Governance, Civil Society, Governmentality. The 'Foucauldian Moment' in the Globalization Debate: Theoretical Perspectives

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Abstract

After two decades of flourishing theoretical and empirical research, the "twin concept" of governance and global civil society both appear to be in need of reassessment. Authority, epistemic validity, and "good practices" are viewed as the building blocks of governance, while global civil society can either be seen as a constitutive part or as a counter hegemonic actor in an expanding neoliberal 'order'. This paper mainly aims to address the concept of governmentality, which introduces a critical attitude towards the semantics and pragmatics of governance. In this context, the deconstruction of the mainstream account of globalization allows us to focus on the process of de- legitimization of the post-second world war "Keynesian consensus" both at domestic and international level. Secondly, our analysis revisits the issues of 'power' and 'politics' which reshape our understanding of global governance and civil society dynamics, thus shedding new light on the question of political legitimacy.

Keywords: governance, governmentality, neoliberalism, civil society, accountability, democracy.

1. Introduction: Mapping the Conceptual Landscape

Two different theoretical and analytical accounts have thus far defined the concept of governance. The mainstream narrative proposes and defines governance as a coordination 'mechanism', "a new style of government that is distinct from the hierarchical control model characterized by a greater degree ofcooperation and interaction between state and non-state actors in mixed public/private decision-making networks" (Mayntz 1999, 3). This definition while outlining the scope of the concept, conceals the liberalethos that animates this governing 'mentality'. In the last decade, an alternative account thematized through the "governmentality approach" has given rise to what we, henceforth, shall consider the second 'narrative' of global governance. The Foucauldian concept of governmentality, which has contributed to the development of a critical approach in studies on governance, 'unveils' the *spirit in the machine* of governance arrangements. In the functionalist and liberal-institutionalist account, which is in the *mainstream* of International Relations theory, the conceptual framework of global governance has been developed mainly along the binary scheme of "supply and demand", or rather, by making reference to challenges and problems on the one hand, and the ability to respond on the other, implicated by the various global governance structures (see Koenig-Archibugi 2002; Held, McGrew 2002; Rosenau 1992, 1995, 2002,2003; Whitman 2005).

In this framework, the term governance was officially introduced into the International Relations lexicon with the publication of the seminal work edited by James Rosenau and Ernest-Otto Czempiel in the aftermath of the cold war. In its preliminary questions "What do we mean by governance on a global scale?" and

"How can it operate without government?", the authors defined the bounds of the concept starting with the problem of order, change and cooperation in international politics, compared to the profound processes of change triggered by globalization. The interpretative framework constructed in this regard was articulated starting from the assumption that: "we agree that in a world where authority is undergoing continuous relocation – both outward toward supranational entities and inward toward sub national groups – it becomes increasingly imperative to probe how governance can occur in the absence of government" (Rosenau, 1992, 2).

This is how the themes of order and change are defined under the 'headings' of global governance, while, at least in the conceptual terms posed by Rosenau, governance and global order form a hendiadys: "there can be no governance without order and there can be no order without governance. […] Governance and order are […] interactive phenomena […]" (Rosenau, 1992, 8).

But it is Czempiel, in a chapter that is significantly titled "governance and democratization", who addresses these themes by referring to the concept of power: "I understand governance to mean the capacity to get things done without the legal competence to command that they be done. Where governments, in the Eastonian sense, can distribute values and authoritatively, governance can distribute them in a way which is *not authoritative but equally effective*.[1] Governments exercise rule, governance uses *power*" (Czempiel, 1992, 250). Just over a decade later, Adler, Bernstein, Barnett and Duvall (2005) posed the problem of the relationship between governance and power in their study on the "epistemological construction of global governance". The reference to Foucault made by the authors is explicit in order to shape their 'research programme' aimed at a 'reformulation' of the concept of governance starting from the re-thematization of its 'political' dimension. In this context, they argue that the concept of power can be understood in a *dispositional* sense, since it 'orders' and 'controls' social subjects, namely in a 'productive' sense (*productive power*), given that, to paraphrase Foucault, it defines "the order of things" semantically, through 'discourse'.

Governance understood as a "*system of rule*" finds its specific cognitive and empirical reference framework in the context of 'global civil society', which is considered as a "functional equivalent" of democracy in the global political arena. Thus, the concept of global civil society is used as an "objective referent" of the concept of governance and as a 'normative' term with respect to the possible 'reform', in the democratic sense, of global governance arrangements. This explanatory scheme will be contested in the shift away from the liberal narrative of global governance towards the "governmentality" approach, by emphasizing the displacement in terms of the relationship between *explanans* and *explanandum*: it is not the supposed 'objectivity' of the process of the relocation of authority caused by globalization that 'explains' the emergence of 'governance without government', but rather, it is the emergence of this new rationality of government that engenders a reconfiguration of the political space at different levels of government. On these grounds, the rationale underlying our analysis is organized as follows: first the main definitions of the concept of governance will be explored, based on the analytical, empirical and normative dimensions, both in the mainstream and governmentality accounts of global governance and global civil society. A critical analysis of the concept of global civil society will be carried out, relating it to a broader 'normative' perspective based on the debate concerning the legitimacy of global governance (cf. Held, 2005; Lipschutz, Rowe, 2005; Scholte, 2011; Steffek, Hahn, 2010). In Foucauldian terms, as will be clarified later, it is possible to question the 'legitimacy discourse' of global governance as an inherent requirement of the '*dispositif*' of power that constitutes it, understood as an ontological, ethical and epistemic structure (cf. Dean, 2010; Prozorov, 2007). In this context, we will clarify how "problems of and challenge to global governance are not external to the governmental discourse but are constituted as problems within a particular mode of problematization, deployed in a specific diagram of governmentality" (Prozorov, 2004, 268). In this sense, "there are thus literally no problems or challenges to government prior to the constitution of a certain form of problematization" (Prozorov, 2004, 272).

Thus, an analysis of 'second-order' on government techniques promises to unveil this self-referential mechanism which emerges as an additional analytical aim, as we shall discuss later.

2. The Concept of Governance: the Problem of Definitions in the Mainstream Approach

In shaping the mainstream narrative of global governance as part of our theoretical review, the first step is to identify some of the most "influential" definitions of the concept, as elaborated by the community of scholars: "governance [comprises] patterns that emerge from governing activities of social, political and administrative actors….[thus], modes of social-political governance are always an outcome of public and private deliberation" (Kooiman, 1993); "[global governance is] the sum of the many ways individuals and institutions, public and private, manage their common affairs.

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[1] Emphasis added.

It is the continuing process through which conflict or diverse interests may be accommodated and cooperative action may be taken" (Commission on Global Governance, 1995); "governance…encompasses the activities of governments but it also includes the many other channels through which 'commands' flow in the form of goals framed, directives issued, and policies pursued[…] Systems of rule can be maintained and their controls successfully and consistently exerted even in the absence of established legal and political authority" (Rosenau, 1995); "the business of government is governance – the exercise of steering and control mechanisms for the purpose of maintaining the stability and order of the society in which it operate […]." (Whitman 2005); "the intensifying connections between States and peoples, better known as globalization, are now frequently presumed to create the need for governance and rule-making at the global level […] only with global governance will States and people be able to cooperate on economic, environmental, security, and political issues, settle their disputes in a nonviolent manner, and advance their common interests and values" (Barnett and Duvall, 2005).

These definitions have one aspect in common, in that they all refer to the possibility of an informal order, understood as the achievement of social order in the absence of a centralized political authority.

The theoretical frameworks to which these definitions are attributable are those of liberal internationalism and the functionalist theory. The former outlines the boundaries of the concept of governance, concerning the importance accorded to the institutions in shaping cooperation between states (*embedded liberalism*; *multilateralism*), while emphasizing not only the 'rationality' of cooperation but its legal basis as well. For its part, functionalism re-articulates in technocratic terms the problematic relationship between state sovereignty and international cooperation, and between economic interests and political ones. With the advent of globalization, the rational-technocratic infrastructure of international cooperation is no longer able to respond to the new challenges of growing interdependence and interconnectedness. Thus '*de facto*' change should be followed by the democratic reform of 'global governance', under the terms set out by the 'third wave' of liberal internationalism (Held, McGrew, 2002).

The mainstream account of global governance is also described using architectural metaphors. In these terms, the 'classics' in the study of global governance describe the institutional architecture of global governance. Firstly, it is considered as a 'multilayered' structure, comprising state, sub-state, supra-state and transnational arrangements. It is also conceived as 'polyarchical' and pluralistic, which means that it is composed of geometrically variable multiple centers of authority in which formal jurisdictions and "who decides what" do not always coincide. The overall profile that emerges is that of a structurally complex building, which brings together different categories of actors, institutions and levels of government, in which the states still hold a strategic role, linking these levels of government with different actors (Held, McGrew, 2002). In these terms: "in global governance, institutions are nested vertically and horizontally. The vertical allocation of authority involves the level of social organization […] from the local to the global. The horizontal allocation of authority involves choices between market processes, political and administrative processes, judicial processes, and other governance mechanisms" (Shaffer, 2005, 140).

The multiform and complex nature of global governance structures emblematically emerges in the reconstruction provided by James Rosenau (2002, 2003). The 'physiognomy' of these forms of governance is recognizable in the patterns of relationships between the different "spheres of authority"; in this sense, the governance structures are constituted by public or private actors or mixed public-private organizations (*public-private policy networks*) (see Reinicke, Deng, 2000). The 'political style' that characterizes them may be hierarchical or cooperative, depending on whether the states, trans-governmental organizations or the organizations of civil society, namely businesses, have a recognized role, and to what extent, in the decision-making processes.

Therefore, this typology forms the different models in these terms: *network governance*, characterized by the coexistence of public and private actors (intergovernmental organizations, nongovernmental organizations, multinational companies); *side-by-side governance* based on the cooperation between inter-governmental and non-governmental organizations; the *bottom-up governance* model constituted by the coexistence and interaction of non-governmental organizations, inter-governmental organizations and public opinion; the *top-down model* (governments, multinationals, intergovernmental organizations); *Mobius-web-governance*, a multiform, dynamic and lattice-like structure in which both the *top-down* logic of the government and the *bottom-up* logic of civil society operate; thus the presence of 'mass publics' emerges in this model (think of the international mobilization campaigns by transnational movements and NGOs, and of all those cases in which a "transnational public sphere" takes shape).

Anne-Marie Slaughter (2004) also describes a 'complex' world "disaggregated" into a myriad of trans-governmental and intergovernmental 'networks', regarded as the backbone of global governance: the 'regulatory' essence of governance is structured and performed by these actors (the EU, the OECD, NATO, the IMF, the WTO and the G8). The 'functions' exercised by these bodies pertain, in the first place, to the collection and dissemination of 'knowledge' (the cognitive aspects of governance), regarded as the 'raw material' for the definition and implementation of public policies in the global governance arenas. Moreover, the "harmonization networks"[2] put into practice principles, criteria, and regulatory norms within a determined policy area (e.g. NAFTA or the WTO policy regime in the context of global economic governance). The link between regulation and governance is posed in these terms: "governance is […] about dense organizing, discursive and monitoring activities, thatembed, frame, stabilize and reproduce rules and regulations" (Djelic, Sahlin-Andersson, 2008, 7).

Monitoring, assessment and auditing are the activities which take the form of the 'building blocks' of governance. The 'causal' dynamics underlying the development of global governance as acomplex 'regulatory network' are identified in terms of 'institutional forces'. Firstly, the hegemony of scientific discourse and of "experts' knowledge" in the definition of global episteme is to be considered; secondly, the 'institutional force' of governance, which is constituted by a 'marketization process' of society, namely the emergence of the market as a hegemonic social institution.

The numeric growth and the 'political' impact of inter-governmental and trans-governmental organizations, the dissemination of principles of "moral rationality" in the various transnational policy arenas, the emergence of the 'dialogical/deliberative' policy style therein, should be regarded as the constitutive elements of (neo)-liberal global governance.

3. The Epistemic Construction of Global Governance: the Question of Power, the Question of Legitimacy

Bringing the issue of power back into the analysis of global governance has been addressed by Barnett and Duvall, and by the scholars who shared their perspective, with the aim of overcoming the paradox whereby governance has been described as a model of regulation of social life applied to the entire planet while leaving, in part, the 'issue' of power to one side. Restoring the question of power in world politics theoretically poses a three-way challenge. Firstly, the discourse of power in international relations should become totally 'emancipated' from the realistic vision that suffers two limitations, one of relying on a materialist ontology and the other on a state-centric conceptualization of power relations in international politics. Secondly, a critical vision of the 'liberal' conceptualization of power should also be developed since the dimension of 'soft power' in international politics has mainlybeen emphasized (see the literature on interdependence and transnationalism), while the 'coercive' and conflictual components of global politics have been disregarded. The third 'empirical' challenge is posed by globalization, which has broadened the scope of intervention of international organizations by increasing both the range of social issues and social problems to be addressed and the decision-making impact of these international organizations within the different domestic polities (Hurrell, 2005). In this framework, using the Foucauldian analysis of power and moving within the theoretical reference framework of the constructivist approach[3], these scholars are able to reconstruct this concept in complex terms by restoring its multifaceted physiognomy. Material elements and cognitive and normative resources give it form. In particular, they dwell upon the concept of *episteme*, and on the close interconnection between ideational, cognitive and material elements in the structuring of the different forms of power. In these terms and in emphasizing that the essence of global governance is eminently epistemic, the authors refer to a peculiar meaning of episteme. In fact, they state, "an episteme, at any point in time and place, is the sum of collective understandings and discourse about material capabilities, knowledge (normative, ideological, technical, and scientific), legitimacy (the acceptance of the right to rule by relevant communities) and fairness (which in our account may include notions of accountability, representation, and responsibility) (Adler, Bernstein, 2005, 300).

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[2] Slaughter (2004, 54) clarifies: "the adoption of an international standard that adjusts the regulatory standards or procedures of two or more countries until they are the same".

[3] See Guzzini (2000) for a detailed analysis of the main characteristics of the constructivist approach in International Relations, with particular reference to the concept of power.

In an even wider sense, they refer to the concept of 'background knowledge', or rather, the inter-subjectively shared knowledge that can give direction and meaning to social reality: "episteme thus refers to the 'bubble' within which people happen to live, the way people construe their reality, their basic understanding of the causes of things, their normative beliefs, and, their identity, the understanding of self in terms of others" (Adler, Bernstein, 2005, 296).

In these terms, in its dual 'material' and 'cognitive' structure, the constituent components of the "global episteme" (*building blocks*) are given by material resources (*material capabilities*) and forms of *knowledge*, or by the normative dimensions of '*legitimacy*' and *fairness*. On these grounds, the dimensions of authority[4] and epistemic validity, or good practice and practical reason emerge. Epistemic validity indicates the form of knowledge recognized as 'valid' by a given community. This assessment of validity may apply to norms, forms of scientific knowledge and ideological beliefs. The normative dimension of fairness is expressed in the mechanisms of accountability and responsiveness to what are called the global governance actors. Practical-communicative rationality is constructed as an additional component of the epistemic configuration of global governance. In this case, governance is seen as a 'truth-seeking process', shaped by the institutional arenas in which the 'deliberative principle' becomes the guiding criterion for the decision-making processes and interactions that take place. An example will clarify what has been stated thus far. According to the authors, on this point, the 'rule of law' can be considered a "*nascent episteme*" in global governance, able to establish itself in the various 'orders of governance', starting from the primary task of defining the issues in policy-making processes on a global level, passing through a second order of governance that defines the structures and the institutional arenas in which these decision processes are carried out, up to the third order in which the normative issues come into play (see Kooiman, 2003). The use of the typology identified in specific empirical contexts, or in specific arenas of policy, allows us, in a certain sense, to witness the cognitive component of governance in action. Thus, for example, in multilateral economic institutions, such as the World Bank, best practices are commensurate starting from the creation and implementation of norms and rules referable to the principle of the rule of law. The protection of private property rights or the application of certain production standards, defined in terms of 'regulation', is justified on the basis of the 'knowledge' of experts, scientists, jurists (epistemic validity). In cases where disputes arise in the implementation of a specific policy, the 'practical reason' component emerges as constitutive element of the global episteme.

Analogously, the cognitive and normative framework constituted by the 'rule of law' defines the fields, roles and spaces for the participation of shareholders and stakeholders in decision-making processes[5](Adler, Bernstein, 2005). The value of '*fairness*' is an integral part of the 'liberal' component of international organizations. In particular, according to Kapstein, considerations of *fairness* lie at the heart of the 'power' exercised by the 'hegemonic' actors in the context of the international trade regime. In this sense one might say that "once established, institutions, in turn, serve 'to lock in' a given fairness discourse, using their institutional power to define the boundaries of appropriate behavior of member states" (Kapstein, 2005, 82).

In this same epistemic framework, scholars have developed a 'relational' conceptualization of power, based on the constructivist approach.

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[4] This configuration of global governance is based on a precise definition of the concept of authority related to international organizations. According to Barnett and Finnemore (2005), the concept of authority is based on a process of intersubjective recognition. In this sense, an actor, or institution, is given 'authority' when it is able to produce credible forms of knowledge and discourse, and when this credibility is granted consensually, not by imposition. The two authors emphasize that when authority is understood in this way, it is only to this that the international organizations that form global governance owe their autonomy and their power, and it is aimed at regulating policies of the recipients of certain decisions or to establish rules, principles, expectations, values 'identity' and 'inappropriate' forms of behavior.

[5] In similar terms, in the case of probably the most 'representative' form of global regulation processes, the ministerial conferences section of the WTO has defined the governance agenda of the global economy. The authority of the international trade project is implemented pursuant to the forms of 'expert knowledge' (epistemic validity), legal knowledge that confers 'legitimacy' on institutions and organizations that make up this international regulatory "regime" (the authority component), of socialization with regulative rules and principles (by implementing the resolution of disputes), in terms of dissemination of good practices, shared knowledge and participation in the control and monitoring phases of a particular policy (Adler, Bernstein, 2005).

Four different forms of power emerge from two constitutive dimensions, namely the identity of the actors produced through social interactions, and the type of effect (direct/specific or indirect and generalized) exercised on individuals and groups: *compulsory power*, which is based on specific and direct relations between actors, expressed in forms of direct control; *institutional power* which results in the formation of institutions in different spheres of social life (based on indirect and generalized relations); *structural power* (based on direct and specific relations), which defines endowment in terms of the resources of the various social actors by assigning positions of advantage or disadvantage, or giving form to situations of domination/subordination between actors (in the Marxian sense); and *productive power*, through widespread and indirect relations, which consists of the production of subjectivity (the identity of the actors) through relation networks and inter-subjectively shared forms of knowledge.

This form of power becomes particular salient in the analysis of scholars, given that the 'power/knowledge' nexus is part of the epistemic construction of global governance. This form of power is identifiable in the dissemination and consolidation of the 'neoliberal discourse' and the governance regimes that it 'constitutes'. In fact, the 'neoliberal discourse' with its "free trade and free markets, flexible labour and competitiveness, privatization and commodification" (Laffey, Weldes, 2005, 59) is affirmed in this 'global *episteme*'. These imperatives, substantiated by forms of 'epistemic validity'", give shape to a post-Keynesian politics that aspires to the achievement of a utopian society governed by the market. The consensus built around this 'program' of society reform, achieved through forms of *productive power* that shape identities, actors and world views, is 'guaranteed' through forms of *compulsory power*. In this framework, the power of institutions to influence indirectly the recipients of their decisions is no less significant than the impact of coercive power. In the latter case, the *mobilization of bias* comes into play defining the order of priorities, objectives, choices and modes of action in the processes of collective value allocation.

International trade, human rights, 'humanitarian emergencies', 'classification' of refugees, asylum seekers and migrants are all affected by this 'power of agenda' exercised by the institutions (*institutional power*) (Barnett, Finnemore, 2005). Finally, the *structural power* dimension gives an account of social stratification forms, the asymmetric distribution of skills and resources. In terms of the definition of global episteme, structural power is attributable to the formation, as held by neo- Gramscian theory, of a "global capitalist bloc" among the privileged classes that defines the structure of social relations with regard to the distribution of power resources (cf. Gill, 2008; Rupert, 2005).

4. *Governmentality and the Analytics of Government: the 'Foucault Effect' in the Study of International Politics*

The analytical potentialities of the governmentality approach for 'a critique' of global governance can be found in a "concurrently joint and disjoint analytical interpretation"[6] (Vaccaro, 2007, 204). The thematic meeting point between the two approaches primarily concerns the relationship between power and institutions and therefore pertains to the polymorphic nature of power and its constitution in different historical constellations. Different 'rationalities' (or 'mentalities') of government generate these constellations, expressing themselves in exercising the 'right to life and death' (sovereign power), in the regulation of life conducts (disciplinary power) and in controlling the conditions that can change biological processes (the biopolitics of the population). These techniques of power may be simultaneously present, they may modify, combine and complement each other while "the dominant […], [that is] the correlation between mechanisms of sovereign, disciplinary and regulatory power mechanisms" may change (Procacci, 2006, 24).

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[6] As argued by Vaccaro in this regard, both concepts refer to steering both individual and collective behavior, both set similar goals pursued through power 'devices' that are flexible and that can be adapted to different needs arising from the need for social coordination in different frameworks; finally, both set the order of the discourse defined by liberalism and then by neoliberalism (see Dean 2007, 2010; Vaccaro, 2009). The point of separation becomes apparent with the changing of the neoliberal governmentality to forms of authoritarian liberalism and then forms of liberalism exceptionalism. The governmental theory then diverges in terms of the rational critique of neoliberal governance (see Prozorov, 2004).

The "genealogy"[7] of the institutionalized forms of power allows us to investigate the 'mentalities' of government, the ways in which governing is conceived, conceptualized, represented and based on the body of knowledge that defines its scope, *modus operandi* and characteristics. The concept of governmentality is defined by Foucault in these terms: "the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security "(Foucault, 1991, 102). The analytics of government gives way to the study of governmentality, identified as three axes of governing: the cognitive, technical and ethical elements of a given "mentality" of government, which shape a specific power '*dispositif/apparatus'*, i.e. truth regimes (the collective discourses that construct social reality), control (technology, devices, practices), forms of subjectivity (collective and individual identities) (Dean, 2010).

It is possible to consider an interpretive approach in the study of institutionalized forms of power that traces a long-term analytical design which coincides with the definition of the political sphere in Western civilization. Thus Foucault traces the genealogy of governmentality: from the concept of citizenship in classical civilizations to the early Christian pastoral guidance, from the rationality of a liberal governmentwhich is 'limited' in its 'productive' actions on society when "life" becomes both the target and the purpose of governing, i.e. biopolitics (the political economy restricts the actions of a government as an internal limitation to the action of government itself, according to the principle of 'laissez faire'), to the forms of 'neoliberal' governmentality of which 'governance without government' is a constituent part (cf. Foucault, 2005 a, b). Here, according to Foucault, it is proper to use the term 'bio-politics' in order to designate a politics "concerning the administration of life, particularly as it appears at the level of populations. It is "the attempt, starting from the eighteenth century, to rationalize problems posed to governmental practice by phenomena characteristic of a set of a living beings forming a population: health, hygiene, birthrate, life expectancy, race" (Dean, 2010, 118).

The added value of the governmentality approach for 'a critique' of 'neo-liberal governance' lies in its ability to discern the forms of 'rationality' that are 'internal' to each power diagram, in order to analyze these forms of 'government/mentality', starting from an awareness that the main characteristic of a given '*dispositif*' is the "immanence" of the elements that constitute it. This means that the 'objects' that shape a given configuration of power are made up of the same discourses, techniques, and ethics, which define it.

The 'discourse' on governance is an integral part of its own 'functioning', and not a means of legitimation 'external' to the rationality of governance, operating in a given configuration of power (cf. Dean, 2010; Foucault, 2005 a, b; Prozorov, 2007). Thus, the added value of the theory of governmentality within internationalist studies is expressed emblematically in the critical potentiality of the concept, in its ability to de-construct and question that which is 'taken for granted'. In this regard, Merlingen states, "the effect of such analysis is to strip political rule of its self-evident, normal or natural character, which is essential for its operation" (Merlingen, 2006, 188). In this framework, there is a further opportunity to apply the governmentality approach to global governance, by carrying out a critical analysis that addresses the depoliticization of global politics according to the "governance without government" paradigm, unveiling its "political" character (Prozorov, 2004). In this sense "immanentism may be grasped as an attempt [...] to recast the social order as a closed universal self-propelling system without an outside" (Prozorov, 2007,39).

More generally, we can say that the "Foucault effect" or "the making visible, through a particular perspective in the history of the present, of the different ways in which an activity or art called government has been made thinkable and practicable" (Burchell, 1991, 2), has spread to the field of internationalist studies especially in the last decade.

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[7] Foucault defines genealogy as the "history of the present", that is, as the task of delving into the history of the rationality of government (Dean, 2010). The genealogical 'method' is "diagnostic" in relation to the study of the present, or rather, "anti-anachronistic" to the past.

In this framework, the "analytics of government" has been carried out in the study of the different forms of governance which shape practices, techniques and government "programs" (theory-program) in the global arena: from the study of security regimes[8], to the definition of a "grid of intelligibility" that has supported the "rationality of government" of the European integration process (and its specific components: think of the "power technique" formed by the "open method of coordination" as a specific governmental method in which European policy-making is expressed)[9], to the analysis of the networked infrastructure of global governance (network governance) (Larner, Walters, 2004).

Thus, the governmentality approach has proved to be heuristically useful for the study of the different 'technologies' of government that are based on devices such as "reports, drawings, numbers, diagrams, charts, graphs, statistics"; in this sense, "the framing of what is to be governed and how […] is an active, technical process" (Merlingen, 2006, 187).

4.1 The Genealogy of Neoliberal Governance. The "Analytics of Government": Power and Politics at Work

From an analytical point of view, the point of conjunction between the mainstream narrative of neoliberal governance and the theory of governmentality, takes place at the historical moment in which the 'governance without government' paradigm takes form (see Dean, 2007; Vaccaro, 2009). According to Dean, especially from the second half of the 1970s a series of influential analyses have focused on the theme of 'ungovernability' of societies caused by the efficiency and legitimacy crisis of the state. In this framework, the theory of 'governability crisis' formulated by the Trilateral Commission[10] 'describes' the crisis of liberal-capitalist democracies in terms of 'the overload of demands' by citizens, at the expense of the 'effectiveness' of government. For its part, the neo-Marxist theory of the crisis of legitimacy of capitalism calls into question the function of the welfare state as a model for regulating societies and shows how state legitimacy is challenged in the face of the systemic 'contradictions' of the model of capitalist production. Luhmanian systemic theory considers the crisis of state efficiency as the by-product of the self-referencing of "autopoietically closed" social systems. These 'authoritative' accounts of the "crisis" are also examples of the problematization of "governing" (Dean, 2007), when governance "is presented as the solution to the problem of ungovernability" and is also "viewed as the missing third term in the traditional dichotomies around the opposition of state and market" (Dean, 2007, 48). The critical approaches in the debate about democracy, tell of profound transformations of democratic regimes, which consist in the reduction of the opportunities for political participation, in the consolidation of the neoliberal hegemony in politics and economics, in the dispersion of the 'labour constituency' regarded as one of the building blocks of 'social-democratic' politics in contemporary representative democracies (Crouch, 2003). Other critics stigmatize a process of depoliticization that undermines political participation and the expression of dissent in neoliberal "post-democratic" regimes (cf. Crouch, 2003; Mouffe, 2005). Security policies, a 'penal state', restrictive migration policies can thus be regarded as practical devices that instantiate the 'revolution from the top' which redistributes economic resources from the lower classes to the élites, thereby increasing social inequalities. This critical account of the "crisis" points out the "top-down revolution" of the last decade for which the global economic crisis appears to be an "opportunity for reinforcing capitalism against work", that is the 'politics of neoliberalism'.

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[8] The new frontier of security is now constituted by the changing of the "bios" in the construction of bio-political power: biopower becomes digital and molecular, conveyed by informational codes and by the "molecular" relationship and communication dynamics. In this sense, "biopower has become informational. This does not simply mean that it operates through digitalized and integrated computer-mediated communication and surveillance technologies. Information is now regarded as the principle of formation of life itself. That move has been both cybernetic and molecular, a function of the way the information and the life-sciences now install information at the center of the organization and functioning of life" (Dillon, Reid, 2001, 49). A biopolitical war and biopolitical economy formed by reticular reporting systems structured by new informational and molecular technologies have taken shape (Dillon, Reid, 2001).

[9] Scholars reveal how epistemic and normative elements and power techniques for a given governmental system are recognizable in the European integration process; in this case, various "mentalities" have shaped the European integration process: from technocratic to neo-functionalist logic, which are attributable to the idea of modernization and progress, from the logic of planning for the construction of European welfare to the power technologies brought into play for the construction of a common and homogenous European space (Walters, 2004). The example of "open method of coordination" exemplifies a particular mode of "government at a distance", empowerment and self-government of the actors involved, or rather, control in terms of benchmarking and peer review; for more details of these aspects see Dale (2004), Larner, Le Heron (2004).

[10] A commission of transnational studies, made up of the political scientists Crozier, Huntington and Watanuki (Held, 1997).

Foucault suggests that the recent "neo-liberalism, understood (as he proposes) as a novel set of notions about the art of government, is a considerably more original and challenging phenomenon" (Gordon, 1991, passim). Different governmental rationalities might be described as variants of neo-liberalism: "they are modes of problematization of the welfare state and its features such as bureaucracy, rigidity and dependency formation. They recommend the reform of individual and institutional conduct so that it becomes more competitive and efficient. They seek to effect this reform by the extension of market rationality to all spheres, by the focus on choices of individual and collectives, and by the establishment of a culture of enterprise and responsible autonomy" (Dean, 2010, 267).

The self-government of individual and collective actors (in terms of *autonomy*, *empowerment*, *self-government*) at the "micro" level, the development of a new global order characterized by the dispersion of the "systems of government" and authority (*systems of rule*) in the macro dimension, are regarded as instances of "advanced liberal" governance (*advanced liberalism*)[11] (Dean, 2007). The epistemic ontological and ethical components of neoliberal governmentality, that is of "*advanced liberalism*" is a model of governance implemented "through the ethical culture or cultivation of the individual" (Dean, 2007, 61) ("*culture-governance*")[12]. Hence we have "governing through the exercise of freedom and choice within constructed markets and in public-private partnerships, by plural agencies such as individuals, families, neighbourhoods, assorted communities, regions and associations […] under marketized pastoralism of experts" (Dean, 2007, 105). Thus, the paradoxical nature of "*authoritarianliberalism*", i.e. the governmental diagram which has emerged in this historical phase, is defined through "*dividing practices*" which regard those who can be "governed through freedom" (the liberal-biopolitical component) and those who are subject to authoritarian components (terrorists, fundamentalists, migrants, indigents[13] on the one hand, and "Rogue states", Failed states, Criminal states on the other). These are all the individuals, groups and communities that stand on the wrong side of the freedom divide, articulated through "hyper-securitization" techniques in the biopolitical dimension of governance, both within and beyond state boundaries.

In this framework, the different accounts of the crisis of state and democracies, of the end of sovereignty, of the deterritorialization of politics (which is accompanied by post-conflict, post-sovereign, post Westphalian politics, characterized by the rise of global governance and translational civil society) can be tackled under a different perspective which highlights the need to reconsider the different forms and technologies of power (cf. Dean, 2007, 2010; Gill, 2008).

As Dean points out: "far from being a declared state of exception at which law and governance recede and at which pure decision reigns, liberal governmentality seeks an annihilation of the exception and a sublimation of the moment for decision onto all kinds of expertise, administrative process, legal regulation and, indeed, everyday patterns and ways of life" (Dean 2007, 202). In this sense, the "extreme cases" consist of all those decisions that "it is necessary to do when confronted with what might be an exception to what is considered to be the normal form of life and of how to secure, protect and even enhance that life in the face of exception" (Dean, 2007, 188). The 'sovereign' power (consisting in deciding who to let live or let die), returns to reaffirm its rationality, changing the constitutive DNA of liberal governmentality, understood as *biopower*, namely as governance of life through the techniques that structure it in order to ensure its preservation, growth and management (or rather, regulatory control, i.e. the *biopolitics* of the population). As Dean clarifies: "to understand those relations we need to take into account heterogeneous powers such as those of sovereignty and biopolitics.

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[11] The portrait of the new cosmopolitan citizenship is also part of this account and is made up of individuals, the citizens of the network society, and groups, "ethically" orientated actors of the global civil society such as non-governmental organizations and movements: "at the international level, advanced liberalism promises a world without outsiders, a world without exclusion and exceptions in a cosmopolitan order" (Dean, 2007, 193).

[12] The 'ethical' register of neoliberal governmentality (i.e. the culture-governance) characterizes the 'post-national lexicon' which includes terms such as "neoconservative" community and communitarianism, self-governance and empowerment, accountability, best practices (see Dean, 2007).

[13] In several passages, the author considers the "power over life" exercised by "experts" and scientists to be emblematic of the authoritarian-liberal governmentality and power over life, citing, for example, the case of Terry Schiavo and all those situations inwhich decisions are made over who should live and who should die (Dean, 2007).

The exercise of power in contemporary liberal democracies entails matters of life and death as much as ones of the direction of conduct; of obligation as much as rights; of decisions on fostering or abandonment life, or the right to kill without committing homicide, as well as of the shaping of freedom and the exercise of choice" (Dean, 2007, 96).

According to the governmentality approach, the final stage in analyzing neoliberal regimes lies in highlighting the changing of the rationalities of government towards the logic of *state of exception*, in an unusual interplay between *exception* and *normalcy*, resulting from the change of the 'dominant' in the relationship between the various governmentalities[14]. If, according to Agamben (2005) in his theorization of the detention *camp*[15], understood as the new "*nomos* of world order" in the age of globalization, the *state of exception* is configured as the '*dispositif* par excellence' of neoliberal governmentality, for Dean, this "state of exception" is "dispersed", broken down into many practices in which the logic of exception, paradoxically, becomes the routine. In light of the above, Dean highlights the opportunity to address a new stage of 'problematization' of the art of governing. In fact, we may investigate the interactions between techniques of governing (hard-power) and legitimacy discourses (soft-power and neoliberal governance) in the so-called "authoritarian liberalism", and then, how they have been reshaped by a form of "liberal exceptionalism" in which the "the vocabulary of emergency, exception, crisis and necessity" redraws the same neoliberal diagram.

In this context, post-national politics, namely governance without government, is also characterized by the 'intertwining' of domestic and international politics[16] which has been addressed in the debate on democratic legitimacy. It has also been theoretically defined in response to the political transformations that have seen the so-called "Keynesian consensus" dissolve and be supplanted by neoliberal consent, in the historical succession from the "Trenteglorieuses" to the "Trentefurieuses", from the Keynesian State to the Regulatory State[17], namely from Second World War "embedded liberalism" (i.e. the Bretton Woods international regime) to the "Washington Consensus" neoliberal regime (see Palumbo, 2009, 2010). In the face of the crisis of the Keynesian consensus, the remedies to the 'failures' of political regulation of economics in representative democracies (according to "public choice theorists" and to the "regulatory state" doctrine) should follow two alternative strategies: on the one hand we find the "anti-majoritarian" program and on the other the "ultra-democratic" program (Palumbo, 2009). The first considers policy making processes to be increasingly independent from the electoral cycle: the legitimacy of democratic policies does no longer depend on the political delegation and 'electoral participation' that form it (input legitimacy), but on the definition of regulatory processes in which pluralistic and competitive decision-making methods are integrated in order to increase the efficiency and effectiveness of policy-making. Conversely, the "ultra-democratic" scheme suggests a rewriting of the participatory "voice" (input legitimacy) in a 'deliberative' approach.

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[14] The discourse on global governance fits into the framework of the long period of liberal governmentality changes. In the 'genealogy' of liberal governmentality, divided into several historical phases, " government styles and projects" follow one anotherstarting from the first constitution of modern governmentality with the birth of the state, moving then to the rationality of liberalgovernmentality in the biopolitical code of the Reason of state, until the formation of "advanced liberalism" that coincides with the era of governance; it is the relationship between the various power logics (pastoral power, sovereignty, power regulator) thatchanges their mutual balance. In other terms, states Dean, "sovereignty and other powers change as they enter into new figurationof power, they reshape and recompose each other and combine and recombine in new different forms" (Dean, 2007, 157).

[15] On the empirical level, the reference here is to the prisons of Guantanamo and Abu Ghraib, or rather, more generally, all those conditions that celebrate the return of the *homo sacer*, the subject-object of power, that brings the "bare life" dimension to the political community (*zoe*), affirming the pact that binds men together in the "political life" (*bios*). According to Agamben, the topographical structure of the "camp" coincides with the structure of the new global order, to which it gives an "intensive" specialrepresentation that is in sharp contrast with the extensive geopolitical representations of cosmopolitan-liberal interpretations (seeDean, 2007).

[16] According to the governmentality approach, with the establishment of the Reason of State and the "Police State" within, and thebalance of power without, the blend of the internal and external dimensions of politics seems to have been inscribed in the same constitutive rationality of liberal governmentality (see Dean, 2010; Foucault, 2005 a,b).

[17] Bevir explains this change by referring to the passage "within the public domain, from hierarchical and market forms to networksand forms of partnership; the interpenetration between administration and civil society and amongst national and internationallevels; the revision of the administrative role of the state from an interventionist and coercive model to a steering, coordination andenabling model [...]; the involvement of citizens in decision making processes [...] (Bevir, 2007, 96).

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The purpose of participatory deliberative practices is not identified with electoral participation (of all) but with the widening of the opportunities for debate and discussion concerning individual issues, or with the possibility for a greater number of actors (stakeholders) who have 'definite interests' to take part in problem-solving processes for the definition and production of public goods, in either national or international policy arenas (cf. Palumbo, 2009; Pellizzoni, 2008; Risse, 2000).

5. Global Civil Society: the Problematization of Global Governance?

The concept of global civil society has become consolidated in the lexicon of post-cold war international politics, sharing the fate of the concept of governance, i.e. establishing the central term of reference in both the mainstream account of global governance and in the critical and diagnostic account offered by the theory of governmentality. In this context, the two terms appear to be inextricably linked within a common semantic framework, even more so in relation to the debate regarding the legitimacy of global governance (cf. Bartelson, 2006; Lipschutz, 2005 a, b; Scholte, 2011; Steffek, Hahn, 2010). Considering the two accounts simultaneously, we will attempt to show the complexity of the concept of global civil society, by reference to both the analytical and the normative dimension. Within this framework, the concept of global civil society has been endowed with a series of 'functions' connected to the dual need of making the rationality of governance 'conceivable' and the 'global' political space being set up 'governable'. The use of the concept of global civil society in the 'jargon' of International Relations performs two semantic functions: it allows the Westphalian political order not only to be transcended, but also to be transformed or 'civilized'.[18] In this framework, according to the logic of liberal governmentality, civil society[19] in domestic politics constitutes "both the target of governmental authority and its ultimate source" (Bartelson, 2006, 390); thus the 'global' civil society is now called on to play the same role in world politics. In this regard, Bartelson states: "according to the logic of governmentality, the belief in the social reality of global civil society and its relative autonomy from governments and markets is a necessary condition for the smooth functioning of both" (Bartelson, 2006, 374). In passing from one account to the other, it is important to understand whether and under what terms the concept of global civil society has managed to support the promise of 'emancipation' in relation to global economic and political power, or whether instead it is constitutively 'implicated' in the apparatus of neoliberal governmentality as "a central and vital element". We can try to answer this question in both theoretical and empirical terms. In this framework, reconstructing the 'history' of some policies (as in the case of the formation of corporate social responsibility codes, defined within the UN in the case of the Global Compact, or as part of the OECD with guidelines for multinational companies), Lipschutz gives an account of the mode of interaction between civil society actors and international organizations.

The infrastructure of neoliberal global governmentality, of which global civil society is part, is shaped by mixed public-private arrangements involved in the 'regulation' of public goods through the production of public policies in the arenas of global policy. In these terms, the definition of normative standards in the field of environmental protection, or of the rights of workers and consumers, the formulation of codes of conduct, the definition of parameters for the exercising of corporate social responsibility (for example in the field of multinational clothing companies, as is the case for Nike and its subcontractors), represent different ways of dealing with collective values (*ethics*) put into practice by 'private' subjects, whether they be businesses, in the first place, or consumers[20] (see Lipschutz, 2005 a,b; Lipschutz, Rowe, 2005).

Similarly, in Gill's neo-Gramscian account, the neoliberal '*dispositif*' take its shape from the consolidation of "the politics of supremacy", that is the structure of economic, political and cultural power, supported by the "historical block", i.e. the transnational *globalizing élites*, which include "*organic intellectuals*", political leaders and economic actors. This constellation of interests has given form to the structures and processes of neoliberal governmentality and has been institutionalised in a "*new global constitutionalism*".

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[18] "The early liberals' conception of civil society needs, Foucault suggests, to be understood first of all as an instrument or correlate of a technology of government. […]". Civil society is therefore to be taken as "*a realité de transaction*' a vector of agonistic contention over the governmental relation, of the common interplay of relations of power and everything which never ceases to escape their grasp" (Gordon, 1991, 29).

[19] It is configured as the "principle" in whose name the Liberal government "tends to be limited," but also as "the target of a permanent governmental intervention" aimed at "producing freedom" (Senellart, 2008, 198) needed for it to function.

[20] The authors refer to social regulation of transnational clothing manufacturers, to "privatization" of the forestry regulation regime(e.g. the International Forest Industry Roundtable, Program for the Endorsement of Forest Certification), and to the emergence ofcodes of conduct and corporate social responsibility.

A possible 'resistance' in the face of this neoliberal 'constitutional' model can be opposed by the "new prince", namely the translocal and transnational social movements that are potentially able to implement a "war of position" in order to give shape to a "anti-hegemonic" political order (Gill, 2008). By expressing the distinction between public and private, ethical, political and moral (a distinction underlying the historical and institutional constitution of civil society), Lipschutz defines a 'normative' model (the theory of emancipation) of global civil society action, expressed in terms of 'resistance' against neoliberal governmentality apparatuses carried out by transnational social movements (see Della Porta, Tarrow, 2005;Pianta, Marchetti, 2007).

5.1 Global Democracy, Accountability, Public Space. The Global Civil Society Narrative: A Reassessment

The liberal internationalist mainstream, in proposing the 'way out' from a state-centric and anarchical vision of international politics (which is by definition insensitive to the question of democracy) viathe concept of 'governance without government', has reopened the debate on democracy in the field of International Relations[21]. In order to analytically confront the 'challenges' posed by the emergence of post-Westphalian post-national politics, scholars have indicated the 'paradigm shift' in the understanding of world politics from the "multilateralism of states" to "societal multilateralism", characterized by the presence of civil society actors organized transnationally and acknowledged as 'makers' of the democratization of global governance (cf. Dean, 2007; Palumbo, 2010; Zurn, 2005).

In particular, the mainstream literature in International Relations[22], viewing governance beyond the state as a functional self-regulation mechanism, poses the question of political legitimation in terms of outputs legitimacy[23]. In this context, as Wolf clarifies, "governance without (world) government is basically composed of a system of sectorial regulations [...]. The legitimacy of governance beyond the state's heavily [relies] on the promise of effective problem-solving i.e. on output instead of input legitimacy" (Wolf, 2002, 30). Thus, governance beyond the state "heavily challenges the idea that the constitution(s) for such non territorial political systems should have [any] anchorage in territoriality at all" (Wolf, 2002, 43). In this framework, the "ultra-democratic governance" proposal aimed at overcoming the trade-off between "*system effectiveness and citizen participation*" seeks to find a balance between functionalist imperatives on the one hand, and the instances of democratic legitimacy on the other. The conceptual operations carried out for this purpose starts from a series of distinctions and the 'unpacking' of the concepts of *demos* and representative democracy (Zurn, 2000). The normative "effect of veridiction" which follows, allows us to affirm that it is possible to envisage alternative models of democratic legitimacy that are at least partially disentangled from 'territorial presumption', i.e. from the spatial congruence between the representatives and the represented [24].

In this context, "accountability" may be considered as the '*dispositif*' around which the entire debate on the democratization of international politics revolves.

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[21] In International Relations, it is mainly the theory of democratic peace that questions the democratization of international politicsin terms of interstate relations, which has also been addressed in relation to studies of regime changes (see Archibugi et al 2012; Bonanate, 2001)

[22] The debate on these issues within internationalist studies is manifold and complex; for a more ample discussion on these topics see Held, Koenig-Archibugi (2005); Grote, Gibpki (2002), Zurn (2000, 2005).

[23] Using Bernstein's analysis, we can understand the legitimacy concept in these terms: "the question of legitimacy concerns who isentitled to make rules and how authority itself is generated […]. Legitimacy is intimately connected to power and political community. […]. Legitimacy can also be a source of power, enabling some policies or practices while proscribing others. […] In terms of community, legitimacy always rests on shared acceptance of rules and rule affected communities and on justificatory norms recognized by the relevant community" (Bernstein , 2002, 143). More generally, the concept of legitimacy can be effectivelydefined by reference to Weberian, Luhmanian and Foucauldian meanings; for a discussion on this point see Scharader and Denskus (2010).

[24] The mechanism of delegation of representative democracies, based on the spatial congruence between inputs and outputs, between representatives and represented, was based on a "theoretical and sociological theory", referring to the ability to aggregate"all instances, questions and needs emerging from society in a single pot" (Ferrarese, 2010, 81). Post-national democratic legitimacy, abandons those "assumptions", in a context characterized by new forms of political space and recognizes transnational demos being set up (starting from the "trust" created by the human rights regime or flows of communication of new media), and decision-making methods in which negotiations and bargaining mechanism will be replaced or rather complemented by the deliberative processes based on dialogue, referred to as the new frontier of legitimacy in global policies (see Risse, 2004, 2005; Zurn, 2000).

The concept of accountability in policy studies refers to the relationship between 'principal and agent', namely to the control of the latter on the part of the former, and, in a broader sense, within the framework of democratic theory, to the responsibility of government towards the governed, performed not only through elections (vertical accountability) but also through 'third parties institutions', that is civil society organizations, media, etc. (horizontal accountability).

The 'normative' criterion of accountability proposed in literature on global civil society is considered as a 'functional equivalent' of democracy in global governance. In these terms, one of the most recent research reports on the impact of civil society organizations (Scholte, 2011) assessed this via thirteen case studies focusing on different global governance structures (from intergovernmental organizations such as the UN or the WTO, IMF and the WB to transgovernmental organizations such as the G8 or ICANN, the regulatory organization that presides over internet governance), and has operationalized the concept of accountability, distinguishing four sub-dimensions, namely transparency, consultation, evaluation, correction. In general, mixed results emerge from the analysis, given that, if the contribution of civil society actors seems to be important enough to have urged intergovernmental and transgovernmental organizations to adopt an open-minded stance regarding the need to offer information, knowledge, access to documentation, on its work, thus resulting in formal and informal accreditation mechanisms for civil society organizations (the "UN system", for example), and to have created the opportunity to access policy agenda setting by allowing forms of monitoring and reporting, the overall impact seems to be "modest".

As Scholte (2011) clarifies, the increasingly articulated presence of civil society organizations in the spaces granted by the organizations in question have not generated a change profound enough to generate the implementation of a substantial 'democratic' reform with regard to the structural characteristics, the modus operandi, and the epistemic and normative contents of policies produced by these organizations. Scholte concludes that, above all, the "rationalistic" and "capitalist" logic of global governance remains unchallenged: hegemonic discourse and policy meta-frames produced by these intergovernmental and trans-governmental organizations are based on the logic of profit and competitiveness, on technical primacy and expert knowledge, while other forms of regulation and alternative policy frames (from the environmental to the gender frame, to that of solidarity and social justice) are largely marginal.

According to Lipschutz, the impact of non-governmental organizations and social movements is defined in terms of "institutional power" (channeled into the neoliberal epistemology of "good practices", institutional "fairness" of which the accountability dimension in its various manifestations is a part, e.g. 'transparency' and consultation procedures), in some cases of "*compulsory power*"[25], but not in terms of "structural power", and only episodically of "productive power". In other words, the 'challenge' posed by civil society actors has not been focused until now on systemic relations between state and market, between the public and private sphere, since the 'cooptation' of these actors in the context of hegemonic 'order' implies their subordinate involvement within consolidated power relations. In fact, it is in these terms that Lipschutz interprets the impact on political mobilization of civil society actors in the definition of corporate social responsibility principles, or rather, in awareness campaigns that contribute to the definition of rules of conduct for multinational companies that often do not have an impact extended 'universally' to all subjects involved, but rather a mere influence that is limited to those actors who decide to commit themselves to specific standards (Lipschutz, Rowe, 2005).

If the essence of politics is 'the struggle over ideas' on alternative visions of the 'public good', then it is through the power of discourse (productive power) that the actors of civil society should be able to gain more influence. In order to obtain greater mobilization of groups and activists in the formation of policy frames and alternative world views so that these may be translated into a wider process of change (effective even on the "structural power" level), these actors need to be able to build a 'presence' on a local level, both in 'face-to-face' interactions as well as in the transnational framework.

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[25]This is the case of mass mobilization against authoritarian states that violate human rights, in which NGOs and civil society movements mobilize the political sphere by appealing to transnational and international law, creating forms of pressure on these states causing them to change their conduct in relation to the human rights regime (see Keck, Sikkink, 1998; Risse et al, 1999).

Potential opposition, in Foucauldian terms, to neoliberal governance practices may arise in the "conflict" over the definition of the boundaries between the public and the private sphere, between state and market, namely the same dividing line that influences the participatory practices in the 'co-governance' process between public and private actors, by making porous the definition of the standards of conduct by private actors, benefiting the 'private' interests more than the 'public'. The self-regulation model of corporate social responsibility, the 'political consumerism' on which it is based, or rather, the 'moral' assessment of the company's behavior complying to 'moral' standards performed by individual consumers actually exemplify many "immunization" processes, namely the establishment of a set of unilateral obligations. In this case, the public is firmly constituted by parties who are 'involved' (according to the "all-affected principle") but who are 'mute', unable to express their own 'voice'. However, the construction of the 'public space' may occur by following a reverse logic, that of "contamination" (in the case of deliberative arenas, but also of protest movements, organized groups etc.). In this case, the more inclusive the procedures, the greater the number of actors included but with no room for the 'third-party' positions.

This occurs in the political interactions regulated by deliberative practices, in which institutions and civil society actors define participatory policy processes. In particular, there is a "constitutive tendency" in the deliberative arenas "to accept and give priority to the point of view of those present here and now"(Pellizzoni, 2008, 110). By definition, the "Third Party logic" is an alternative model for the constitution of the "public", which actually gives space "to the asymmetry that it introduces into existing relation structures" both in terms of space (permeability and mobility of the boundaries between subject areas and social concerns) and time (taking mutual "commitments" towards the future). And this is the specific logic that mainly operates in the constitution and action of social movements, as possible form of 'radical democracy' which transgresses the self-referential structures of power and gives voice to the "sans part", the ones excluded therefrom. In this context, the public space appears not to be a ready-made product of existing and deep-rooted social relations, but a space providing an opening for discussion, 'conflict' and dissent (cf. Mouffe, 2005; Rancière, 2007).

Thus, as Lipschutz argues, civil society actors can choose not to be part of the apparatuses of global governance but, on the contrary, they are able to show the 'limits' of such power structures. This may happen when these actors are able to act, at the same time, on the discourse (productive power) and 'strategically' by creating "small zones of sovereign[26] of action" (Lipschutz, 2005 b, 767). Thus, social movements, that embody forms of 'concrete freedom ' (which is ontologically prior to the diagrams of power and accessible only through an act of 'resistance' to the diagram itself (see Dean 2007)), mayrepoliticize global governance. In this sense, "freedom within but in excess of the diagram" can be considered as "a permanently available possibility". [...] The practices of concrete freedom have nothing to do with the desire for 'another diagram', but rather are entirely contained in passing to the exterior limit of the diagram in question: 'transgression has its entire space in the line that it crosses' (Prozorov, 2007, 41)".

Thus 'transgression' (in terms of "non-positive affirmation") consists in crossing the boundary between the constituent and the constituted, performing an act of resistance which takes the form of a 'refusal'('counter-conduct') of governmentality technologies of power, by giving rise to what Foucault has conceived as "the undefined" – or 'the unfinished'– work of freedom" (see Prozorov, 2004, 2007).

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[26] This recurrent recasting of the concept of sovereignty in order to disentangle the technicality of biopolitical/neoliberal governmentality devices, has been dealt with by various authors (cfr. Dean 2007, 2010; Prozorov 2004, 2007). Prozorov, in particular, draws on a Schmittian declination of sovereignty and state of exception, explaining how "both the subject of Foucauldian resistance and the Schmittian sovereign dwell on the exterior limit of the diagram [...]. [They] are simultaneously present inside and outside it, and have as the content of their practices the decision on 'taking exception' from the positivity of order." (Prozorov, 2004, 284).

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