend, S.H. van der and J.H. Behagel (2011). What participants do. A practice based approach to public participation in two policy fields. *Critical Policy Studies* 5(2): 169-186.

Abstract

The rise of public participation in policy is an integral part of the shift from government to governance, and is presented as the best and most appropriate answer to requests for democratic policymaking. Both in official accounts and in the work of scholars, participation is situated in a discourse that combines a deliberative ethics with a managerialist pathos. This discourse has two important omissions: the neglect of the role of power in participation, and the poor coverage of the activities of participants. To remedy these omissions, this paper proposes a practice based approach to the study of participation. Two case studies of participants' practices are presented: one dealing with spatial planning, the other with qualitative water policies. The case studies show similarities and differences in practices of participation. These are related to the values that participants hold, the roles they adopt, and the context in which they are situated. The paper concludes that power relations in participation are only fully understood in the light of a complex field of practice that stretches beyond formal venues and official accounts of participation.

Introduction

Public participation in policy has been on the rise over the last decades, as an integral part of the more general shift from government to governance that has been identified worldwide (Pierre 2000, Bevir et al. 2003, Hajer and Wagenaar 2003, Arts et al. 2006). The discourse of public participation – the language used to write and talk about it – combines a deliberative ethics with a managerialist pathos (van der Arend 2007). Most scholars in the field explicitly or implicitly start from deliberative normative underpinnings and then proceed to scrutinise managerial issues, such as: how to design participative institutions (Dryzek 1987, Fung 2003), how to manage and organise participatory sessions (Young 2000, Innes and Booher 2000, Hajer 2005), which participatory policy method fits which policy setting best (Chess and Purcell 1999), how to evaluate participatory methods (Rowe and Frewer 2004), or how to fit participatory outcomes into formal politics (Warren 2002a). Non-academic writing and speaking of participation follows similar lines (Newman 2005).

Hence, texts on participation are legible on two levels. On a philosophical level, the deliberative ethics are expressed. Here, the texts refer to direct, inclusive, power-free decision making as the highest moral standard of democracy. Thus, these texts draw on the moral standing of the ideal of democracy to advocate public participation as the most appropriate answer to shortages of legitimacy, quality, and efficacy in policymaking. In this reading, the discourse on participation may address a general public as well as specific audiences, such as social democrats (Bevir 2010a) or environmentalists (Dryzek 1990, Owens 2000). On a more practical level – in terms of ‘what is to be done?’ – lies the pathos of these same texts, i.e. the emotional charge that incites action. Here, the discourse of participation primarily speaks to the passions and competences of managers, consultants, and other officials, by expounding how they themselves can enhance democracy by initiating, inviting, organising, guiding, and managing citizens and stakeholders to participate.

The discourse on participation invokes and reiterates a deliberative ethics by nourishing the idea that democracy is improved to the extent that public managers open up policymaking to participants, but without really testing its assumptions in practice. Deliberative ethics are invoked in the concepts of deliberative democracy, collaborative planning, and others, which project a form of power-free public decision making that occurs in a framework of broad public discussion, where all participants can freely debate various issues in a careful and reasonable fashion (Blaug 1999, Innes and Booher 2000, Vitale 2006). The values of deliberative democracy entail authentic dialogue rather than positional bargaining; inclusiveness of interests and parties; diversity in stakeholders; and interdependence among stakeholders (Innes and Booher 2003). Notwithstanding the notion that deliberation implies a distance from the state (Dryzek 1987) and that pleas for participation are often couched in a critique of central government trying to steer or ‘make’

society, the discourse on participation holds that some form of steering is possible and desirable, through the 'staging' (Hajer 2005) or management of participatory processes (Forester 1999, Edelenbos 2000).

Over the last 20 years, a related and overlapping, but not identical body of academic literature has evolved around this issue of managing public participation. It differs from the above mentioned discourse on public participation in that the texts merely express the managerialist pathos and hardly ever explicitly invoke (or deny) the deliberative ethics of participation. Here, a variety of concepts guide the search for and research of methods to coordinate, design, and organise participation, such as network management, interactive policymaking, and process management (Kickert et al. 1997, Edelenbos and Klijn 2006, De Bruijn et al. 2010).

With this paper, we aim to address two omissions in the discourse on participation as it is sustained in these two related bodies of literature: its neglect of the role of power in participation and its poor coverage of the activities of those actually participating (Newman 2001, van Stokkom 2003, Newman 2005, Barnes et al. 2007)²⁴. By pointing out these omissions and contributing to their amendment, we seek to challenge the presumption that managers, mediators, and facilitators can create deliberative, equal, transparent, and inclusive policy processes through the organisation and management of public participation. As an alternative, we propose a practice based approach to the topic of participation, in which participation is what participants do. That is, rather than focusing on managerial questions, we address questions that relate to participants' activities and agency: what is it that they do on a daily basis?; how do they operate effectively in terms of the goals that they set for themselves?; how do they fit organised participatory events in with their daily work?; and how do they shape and develop their own roles and procedures? Inevitably, these questions open up the largely neglected issue of power in participation, as they presuppose effective, conscious agency on the side of participants (and others). Thus, a practice based approach also contributes to the rare studies on power in participatory governance that give meticulous analyses of the power plays going on in invited sessions for policy participation (Barnes et al. 2007, van Stokkom 2003). In comparison, practice based research extends its focus beyond the formal venues for participation and towards the daily practices of participants. In a recent issue of this journal, Jennifer Dodge has made a similar point regarding empirical studies of deliberative democracy: the focus on official, organised settings for deliberation 'overlooks important activities of civil society actors in deliberative politics, particularly at the boundary between civil society and the state where much of the work of transmission happens' (Dodge 2010: 226).

²⁴ Interestingly, also in the field of business administration, this last omission is recognised recently: 'few stakeholder theorists have analysed the motives, identities, ideologies, and tactical choices of stakeholders and their consequences for firms' (De Bakker and Den Hond 2008 :. 9).

In the following, the paper first outlines a practice based approach to participation and then goes on to describe two case studies that were carried out following this approach. The case studies deal with two policy fields – spatial planning and qualitative water management – which are situated in the same regional area and have overlapping time frames. The cases show how rules and agency, roles and organisations, values and interests, and formal and informal participation interfere. Moreover, they show how these interactions are as much based in the daily activities of participants as in the coordination, design, and organisation of formal participatory settings. We conclude by discussing how a practice based approach can account for the role of power in participation, and provides a more integrative coverage of the activities of those actually participating.

A practice based approach to participation

To account for the role of power in participation, a number of scholars have taken up a critical stance towards their object of study (Cooke and Kothari 2001, Smismans 2008, Trenz 2009). Such critical studies usually connect the role of power to the dominance or hegemony of the discourses that are employed by actors in the participation process (Hajer 1993), or to the techniques employed by government that reproduce or steer power relations (Rose and Miller 2010). Notwithstanding the added value of these studies to the understanding of policy practices in general and the role of power in participatory governance in particular, they insufficiently account for the agency of those actually participating. In other words, they still assign a central role to governors and managers with the task and ability to steer social processes (Colebatch 2009), even though they treat this role critically.

Partly in response to the above-mentioned deficits in these critical studies, partly as a logical extension to it, we propose a different approach to the study of participation. To do so, we connect to the so-called practice turn in the social sciences (Schatzki et al. 2001). The practice turn builds on the notion that phenomena such as knowledge, meaning, human activity, power, social institutions, and historical transformation occur within and are components of a field of practices. In the field of policy studies, the practice turn is gaining momentum as well, opening up accounts of the everyday activities of policy actors. Such accounts counter a managerial rationality that works to transcend the contested arena of politics (Wagenaar and Cook 2003) and that builds on a single actor called ‘the government’ (Colebatch 2006). A practice based approach takes a variety of aspects into account, including discourse, norms, values, roles, conflict, and local contingencies, in their mutual interrelationships. Moreover, it understands policies as the collective outcomes of largely uncontrolled interactions in networks of actors; actors who all, to various degrees, both exert and experience influence and power. Furthermore, while a managerial approach to policymaking defines policy problems authoritatively and aims at solutions through intervention, a practice approach is more sensitive to how policy problems are constructed

socially, and how policy solutions are arrived at through processes of structured interaction (Colebatch 2006).

The notion of practice itself seems rather hard to define. On a concrete level, practice may alternately refer to a way of doing, performance, customs and habits, or rehearsal. On an abstract level, the concept of practice serves as an antonym to the mental plane of theory, thoughts, and rules²⁵. This illustrates the ambiguity of the concept of practice. Either practice is something we engage in experientially, or it is something of which we give a second order description, by means of models, discourse, rules, etc. However, practice is rarely conceptualised as both simultaneously. Bourdieu (1977) has sought to deal with this dilemma by introducing the concept of habitus, which denotes the objective structures that are produced and reproduced by historical practice. As such, the structures, rules, norms, and habits that second-order models and discourses on practices describe are re-situated in historical context. That is to say, second-order descriptions of practices influence (but do not determine) historical practice and are reproduced within these practices.

In the field of policy studies, this insight has been employed in the concept of situated agency (Bevir and Rhodes 2006). This concept has two functions. First, the social structure within which actors are situated is accounted for. They are influenced by traditions, beliefs, rules, and discourse. As such, actors are to a large extent what social traditions and institutions make them. Nevertheless, they exert agency in their decisions and actions. While pursuing their goals, actors need to interpret traditions, beliefs, rules, and discourses, and to apply them in real time. This necessarily involves improvisation. In addition, they have the capacity to accommodate new beliefs in an existing web of beliefs; actors may gradually alter and add to the traditions handed to them. These forms of agency are most visible when actors are faced with dilemmas or disruptive events, which force them to adopt alternative or new discourses and perform actions outside of the conventional boundaries of social context. But agency just as well occurs on a daily basis, even when all seems quiet, as people have the capacity to adopt beliefs and routines for reasons other than given by the social structure (De Certeau 1984, Bevir and Rhodes 2006).

These notions shape our understanding of practice as a theoretical concept. A practice, to us, is a set of 'doings' that are related as such, that is: the set exists in and through the doings itself. Doings build on practices, and on the patterns that actors (and analysts) can see in them. Thus, practices proliferate through actions, which simultaneously make for their interpretation and modification. Such interpretations and modifications may be restrained by the effects of particular activities that we call institutionalisation, that is: the translation of practical patterns in more durable forms, such as power relations, laws, written texts, artefacts, etc. (Scott 2001). A practice based approach, then, is a line of research that zooms

²⁵ As in the unaccredited quote: 'In theory, theory and practice are the same. In practice, they are not.'

in on doings and their interrelations. Accordingly, a practice of public participation is defined as the set of doings by those participating in public policy that extends as far as these activities themselves. A study of public participation from a managerial perspective would focus on what happens within the venues formally created for citizens (and their organisations) to engage with public policy. Alternatively, a practice based approach to participation starts from the people engaged with public policy, to study how they perform and organise their participatory doings on a daily basis. In the next section, we specify how we have set up our practice based studies of participation.

Methodological choices

The notion of practice as described above has led us to a number of methodological choices in our studies of public participation. These choices both draw on and depart from well-established approaches to methodology within qualitative research, in particular the step-by-step approach and the ethnographic approach. A step-by-step approach to qualitative research, typically found in methodology textbooks, follows a path that starts with a problem definition; develops research questions; sets a strategy for data collection (interviews, surveys, document analysis, focus groups, etc.); defines questions for interviews or surveys; collects and records data (by transcribing interviews, selecting relevant documents, processing surveys, etc.); and ends with a data analysis (usually based on a theoretical or analytical framework) and reporting (e.g. Baarda et al. 2005). We believe this approach to be unsupportive of our purposes. The one-directional movement from problem definition to data analysis privileges second-order problem definitions over practice, much like a managerial approach to policymaking privileges design over actual participatory activities (Maxwell 2005, p. 2). This problem is recognised by many interpretive policy researchers, most of whom stress that a research approach should be iterative or retroductive (Glynos and Howarth 2007).

Likewise, ethnography provides an answer to this problem, by taking the culture and practices of a group of people under study to define the boundaries of investigation, rather than a pre-fixed institutional setting or problem definition. A practice based approach to participation draws on these ethnographic principles to account for the situational context and the daily activities of participants. Ethnography pays attention to the richness and complexity of practices and more readily acknowledges the cultural and historical roots of practices. However, if ethnography is confined to its main methodological tenet of 'being there', it can be of little use to our studies of participatory practices. The notion of place in 'being there' refers to the idea that direct observation would be the only truly ethnographic method of gathering (or creating) data. In policymaking, however, key arrangements, transactions, and choices are typically concocted along the way, and often in informal places. Key events in policymaking thus tend to occur out of the researcher's – and almost anybody's – sight. More importantly, they are not scheduled beforehand. Typically, the

significance of policy events – as well as the key actors, the main places and the exact definition of the policy problems and their solutions – only becomes evident when looking at the process in retrospect. Some key events are planned and public: the formal performances of decision making, such as voting in parliament. But mostly, and perhaps specifically in the Netherlands, these are merely the concluding movements to the uncontrolled, opaque, meandering processes of opinion forming, strategising, and compromising that run through multiple organisations. When we want to study public participation – i.e. the activities of non-governmental actors in policymaking – this is especially so. The organisation and management of public participation may be seen as an attempt to fix the locations of the action beforehand – but these attempts often fail. For a practice based rather than a managerial perspective, it is vital to look beyond such attempts. Consequently, it is just as problematic to take pre-established places (such as invited participatory sessions or formal decisions) as a starting point for research as it is to take a pre-defined problem definition. Hence, the location of policymaking and participation is necessarily an open question throughout the policy process as well as the research process.

In this light, we used interviewing as our main source of data. In doing so, we bypassed the problem of place uncertainty. A number of interviewees were selected on basis of their participation in formal places that are connected to the practices we intended to study; others have been selected on the basis of relevant documents; and others again have been selected on basis of their prominence in the public sphere. In themselves, all of these methods of selection are flawed. Taken together, however, they proved a good tool to initiate interviewing. Lacking a pre-defined problem definition, we have drawn from open methods of interviewing in order to develop questions for interviews as they go (Weiss 1994). This is where we most clearly diverge from a step-by-step research design approach. In the interviews, we did not highlight a policy or a formal participation process, but started from the experiences, activities, concerns, and passions of the person before us, and worked from there. We have asked questions that prompted the interviewees to talk in considerable detail about their careers, their activities as participants, and their daily activities in the field of policymaking. In the conversations, we stimulated our interlocutors to talk about the activities and events that meant most to them, and the situations and experiences these activities brought them. Likewise, we probed for more detail when interviewees mentioned conflicts and disruptive events. Our focus on emotional involvement and personal engagement helped to stay close to the day to day judgments and experiences of participants. Generalised opinions and second-order descriptions were only invoked as rationalised explanations of their actions or practices, and treated as such in the analysis

Introducing the case studies

We have applied our methodological choices in two case studies, which we describe in further detail below. As practices do not have natural or given limits that make them

concrete entities (Bevir and Rhodes 2006), we only loosely coupled our case studies to two broad policy fields, rather than limiting them to one or more clearly defined policy projects, which would show clear boundaries in space and time. The first case study describes how citizens and their organisations have been actively involved in the field of regional spatial planning in the southern part of the 'Randstad', a highly urbanised area in the west of the Netherlands. As part of what we wanted to learn was how participants deal with new, formal opportunities for participation, interviewees should at least have some experience with formal participatory venues. Therefore, we listed the participatory regional planning projects that had taken place in the few years before the case study. About 10 projects qualified. Using this list of projects, interviewees were selected along two lines. The first set of interviewees was found in the 'usual suspects': those non-governmental and interest organisations that were present in almost all of the projects. We found eight such organisations in the case study region, from each of which we interviewed at least one person. Another 10 interviews, with one or two interviewees each, were planned by randomly choosing one non-regular participant from each of the listed projects. Thus, we interviewed a set of 14 people who participated individually or as a member of a voluntary group. Although they were selected from recent projects, the accounts of most interviewees from both sets appeared to go back in time much further. Consequently, the case study report covers a period of more than a decade of participatory activities of all sorts.

The second case study revolves around the activities of participants in the implementation of the EU Water Framework Directive (WFD) in the Netherlands. The WFD, which entered in force at the end of 2000, requires EU member states to remodel their qualitative water management and policies to the level of river basins. Member states had to deliver their first River Basin Management Plans at the end of 2009. Article 14 of the WFD is of specific relevance here, as it commits the member states to inform and consult the public, and to 'encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans' (European Commission 2000). This second case study also features participants from the southern part of the 'Randstad'. In addition, it reports on participants involved in national WFD policies. The case report describes a period of roughly 10 years. Like in the first case study, interviewees were selected on the basis of their experience in organised participatory sessions. In the Netherlands, participation in the WFD was mainly organised in the form of 'sounding board groups'. These are deliberative bodies, designed to advise the local, regional, and national authorities on the implementation of the Directive and the set-up of their share of river basin management plans. These sounding boards mainly accommodated usual suspects, and barely hosted any individually participating members. We have interviewed about 25 regular participants from regional and national non-governmental organisations (NGOs), covering most usual suspects, and allowing for ample variety in size, orientation, backing, and location.

The interviews from both cases were transcribed. These data were supplemented with relevant documents (from written media, policy notes, public reports, pamphlets, and advisory reports) on the events, issues, and organisations mentioned by the interviewees. Further document search was primarily based on the role and prominence that these documents fulfilled for participants' activities, such as influencing public opinion, setting out policy lines, engendering political debate, and legitimising or criticising policy choices. Both cases give an overview of a decade of participation. In our descriptions, we have prioritised the aspects that highlight how a practice based approach challenges managerialist accounts of interactions between state and civil society and re-situates them in practice. The case studies bring out a number of characteristics of participatory practices in the policy fields studied. Specifically, they show that these practices are created and recreated based on values of professionalisation; that roles are adopted with respect to different contexts of organised and unorganised participation; that actor networks cut across authoritatively defined policy issues; and that value conflicts can lead to mobilisation and instances of agency. In addition, the cases bring to the fore how power relations are shaped according to values, discourses, and the organisation of participation or the absence thereof.

Regional planning case

The first case study covers more than a decade of participants' activities in the field of regional planning in the southern half of the 'Randstad', an urbanised region in the west of the Netherlands. This region covers the cities of Leiden, The Hague, Delft, Rotterdam, Gouda and Dordrecht²⁶. In the two or three years before data collection for the case study, authorities in the region had organised about 10 participatory planning projects, for which they invited citizens and NGOs to contribute actively in the making of plans. Although interviewees were selected on the basis of their involvement in one or more of these projects, the large majority of them had been mobilised long before, and mostly through other ways than by an official invitation to participate.

A main mobilising event for many citizens and NGOs in the region had been the emergence of the plan to build a high speed railway line (HSR) in the mid-1990s. Therefore, the case narrative sets off with the tale of the alliance of citizens and NGOs that almost blocked the HSR plan of the Ministry of Transport, Public Works, and Water Management (Verkeer and Waterstaat – V&W). The plan projected a new rail track from Amsterdam to the Belgian border, crossing the relatively open, rural 'Green Heart' area that lies in the middle of the Randstad²⁷. The alliance against the plan was united around an alternative plan from 'engineer Bos', an inhabitant of the municipality of Zoetermeer working at the Ministry of Education. In his spare time, he designed a HSR route passing through The

²⁶ This case study is published in Dutch as a chapter of a dissertation on the rise of participatory planning in the Netherlands (van der Arend 2007).

²⁷ Also see Wolfram (2003), Priemus (2007).

Hague, which would save the Green Heart. Although many participants supported his plan, he never enrolled in one of the organisations or groups in the alliance, and mainly worked alone throughout the whole decision-making process.

In many respects, the tale of the HSR has set the stage for the remainder of the case study period, which covers almost 10 years of participatory activity in numerous events in regional planning in the southern Randstad. Most notably, the ways in which people participated in the HSR alliance corresponded to a limited set of participatory roles that were upheld and developed further in the years following HSR policymaking. Three main roles can be distinguished. Besides the role of ‘engineer’ – the technically oriented, solitary operating participant epitomised by engineer Bos – participants employed two other roles to organise their activities. One role is mainly played by voluntary members of local groups in the region. The other is the role of usual suspect, which is performed by the employees of the larger non-governmental pressure groups in the region.

The usual suspects participated in almost every planning project and attended nearly all formal and informal, regular and occasional meetings on related policies and topics. The case analysis shows that the events around the HSR plan had a large impact on the participatory practices of the usual suspects. On the one hand, the alliance for the alternative HSR track had shown them the possibility and power of cooperating with other participants who had very different concerns and traditions. On the other hand, the alliance had failed to stop the government from building the HSR through the Green Heart. As a response to these experiences, the usual suspects started to – what they called – ‘professionalise’ their participatory practices. In this professionalisation process, they simultaneously:

- altered their organisational structures and working procedures;
- retrained their personnel and hired a new type of employees, strong on communication and negotiation skills rather than on specialised knowledge;
- formed a regional network of usual suspects; and
- established a novel participatory planning practice that they called ‘ontwikkelingsplanologie’ (developmental planning, as opposed to the ‘permit based planning’ dominant in the Netherlands).

In Weberian terms, they switched from a value-rational approach to a functional rational approach of participation (Boonstra 2006).

In functional rational participation, participants identify as stakeholders. They promote the interests of their organisation, rather than the shared values of their supporting faction. Interests are less personal and more distanced, objective, and quantifiable than values, and therefore ready for exchange in a negotiation process. Furthermore, their professional take on participation combined this shift to functional rationality with the adoption of deliberative

principles. For the usual suspects, professional participation particularly indicated a shift from positional bargaining to authentic dialogue. Some of the interviewees even attended courses to learn techniques of 'multilateral dialogue' and the 'mutual gains approach' to negotiation. In this way, the usual suspects in the southern Randstad overcame the value conflicts that used to impede the interactions among them, e.g. conflicts between economic development and ecology. 'Unprofessional practice' became shorthand to blame and exclude participants who were not willing or able to negotiate their goals. The network of usual suspects became very influential in the field of spatial planning in the region. When a broad range of NGOs – former opponents even – backed a certain plan collectively, who was going to refute it? Within their smoothly running network, the usual suspects of the southern Randstad coordinated their activities to the extent that regional planning processes became highly predictable for them .

Meanwhile, the participating local groups on their part tried to protect and enhance the quality of their living environments. Their power to participate mainly hinged on the commitment and creativity of their voluntary members, because as locally oriented volunteer groups, these participants were unable to pacify and coordinate their activities like the usual suspects did. Consequentially, they were trapped in a zero-sum game with rivalling community groups in the region, all trying to keep unwanted spatial developments out of their own vicinities. Between the groups evolved something that could be called the 'polder competition': a battle for open, green space between the rural areas surrounding the cities of the Randstad. The biggest gains in the polder competition were to be found in political support from National Parliament, e.g. when a political majority would label an area as protected 'national landscape'. Therefore, the main strategy of the participatory practices of local, voluntary groups was 'polder branding': creating a unique and positive image of their local environment with the public opinion (cf. Kavartzis and Ashworth 2005). Gains in the polder competition were few, and outcomes were highly unpredictable and uncontrollable for the participants. Generally, the voluntary groups seemed to lose ground to the influence of the network of usual suspects on spatial developments in the region. Still, participation by way of the polder competition gave them a bigger chance of success than trying to partake in the participatory practices of the usual suspects, because they could not live up to the habits and so-called professional standards of the usual suspects.

For engineer Bos and other participants operating individually, the field of spatial planning in the southern Randstad came to look even less appealing. Their particular participatory style leaned on the ideal of rational planning; these 'engineers' wished to be seen as unbiased, reasonable, logical, and cooperative citizens. Hence, the ideal of interest-driven stakeholder participation characteristic for the new participatory modes of governance did not fit their practices well. With the rise of the polder competition and the network of usual suspects, the room left for their mode of citizenship shrunk even further. Occasionally,

however, an individual action of a solitary citizen or an outcome of the polder competition – which both may bring about a sudden change of opinion in national parliament about a certain planning project – would affect the participatory practices of the self-acclaimed professional network, breaching their predictability, and outraging the usual suspects.

‘Government’ was not an outsider to these conflicts between diverging participatory practices. Mid-level governmental bodies, such as the provinces, bigger cities and the regional departments of ministries, were most involved in the network of the usual suspects, and they supported the idea of ‘ontwikkelingsplanologie’ at a regional level. Smaller and more rural municipalities were more dependent of polder branding strategies, and mostly cooperated on a local level with local participants. Thus, the monolithic façade of singular ‘government’ opened up into a plurality of organisations and positions, participating in the field of spatial planning. These organisations had special responsibilities in spatial planning, but not the ability to coordinate participatory practices.

At the end of the case study period, the various participants who started off as allies fighting the HSR plans of the government had turned into rivals employing competing participatory practices. Rather than equalising the balance of power between different types of participants, the very ideals of public participation and active citizenship became instruments in their mutual struggles. Those participants who could claim to be the genuine representatives of the citizens, and those who could most effectively exploit the positive, democratic aura of participatory sessions, got the better positions in the public sphere.

Water Framework Directive case

The second case study deals with participatory practices in policies for water quality, or more specifically: with the activities of participants regarding the implementation of the WFD. The WFD is an interesting case, as it explicitly requires the member states to publish key documents for public consultation and to actively involve the interested parties in the implementation process, especially in the production, review, and updating of river basin management plans (RBMPs)²⁸ (European Commission 2000). The Dutch authorities have followed up on this obligation over the last few years, for instance by organising many hundreds of deliberative sessions, mainly for stakeholder organisations. This case study examines how participants organised their involvement with the WFD and dealt with the vast amount of invitations to participate.

In the Netherlands, civic organisations have been involved in water policies long before the WFD came into force. Water management even precedes the establishment of the modern state. The current 26 regional water boards date back to as early as 1200 in the

²⁸ There are four river basins in the Netherlands, which all cross international borders: the Rhine, the Meuse, the Scheldt, and the Ems. By subdividing the Rhine in four, the Dutch authorities demarcated seven sub-river basins in total.

shape of thousands of local joint initiatives by ‘stakeholders’ with a shared interest in protecting themselves from flooding. Also the much more recent introduction of ecology in water management must, for a significant part, be credited to citizen involvement. From the 1960s onwards, several NGOs have been founded, mainly by hydro-biologists and environmental scientists, who took up the work they thought governments should do, e.g. monitoring and modelling of ecological water quality (van Heezik 2007). Although this short description is a gross simplification, it exemplifies that in historical perspective, it is almost bizarre to ask government to encourage public involvement in water quality policies. In many crucial episodes, public ‘participation’ has been pervasive and constitutive in *and* for Dutch water management.

Nevertheless, Article 14 obliges all EU member states to organise public participation. Dutch government followed the description in the WFD, and divided public participation into information, consultation, and active involvement. It estimated that the tasks of information and consultation were already sufficiently provided for in Dutch law and by the water boards, which in the Netherlands are decentralised, regional authorities with a democratically elected board²⁹. In the first years after adoption, implementing the WFD was mainly a task for civil servants of the Ministry of V&W and was considered an administrative and technical duty, dictated by a clearly defined timeframe. At the time, most citizens and NGOs did not show great interest in the WFD, as most actors felt that the Netherlands was already performing well in water management. Ecologists and environmentalist trusted the WFD to give the final push towards ambitious ecological water management.

At the end of 2003, the peaceful bureaucratic activities were dramatically disrupted. During a large conference, attended by almost all of the societal and governmental actors involved in water policy, a scenario-study entitled ‘Aquarein’ was presented (van der Bolt et al. 2003). The study painted a devastating picture for the agricultural sector: a strict implementation of the WFD would force 70% of the agricultural land out of production. In response, all NGOs called for more participation in the WFD policy process. Moreover, agricultural and business interest groups demanded central government to define its ambitions for the WFD. A few days after the conference, national parliament backed this demand by refusing to transpose the directive into Dutch law until the assistant minister of V&W wrote down the Dutch WFD ambitions. Several months later, parliament accepted the ‘ambition paper’, which laid out a ‘pragmatic approach’ to the WFD (Verkeer and Waterstaat 2004).

²⁹ However, only about half of the official board members are elected by the general public. The remaining board members represent land users and land owners, resulting in a large section of farmers in most boards.

The ambition paper provided the first official occasion for stakeholders to participate in the WFD implementation process. The ministry consulted all main national NGOs in its making – the ‘usual suspects’ representing agriculture, nature conservation, business, and recreation. Although all interests were heard, in the end the ambition paper catered primarily to the wishes of agricultural stakeholders. The national organisation for agri- and horticulture (LTO), together with the national employers’ organisation (VNO-NCW), had set up a strong and successful lobby to curb the Dutch ambitions. At the time, these organisations were frustrated by EU environmental standards on nitrates, air pollution, and nature conservation (Behagel and Turnhout 2011). The demands from these groups for ‘low ambitions’ were translated in the notion of ‘pragmatic implementation’, which meant costs and consequences would be kept ‘as limited as possible’ (Verkeer and Waterstaat 2004).

Following the ambition paper, the authorities further stimulated active involvement by a number of official opportunities and invitations. The Department of Water Works of the Ministry of V&W took the initiative to design the formal organisation of active involvement in the implementation process on the national level. It restyled the previously existing deliberative body ‘Overlegorgaan Water en Noordzeeangelegenheden’ (OWN), consisting of the ‘usual suspects’ in the field of water policies. The organisation of public participation in the sub-river basins and below was the responsibility of the municipalities, provinces, and water boards. Each of the seven sub-river basins established so-called sounding boards advising to the authorities. Typically, these sounding boards were deliberative bodies like the OWN, composed of representatives of the main NGOs within the relevant territories. Furthermore, from about 2006 onwards, the regional authorities started to organise so-called ‘regional processes’, to discuss the regional goals and measures to be included in the RBMPs. These plans were drafted at the regional level, by water boards and provinces, to be aggregated later by a national task force to the level of the river basins. In most regions, the main actors involved in these processes were the municipalities. In some cases, local and regional stakeholders were in the same committee as the lower governments. Other water boards organised separate sounding boards for groups from civil society. Again, the groups participating in these processes were mainly usual suspects, who usually operated on a larger spatial scale than the confines of the regional processes. As a result, some individual representatives from these groups had to visit a large number of participatory sessions. Interest groups operating on a local level, such as groups concerned with the management of local fish quota, hardly joined, nor did members from the general public.

During the regional processes, a divide within civil society came to the surface. The ambition paper on pragmatic implementation seriously affected the dominant discourse on the WFD. When measures were discussed, it was usually in terms of whether measures were ‘feasible and affordable’ (Behagel and Turnhout 2011). This terminology was employed both by officials of regional authorities and by agricultural and business groups. Together, they

represented a large majority in the regional processes. Consequently, the terminology of 'feasible and affordable' had a rhetorical function: it foreclosed discussion on the desirability of specific measures and on the actual costs they would bring. Most of the measures that were ultimately selected did not involve considerable costs or the change of land use. The people at environmental and nature conservation groups were disappointed and frustrated by this lack of ambition, as were some recreational groups and the drinking water companies. Also, they believed that participation was excessively focused on interest advocacy and did not allow deliberation about ambitions and objectives. They believed that the 'pragmatic implementation' failed to achieve the WFD's original purpose: improving water quality.

In order to turn the debate around, environmental groups formed a coalition with recreational groups and drinking water companies in order to influence public opinion and to lobby with members of the national parliament. The coalition was called 'benefits clean water' (Baten Schoon Water); it tried to create a more positive perception of 'cleaner water' by focusing on its benefits instead of its costs (SNM 2006). The coalition was short-lived: soon after its establishment, recreational groups and the drinking water companies lost involvement. Moreover, the majority of parliament remained committed to a 'pragmatic implementation'. Environmental groups also tried to gain more influence by calling for alternative ways of participation in the WFD implementation, for instance through the institution of a help desk that could help civil society groups with searching for innovative measures and best practices, and by having special 'focus groups' in which only certain parts of civil society would be represented, such as environmental groups or recreational groups. The assistant minister of V&W refused to honour these requests. An NGO that had been active in the prevention of pollution of fresh water since the 1970s tried a more creative approach: it developed an interactive game in which water managers together with civil society groups could select measures to include in the RBMPs. The NGO felt that environmental groups should give up their historically shaped, antagonistic ways of protest and legal action, and should try to become more process-oriented. Although initially the game was quite successful, the NGO eventually went bankrupt after funding by the central government was cut off.

Next to the conflict over ambition, there was a common frustration with the organisation of participation that was shared by all groups. In short, it was simply too much. Participation was organised at more than three spatial scales, and most groups were invited to every level. As a result, it had not been uncommon for one individual to visit the national deliberative body as well as multiple sounding boards connected to the sub-river basins. Similarly, some of the people that participated in the regional processes and sounding boards also participated at the sounding boards of the sub-river basins. Moreover, the time-pressure to finish RBMPs by 2009 meant that many regional processes took place simultaneously. For the 'usual suspects', this was near to undoable. These groups operate on a national level with

regional departments and simply do not employ that many people. Moreover, water policy usually is not their only issue of concern, they also deal with all other environmental topics. The complexity of the discussions added to the problems: the WFD has such a high level of technicality with regards to ecological goals, monitoring requirements, and administrative demands, that it was incomprehensible for people who were not involved with it on a daily basis. In the end, many parties dropped out of the formal participation process and looked for alternative ways of participating. These alternative ways of participating were either informal, not clearly demarcated, not newly created, or all of the above. One strategy often employed was to focus specifically on the people who wrote the RBMPs, such as the civil servants at the water boards. Sometimes, NGO employees communicated their preferences directly by writing paragraphs to be included in the plans. Likewise, NGO employees used and expanded their contacts in the municipal councils, the water boards, and other groups, to influence policymaking. Another way of influencing policymaking was to bypass government altogether and to forge covenants, for instance between a water board and individual farmers who would take water quality measures on their own land.

These alternative participatory practices were situated in the broader network in which NGO employees discuss and negotiate planning issues in general; i.e. the entire field of policies regarding water, environment, spatial planning, nature, economic development, housing, agriculture, and so on. Within this network, actors have informal meetings, based on problems they shared and communicated with each other. These informal meetings may take place at parties, in meeting rooms, at corridors (of official meetings and social gatherings), etc. When a shared understanding of a problem is arrived at by several NGOs, officials may be invited as well, or it will be communicated through a newsletter. Or several civil society groups meet up before a formal participation event to coordinate strategy and input. Although these alternative ways of participating are in no way new, they are often overlooked in formal accounts of participation. Interestingly, they also take place in the 'corridors' of organised participation: they may result from frustration with organised participation, work to influence it, or can even reinforce it.

The great divide in this case study was not between civil society and the state or between formal and informal ways of participating, but between conflicting values, represented by both societal and political parties: the freedom to agricultural and other economic activities vs. the conservation of natural water quality and the possibility to recreate in and by the water. Both sides believed that the economic and agricultural parties had gained overriding dominance during the short, turbulent episode following the publication of the Aquarein report, and that the power relations never really changed afterwards.

A tale of two policy fields: the dynamics of participatory practices

Above, we have described the activities of civil participants in two adjacent policy fields, as they took place largely in one geographical area and in overlapping time frames. For most of the interviewees, even for many that did not get their salaries from it, participating in policymaking constituted a major share of their daily lives. In this section, we summarise from both cases ‘what participants do’. In doing so, we find several ways in which participatory practices have eluded managerial efforts to coordinate and streamline public participation in policymaking.

As said, in both cases, the participatory practices of citizens and NGOs have often developed independent of the formal organisation of public participation by governments. Firstly, the involvement of citizens and civil organisations in policymaking – their mobilisation – turned out not to originate in the invitations from governments to participate. Rather, in order to be invited to some meetings, it seems helpful to be active and visible already. Most participants mobilise themselves – often in reaction to government plans.

Secondly, also the ways in which participants participate on a daily basis – their methods, manoeuvres, habits, actions – are not so much steered by the participatory venues that are designed and managed officially. Instead, what participants do depends mainly on the direct social context of their participatory activities: their goals, resources, organisational customs, and shared norms of social interaction.

Hence, thirdly, rather than by purposely designed participatory arrangements, participatory practices are secured and shaped by existing and emerging institutions that are embedded in social interaction. Most clearly, the public sphere in the southern Randstad is found to harbour a limited set of roles for participants. These roles can be defined by such structural, dichotomous characteristics as: participating solitarily or representing an organisation; getting paid or participating voluntarily; and participating at the national or the regional level. Intermediate forms – e.g. between a voluntary community group and a money-based interest organisation – seem to lack the internal logic to maintain the conditions of their perseverance.

Fourthly, the cases show that organised participation may collide with participatory practices. Notwithstanding the relative independence of participatory roles and practices from official design and management, participants are government-oriented and policy oriented by trade. Dealing with the practicalities of organised participatory sessions is an important part of their daily activities. The spatial planning case, specifically, shows that some participatory roles fit better into most official participatory venues than others. The water policy case, in turn, illustrates that all participants at times experience difficulties with the invitations to participate in formal spaces for participation. Both cases together give a

picture of what participants do if official participatory arrangements collide with the conditions for their action: they drop out, use their habitual, informal routes to influence policymaking, or embark on new participatory practices.

Fifthly, the cases show that participatory practices have a dynamics of their own, evolving over periods of years. With the possibilities granted by the roles available to them, and in their interactions with others, participants themselves gradually shape their practices and roles. We saw the dynamics of participatory practice to include several processes of change: mobilisation, professionalisation, and the invention of new participatory strategies, such as polder branding or direct, informal modes of participation. In the spatial planning case, such dynamics have helped to overcome value conflicts between interests and between interest organisations, and between authorities and civil society groups. The perseverance of value conflicts in the WFD case shows that such processes of change may be restricted to certain policy fields.

Interestingly, and lastly, the changes in the participatory practices in the field of spatial planning have also triggered new a type of conflicts in the southern Randstad: conflicts between participants employing diverging participatory practices. Governments got involved in these new conflicts as well, as different practices of participation favour different levels of government, which fit one authority better than another. Therefore, these new conflicts could not easily be pacified by organising participation from the side of governments or managers. Furthermore, these conflicts suggest that power relations between government and society change in more intricate and more multifaceted ways than most theories of (participatory) governance suggest.

From these observations, we infer that the introduction of new participatory modes of governance is only one factor reshaping the balance of power in the public sphere, a factor secondary to processes of change rooted in participatory practices themselves.

Conclusions

What the paper exemplifies is that, indeed, practices of participation hardly coincide with the official and academic accounts that are mostly given of them. In the cases discussed, practices of participation appeared to follow their own dynamics outside formal occasions, and these dynamics are only partly defined by the administrative logics of government. Participants draw on an evolving repertoire of methods, strategies, and habits. Their practices are embedded within their own institutional settings, which do not necessarily coincide with the institutional settings that are connected to the formal organisation of participation.

The discourse of organised participation trusts deliberative institutions – built on values such as authentic dialogue, inclusiveness, and diversity – to warrant a fair distribution of power and to empower citizens and stakeholders in policymaking. We found that instead,

the agency of citizens to participate effectively in policies is primarily rooted in their roles as individual, organised, voluntary, or paid participants. On a deeper institutional level, these roles derive their strength and stability from such bourgeois relics as voting rights, the right to organise, free press, the right to protest, and the right to comment. So, while organised participatory processes are supposed to amend the power relation between government and society, participatory practices themselves are critically dependent on the existing institutions that set this relation. In other words, organised participatory processes do not and cannot stand alone outside the 'old' democratic institutional settings, without risking undermining participants' power base.

Although it is possible to design institutional settings that reflect deliberative values, the actual realisation of these values depends largely on the contingencies of practice. Designers, managers, and facilitators of official participatory sessions lack the power to exclude the influence of socially embedded participatory practices, roles, institutions, and the dynamics therein. Moreover, although formal participation is often organised with normative underpinnings in mind, it is prone to follow problem definitions set out by central government on the basis of dominant discourses and to revolve around pre-structured policy solutions. Under such circumstances, the organisation and management of participation may even yield effects that counter or undercut the acclaimed deliberative values.

Our findings indicate that the balance of powers between government and society takes root in much larger historical and institutional contexts than is recognised when studying the short-lived, formal processes of organised participation alone. To account for these contexts and the agency that actors exert within them, we have proposed a practice based approach to the study of participation. By asking interviewees to give accounts of their daily activities and by paying special attention to emotional involvement and instances of conflict and dilemma, we have allowed our focus to be shaped by the data we collected in the interviews. In this manner, we gained knowledge of what it is that participants do and how this involves power. Participants do not just go to official meetings that are organised for them, but also find alternative places to take part in policymaking. There, they participate in diverging ways, e.g. through interest-oriented or value-based modes, which are based in diverging roles. Participants develop these roles over time, thus shaping their own agency in policymaking. In the two cases, we saw how the miscellaneous activities of participants may generate different types of conflicts and alliances in policymaking processes. Cutting across single meetings and policy processes, practices of public participation take on a dynamics of their own.

Taken together, these observations on what participants do illustrate how steering does not only take place at a distance or from a central place, but that it is part of a complex interplay of institutions, traditions, rules, discourses, actors, and events: it takes place within the field and at the level of practice. The paper shows that, as a consequence, power cannot

be excluded from democratic policymaking, nor can it be controlled by designing, organising, or coordinating public participation.

Conclusion: The politics of democratic governance

Jelle Behagel

Abstract

This concluding chapter reflects on how democratic norms and governance elements are entwined in practice. It does so by reflecting on how the case study of the implementation of the WFD in the Netherlands answered the research questions. These questions asked how democratic norms are articulated and performed in the WFD as an example of a new mode of governance and how this affected processes of politicisation and depoliticisation. Moreover, it revisits the analytical concepts applied to the case study and reflects on the interpretive research approach. The chapter concludes that the introduction of governance elements in WFD implementation in the Netherlands led to the articulation and performance of democratic norms in various ways. Accordingly, a nuanced image of the discourses and practices of democratic governance is painted that describes it as being produced in and through three modes of power, where power is constitutive, disciplinary, and resistance. Furthermore, the chapter argues that the analytical concepts of articulation, logic of practice, rationalities, performativity, and situated agency are useful to highlight how the interdependencies between norms and governance elements are part of larger discourses and practices. The interpretive research approach used in this thesis has proved its value in studying these interdependencies as it conceives of the social as open, multiple, and heterogenic. The final section of the chapter concludes by arguing for the study of the *politics* of democratic governance. This entails the examination of the multitude of practices in which democratic governance takes place and a renewed understanding of democracy that frees it from state-centred notions and re-situates it in the politics of day-to-day decision making.

'The will of individuals must make a place for itself in a reality of which governments have attempted to reserve a monopoly for themselves, that monopoly which we need to wrest from them little by little and day by day.' (Foucault 1994:475)

Introduction

This thesis has set out to investigate the political processes in which democratic norms are articulated and how these norms are performed in practice. This investigation was prompted by the contradictions that exist between normative and critical accounts of democratic governance – in particular, the way in which these two accounts consider the introduction of governance and one or more of its key elements (e.g. involvement of non-state actors; decentralisation; new mode of steering) as both an affirmation of, and a challenge to, democracy. To unravel the basis for these contradictions in different accounts of democratic governance, chapter 1 describes three steps in which (1) key governance elements are disentangled from the democratic norms articulated upon them; (2) these norms are described as not being unequivocal, but as having different meanings within different discourses of democracy and therefore as giving rise to debates over what constitutes democratic governance; and (3) these debates are understood as contestations over what constitutes a legitimate political actor, a legitimate political arena, and legitimate political action. This thesis therefore has not approached the study of democratic governance as an opportunity to strengthen democratic processes by involving more non-state actors (Warren 2009), to decentralise more authority (Ribot et al. 2010), and to move from 'rowing to steering' (Osborne and Gaebler 1992); nor did it approach democratic governance as failing to meet norms of participation (Scholte 2002), inclusion (Turnhout et al. 2010), or accountability (Papadopoulos and Warin 2007). Rather, this thesis has sought to reconceptualise the contradictions that can be found in the paradox of democratic governance as contestations over what democratic norms mean in terms of what constitute legitimate political actors, arenas, and action. Thus, the paradox of democratic governance is lifted out of the realm of the ethical and into the realm of the political.

In chapter 1, I have defined the concept of the political as consisting of contestations and decision making in and through power. The focus is on contestations when decision making takes place in contingent and undecided terrain (Glynos and Howarth 2007). Decision making itself is understood to be the particular expression of a structure of power relations (Mouffe 2000). Having situated democratic norms in the realm of the political, this thesis has therefore set out to gain insight into how democratic norms are contested. Moreover, as the role of democratic norms is commonly understood in terms of regulating decision-making processes, another key focus of this thesis has been to understand how these norms both express and structure power relations. The first two research questions serve this purpose. The first research question (How are democratic norms articulated in the political discourse of the implementation of the Water Framework Directive (WFD)?) focuses on the

role of democratic norms in contingent and undecided terrain. Chapter 2 uses the concepts of articulation and logic of practice to explain how the field is 'decided' by fixing meanings, doings, and sayings in specific logics. It furthermore describes how these articulations and logics constitute discourse and practice as reality and fix specific democratic norms while doing so. The second research question (How are the democratic norms that are articulated in political discourse performed in practice?) focuses on the role of democratic norms as they express and structure relations of power. Chapter 2 uses the concepts of performativity, rationalities, and situated agency to explain how power is exercised or resisted. Thus, it shows how reality is constitutive of, and constituted by, the democratic norms that it performs. These two research questions are linked to the third research question (How does the introduction of governance affect the politicisation and/or depoliticisation of non-state actors, lower-level authorities, and new modes of steering), as the question describes the processes in which meaning is fixed and unfixed as processes of politicisation and depoliticisation. The contestations that shape democratic debates are consequently understood to emerge in, and to be decided by, the processes of articulation and performance.

The three research questions have been answered in the empirical chapters of this thesis by applying an interpretive research approach. Rather than trying to settle debates about what democratic governance should be (e.g. European Commission 2001) or demonstrating how actual practices of governance fail to live up to democratic ideals (e.g. Cooke and Kothari 2001), this thesis has sought to expose contestations and show what type of democratic practices are expressed by the articulation and performance of democratic norms. Therefore, this concluding chapter uses the findings and conclusions of the empirical chapters to discuss how the contradictions that characterise the paradox of democratic governance can be read as struggles over the articulation of what is democratic and what constitutes politics. It draws on the empirical chapters to reflect on how democratic norms regulate decision-making processes, the interactions of actors, and the mechanisms of accountability, but also to reflect on how they fail to do so and how these norms themselves are articulated in discourse and performed in practice. By giving such an account of democratic governance, this thesis develops a normative position of its own. However, this position is not based on ethical imperatives of what democratic governance *should* be or what it is *not*, but in the critical understanding of what it *can* be and what it *is*.

The remainder of this chapter is organised as follows. The next section presents the findings and conclusions that engage with the first two research questions. It describes how the introduction of governance elements in WFD implementation in the Netherlands led to the articulation and performance of democratic norms in various ways that often did not align with normative accounts of good governance and showed a greater variation of democratic processes than critical accounts of governance would have us believe. The third

section engages with the third research question. It shows how processes of politicisation and depoliticisation took place at multiple sites in WFD implementation in the Netherlands. Moreover, it reflects on the implications of these findings for understanding the paradox of democratic governance. In particular, it argues that debates that discuss democratic governance in dichotomies of representative versus participatory democracy; top-down versus bottom-up approaches; and instrumental versus deliberative rationalities perpetuate the paradox of democratic governance rather than stimulate a new understanding of it. Accordingly, it paints a more nuanced image that describes the discourses and practices of democratic governance as being produced in and through power as constitutive, power as disciplinary, and power as resistance. Subsequently, the fourth section draws on the analytical concepts identified in chapter 2 – articulation, logic of practice, rationalities, performativity, and situated agency – to highlight how the interdependencies between norms and governance elements are part of larger discourses and practices and should not be studied in isolation. This section argues that the understanding of these interdependencies is embedded in the openness of the field and exhibits multiple and heterogeneous logics. Moreover, the study of the interdependencies between the multiple and heterogeneous elements in the field can offer explanations of the expressions of different modes of power that most normative and critical accounts so far have failed to offer. The fifth section reflects on how the interpretive research approach used in this thesis has shaped the normative position of the researcher. In particular, it argues that a critical constructivist perspective entails favouring power as resistance and as productive, and it identifies the three overarching norms of openness, multiplicity, and heterogeneity as useful principles not only for democratic governance itself, but also for its analysis. The sixth and final section concludes by making an argument for the study of the politics of democratic governance. This entails the examination of the multitude of practices in which democratic governance takes place and a renewed understanding of democracy that frees it from state-centred notions and re-situates it in the politics of day-to-day decision making.

Articulating and performing democratic norms

Normative accounts of governance – or good governance – hold that by instituting a number of governance elements in policy and decision making it is possible to create a more democratic type of rule. Such ideas have also been applied to water governance and the WFD (e.g. Barraqué 2003, Carter and Howe 2006, Zeitlin 2011). Governance scholars also have been critical of the tensions between the norms of democratic governance and those of liberal democracy (e.g. Lemos and Oliveira 2004, Lundqvist 2004). The case study on WFD implementation in the Netherlands has demonstrated that such perspectives are not limited to scholarly debates. For example, environmental groups had clear expectations of a more participatory way of dealing with water governance (chapters 7 and 8), whereas national authorities were most concerned with being held accountable to the European Commission

(EC) and to the national parliament (chapter 4). Or, in another example, lower-level authorities struggled with how to position themselves, whether in horizontal networks of peers or within a hierarchical governance structure (chapter 5). Finally, those responsible for assessing water quality struggled between adopting new modes of accountability and actively resisting them (chapter 6). Accordingly, democratic norms were articulated and performed in various ways. Below, I specify the different articulations and performances of the norms of participation, inclusion, and accountability as discussed in chapters 4–8 of this thesis.

In governance, the norm of participation is linked to the increased role of non-state actors in decision making: the first key element of governance. This norm was articulated in political discourse as auxiliary to decision making rather than substantive, and it envisioned the role of non-state actors as representatives of organised interests rather than as democratic actors in their own right (chapter 4). In other words, non-state actors were not supposed to make legitimate decisions themselves, but were only there as the representatives of issues, knowledge, and interests. The creation of many spaces for public participation did not change this discourse, and it continued to pervade participatory processes all the way down to processes organised by lower levels of government (chapter 7). Yet, when the norm of participation was performed – by creating spaces in which non-state actors could be involved and perform their pre-assigned roles –, this performance led to multiple practices of participation, not all of which converged with the political discourse articulated at the national level. Participants were shown to follow their own logics of practice (chapter 7), and practices also developed their own dynamics in accordance with the broad historical and institutional contexts in which non-state actors were situated (chapter 8). Moreover, non-state actors actively sought out numerous ways to participate in decision making that went beyond an auxiliary role, such as making covenants and writing sections in formal policy documents (chapter 8).

The norm of inclusion is linked to the second key aspect of governance: decentralisation. The main idea is that decentralisation is able to enhance the responsiveness of decision-making processes by locating them as close as possible to those who are affected by them; by promoting local deliberation that is more effective for finding innovative solutions to problems; and by increasing the opportunities for less powerful groups to gain access to decision making. Thus, decentralisation is expected to enhance the inclusiveness of policies and decisions. However, in the political discourse of the WFD in the Netherlands, inclusion was predominantly articulated as following from representation. This meant that water boards were considered legitimate authorities, but mainly as representative institutions. This has impaired their responsiveness to local actors because political processes of lobbying by national non-state actors as well as disciplinary control from the Ministry of Traffic, Public Works, and Water Management (V&W) often undid the outcomes of local participatory processes (chapter 7). Moreover, deliberative dynamics were limited to cooperation between

water boards and often did not apply, for instance, to the selection of measures to improve water quality (chapter 5). Even so, as the norm of inclusion was performed by water boards, they often expanded their scope of activities beyond mere representation, and for example allowed non-state actors to contribute to policy proposals and enhanced their access to decision makers (chapter 7). Furthermore, they did not always conform to the hierarchical set up of the WFD in the Netherlands and, on the basis of internal deliberations, actively resisted demands made by central government (chapter 5).

The norm of accountability is linked to new modes of steering: the third key aspect of governance. In the governance literature, accountability is associated with a move from command-and-control to steering at a distance. The norm of accountability in the political discourse of the WFD in the Netherlands was primarily articulated in the negative: the Netherlands as a member state actively tried to avoid creating obligations towards the EC (chapter 4). Moreover, central authorities have strongly coordinated the reporting of measures by placing pressure on water boards to report to them about the measures selected (chapter 5). Water quality standards were not strongly embraced as a tool to steer at a distance, but were contested and seen as a threat to national interests (chapters 4 and 6). However, as the water quality standards were related to performance measurement, they exercised disciplinary force nonetheless. The specific indicators and monitoring parameters for water quality embodied in the standards steered water managers towards convergence with the WFD system. Furthermore, they led to cooperation between water boards, and to the updating and refining of the water quality measurement system. This was not done with the aim of enhancing accountability per se, but rather was a disciplinary effect of the use of standards (chapter 6). Consequently, the performance of accountability resulted in a mixed picture. New modes of accountability by means of performance measurement with regard to the water quality objectives were resisted both by central authorities and by lower-level authorities, but nonetheless still had considerable effect in terms of disciplinary force (chapter 6). They also gave substance for debate and scrutiny by civil society and therefore did establish a form of participatory accountability. However, this type of accountability was put in practice not only to further the achievement of objectives, but also to actively hinder them and, consequently, further the political discourse on the WFD in the Netherlands (chapters 4 and 6).

Thus, the findings of the thesis demonstrate that the articulation of democratic norms during WFD implementation in the Netherlands did not align with accounts of good governance. Rather, democratic norms were primarily articulated within the discourse of liberal democracy. Consequently, participation was articulated as formal rather than substantive; inclusion was articulated as the representation of interests rather than deliberation; and accountability was articulated as hierarchical rather than horizontal. In light of the political discourse that accompanied WFD implementation in the Netherlands,

it is clear that the introduction of the governance elements of the WFD did not unequivocally result in a shift towards democratic governance. However, the performance of democratic norms showed a more diverse image. Even though the political discourse of the WFD was not contested as a whole, in some local instances, democratic norms were performed in ways that came close to the meanings associated with accounts of good governance. That is not to say that the introduction of key elements of governance will inevitably lead to democratic outcomes, but it is to say that such democratic outcomes are possible if these elements of governance are performed in specific ways. Consequently, elucidating how democratic norms are articulated and performed showed how normative accounts of good governance do not necessarily reflect practice. It also showed how key elements of governance are nonetheless able to perform the democratic norms of governance. These performances cannot be based on these elements alone, as they are situated in discourse and based in local and historical contexts in which actors exert agency. Moreover, these performances involved more or less deliberate acts of power. Rather than referring to 'mere' ideas, democratic norms – in their performance – identify political actors, delineate political arenas, and prescribe modes of interaction. The performance of democratic norms in the WFD therefore revealed contestations over who participates, where decisions are made, and by what accountability mechanisms. In other words, the performance of these norms led to processes of politicisation and depoliticisation.

Dynamics of politicisation and depoliticisation

New modes of governance in the EU are assumed to involve close cooperation between state and non-state actors in the formulation and implementation of EU policy by means of the abolition of top-down, command-and-control approaches to decision making in favour of bottom-up, deliberative modes of decision making (Holzinger et al. 2006). These ideas also apply to the WFD, for instance when it is described as a direct deliberative polyarchy by scholars in experimentalist governance (Zeitlin 2011). As chapter 1 has described, these ideas require the politicisation of civil society (Calhoun 1993, Fung and Wright 2001), the bureaucracy (Christiansen 1997, Peters 2010), and the steering mechanisms of the state (Bevir 2010a). Thus, the new mode of governance that the WFD introduces is believed to affirm democracy by politicising previously depoliticised spheres. However, state politics can halt these processes of politicisation (Hooghe and Marks 2006). This was also the case for the WFD: WFD implementation in the Netherlands did not lead to an affirmation of democracy, but involved the depoliticisation of various spheres. The state, in the person of the junior minister of V&W, actively halted processes of politicisation by emphasising an instrumental approach to WFD implementation that undercut deliberative processes (chapters 4, 7, and 8). Moreover, even though non-state actors were involved in WFD implementation on a national level (chapter 4), this also led to the depoliticisation of organised public participation in terms of the disempowerment of environmental groups and

a lack of opportunities for disagreement by non-state actors in these formal processes (chapter 7). The politicisation of the WFD on a national level furthermore resulted in a top-down approach to policymaking by means of strong coordinative efforts on a national scale (chapter 5). More generally, the managerialist uptake of the WFD with a strong focus on meeting deadlines and fulfilling requirements did not allow for much debate or contestations. Even though water quality objectives could be set by water boards, which allowed them a degree of freedom, the disciplinary effect of the water quality standards resulted in the restriction of that freedom (chapter 6). The same was true for public participation processes, which were heavily managed and primarily designed to inform and consult, rather than to allow for debate (chapter 7).

The empirical chapters have therefore shown that the employment of the same key elements of governance that proponents of new modes of governance view as instruments of politicisation brought about processes of depoliticisation. That is to say, the participation of non-state actors resulted in the empowerment of undemocratic powerful elites (Cooke and Kothari 2001), decentralisation led to the extension of the state over lower levels of government (Rose and Miller 2010), and new modes of steering reinforced technocracy by depoliticising environmental issues (Robertson 2004). Nonetheless, processes of politicisation also took place, as different norms were performed in a multitude of practices. These performances led to processes of resistance and contestation by water boards, non-state actors, and ecological experts. These processes of resistance were dispersed over all the elements of the WFD and took place at different times and in different places. For example, politicisation occurred when actors followed bureaucratic or deliberative rationalities (chapter 5). Similar processes of resistance and contestation were observed in the performative aspects of water quality standards, particularly the way in which they acted as sites for political action (chapter 6). They were also shown in the practices of public participation, where non-state actors drew on existing logics of practice to resist or circumvent the limited roles they had been given in formal participatory processes (chapters 7 and 8).

The dynamics of politicisation and depoliticisation documented in this thesis make clear that that WFD implementation in the Netherlands did not follow the ideal images that are often assumed in accounts of participatory, bottom-up, or deliberative governance. For instance, the politicisation of the public sphere took place only at the national level and according to a specific political mode of interaction; this resulted in the depoliticisation of formal participatory processes (chapter 4). Similarly, bottom-up processes did take place, but did not result in the politicisation of local authorities and the 'uploading' of policy to higher levels because of the water boards' concerns over accountability (chapter 5). Finally, deliberation between state and non-state actors did take place, but did not result in the politicisation of decision making because it did not take the form of an open public debate.

Instead, decision making took place backstage as the water boards cooperated to create water quality standards (chapter 6), or as civil society actors negotiated informally to place an issue on the political agenda (chapter 7). Thus, this thesis demonstrates that processes of depoliticisation and politicisation are not only about empowering certain spheres or modes of governance and politicising them by stimulating the possibility for contestations over issues, but also about who participates, where decisions take place, and how decisions are made. This reveals a conception of power that is more dispersed and heterogeneous than is suggested by the dichotomies of representative vs. participatory democracy; top-down vs. bottom-up approaches; and instrumental vs. deliberative rationalities.

Constitutive power, disciplinary power, and resistance

The case study on the WFD implementation in the Netherlands elucidated how different domains of society and modes of decision making are politicised and depoliticised in patterns that are not either/or, as most democratic debates present them, but diversified and subject to change depending on the specifics of the context in terms of the time, place, and actors involved, and the discourse that is articulated. In other words, governance elements are not introduced into a smooth terrain where the realm of politics spreads out towards civil society, market, and lower governments, but into a terrain that is uneven and shaped by the power relations that are already present in society. The introduction of governance elements and the democratic norms associated with them do regulate these power relations to a certain extent, but they are themselves subject to power as well. Consequently, in contrast to what scholars in network governance suggest (Sørensen and Torfing 2005), there are no ‘meta-norms’ that can be drawn upon to regulate and structure the ways in which democratic norms are articulated and performed. Instead, power is at work in the constitution of reality; in the disciplining of social and natural subjects into certain rationalities, behaviours, and shapes; and in resistance to these rationalities, behaviours, and shapes by doing things otherwise.

Chapter 4 has shown how the articulation of a political discourse included the articulation of democratic norms. The articulation of the political discourse of the WFD in the Netherlands converged around two distinct social demands, a competitive agriculture and fewer European obstacles to economic development. These social demands were anchored in positions of power, specifically in two powerful interest groups – LTO and VNO-NCW – that could influence parliament and elected officials. As the influence of these two interest groups demonstrates, social demands played a pivotal role in the constitution of a new discourse and hence a new political reality. Reality was therefore shown to be constituted not only in the explicit articulation of discourse, but also in the more implicit logics and rationalities rooted in larger historical and institutional contexts than is often recognised in governance discourses (chapters 5, 7, and 8). Power is therefore constitutive of reality:

discourses are produced and reproduced in ‘a particular set of practices and [give meaning] to physical and social realities’ (Hajer 1995:44).

As power constitutes reality, it also transforms it. This involves a second mode of power that can be distinguished from constitutive power because it disciplines single or disconnected elements in the field (Arts and Tatenhove 2006, Dean 1999, Foucault 1994). The case study has shown that democratic norms do not escape such disciplinary power. Because rationalities, logics, or systems of knowledge structure a field, they also structure the roles of actors, the places where decisions are made, and the modes of interaction that take place. This affects how democratic norms perform as they are given meaning in these practices. As chapters 5 and 6 show, the actors that took part in the WFD governance process were subject to disciplinary power. By devising a specific way of framing water policy – including definitions of water quality, preferred ways of measuring water quality, and goals to be achieved – and by creating specific ways of acting and intervening – by setting monitoring and reporting requirements –, the WFD contributed to processes of depoliticisation. It limited possibilities for contestations by non-state actors (chapter 4), disempowered regional participatory processes (chapter 7), and hindered horizontal modes of peer and participatory accountability (chapter 6). Even though strategies were devised to undercut some of their disciplinary effects, the standards, the knowledge system, and the reporting requirements set out by the WFD were rarely questioned. In this depoliticised setting, environmental groups and local non-state actors were marginalised, participatory processes remained limited to finding ways to meet the monitoring requirements, accountability structures continued to be hierarchical, and water quality goals were primarily used to inform reports and management plans.

Disciplinary power can also be resisted. Resistance – as a third mode of power – implies that reality is not always ‘rational’ in that it follows multiple rationalities and logics, not just one. Thus, ‘complete success in any attempt to forge a particular kind of subjectivity is impossible’ (Digeser 1992:985). Chapters 5 and 6 show how the disciplinary force of the rationality of the WFD was also resisted. Interestingly, unlike most accounts of governmentality that draw on a singular hegemonic rationality to explain the operation of power (e.g. Rose and Miller 2010), chapter 5 shows how multiple rationalities were employed to effectively counter the rationality of the WFD. Bureaucratic rationalities were effectively employed by the water boards to resist the WFD’s reporting requirements, instrumental rationalities were employed to resist the WFD’s environmental ambitions by situating WFD implementation in an economic field of costs and benefits, and deliberative rationalities were used to resist the predominantly technical framing of water and to emphasise its societal meaning. Thus, the multiple rationalities encountered in the WFD governance process show how power is ‘heterogonous, diverse, and shows resistance within and over time’ (Bevir 2010b:453). By drawing on multiple rationalities (chapter 5),

governance actors were able to position themselves as political actors, create political arenas outside of formal processes, and follow their own modes of accountability. They therefore performed democratic norms in a way that was different from the meaning these norms were given in the political discourse of the WFD. They did so not only by consciously drawing on alternative rationalities, but also by employing the implicit and often semi- or unconscious logics of practice and acting in ways to which they were accustomed (chapter 7).

Revisiting the analytical concepts

The different modes of power connected to the articulation and performance of democratic norms show how the interdependencies between norms and governance elements are part of a wider field in which reality is constituted. They do so by highlighting the rationalities or logics according to which this field is structured,³⁰ how this structuration affects elements within the field, and how the field rejects total structuration. In this thesis, five analytical concepts have been identified to explain how these processes entail the establishment and breaking of relations between discursive and non-discursive elements. By doing so, these concepts highlight how norms, governance elements, and their interdependencies are not isolated from, but embedded in, larger discourses and practices.

By applying a specific approach of discourse as the articulation of demands, chapter 4 has paid specific attention to the fundamental openness of the field and the important role of social demands as elements of articulation. Moreover, it has shown that different logics of engagement lead either to political action or to a lack thereof. On the basis of this analysis, the following two conclusions can be drawn: (1) the place, demands, and logics that lead to the articulation of a discourse have clear implications for the democratic norms articulated; and (2) although politicisation does lead to an opening up of opportunities for contestation or deliberation, it does so in specific ways that are limited to specific actors, time periods, places, and dynamics. In political discourse, the politicisation of one domain therefore tends to imply the depoliticisation of another, as possibilities for the democratic norms of representation and interest representation are articulated at the expense of the norms of participation and deliberation.

Chapter 5 applied the concept of rationalities, which Rose and Miller (2010:273) define as ‘the changing discursive fields within which the exercise of power is conceptualised.’ Rather than describing how the field is articulated, the analytical concept of rationalities draws attention to the multiple fields in which power is exercised and how power is entwined with the rationalities and methods that are present in a field. Thus, rationalities provide the logic of action for decision making. By analysing the multiple rationalities at play in WFD

³⁰ A rationality and a logic refer to the same type of structuration of the field. The difference between the two is that the first is explicit and the result of conscious articulation, whereas the second is implicit and conceived of as also shaped by the doings, sayings, and things in the field.

implementation in the Netherlands, the chapter has shown that actors were situated in different fields that led to the disciplining of subjects and depoliticisation, but that actors also resisted such discipline and took political action. In other words, by conceiving of actors as being situated in multiple fields simultaneously, the concept of rationalities also pays attention to how these actors situate themselves in different relations of power. The concept of multiple rationalities therefore shows how actors can resist specific articulations of democratic norms by drawing on the different ways in which the interdependencies between the elements in the field are established. Thus, the openness of the field, or put differently, the situatedness of actors in multiple fields and relations of power, empowered actors to do things otherwise. This leads to the insight that identities are not articulated in single discourses, but in many discourses at the same time, and that this multiplicity can be used as a source of resistance.

Chapter 6 detailed the performativity of standards as a technique of governance. On the one hand, it has shown how such techniques can strongly discipline a field of practice, through processes of convergence, but always fail to do so completely. As not all elements of water quality were articulated in the methods to set and monitor quality standards (nor could they ever be), the disciplinary force of these standards was partial. This force was countered by processes of resistance: waters defied being shaped in accordance with the standards, and standards acted as sites for political action. In other words, the concept of performativity showed how attempts to articulate specific relations between standards, the activities of ecological experts, and waters were decided by relations of power in the social field, but also how unexpected results allowed experts to resist such articulations. This implies that a neoliberal technique does not necessarily lead to neoliberal results, or, in other words, a logic that is introduced in practice will not by definition alter the logic of that practice.

The analytical concept of logic of practice was central in chapter 7. It described how the non-state actors that took part in participatory processes were situated in multiple fields of practice with established logics that guided their day-to-day actions. The chapter paid specific attention to the fact that both the organisers of these processes and the participants could not be fully detached from the roles or positions that they held outside such processes. Thus, for democratic norms to be successfully articulated upon such practices, the roles and places that they prescribed in such participatory processes needed to be linked to pre-existing logics of practice. The chapter also showed that actors have different positions in different fields of practice and that, in one field, they may be able to adopt a more powerful position than in another field. Analysing the logics of practice at play therefore showed how practices are to a large extent constituted by relations that are not always discursively explicit but nonetheless able to structure a field to the extent that they limit the possibilities for creating

new relations, articulating democratic norms, or the successful introduction of governance elements.

Chapter 8 discussed participatory processes in terms of situated agency and found that what actors do depends not so much on these participatory venues or on democratic norms, but rather on their goals, the resources available to them, and their shared norms of interaction. The concept of situated agency therefore shows how the structuration of fields cannot be easily changed by introducing a new mode of governance and that actors are firmly embedded in the positions and logics that are part of the field. Participants drew on a repertoire of methods, strategies, and habits to exercise power and to engage into contestations outside of formal governance architectures. Consequently, they defied the attempt to create new relations – for example the kinds of new interactions between state and non-state actors envisioned by the organisers – and continued to engage with policymakers in established ways and forms. The concept of situated agency thus explains how the balance of power between government and society is rooted in wider historical and institutional contexts than is often recognised in governance discourses.

The five analytical concepts applied in the various empirical chapters flesh out the interdependencies between discursive and non-discursive elements. They show how the interdependencies between democratic norms and governance elements are embedded in broader discourses and practices. These broader discourses and practices can be drawn upon by agents and even natural systems to resist being disciplined into specific behaviours or shapes. Consequently, the analytical concepts highlight the openness of the field. Moreover, the application of the analytical concepts elucidates the fact that alternative relations between, for instance, democratic norms, social demands, or established ways of doing and acting can be stronger than the interdependencies between democratic norms and governance elements. These processes therefore explain how democratic norms are articulated within relations of power and how they perform in multiple and heterogeneous ways in practice. Recognising the multiplicity and heterogeneity of practice is crucial to understanding the openness and contingency of the social (Bevir 2010b). Doing so opens up possibilities for the analysis of agency, and, perhaps more importantly for a critical approach, the study of processes of resistance.

The politics of interpretive research

The interpretive approach used in this thesis informed the methodological choices made, but also has broader implications. By choosing an interpretive research approach, processes of resistance were actively brought to the fore. In addition, the data were specifically collected to substantiate the analytical concepts, to show processes of politicisation and depoliticisation, and to show how these were subject to power struggles. Furthermore, approaching the social as constructed opens up debate on how it can be constructed

otherwise. Moreover, considering the social as material undercuts many normative arguments or established notions on how the social *should* be ordered and shifts attention to how it *can* be ordered.

By adopting a single case study approach, this study aimed to analyse the processes of democratic governance by favouring meanings as ways to grasp actions and by considering meanings to be contextual (Bevir and Rhodes 2006, Bevir 2010b). Consequently, the research focus was primarily directed at making sense of processes in the context of the case study, rather than seeking comparisons with other cases. In a single case study, meaning is therefore viewed as a relational activity. That is to say, processes were understood by reference to other processes in the case study that had preceded these or took place at another level. For example, as chapters 4 and 8 document, the way in which regional processes of participation were organised was related not only to a general tendency towards managerialism, but also to the political discourse articulated at the national level. Viewing such processes as at least partially constructed within the limits of a case study that only spanned a few years and was situated in the Netherlands allowed me as a researcher to explain these processes in terms of the different relations of power that were at play. It therefore informed a critical stance towards concrete instances of power. Moreover, it allowed me to show how processes of resistance were a response to attempts to discipline behaviour by means of discourses or governance techniques. While describing actors and institutions, the research focus converged on the relations of power, on the social interactions in which these actors and institutions were engaged, and on the struggles and contestations that these involved. Finally, this focus on processes of 'meaning in action' (Bevir 2004) created an image of democracy as being constructed in these social processes.

Interviewing to collect and organise the data helped me to engage with the field of practice and the relations of power that constitute reality. Specifically, the way in which these interviews were conducted by probing the interviewee to give accounts of his or her daily practices focused attention on the activities in which they engaged, how they made sense of their activities, and what norms they invoked or did not invoke to justify their activities. In addition, asking how actors dealt with conflicts and contested ideas about the WFD and its requirements prompted actors to justify their views and activities by drawing on democratic norms, rationalities, or logics of practice. The way I conducted my interviews and the central role that I awarded the accounts of interviewees in the assessment of the relevance of other types of data were therefore methodological choices that not only educated relations of power, but also provoked interviewees to actively reflect on these themselves. Considering the fabric of the social as material also served a critical purpose. As different meanings are ascribed to the word, these meanings inform action. Interviewing a wide range of actors at different levels and domains and taking part in meetings with these actors to discuss the processes of WFD implementation led to an understanding of politics as taking place in multiple sites.

The research design therefore followed the theoretical premise that there is no preferred site where politics take place, and indeed led to the uncovering of many processes of contestation and the exercise of power in domains where these are not usually studied. It showed how power is heterogeneous and dispersed, as each of these actors influenced the WFD governance processes in his or her own way.

Finally, I analysed the data thus collected in an iterative fashion with a specific focus on logics and related these back to the governance actors in the WFD, as well as to the theoretical concepts. This opened up questions about the ways in which the researcher both shapes and is shaped by the actors and practices that he or she encounters (Yanow 2007). The social is constructed by ideas that people do not simply hold individually, but that circulate in a social sphere that includes academia (van der Arend 2007). Policymakers interact with the academic world by engaging with researchers, as happened during my case study; they use ideas from established notions of how the social is ordered; and they solicit advice, evaluations, and reports from academic institutions. This leads to the construction of societal discourses of deliberative democracy or new governance, for example. Asking for feedback from governance actors on the findings of my research strengthened this process: in the double hermeneutic of social science research, human actors interpret their own actions just as the researcher interprets the interpretations of these actors (Kincheloe and McLaren 2011). Although an academic account such as this thesis is never completely similar to the accounts that interviewees give themselves, taking the materiality of the social seriously means that the academic account the researcher gives of a process should still be recognisable to the actors involved.

The research approach that I have chosen is therefore ultimately political, as it has led me to engage in contestations over what democratic governance is and can be. These contestations were informed by the preference that I gave to principles of openness, multiplicity, and heterogeneity. This led me to resist creating unified accounts of the governance processes that I have studied, and has exposed tensions between normative and critical accounts of democratic governance and its performance in practice. The research approach therefore involves an ethical critique (Glynnos and Howarth 2007). This critique builds on viewing the social as fundamentally open and exhibiting multiplicity and heterogeneity (Lincoln and Canella 2004). As democracy is about how the social is ordered, this also leads me to assume a normative position on democratic governance. As the researcher both shapes and is shaped by the subject of his or her study, the principles of openness, multiplicity, and heterogeneity not only inform an interpretive research approach, but also shape the articulation of what democratic governance means.

The politics of democratic governance

The normative position that I assumed in this thesis consisted of viewing the social as open, multiple, and heterogeneous. These are characteristics that I ascribed to the social, but they also resonate with the democratic norms of participation, inclusion, and accountability outlined in chapter 1. A focus on the openness of the social gives meaning to why participation is a democratic good. As circumstances or people change, the participation of individuals and groups is required to define issues, set agendas, and look for solutions. Viewing multiplicity as an important feature of the social resonates with the democratic norm of inclusion. As different actors want different things, it is important to hear all voices. Heterogeneity can be related to accountability: it draws attention to the need to maintain linkages between different types of actors, such as experts, market groups, bureaucrats, and elected officials, amongst others. However, openness, multiplicity, and heterogeneity are different from the democratic norms described in chapter 1: they do not favour a preferred actor, place, or dynamic of politics, but rather favour politics itself for its own sake.

Both an interpretive research approach and a theoretical framework that combines discourse and practice stress the openness of the social. I believe this is an important aspect that is lacking in most accounts of governance that describe governance as a system (e.g. Schout and Jordan 2005), an architecture (e.g. Sabel and Zeitlin 2008), or as a restricted set of governance principles (e.g. Héritier 2001). What this thesis contributes is explicit attention not only to how political systems and democratic norms change on large scales, but also to how they change continuously as they are performed over and over again. Their fixation in political discourse is always contingent, and they never completely succeed in articulating or structuring the open and uneven terrain of the social. Viewing the social as open leads to the realisation that democratic norms are always ‘at work’: at work to change logics, to reorder fields, and to be performed. The fact that the ideals that they represent can never be achieved in reality should not be a reason for their dismissal but a stimulus for critique – not a critique that dismisses some norms and ideals and replaces them with others, but a different kind of critique that criticises monolithic and pervasive forms of power and opposes them with accounts of openness, multiplicity, and heterogeneity. Although many scholars and political actors employ democratic norms to criticise what they believe is the illegitimate exercise of power, they mostly do so by opposing it with an alternative, universalised view of the social. However, as this thesis argues, the openness of the social implies that there is no *definite* mode of governance that is democratic: there are only more and less democratic *performances* of governance.

How can we move past the paradox of democratic governance? I believe it involves directing attention away from the actors, places, and dynamics by which decisions are made and towards the processes in which the social is articulated and performed. This involves viewing contestations and the exercise of power not as negative, as things to be resolved and

removed, but as expressions of the multiplicity and heterogeneity that is made possible by the openness of the social. Consequently, debates that take the shape of oppositions between two extremes, e.g. between representative and participatory forms of democracy, between top-down and bottom-up approaches to governance, or between instrumental and deliberative rationalities of decision making, do not do justice to the varied fields and multiple logics where, and according to which, governance takes place in practice. Although such concepts are good departure points for discussing how relations of power take shape, they also involve the danger of giving overly simplistic accounts of what is actually happening. Less participation is not necessarily bad, bureaucracy is not necessarily undemocratic, and instrumental decision making does not necessarily hinder deliberation. However, a lack of openness to change will depoliticise participation, uniformity will deepen power inequalities, and homogeneity will reduce the possibilities for accountability. Democratic governance should therefore be about the multiplication of political action and the recognition that these actions are not necessarily restricted to types of actors, places, or dynamics, but rather the result of actors exhibiting – situated – agency in the field of practice in which they find themselves.

Being critical of democratic governance is ultimately not about showing how it fails to live up to democratic norms or about showing how certain domains of society are being depoliticised, although this certainly is part of it. Rather, it is about elucidating how power can be resisted by foregrounding the agency that results from the fields in which actors are situated while employing the logics they have at hand. To be clear, this does not mean that all domains of society should be politicised in order for governance to be democratic. Rather than expanding the domain of politics, as the shift from government to governance seems to imply, it is about transforming the image of politics from the monolithic image of the sovereign state to a multitude of interlinked political practices. Consequently, in order for democratic governance to become reality, we are in need of a renewed understanding of democracy that frees it from statist and elitist images and re-situates it in the politics of day-to-day decision making.

Summary — The politics of democratic governance

Governance, understood as a new form of steering, is frequently promoted as a democratic good. This also applies to the European Union (EU), which views the introduction of new modes of governance as a strategy to deal with a democratic deficit. At the same time, the key elements of governance – the increased involvement of non-state actors, decentralised decision making, and new modes of steering by the central state – have all been criticised for their possible negative effects on democratic legitimacy. These two perspectives on democratic governance present a paradox in which governance is presented as both an affirmation of, and a challenge to, democracy. This paradox of democratic governance can be disentangled in three steps. First, the democratic norms of governance – participation, inclusion, and accountability – are only loosely linked to the three key governance elements. These norms are also part of liberal democracy discourses, in which they are articulated in different spheres and modes of decision making. The paradox is further disentangled in a second step that holds that governance elements and democratic norms are part of normative debates about democratic governance that can be identified as involving three dichotomies: representative versus participatory democracy, top-down versus bottom-up approaches to governance, and instrumental versus deliberative rationality. These dichotomies show that the contradictions in the paradox of democratic governance are actually part of debates over what constitutes good governance. Third, normative debates about democracy involve not only normative ideals about what is more democratic, but also contestations over what constitute legitimate political actors, arenas, and modes of interaction. Consequently, the articulation and performance of democratic norms entail processes where different spheres of society are politicised or depoliticised. These three steps lift the paradox out of the realm of ethics and places it into the realm of politics, making the study of democratic norms and governance elements possible in terms of contestations and the exercise of power.

This thesis focuses on the implementation of the EU Water Framework Directive (WFD) in the Netherlands. This directive is described in scholarly and policy debates about good governance in the EU as ‘a new mode of governance’ or as ‘experimentalist governance’ and is believed to stimulate participatory, bottom-up, and deliberative policymaking. The question is, however, how exactly the key governance elements of the WFD are put into practice and how their associated norms are articulated. This thesis seeks to gain a new understanding of democratic governance – one that goes beyond the contradictions and dichotomies that characterise current governance debates – by studying the political processes in which democratic norms are articulated in the policy implementation discourse and how these norms are performed in practice. To this purpose, three central research questions are answered in this thesis: (1) how are democratic norms articulated in the political discourse of the implementation of the WFD?; (2) how are these democratic norms

performed in practice?; and (3) how does the introduction of governance affect the politicisation and/or depoliticisation of non-state actors, lower-level authorities, and new modes of steering?

To answer the research questions, the thesis employs a critical constructivist perspective to guide the theoretical framework, which builds on the concepts of discourse and practice. Thus, the thesis conceives of the social as contingent and open and considers social relations to be constituted in and through relations of power. This perspective is apposite for the purpose of this thesis as it is able to critique monolithic and pervasive forms of power. The thesis uses five analytical concepts to address the research questions: (1) the articulation of social demands; (2) logic of practice; (3) political rationalities; (4) performativity; and (5) situated agency. Taken together, these concepts enable a comprehensive overview of WFD implementation in the Netherlands, paying particular attention to the multiple practices in which the WFD's key governance elements are put into practice, the discourses in which they are embedded and which they reproduce, the different ways in which democratic norms are articulated and performed, and the dynamics of politicisation and depoliticisation that could be observed.

The thesis employs an interpretive research approach in order to study the paradox of democratic governance in terms of the interdependencies between democratic norms and key governance elements. The interpretive research approach aligns well with the theoretical framework as it privileges meanings as ways to grasp actions and considers these meanings to be contextual. Moreover, an interpretive perspective stresses openness, multiplicity, and heterogeneity, much like the theoretical concepts of discourse and practice. It is therefore specifically suited to answer the research questions as it actively pays attention to how the meanings of democratic norms are articulated in context and how democratic norms are performed in the entwinement of meaning and action. Moreover, as an interpretive approach operates on the assumption that meanings and actions are never fully fixed, it educes processes of contestation and power by situating actors in different fields of meaning and by showing how these actors always have the agency to contest political norms. WFD implementation in the Netherlands serves as a single case study for this thesis. Data were collected by interviewing and supplemented with documents and a number of meetings with WFD governance actors. The qualitative analysis of the data took place in iterative phases and applied the five analytical concepts. This resulted in five empirical chapters (chapters 4 to 8 of the thesis).

Chapter 4 describes how democratic legitimacy was constructed in the political discourse of WFD implementation in the Netherlands through an articulation of representative norms that led to a depoliticisation of civil society. It uses the analytical concept of articulation to show how political struggles over the meaning of democratic norms were ultimately decided by firmly established power structures and led to the marginalisation of environmental

demands in water governance. It also shows how the politicisation of WFD implementation was actively limited to the level of the state and parliament and how this involved the depoliticisation of key elements of governance. It concludes with the observation that initial hopes about the WFD instituting participatory and deliberative norms were ultimately dashed, because representative politics affirmed themselves over attempts of EU law-making to institute a new form of governance. Using the analytical concept of rationalities, chapter 5 describes how processes of disciplining and resistance were shaped in every WFD governance element. It creates a nuanced image of how processes of politicisation and depoliticisation took place at multiple scales and sites. The chapter describes how these processes are not linked to a single actor, such as the state, or to a single rationality, for instance deliberation, but that multiple rationalities operate in each of the key elements of governance. It concludes that democratic norms are differently performed in practice every time, depending on the positions and relations in which governance actors find themselves. Chapter 6 shows that EU law-making can have both depoliticising and politicising effects. It focuses on the role of standards as a neoliberal tools for accountability. It describes how the WFD water quality standards can operate both as a disciplinary force, for example by imposing a set of ecological values that are not necessarily shared by the Dutch actors, and as sites of resistance. The chapter applies the analytical concept of performativity to address these two dimensions of standards. The chapter concludes that the WFD water quality standards have performed in ways that do not follow the norms of accountability as described in the governance literature, but rather build on mechanisms of accountability associated with the liberal democratic state. Chapter 7 shows how non-state actors' existing logics of practice were not convincingly changed by the introduction of participatory institutions in the WFD. It shows how the performance of democratic norms, such as empowerment and deliberation, can be both strengthened and resisted by the logics of practice that are characteristic of the field in which non-state actors are situated. As the participatory design failed to take into account the existing fields of practice, its impact on participants' logic of practice was low. The chapter concludes that, although the spaces created by participatory institutions were conducive to higher modes of interaction in the WFD governance network, it to a large extent also depoliticised the public sphere. Chapter 8 describes how the organisation of public participation builds on a deliberative ethos and a managerial pathos that omits the role of power in participatory processes and the goals that non-state actors pursue. By applying the concept of situated agency, the chapter counters ideas that hold that the top-down organisation of participation is either desirable or possible. It shows how the neglect of the role of power in participation and of participants' goals favoured instrumental and managerial approaches to democratic governance. However, it also shows how participants have drawn on a repertoire of methods, strategies, and habits to exercise power and engage in contestations outside formal governance architectures. The chapter concludes that the

balance of power between government and society is rooted in wider historical and institutional contexts than is often recognised in governance discourses.

The findings of this thesis demonstrate that the articulation of democratic norms during WFD implementation in the Netherlands did not align with accounts of good governance. Rather, democratic norms were primarily articulated within the discourse of liberal democracy. Consequently, participation was articulated as formal rather than substantive; inclusion was articulated as the representation of interests rather than deliberation; and accountability was articulated as hierarchical rather than horizontal. However, the performance of democratic norms showed a more diverse image. Even though the political discourse of the WFD was not contested as a whole, in some local instances, democratic norms were performed in ways that came close to the meanings associated with accounts of good governance. Consequently, elucidating how democratic norms are articulated and performed showed how normative accounts of good governance do not necessarily reflect practice. It also showed how key elements of governance are nonetheless able to perform the democratic norms of governance. Moreover, these performances involved more or less deliberate acts of power: the performance of democratic norms in the WFD showed contestations over who participates, where decisions are made, and by what accountability mechanisms. In other words, the performance of these norms corresponded to processes of politicisation and depoliticisation. Thus, the dynamics of politicisation and depoliticisation documented in this thesis make clear that WFD implementation in the Netherlands did not follow the ideal images that are often assumed in accounts of participatory, bottom-up, or deliberative governance.

The five analytical concepts applied in the various empirical chapters show how the interdependencies between democratic norms and governance elements are embedded in broader discourses and practices. These broader discourses and practices can be drawn upon by agents and even natural systems to resist being disciplined into specific behaviours or shapes. Thus, the analytical concepts highlight the openness of the field and demonstrate how democratic norms are performed in multiple and heterogeneous ways. This conclusion resonates with the critical constructivist perspective and interpretive approach used in this thesis. Recognising the multiplicity and heterogeneity of practice is crucial to understanding the openness and contingency of the social and opens up possibilities for the analysis of agency, and, perhaps more importantly, the study of processes of resistance. An interpretive research approach to democratic governance is therefore ultimately political because it leads the researcher to engage in contestations over what democratic governance is and can be. These contestations are informed by prioritising an understanding of the social as open, multiple, and heterogeneous.

Finally, as democracy is about how the social is ordered, the principles of openness, multiplicity, and heterogeneity shape the way this thesis defines democratic governance.

Being critical of democratic governance is ultimately not about showing how it fails to live up to democratic norms or about showing how certain domains of society are being depoliticised, although this certainly is part of it. Rather, it is about elucidating how power can be resisted by foregrounding the agency that results from the fields in which actors are situated while employing the logics they have at hand. To be clear, this does not mean that all domains of society should be politicised in order for governance to be democratic. Rather than expanding the domain of politics, as the shift from government to governance seems to imply, it is about transforming the image of politics from the monolithic image of the sovereign state to a multitude of interlinked political practices. Consequently, for democratic governance to become reality, we are in need of a renewed understanding of democracy that frees it from statist and elitist images and re-situates it in the politics of day-to-day decision making.

Samenvatting — De politieke processen van governance

De term ‘governance’ wordt met regelmaat aangehaald als een vorm van democratische sturing. Zo ook door de Europese Unie, welke de introductie van nieuwe vormen van governance beschouwt als een manier waarmee met het democratisch tekort van de EU kan worden omgegaan. Niettemin worden centrale elementen van governance – te weten een hogere betrokkenheid van maatschappelijke actoren, decentralisatie van besluitvorming en nieuwe sturingsfilosofieën voor centrale overheden – ook bekritiseerd voor de negatieve invloed die zij kunnen hebben op democratische legitimiteit. Deze verschillende perspectieven op democratische governance leiden tot een paradox: tegelijkertijd bevordert én ondergraft governance democratie. Deze paradox van democratische governance wordt in deze these ontward in drie stappen. Ten eerste zijn de democratische normen van governance – te weten participatie, integratie en verantwoording – niet onlosmakelijk verbonden aan de drie centrale elementen van governance. Deze normen zijn namelijk ook onderdeel van discourses over representatieve democratie waarbinnen ze aan andere dan governance elementen van besluitvorming verbonden zijn. De paradox wordt ontward in een tweede stap door democratische governance te situeren binnen normatieve debatten die uitgaan van drie tegenstellingen: representatief versus participatief, ‘top-down’ versus ‘bottom-up’ en instrumentele versus deliberatieve rationaliteit. Deze drie tegenstellingen zijn te vinden binnen normatieve debatten over governance en laten zien dat de paradox van democratische governance zijn oorsprong vindt in een breder debat over wat nu eigenlijk ‘good governance’ is. Als derde stap wordt opgemerkt dat dit debat niet alleen betrekking heeft op idealen over wat nu democratisch bestuur is, maar ook conflicten in zich bergt met betrekking tot de politieke legitimiteit van verschillende actoren, plaatsen, en sturingsfilosofieën.

Deze these richt zich op de implementatie van de Europese Kaderrichtlijn Water (KRW) in Nederland. De KRW wordt in academische en in beleidsdebatten over good governance binnen de EU regelmatig beschreven als een ‘new mode of governance’ of als ‘experimentalist governance’. Binnen die debatten bestaat het geloof dat de KRW participatieve, bottom-up en deliberatieve beleidsvorming stimuleert. Deze debatten beantwoorden evenwel niet de vraag hoe de KRW en de governance-elementen waaruit zij bestaat uitwerking heeft in de praktijk en hoe in die praktijk de democratische normen die aan deze elementen worden verbonden gearticuleerd worden binnen een specifiek discours. Deze these richt zich daarom op een nieuw begrip van democratische governance; een begrip dat de strijdigheden en tegenstellingen binnen huidige debatten over governance overstijgt. Dat begrip wordt tot stand gebracht door bestudering van de politieke processen waarin democratische normen worden gearticuleerd en van de performativiteit van deze normen. Als zodanig beantwoordt deze these drie centrale onderzoeksvragen: (1) hoe worden democratische normen

gearticuleerd in het discours van de implementatie van de KRW?; (2) hoe zijn deze democratische normen performatief?; en (3) hoe leidt de introductie van governance tot de politisering en/of depolitisering van maatschappelijke actoren, lagere overheden, en nieuwe sturingsfilosofieën?

De bovenstaande onderzoeksvragen worden beantwoordt met behulp van een kritisch-constructivistisch perspectief dat wordt geoperationaliseerd in een theoretisch raamwerk dat bouwt op de concepten van discours en praktijk. Dit betekent onder meer dat de these de sociale werkelijkheid als open en contingent beschouwt en sociale relaties primair begrijpt als machtsrelaties. De keuze voor dit perspectief is toegespitst op de centrale vraagstelling van deze these in zover het een kritiek op monolithische en alomtegenwoordige vormen van macht mogelijk maakt. De these past vijf analytische concepten toe om de onderzoeksvragen te beantwoorden: (1) articulatie van sociale vragen/eisen; (2) handelingslogica; (3) politieke rationaliteiten; (4) performativiteit; en (5) gesitueerde keuzevrijheid. Doordat deze concepten complementair aan elkaar zijn maken ze een uitvoerig overzicht van de implementatie van de KRW in Nederland mogelijk. Ze besteden aandacht aan hoe de governance-elementen van de KRW leiden tot verschillende praktijken; hoe die elementen zijn ingebed in discourses en hoe ze die discourses reproduceren; hoe democratische normen op verschillende wijzen gearticuleerd kunnen worden en performatief zijn; en de dynamische processen waarin politisering en depolitisering plaatsvinden.

De these past een interpretatieve onderzoeksbenadering toe in haar doelstelling de paradox van democratische governance te bestuderen. Deze paradox wordt vervolgens begrepen als voortvloeiend uit de afhankelijkheden tussen democratische normen en centrale governance elementen. De onderzoeksbenadering sluit daarmee aan bij het theoretische raamwerk voor zover het betekenis een centrale rol geeft in het begrijpen van handelingen en het deze betekenis plaatst in een bredere context. Bovendien benadrukt een interpretatieve onderzoeksbenadering openheid, veelheid, en verscheidenheid, evenals de concepten van discours en praktijk dat doen. Omdat het actief aandacht besteedt aan hoe de betekenis die gegeven wordt aan democratische normen het gevolg is van articulaties binnen een discursieve context en aan de performativiteit van democratische normen zoals die tot uitdrukking komen in de eenheid van betekenis en handeling, is het een zeer geschikte benadering om de onderzoeksvragen te beantwoorden. Doordat een interpretatieve benadering er bovendien van uitgaat dat betekenis en handelingen nooit volledig vaststaan, brengt het ook processen van strijd en macht onder de aandacht in de zin dat verschillende actoren zich in verschillende betekenisvelden begeven en deze actoren altijd de keuzevrijheid hebben om politieke normen aan te vechten. De implementatie van de KRW in Nederland is gekozen als case-study. De data waren verzameld door middel van interviews en aangevuld met relevante documenten en bijeenkomsten met actoren die onderdeel waren (en zijn) van het KRW implementatieproces. De kwalitatieve analyse van de data heeft

plaatsgevonden in een iteratief proces waarin de vijf hierboven beschreven analytische concepten zijn toegepast. Deze analyse heeft uiteindelijk geleid tot vijf empirische hoofdstukken (hoofdstuk 4 t/m 8 van deze these).

Hoofdstuk 4 beschrijft hoe in het politiek discours van de implementatie van de KRW in Nederland democratische legitimiteit werd geconstrueerd door middel van normen die geassocieerd worden met representatieve democratie en hoe dat de depolitisering van het maatschappelijk middenveld tot gevolg had. Het past het analytische concept van articulatie toe om te laten zien hoe een politieke strijd met betrekking tot de betekenisgeving van democratische normen uiteindelijk beslist werd binnen gevestigde machtsstructuren en hoe dit leidde tot de marginalisatie van milieubelangen in waterbeleid. Het laat bovendien zien hoe de politisering van de implementatie van de KRW actief beperkt werd tot de domeinen van de staat en het parlement en hoe dit de depolitisering van centrale governance-elementen tot gevolg had. Het hoofdstuk besluit met de observatie dat de initiële hoop dat de KRW een meer participatieve en deliberatieve vorm van bestuur met zich mee zou brengen uiteindelijk terneer werd geslagen doordat representatieve vormen van politiek bedrijven sterker waren dan pogingen om via EU-regelgeving een nieuwe vorm van governance te institutionaliseren. Hoofdstuk 5 past het concept van rationaliteiten toe om te beschrijven hoe processen van disciplineren en verzet gestalte kregen in ieder governance-element van de KRW. Het schetst een genuanceerd beeld door te laten zien hoe processen van politisering en depolitisering zich afspelen op verschillende schalen en domeinen. Het hoofdstuk beschrijft hoe dit soort processen niet beperkt blijven tot een enkele actor – bijvoorbeeld de centrale overheid – of tot een enkele rationaliteit – bijvoorbeeld deliberatie –, maar meerdere rationaliteiten tot uiting worden gebracht binnen ieder governance-element. Het hoofdstuk besluit met de observatie dat democratische normen op steeds nieuwe manieren performatief zijn, wat afhangt van de posities en relaties waarin actoren zich bevinden en welke ze aangaan. Hoofdstuk 6 laat zien dat EU-regelgeving zowel politiserende als depolitiserende effecten kan hebben. Het richt zich op de rol van standaarden als neoliberale verantwoordingstechnieken. Het hoofdstuk beschrijft hoe waterkwaliteitsstandaarden zowel disciplinerend kunnen werken als verzet kunnen oproepen. Om deze twee dimensies van standaarden te kunnen benadrukken wordt het analytische concept van performativiteit toegepast. Het hoofdstuk concludeert dat de waterkwaliteitsstandaarden van de KRW performatief waren op manieren die niet de normen van verantwoording volgden zoals de governance literatuur beschrijft, maar veelmeer de hiërarchische mechanismen van politieke verantwoordelijkheid die geassocieerd worden met de representatieve democratie. Hoofdstuk 7 laat zien hoe de introductie van instituties voor participatie in de KRW bestaande handelingslogica van maatschappelijke actoren niet overtuigend veranderde. Het beschrijft ook hoe de performativiteit van de democratische normen zoals empowerment en deliberatie zowel versterkt kan worden als worden tegengegaan door de logica die kenmerkend zijn voor de praktijken in welke maatschappelijke actoren zich bevinden. Omdat de organisatie van

participatie deze bestaande praktijken niet voldoende in ogenschouw nam was de impact van participatie op de handelingslogica van participanten laag. Het hoofdstuk besluit dat, ondanks het feit dat de vele overlegmogelijkheden die gecreëerd waren door middel van participatieve instituties hebben geleid tot meer interactie binnen het KRW governance netwerk, participatieve instituties hebben bijgedragen aan een depolitisering van de publieke sfeer. Hoofdstuk 8 beschrijft tot slot hoe de organisatie van publieke participatie zich baseert op een deliberatief ethos en een managerial pathos dat voorbijgaat aan de rol van macht binnen participatieve processen en de doelen die maatschappelijke actoren nastreven. Het hoofdstuk ontkracht het beeld dat het top-down organiseren van participatie gewenst of mogelijk zou zijn met behulp van het concept van gesitueerde keuzevrijheid. Het laat zien hoe de veronachtzaming van de rol van macht in participatie en de doelen die participanten nastreven leidt tot een voorkeur tot instrumentele en managerial benaderingen van democratische governance. Evenwel brengt het hoofdstuk ook onder de aandacht dat participanten zich beroepen op een breder repertoire van methoden, strategieën en gebruiken door middel waarvan zij macht uitoefenen en besluiten aanvechten buiten de formele kaders die voor hen binnen governance-architecturen geschetst worden. Het hoofdstuk besluit dan ook dat de machtsbalans tussen overheid en maatschappij geworteld is in bredere historische en institutionele contexten dan vaak wordt aangenomen in discourses over governance.

De resultaten van deze these tonen aan dat de articulaties van democratische normen tijdens de implementatie van de KRW in Nederland niet overeenstemden met beschrijvingen van good governance. Integendeel, democratische normen werden voornamelijk gearticuleerd binnen een discours van representatieve democratie. Als gevolg hiervan werd de norm van participatie gearticuleerd als een formele verplichting in plaats van als een substantiële bijdrage aan beleid; de norm van integratie werd gearticuleerd als vertegenwoordiging van belangen in plaats van deliberatie; en de norm van verantwoording werd gearticuleerd als hiërarchisch in plaats van horizontaal. De performativiteit van democratische normen laat echter een gevarieerder beeld zien. Hoewel het politieke discours van de KRW gedurende de onderzoeksperiode stabiel bleef, werden in lokale gevallen democratische normen toch uitgevoerd op wijzen die dicht in de buurt komen van beschrijvingen van good governance. Hoewel de studie naar de articulatie en performativiteit van democratische normen dus laat zien dat normatieve beschrijvingen van good governance niet noodzakelijk de werkelijkheid beschrijven, laat diezelfde studie ook zien hoe centrale elementen van governance niettemin de democratische normen die geassocieerd zijn met governance ten uitvoering kunnen brengen in specifieke gevallen. Deze uitvoering, of de performativiteit, van democratische normen vindt bovendien plaats als een meer of minder bewuste uiting van macht: het gaat over wie deelneemt, waar besluiten genomen worden, en hoe verantwoording wordt afgelegd. Met ander woorden, de performativiteit van deze normen komt overeen met processen van politisering en depolitisering. Als zodanig brengen de dynamieken van politisering en depolitisering zoals gedocumenteerd in deze these ten

ogenschouw dat de implementatie van de KRW in Nederland niet de ideaaltypen volgde die beschrijvingen van participatieve, bottom-up en deliberatieve governance zo vaak vergezellen.

De vijf analytische concepten zoals toegepast in de verschillende empirische hoofdstukken laten zien hoe de wederzijdse afhankelijkheden tussen democratische normen en elementen van governance zijn ingebed in bredere discoursen en praktijken. Actoren – en zelfs ecosystemen - kunnen putten uit deze discoursen en praktijken om verzet te bieden tegen disciplinerende. De analytische concepten benadrukken daarmee de openheid van de werkelijkheid en de performativiteit van democratische normen als veelvoudig en heterogeen. Deze conclusie sluit aan bij het kritisch-constructivistische perspectief en de interpretatieve onderzoeksbenadering die deze these hebben vormgegeven. De erkenning van de veelheid en de verscheidenheid die eigen is aan praktijken is van wezenlijk belang voor een begrip van de sociale werkelijkheid als contingent en open en geeft ruimte om de keuzevrijheid van actoren en vormen van verzet te bestuderen. Een interpretatieve benadering van democratische governance is daarom uiteindelijk een politieke benadering, aangezien het de onderzoeker ertoe brengt zich kritisch op te stellen met betrekking tot wat democratische governance is en vermag te zijn. Een dergelijke kritische houding is gebaseerd op een begrip van de sociale werkelijkheid als open, veelvoudig en heterogeen.

De principes van openheid, veelheid en verscheidenheid hebben ten slotte de definitie van democratische governance in deze these bepaald. Kritisch zijn ten opzichte van democratische governance betekent in laatste instantie niet dat men laat zien hoe de praktijk van governance tekortschiet ten opzichte van normatieve idealen, of hoe bepaalde domeinen van de maatschappij gedepolitiseerd worden. Hoewel deze laatste twee aspecten zonder twijfel onderdeel zijn van een kritische positie, is het doel van deze positie uiteindelijk te laten zien hoe aan macht verzet kan worden geboden door de keuzevrijheid te benadrukken die het gevolg is van actoren die gebruik maken van de handelingslogica die zij ter beschikking hebben binnen de praktijken waarin zij zijn gesitueerd. Voor alle duidelijkheid: dit betekent niet dat alle domeinen van de maatschappij gepolitiseerd moeten worden om governance democratisch te laten zijn. In plaats van het politieke domein uit te breiden, zoals governance discoursen lijken te impliceren, gaat democratische governance volgens deze these over het omvormen van een beeld van politiek als uniform en behorende bij de soevereine staat naar een beeld van politiek dat bestaat uit een veelheid van wederzijds afhankelijke praktijken. Om gestalte te geven aan de wens om democratische governance werkelijkheid te laten worden is dientengevolge een hernieuwd begrip van democratie nodig dat het bevrijdt van haar associaties met de staat en politieke elites en dat het in plaats daarvan situeert in de politieke processen van dagelijkse besluitvorming.

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Completed Training and Supervision Plan



Name of the activity	Department/Institute	Year	ECTS*
A) Project related competences			
Applying Discourse Theory	University of Essex	2008	5
Discourse Theory and Agonistic Democracy	University of Essex	2008	3
PhD-workshop with Prof. Jacob Torfing	Governance and Places (GaP). RU Nijmegen	2009	1
Methodology Workshop	IPA, Kassel	2009	1
Executive Education Course on Sustainable Development Diplomacy (SDD)	WUR/Fletcher School SCF/LNV	2010	5
B) General research related competences			
Introduction course	WASS	2008	1.5
‘Integrating Legitimacy in the WFD; shifting between input and output’	Freude am Fluss Final Conference, Nijmegen	2008	1
‘Claiming Democracy: Participatory and Deliberative Norms within EU Governance’	Conference on the Human Dimensions of Global Environmental Change.	2009	1
‘Disciplinary power and the co-production of science and politics in the implementation of the EU Water Framework Directive in the Netherlands’	ECPR Graduate Conference, Dublin	2010	1
Panel organization: Discursive Practices and Legitimate Power in Forest and Nature Policy	IPA, Grenoble	2010	2
Panel organization: Performing Social Change: re-reading interventions and innovations	IPA, Cardiff	2011	2
C) Career related competences/personal development			
PhD Competence Assessment	WGS	2008	0.3
Scientific Writing	WGS	2009	1.8
Project- and Time Management	WGS	2009	1.5
Presentation Skills	WGS	2010	1
Guest Lecture and paper supervision in ‘Political theory’ (ENP-35306)	ENP	2008-2011	2
Lecturer in ‘Strategic Planning in Forest and Nature Conservation’ (FNP-35306)	FNP	2009	2
Supervision 2 MSc-thesis	FNP	2008-2012	2
Supervision 3 BSc-theses	FNP	2009-2010	1.5
Total			35.6

*One ECTS on average is equivalent to 28 hours of course work

The research described in this thesis was financially supported by The Netherlands Organisation for Scientific Research (NWO) within the research programme 'Omstreden Democratie' (grant number 311-09-121).