Moving beyond the Crisis : reclaiming and reaffirming our common administrative space
Pour dépasser la Crise : un espace administratif commun

With the financial meltdown and the economic crisis in their fifth year already no one can any longer be in doubt about their exceptional gravity, their truly global impact and their profound effects hurting vulnerable groups and the very poor especially. As the world looks for an exit from this economic crisis – the worst in eight decades – the focus of attention is naturally on the causes, the factors that account for its wide reach and severity, as well as on strategies that might bring it to a closure.

The quest for exit strategies is at the very centre of the issues and concerns explored in the present volume, produced by the IIAS. Like the preceding volumes, but even more emphatically, this volume, representing a collective endeavour of scholars and practitioners from many parts of the globe, finds cause to lay the blame, for our difficult predicament, on the institutional deficit, the policies, the practices and values that have followed in the trail of a highly misleading and erroneous model of governance.

The «Market Model of Governance» as it is known, sought to reform, the structures and culture of administration and government in private sector ways. While instrumental values like efficiency and effectiveness were raised and praised profusely, those of democratic governance were discounted by comparison. In particular, integrity, the rule of law and due process, equity, legality and public service professionalism suffered a steep decline, in several parts of the world. Likewise, the invasion and the capture of public space, inevitably led to an unprecedented surge of greed, abuse and corruption that contributed directly to the crisis which is upon us.

Looking for exit strategies, as its title aptly suggests, the present volume offers a rich menu of ideas drawn from the current experience of all the world´s main regions. Not surprisingly, two concepts stand out throughout the book as necessary correctives, as well as pressing remedies to the world´s ongoing malaise. They call for the recapture of our common administrative space and the reaffirmation of the values and virtues appropriate for democratic governance. To the IIAS, none perhaps are more important than public service professionalism and none other can contribute more effectively to the reform and consolidation of sound institutions for national, sub national, global and regional governance.

For these reasons, at this juncture, the new volume like the others should be featured in every public library and become a vademecum of all scholars and practitioners of public administration and politics around the world.

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IIAS International Institute of Administrative Sciences
IISA Institut International des Sciences Administratives

IX

Globalism and Constellational Governance: Challenges for Service in the Global Public Interest

Ian THYNNE and Andrew MASSEY[119, 120]

"We are determined to establish a just and lasting peace all over the world in accordance with the objectives and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, and international cooperation in solving international problems of an economic, social, cultural and humanitarian character."

Millennium Declaration
Res A/RES/55/2
September 8, 2000

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Abstract

Governance, in the global arena, comprises multiple constellations of communities, institutions and power, with numerous alignments of people, space, place, systems, policies and action. States, markets and civil society are increasingly drawn together through strategic alliances, networks and other patterns of interaction across traditional spheres and divides. Interactions involve communication and collaboration among a diverse array of institutions, the power, structure, operation and legitimacy of which are crucial elements of global dynamics. In essence, there are complex spheres of activity that are variously interrelated, overlapping and interlocking in the service of global well-being.

The nature and significance of communities, institutions and power in global governance need to be thoroughly and sensitively appreciated, accompanied by an ability to design, construct and nurture institutions, while being ever-mindful of public legitimacy, which must be secured and retained. Hence the critical importance of three broad capacities – an appreciative capacity, an architectural-building capacity and a legitimation capacity – of the types outlined in this chapter and underpinned by dependency on behavioural adherence to essential professional norms.

These three capacities constitute challenges inherent in global constellations of communities, institutions and power, which need to be understood and managed effectively. The capacities are cumulative and interdependent in that they build on one another and are mutually reinforcing. They are addressed in turn, followed by a discussion of professions and professionalism as pressing global imperatives. The result is an analytical framework within which selected matters are identified and canvassed through the provision of pertinent conceptual lenses and sketches.

The chapter concludes by stressing the need for capacities to be consciously and thoroughly developed as fundamental elements of global governance. They are central to the demands for professional status and professionalism in governance. Accordingly, considerable attention should be paid to the exercise, accountability and control of professional power. The challenges are there to foster and to ensure responsive and effective professional service in the global public interest.

Introduction

Constellational governance accepts and extends the astronomical idea of constellations as sets of stars within spheres. The stars forming constellations in global governance, as in national governance, broadly

include communities, institutions and power in various guises and configurations. They embody diverse alignments of people, space, place, systems, policies and action within and across spheres of endeavour in the service of global well-being. Often the constellations are well developed through natural evolution, while also being firmly interlocked across spheres. At other times they need consciously to be formed, with or without some degree of intertwining, fostered or forged. At still other times, they might only exist and be apparent for short periods, arising with episodic roles and having momentary significance before disappearing. In all instances, including natural and crafted mixes, they are fundamental to how governance is conceived, arrayed and played out globally. For, as Pattberg (2005, p. 591) acknowledges, the global "locus of authoritative problem solving does not rest with governments and their international organisations alone", but is "in many different settings, involving public-private as well as purely private actor constellations".

In light of the constellational character of global governance, we consider key capacities for quality service within and across spheres in the global public interest. Three broad capacities are analysed and underscored. In each case, they are posed and addressed as challenges. The challenges are inherent in significant constellations which need to be understood and managed effectively and with integrity. They are underpinned by a dependency on behavioural adherence to essential professional norms.

The three capacities are cumulative and interdependent in that they build on and reinforce one another in their significance for key constellations and the challenges involved. The first is an appreciative capacity, drawing on Vickers' (1968) "appreciation", "appreciative system" and "appreciative setting"; with the challenges for appreciation lying in constellations of global communities from states, markets and civil societies to goods, resources, policy and ownership communities. The second is an architectural-building capacity stimulated by discussions of institutions and institutionalisation by Selznick (1957, 1996), Olsen (2010) and others; this capacity is crucial to constellations of global institutions involving challenges in their design, construction, evolution, adaptability and transformation. The third is a legitimation capacity, with ideas from Beetham (1991) and Hall and Biersteker (2002) highlighting challenges in constellations of global power involving its sources, distribution and exercise in the arena of global governance.

We address these global challenges, constellations and capacities in turn, followed by a discussion of professions and professionalism as global imperatives. The result is an analytical framework within which selected matters are identified and canvassed through the provision of pertinent conceptual lenses and sketches rather than comprehensive and detailed empirical analyses. The latter, in various analytical schemas, are already

widely available in the vast literature on globalisation from a governance and other perspectives (e.g., Djelic and Sahlin-Andersson, 2006; Ebrahim and Weisband, 2007; Farazmand and Pinkowski, 2007; Fraser-Moleketi, 2005; Kratochwil and Mansfield, 2006; Lane, 2006, 2008; Pagaza and Argyriades, 2009; Sandler, 2004).

1. Constellationalism and its Challenges Globally

1.1. *Challenge I: Constellations of Global Communities – An Appreciative Capacity*

Vickers' ideas of "appreciation", "appreciative system" and "appreciative setting" (1968) capture the ways in which people make sense of events and developments, in themselves and in comparison, through cognitive processes involving reasoning, perception and judgement beyond just the acquisition and application of knowledge. Communication and the bases and methods of coding and decoding it are central to how the world and specific circumstances within it are assessed, understood and responded to. Through communication, its codes and the understanding it fosters, an appreciation is acquired. For example, an understanding is acquired of the form, purposes and dynamics of patterns of interaction within systems and spheres of activity. Such an appreciation inevitably influences and should positively guide and inform the policy and action responses of those involved.

This type of *appreciation* and *capacity to acquire it* with meaningful consequences bear special relevance on how various constellations of communities in global governance are understood as an essential basis of effective service. Selected communities are considered here in terms of what needs to be appreciated and the importance of an appreciative capacity being developed by those who are active contributors to global affairs. Included are States, markets and civil societies as global communities. Within them and across them are communities interested in public goods and common pool resources, as embraced, supported or complemented by policy and ownership communities involving networks and social media.

Our interest lies in significant features of these communities, which need to be clearly appreciated as a prerequisite for effective policy and action globally. Several features are considered, beginning with those that are inherent in the community foundations of States, markets and civil societies. These provide a logical inroad to the other features. They are their contexts, while also shaping and conditioning them in various ways.

A fundamental and particularly pertinent feature of States, markets and civil societies conceived as global political, economic and social communities concerns their actual presence and circumstances in global constellations, as variously addressed, for example, by Lane (2006, 2008), Kaul *et al.* (2003) and Anheier *et al.* (2001). Reference to their 'globalness' acknowledges the scope, boundaries and significance of their functioning and interaction globally; while certainly not suggesting that they are integrated globally in ways that might facilitate the task of consideration and understanding of each, as a whole. States remain States, in spite of emerging regional groupings and global fora. Markets remain markets, despite the idea of a global market place. Civil societies remain civil societies, despite talk of a global civil society. The plural, not the singular, remains the reality in all cases, irrespective of the extent to which specific elements of States, markets and civil societies have increasingly become or, in some cases, have long been closely interrelated and interdependent across relevant constellational boundaries and divides, both nationally and globally.

The immediate and obvious significance of this plurality of State, market and civil society communities globally is that appreciation as a service prerequisite in global governance has no short cuts or quick fixes to it. On the contrary, it requires nothing less than a phenomenal capacity to survey, to delve into and to make real sense of a vast array of political, economic and social traditions, structures and activities around the world. The task is daunting and potentially overwhelming, but must certainly be embraced. Consistent with Vickers' (1968) ideas, it requires much more than the accumulation and use of key insights and knowledge. It demands a deep understanding, a kind of seventh sense, based on an innate but also well-cultivated ability to see, discern, reason, empathise, decide and act, without becoming immersed, captured and compromised and thus of no value to governance.

These appreciative expectations and needs concerning the plurality of State, market and civil society communities globally are heightened and made more onerous by communities each being inherently dualistic. This idea of dualism acknowledges and expands on Sorensen's (2006, p. 196) depiction of the State as a dual community: "a community of citizenship concerning the relations between citizens and the State (including political, social, and economic rights and obligations); and a community of sentiment, meaning a common language and common cultural and historical identity based on literature, myths, symbols, music, art, and so on". This duality of the State recognises the existence of markets and civil societies, with citizenship, rights, obligations and identity. These are affected by a host of cultural, social, economic and political forces. Indeed, it is more than recognition. Relationships are firmly forged and interdependent. Thus, for Giddens (2000, p. 63), a key role of civil society is to provide "the

grounding of citizenship" by being "the source of the ethical values that make a wholesome civic life possible" within States. This State-society relationship, in turn, can influence relationships between States and markets, such that, as Sorensen acknowledges (2006, p. 203), there is mutual need and benefit, but that State and other action, in the creation and regulation of markets, can also see markets constraining States.

The duality of the State, addressed by Sorensen, has a legal-structural component, accompanied by a cultural-value one. These components are also applicable to markets and civil societies. All are both constructed communities and organic communities, at one and the same time, with the formal and the informal being essential parts of the whole like organisations as formal and informal, in the manner recognised, for example, by Barnard (1938). Their legal-structuralism is manifest in formally-established and appropriately sanctioned institutions, relationships, modes of decision-making, and means of categorising individuals. Their cultural-value dimension is reflected partly in these formal arrangements, shaped by traditions and norms, but also in their culturally-nuanced styles, dynamics and accepted ways of doing things. Of course, they differ and are distinctive in these respects, while also experiencing degrees of overlap and convergence; but such differences, similarities, overlaps and convergence do not alter the nature and significance of their dualism. These considerations of community pluralism and dualism directly affect relationships within and among State, market and civil society communities; how governance systems are formed and operate. They do this nationally; they do it in even more complex ways globally because of the larger array of alignments and interdependencies involved. They confirm that a well-founded and genuinely sensitive appreciation of the plurality and duality of communities, coupled with an understanding of the consequences for collective action, is imperative in order to render global initiatives effective.

A relevant manifestation of dualism and the importance of appreciating its implications for governance lies in the structural and value bases of administrative systems within States, as affected by regime types and the nature of State-civil society and State-market relationships. There are distinguishable, if not fully distinctive, 'administrative traditions', as addressed by Painter and Peters (2010a, b), Cheung (2010), Dwivedi and Mishra (2010), Hyden (2010), Lodge (2010), Ongaro (2010) and others. The analyses of these traditions complement those provided elsewhere in this book. They illustrate how the structure and operation of administrative systems reflect the culture and values of the countries or the regions within which they are located, with inevitable consequences for the policies and practices of governance and politics (Massey, 2010, 2011). They also show that, through globalisation and the sharing of public sector reform ideas and experience across systems, organisational structures have frequently been adjusted or

even radically altered in similar ways internationally, while significant local values have remained and continue to hold considerable sway over how structures are managed and results achieved. This can threaten the complementary bases of dualism by giving rise to structure-value fault lines, within systems and communities, with potentially undesirable consequences for the efficiency and efficacy of governance.

Within and across States, markets and civil societies viewed as communities, there is an endless multitude of more specific communities. While many of these seldom, if ever, feature in global governance, directly or indirectly, a considerable number do, with constellational significance. Not surprisingly, some are essentially subsets of constellations comprising States, markets and civil societies. This recognises their roots in, allegiance to, and alliances with these larger communities. Others cut across the more expansive constellations with their proper community interests, concerns and approaches. In so doing, they can sometimes cause the larger communities either to coalesce or to become more divided in terms of what is decided and done globally. Where they are forces to be reckoned with, their existence, activities and contributions to global affairs must be duly appreciated.

A key illustration of such communities in global governance is in the global concern for public goods such as a clean atmosphere, human rights, health enhancement, cultural heritage, peace and security and for common pool resources such as oceans, rivers, fisheries and forests. Relevant activity and approaches are those not only of State, market and civil society communities as a whole, but also of direct stakeholder-interest communities in various constellations (Kaul *et al.*, 1999, 2003; Newell and Wheeler, 2006; Sandler, 2004). These are communities for whom a particular good or resource has immediate significance and/or may be deemed worthy of meaningful concern and action. Their roles, tactics and influence, whether place-specific or global, can be and usually are both prominent and pronounced. They have to be understood, particularly with reference to how the defining characteristics of the goods and resources at stake affect what they do, as well as shape the governance arrangements that are, or should be, established.

As categories of goods and services, public goods and common pool resources embody critical issues in the fostering or restriction of their widespread availability, accessibility and consumption (Hardin, 1968; Ostrom and Ostrom, 1977; Ostrom, 1990; Sandler, 2004). They are similar accesswise by normally being accessible wherever they are made available or are available naturally. They differ in the nature and consequences of their consumption. The consumption of the former is collective in terms of the dispersed and inclusive benefits, with continuous consumption requiring ongoing availability, through maintenance and improvement. The

consumption of the latter is individual in terms of confined and exclusive benefits, with continuous consumption requiring ongoing availability through replenishment other than where natural availability is seemingly endless. The consumption of the former does not foreclose on its subsequent availability. However, it must be maintained so that an ongoing access and consumption may be ensured. The consumption of the latter does foreclose on its subsequent availability through depletion and thus it must be replenished for ongoing access and consumption to be secured.

Appreciative demands of these similarities and differences centre on stakeholder-interest communities broadly being promoters, protectors and maintainers or deniers, exploiters and degraders. This inevitably results in differing response-equations. Thus, promoters, protectors and maintainers, with an interest in public goods, strive to foster their availability, access and consumption, just as they do to restrict these matters when their focus is common pool resources. Conversely, deniers, exploiters and degraders seek to restrict the availability, access and consumption of public goods, just as they do to foster these matters when interested in common pool resources. Of course, this is an over-simplification of what are, or can frequently be, more complex alignments, interplays, tensions and rivalries. However, it highlights some of the dynamics involved and thereby indicates the experience and activities that underpin national and global attempts to act strategically and morally regarding these goods and resources.

An appreciation of these response-equations necessitates a keen understanding of appropriate governance arrangements, including when, where and how justifiable solutions might be found to address competing interests of the different stakeholder-interest communities involved. For public goods, arrangements include ways of improving and extending production or provision, with widespread support in the name of enhancing availability, access and consumption, as discussed, for example, by Kaul *et al.* (1999, 2003). For common pool resources, they involve the application of the sorts of 'design principles' advocated by Ostrom (1990) and Poteete *et al.* (2010), usually with an eye on availability, access and consumption being consistent with sustainable development goals. The ideal is for composite arrangements and solutions which maximise the achievement of mutually desired national and global outcomes.

Again, the appreciative task and requisite capacity are made more onerous, as in the case of community dualism. This time, the confounding issue involves the interactive dynamics of stakeholder-interest communities; not just in themselves, but along with other communities in the wider goods and resource policy communities of which all are a part in potentially cross-cutting constellations. Of immediate significance are the bases and the extent of established networks and stages of network development,

in keeping with analyses by Rhodes (1997, 2008), Atkins and Coleman (1992), Marsh (1998) and others.

Depending partly on their demographic size, most stakeholder-interest and other communities within a policy community are internally networked, just as is the policy community itself. Often, the networks have both formal and informal bases, along legal-structural and cultural-value lines, already addressed. They depend on communication, coordination and commitment to a shared objective or goal. This is not unlike Barnard's (1938) conception of an organisation as two or more people, who are able and willing to communicate and contribute cooperatively to the fulfilment of a common purpose. These are necessary, first-stage bases of network development. Other bases and stages involve varying degrees of inter-community cooperation and collaboration, with internally-networked communities operating within wider, more encompassing networks; leading to some inter-community networks, which become so conflated that the networks grow into new communities in their own right. This latter is a form to which Evans (1997) refers as "embeddedness", in contrast to less fused collaboration, which he labels "complementarity". The possibilities are numerous and diverse, thus stretching their appreciation and the capacity required.

Other constellations of communities involving similar sorts of networks have emerged, nationally and globally, over the last thirty years, through an extensive divestment of State enterprises, that had long been active in State, market and civil society communities (OECD, 2003; Thynne and Wettenhall, 2010; Wettenhall and Thynne, 2002, 2011). These are ownership communities, which are particularly significant where partial divestment has resulted in mixes of State, market and civil society ownership and, even more significant, where such mixes cut across State boundaries. The significance of these developments has been considerable, with state ownership as a form of economic and social regulation within States giving way to mixed ownership accompanied by various forms of State, market and civil society regulation and, with confined state ownership within States, giving way to expansive mixed ownership, nationally and globally (Thynne, 2011).

These constellations of ownership communities are frequently coupled with at least another three such constellations (Birchall, 1997, 2010; Curtis, 1991; Hansmann, 2000; Hayllar and Wettenhall, 2011). One comprises longstanding communities based on the extensive private ownership of national and multinational corporations in markets through public listing on stock exchanges. Another involves the traditional private collective ownership of cooperatives in civil societies. The third, also in private collective ownership, includes the increasingly large and significant array of social enterprises with mixed market-civil society bases. All are communities founded on ownership involving membership, with established networks.

This array of ownership communities and networks assumes special significance in global governance especially where the activities of the organisations involved affect such public good and common pool resource matters as climate change, resource extraction and exploitation, economic and financial management, and health enhancement through disease eradication. These are global concerns with enormous challenges as urgent action is taken to avoid further degradation and consequent increased tragedy of the global environmental, economic and social commons. The concerns and challenges require active and responsible responses from the relevant ownership communities and clearly well beyond, as well as from their networks. Once more, the essential appreciative capacity is stretched and itself challenged in the task of understanding the structures, activities and implications of these diverse arrangements.

Underlying and potentially encompassing all of the communities considered here are the numerous cyberspace communities formed through the use of social media. The pushes and pulls of these communities confound and strain the appreciative capacity even further, with multiple pictures, views and opinions of events around the globe being instantaneously available. This specially tests the discerning and judgment elements of the capacity, with difficulties in determining accuracy and inaccuracy, right and wrong, fact and fiction in boundless messages that are conveyed and received.

1.2. *Challenge II: Constellations of Global Institutions – an Architectural-Building Capacity*

Analyses of institutions and institutionalisation by Olsen (2010), Selznick (1957, 1996) and others highlight the centrality of institutions and organisations in States, markets and civil societies alike. Structural-cultural dualism is again significant, with issues of formal institutional design and construction being intertwined with those of the informally emergent and adaptive character of institutions. Olsen (2010, pp. 18-19), for example, contrasts the rationalist assumption "that institutions are deliberately created and reformed in order to achieve substantive ends" with the notion of their being "social organisms that evolve over time as an unplanned result of historical processes"; that, in fact, they "grow as artefacts of interaction, cooperation and competition and embody the experience and normative and causal beliefs of a population". In response, he recognises the need "to understand the shifting mix of deliberate design and adaptive behaviour". Alternatively, Selznick (1957, pp. 5, 16-22, 1996) sees it as more a matter of progression than a mix, with only some organisations, through a natural process of "institutionalisation", actually becoming a "responsive, adaptive

organism", with "a distinctive identity" in their respective contexts. There is also an interpretation of Gramsci's view of institutional structures and dynamics as interconnected "trenches", as well as "hegemonic systems" (Forgacs and Hobsbawm, 2000). Less dramatically, Ostrom's work (1990) analyses major structural and operational complexities of institutional relationships across what are considered here to be significant constellations of communities and institutions.

Our stress on the need for *an institutions-based architectural-building capacity* in both global and national governance is sensitive to these structure-value considerations and alignments in accordance with the appreciative capacity sketched above (Thynne, 2010). The dynamics of institutional function and form are clearly acknowledged, involving tensions in the forces and demands for integration and autonomy, as well as verticalism and horizontalism. Also acknowledged are the psychological and aesthetic properties of institutions, as affected not only by function and form but also by circumstance, positioning and perception. These matters are all consistent with a similar capacity regarding the built environment, including urban landscape planning and development, as well as other arenas, in which blends of the formal and the informal can benefit from being designed, shaped and nurtured in ways that also allow for natural growth and maturing.

The architectural-building capacity envisaged here needs to embrace key trends and developments, over the last thirty years, that have inevitably affected the structures and dynamics of national and global governance. Notably, waves of reforms of state administrative institutions and organisations, variously labelled as 'new public management', 'managerialism', 'marketisation', 're-engineering', 'modernisation' and the like, have raised numerous issues and stimulated extensive debate about structures, values and relationships (Christensen and Laegreid, 2001, 2007; Dunleavy *et al.*, 2006; de Vries, 2010; McLaughlin *et al.*, 2002). A series of common themes initially identified by Hood (1989, 1991) has been broadened by modes of governance, now harnessing contributions across State-market-civil society boundaries through complex patterns of institutional and organisational interaction, nationally and globally (Osborne, 2010; Farazmand and Pinkowski, 2007; Koppenjan and Klijn, 2004; Bevir, 2010). This has resulted in new systemic configurations, power dependencies and policy networks, which vary geographically and temporally depending on the socio-economic development, economic power and political sophistication of States and their political and administrative elites. Thus, for example, the experience in a major EU States differs substantially from that of a minor EU States, or a developing African State, which in itself experiences a globally-induced isomorphism (both mimetic and coercive), in different ways from a State in East or South East Asia (Massey, 2005, 2010a).

In all contexts, nationally and globally, there have been cases of considerable systemic successes and failures, with institutions and organisations being in place and working responsibly on many occasions but absent or quite unworkable and dysfunctional on others. Unfortunately, in global constellations in recent years, especially those involving climate change mitigation and economic and financial management, absences and dysfunctionalism have been readily apparent and pronounced in the form of at least three failures (Thynne, 2008, 2011). The first has been a failure to create or properly to maintain institutions with socially acceptable missions, commitments and practices. The second has been a failure to ensure that, where institutions already exist, they actually work responsibly and effectively, both in themselves and collectively. The third has been a failure to foster, as best as might be possible, the integrity of institutions and of all who work within them. These three failures have been directly interrelated, compounding the negative consequences for the national and global well-being.

These failures and, more positively the idea of addressing institutions with reference to their establishment, functioning and integrity, encapsulate the focus of the architectural-building capacity. They point to ways in which institutions progress or regress through stages of structural, operational and ethical maturity, during their lifetimes (Downs, 1967; Olsen, 2010; Quinn and Cameron, 1983; Thynne, 2012). Their maturing has both internal and external dimensions, especially affected by the institutional and community constellations of immediate relevance to them. The ideal is that, through a subtle combination of design, construction and evolution, they will in time become responsible living entities with a high degree of integrity, which may be retained and sustained. This requires that they comprise sound systems and practices, with structures and processes sensibly aligned internally, with meaningful relationships developed and maintained externally, with essential ethical standards adopted and observed. These are essential ingredients in successfully ensuring individual and collective relevance, involving dynamic self-governance, while engaging with one another as well as with the communities, in which they exist and work.

An important initial requirement is that institutions and organisations be understood in terms of their formal features and the challenges involved. Olsen (2010, pp. 16, 21) refers to them "as collections of rules and standard operating procedures, pre-defined patterns of thought and action, including but not limited to legal rules and procedures and resources". In this context, a balance needs to be struck between 'exploitation' and 'exploration'. The former "involves using rules, routines and knowledge that are known to work", while the latter "involves a willingness and an ability to experiment with rules, routines and knowledge that might, but often do not, provide improvements". In acknowledging their purpose and value,

he cautions that "the elimination of exploitation will make an organisation obsolete in a dynamic world", just as "continuous experimentation will prevent the organisation from realising the potential gains of new discoveries". However, "what is less obvious is the optimal balance between the two".

Olsen's references to obsolescence and gain prevention highlight how essential a balance of exploitation and exploration can be, as institutions confront the competing systemic demands of constellational integration and autonomy. This is a central element of an architectural-building capacity in terms of recognising the need for balance and having the ability to do something positive about it. The challenges are real and considerable, with institutional dynamics in global governance tending to be even more fluid and much more uncertain than they are nationally. The challenges require an astute situation-based understanding of the strategies associated with the forces at play. Thus, the forces of integration invoke containment and conflation as strategies of institutional survival, with such containment as Selznick's "cooptation" (1949) being a response to competitive action and other threats to ongoing existence; with relevance and conflation comprising forms of structural and operational amalgamation. These strategies contrast with and are sometimes countered by those of autonomy, with degrees of cooperation and collaboration being adopted as strategies of managing institutional interaction without jeopardising the extent and significance of structural and operational independence (Thynne, 2010).

Collective action – so crucial for effective global responses to climate change, economic and financial challenges, diminished food supplies, hunger, disease and other "wicked problems" in the global environmental, economic and social commons – primarily depends on widespread institutional collaboration (Sandler, 2004; Koppenjan and Klijn, 2004). Such collaboration has come to involve increasingly various constellations of institutions across state-market-civil society divides, with several issues needing to be addressed. As Donahue and Zeckhauser (2008, p. 496) recognise, an underlying issue is the "assignment problem – who should do what?" This "becomes both more complex and more consequential", the more governments share "the collective-action stage with private actors, both for-profit and not-for-profit". This issue prompts them to address a range of associated matters that affect the form and efficacy of collaborative endeavours. Included are the resources available, the likely productivity gains, the acquisition and use of relevant information. Also included is consideration of the extent to which interaction involves institutional diversity, has a shared focus, is formalised, is stable and sustained or sustainable over time and embraces an acceptable allocation of discretion (Donahue and Zechhauser, 2008, pp. 505-510). All of these matters fall within the purview of an architectural-building capacity in institutional design, construction and leadership.

As the rule, routine and knowledge bases of institutions are appropriately exploited and explored in pursuit of continuity, innovation and change, and as collaborative institutional alliances are formed and managed to facilitate effective collective action globally, it is critical that institutional integrity never be compromised or put at risk. Indeed, such basic integrity must be actively protected and enhanced as core concern of an architectural-building capacity. Of all of the features of institutions, integrity is the one that so firmly embraces and sets standards for the people who comprise them and make them work. This has been recognised by Lasthuizen, Huberts and Heres (2011). They define integrity in governance "as the quality of acting in accordance with relevant moral values, norms, and rules", with the quality being "a quality of individuals [...] as well as of organisations".

Significantly, their interest encompasses both the positive and negative elements of integrity but with a particular focus on the latter as manifested in 'integrity violations'. Accordingly, they argue that "while it is encouraging that there is a growing interest in the field and that more and more efforts are being made to develop approaches to governance that emphasise both effectiveness *and* ethics, it is now time to move forward towards more conceptual and theoretical clarity and it is urgent to invest in improving the methodology of measuring unethical behaviour or 'integrity violations' (including corruption)". On the related importance of balance, they add: "Without such conceptual clarity and robust measurement, research results will lack the specificity and accuracy that we need to determine the right balance between different measures for fostering ethics and preventing unethical conduct". Hence the significance of devising and seeking to validate a comprehensive typology that comprises possible integrity violations ranging from various forms of corruption, through fraud and theft, conflicts of interests, inappropriate use of authority, information and other resources, to improper personal behaviour in and beyond the workplace.

Adherence to an array of integrity requirements in institutions is, ideally, a matter of individual self-regulation and internal control. But because violations occur, sometimes on a grand scale, the increasing size and complexity of institutions in governance has inevitably been accompanied by an ever-expanding array of formally constituted integrity bodies (Brown and Head, 2005; Head *et al.*, 2008; Huberts *et al.*, 2008). Such bodies, including Courts, legislative committees, audit offices, ombudsmen, administrative tribunals, independent commissions against corruption and others have become an essential and distinctive component of governance, particularly nationally but also globally, in the form of international Courts, tribunals, arbitration bodies and regulatory authorities. In their different guises, these bodies are all committed to ensuring responsible governance and countering all forms of power abuse. They are guardians, while also themselves needing to be guarded. Thus, forms and degrees of institutional

autonomy and integration have to be negotiated, legally prescribed and carefully protected (Thynne, 2012). To be sure, this poses significant challenges in their design, formation, operation and evolution, which again highlight the importance and essential subtlety of an institutions-based architectural-building capacity.

1.3. *Challenge III: Constellations of Global Power – a Legitimation Capacity*

A legitimation capacity in national and global governance alike is an essential underpinning of the *appreciative capacity* and *architectural-building capacity* as both were sketched above. Its key elements are informed by what Beetham (1991) and Hall and Biersteker (2002) explain about the legitimacy of power and authority in governance and politics. It is fundamentally a matter of institutions and people within them requiring and retaining an acknowledged right to decide and act publicly. The sources of this right shape its distribution, exercise and efficacy. Necessary support is in a genuine commitment and ability to work collectively, strategically and ethically in the public interest. These matters are at the heart of a legitimation capacity, founded on an astute understanding of power and legitimacy in global governance, as well as in national governance.

Beetham (1991, pp. 15, 20, 25) argues that legitimacy "comprises the moral or normative aspects of power relationships; or, more correctly, the sum of all these aspects". He sees it as inherently "multi-dimensional", with three defining dimensions being a "conformity to rules (legal validity)", the "justifiability of rules in terms of shared beliefs", and "legitimation through expressed consent". These are the foundations or pre-conditions of power legitimation, with corresponding alternatives as "non-legitimate power", *i.e.* "illegitimacy or breach of rules"; a "legitimacy deficit (discrepancy between rules and supporting beliefs, absence of shared beliefs)" and "delegitmation (withdrawal of consent)". These legitimation requirements of governance and institutions highlight the centrality of justifiable rules based on common beliefs and dependent on consent being both secured and maintained. The challenges inherent in them are significant and considerable in governance within States. They are all the more so in global governance because rules, beliefs and consent are all the more difficult to craft and establish on the basis of a meaningful consensus.

An increasingly pronounced aspect of legitimacy is in Hall and Biersteker's (2002a, b). In addressing "the emergence of private authority in global governance", they contrast a State-centric perspective with a more liberal one. The differences, in their view, lie in the extent to which States

are seen as the main or only source of legitimate power, in Weber's (1947, 1968) sense of having legitimate authority to act in the public interest. Thus, as they put it, the State perspective holds that "States are both the source and the exclusive location, of legitimate, public authority [...] both in the realm of domestic affairs, and in the international arena". They add that "until recently [...] most explanations of international behaviour have concentrated on the coercion employed by states or on the self-interested motivations of individual states, to the virtual exclusion of [...] recognition by States of the legitimacy and authority of rules and norms operating within the international system".

They see the contrasting liberal perspective as acknowledging the increasingly significant international presence and contributions of numerous actors in civil societies and markets. Thus: "While these [...] actors are not States [...] and do not rely exclusively on the actions or explicit support of States in the international arena, they often convey and/or appear to have been accorded some form of legitimate authority". They assume or acquire this legitimacy by performing "the role of authorship over some important issue or domain", in that "they claim to be, perform as, and are recognised as legitimate by some larger public as authors of policies, of practices, of rules and of norms". By drawing on their understanding of issues based on proximity, knowledge, empathy and commitment, "they set agendas, they establish boundaries or limits for action, they certify, they offer salvation, they guarantee contracts, and they provide order and security". The power they exercise, while based in the private sphere, acquires legitimacy in the public sphere by being exercised for the purposes of protecting, promoting and enhancing public prosperity (Thynne and Massey, 2009).

The demands of understanding the public-private intertwining of power and authority and of recognising that power has often to be shared across state-market-civil society boundaries, makes the development of a well-honed legitimation capacity especially challenging in global governance. These elements of the legitimation equation are significantly affected by at least two interrelated factors. The first is that the sources of power are varied and diverse, ranging from constitutions, statutes and other legal instruments within States, through both treaty-based and customary international law, to the more informal bases of the contributions of non-State actors. The second is the fact that the exercise of power, as influenced by its sources, is limited by what Peters (2011) denotes as "governing in the shadows". The essence of this idea is that the right or opportunity to exercise power is subject to – and thus limited by – the ever-present possibility of being revoked or denied. The power to revoke or deny becomes the *shadow* within which the exercise of power occurs, be it "the shadow of hierarchy", "the shadow of the market", "the shadow of society". Such shadows have particular relevance globally, as States act in "the shadow of

the international system", while also acting in market shadows and shadows of civil society. In similar ways, non-State actors contribute within State shadows, while also being subject to their own market and civil society shadows, as influenced by international system shadows. The inevitable result is a complex set of alignments and influences of constellational significance, which must be clearly understood and addressed by all those who serve the global public interest.

2. Professions and Professionalism as Global Imperatives

2.1. *Professions, Policy and Service Delivery*

Throughout the 1970s and 1980s, the professions were criticised from both the political left and right. Public choice theorists took a classical economics view that they were "conspiracies against the laity", while the left saw them also as conspiracies but in terms of their social policing function; they were there to control people and replicate the existing relationship to the means of production (Massey, 2011, p. 98; Cockburn, 1977). The managerialist reforms, imposed on many States in conjunction with the advance of globalism and the development of governance, diminished the role of professionals in terms of their power over both people and policy. This was a deliberate move, designed to reassert political control over the *role of professionals* in policy making and service delivery.

Serious academic analysis of the professions and of their dynamic in the form of a professional ideology has fallen away from mainstream discourse in recent years. True, there have been a number of small-scale reviews and case studies in such areas as teaching, medicine and social work. However, the role of professionals is needed and is crucial in the formulation and delivery of policy, as well as in the links across state-market-civil society divides, with implications for the structure and power of policy communities as national and global constellations (Massey, 1988). In States that have experienced profound administrative transformations, there has been a noticeable move towards replacing professionals as office holders with generic managers (Massey, 2010, p. 97). Infiltration of each other's spheres, through the impact of policy networks inherent in governance, has rendered the boundaries between public and private a lot more porous, with a penumbra quality about them. Yet, despite the constant drive to make managers of public affairs more business-like, forcing them to behave in ways akin to those of private sector counterparts, many differences remain between the public and the private spheres. For example, Governments face

more complex and ambiguous tasks, thereby rendering decisions and the delivery of services more difficult to implement.

In many States, a generation of equality legislation, often as constitutional requirements, has forced governments to secure equal opportunities and promote individual capacities, as well as trying to compensate for market failures. As Baber (1987, pp. 159-160) has recognised, state organisations engage in activities with greater symbolic significance. They are routinely held to far stricter standards of fairness. Moreover, they are required to behave in the public interest and to maintain a level of public support, well above that which is required in private industry. Such demands have been heightened by the impact of governance, particularly where this has involved the use of marketisation and of contracts to deliver State-sponsored and governmentally-required services. The upshot is an occasional clash of cultures between the public need for transparency, fairness and accountability and the private sector's urge to maintain commercial secrecy and create profitable surpluses from their contacts – as evidenced, for instance, in the public finance initiative projects in the United Kingdom and related initiatives elsewhere (NAO, 2011; Mulgan, 2005; Plant, 2003).

In order to retain citizen support for government, officials in their capacity as public managers must be seen as "driven not by the profit motive, although that may be a subsidiary goal, but by the principles of accountability" and by the public interest, however that is defined and interpreted (Massey and Pyper, 2005, p. 17). In recent years, however, the private sector bonus culture has been inveigled into several state administrative systems (e.g. PCSU, 2012). Thus, while being under the direction of elected politicians, public sector professionals are increasingly expected to serve a broader interest than ministers. Specifically, they are expected to behave in the public, as well as the national interest. As such, although remaining accountable for their actions to elected representatives, such professionals are also responsible for their actions and must account for them as individuals. Within this complexity lies one of the most difficult paradoxes of the modernisation process: how to reconcile these different and differing accountabilities. It is a difficulty that is especially acute for public officials who are recruited from the private sector and retain its values and perspectives. For example, in his evidence to the UK Select Committee on Public Service in 1998 (HoC, 1998), Reid, a senior civil servant now retired, argued: "I think that, if you bring in, as the head of one of these executive agencies, someone who has had no experience of the public service ethos, you run the risk that they may behave in a slightly improper way." He added: "I have in mind people who will come in and then go, who do not regard their time in the public service as necessarily public service, but as a step in their career, without necessarily having regard to the service they owe to those whom the agency they head is supposed to serve".

In many developed States, there has been stress on citizens as consumers of services. They are perceived as clients rather than as taxpayers, who are the passive recipients of government services (Massey, 2011, p. 97). The days when simple deference to professionals and their high-level of knowledge was customarily exhibited by lay persons are long gone. Those charged with delivering public services are expected to deliver more than simple competence; they must deliver service to their clients and a multiplicity of stakeholders represented by a growing diversity of institutions and organisations (Massey, 2009, p. 9). This has become a trend within States. It spills over into global governance, especially in terms of the vast array of stakeholders needing to be acknowledged and often formally incorporated into policy systems within and across communities and institutions in various interrelated constellations.

2.2. *Professions, Power and Professionalism*

Professional power within the policy process varies in time and place, as well as between the professions. Manifestly, some professions are more autonomous and influential than others. Thus, it is helpful to view professions on a continuum with pure professions, of an ideal type, at one end of the continuum and certain quasi-professional ancillary occupations, at the other. This way of considering the professions and professionalism has been explored more fully elsewhere (Massey, 2010b and Ch. X below). The professional continuum must not be seen as rigid. On the contrary, it is a fluid and ever-shifting process that varies according to occupations, but also their position within the policy networks, the type of service provided or issue with which they are concerned, other groups with whom they are allied and the salience of their role within the differentiated polity in which they are located (Rhodes *et al.*, 2003). While certainly not slipping into a path dependency perspective, we ought to emphasise that the context in which professionals operate is complex. It must comprise the impact of time and history, including professional culture developed over centuries, the legal and ethical framework, in which they operate and the sunk costs, which take the form of fees that have been paid for training and professional development (Pollitt, 2008).

Even the quasi-professional occupations, which seek professional status from their ancillary position, exercise a measure of power in the realm of governance. This power tends to increase with the level of professional autonomy the occupation enjoys. Writing shortly before the full force of NPM began to be felt, Wilding observed professional power as being exercised in four main ways (1982, pp. 18-44). The first is power in policy making. For example, in health care, teaching, the law and town planning,

professionals have shaped the design formulation and delivery of policies, the success of which depends on professional support, through control of the requisite knowledge required for policy and policy implementation. The second is the power to define the needs and the problems, with a core of claims to professional status, which is the responsibility to give to clients what they really need as defined by a professional rather than what the clients want. The third is power in resource allocation, which can occur at the level of strategic planning decisions and also on the street level. Thus, in all professionally dominated areas, such individuals as doctors exercise real power in the choice of treatments and equipment. Lawyers do the same in the use of time in Courts and clients' money. The fourth is power over people in terms of who gets what in services, with decisions made by professionals, often having life and death consequences in health care and life-changing impacts elsewhere. Last but not least, professionals often tend to dominate managerial hierarchies. Thus, they tend to be the ones who give orders to substantial numbers of fellow employees.

With the growth of governance and the differentiated polity nationally and globally, professionals are just as likely now to be employed by private contractors, a NGO or a transnational corporation. Even services to governments, in terms of the collection of tax receipts or welfare payments delivery, lie at the very heart of a government's relationship with its citizenry but can be found contracted to specialist trans-national corporations. Wherever they are employed, however, professionals engaged to deliver public services are supposed to serve in accordance with the ethical precepts of their own professional code. For the most part, there is no conflict between allegiance to an employer and adherence to an ethical code, in that good employers "are influenced by [...] the professions to which their staff belong, as do the increasingly interventionist publicly-established regulatory bodies and their regimes". However, in some areas, especially in consultancies for large projects, this dual allegiance can "lead to a perception of a conflict of interest, even where all [parties] concerned are acting to the best of their professional ability" and ostensibly are committed, through clear contractual and financial incentives, to further the aims of the public institutions contracting them to provide a service (Hutton and Massey, 2006, pp. 21-22).

Given the fact that professionals are employed to apply expertise, any managerially-inspired inhibition, on their part "to speak the truth to power" or simple refusal to follow professional best practices can have adverse consequences. The professional conundrum may often be of a clear ethical nature; where, for instance, senior executives put pressure on professionals in the health, education or police services to meet implausible targets. This may confront professionals with serious dilemmas as they seek to balance quality with quantity and, in some cases, lead them to falsification

of data or loose interprÉtation of standards and rules (Loveday, 2000). The managerialisation of previously professionally-dominated organisations, within a regime of inspection and performance measurement, has certainly led to an almost constant process of 'game-playing' by those professionals in order to maximise benefits and minimise risks within the system (Hutton and Massey, 2006, p. 22).

Academics and practitioners alike ought to reconsider the role of the professions in the shaping and delivery of public services. Such reconsideration may have a global significance in terms of good governance. For example, the ENRON debacle resulted in a review and restructuring of many aspects of company accounting and auditing in the United States. This was picked up by other governments, but more so by the accounting profession globally. It thus was instrumental in a global review and modernisation of these procedures (Solomon, 2007). In order to assist the policy process and reduce the regulatory burden upon the public sector, there is a need to ensure the internalisation of ethical norms by those acting in a professional capacity. The need for oversight by various professional boards and colleges cannot be exaggerated. For public sector professionals, the problem lies in the fact that they may be faced with dilemmas in carrying out the employers' wishes, potentially to the detriment of their professional codes, while no statutory provisions support them in the advice they tender to the managers. Expulsion from the professional body is often as irrelevant to the individual as to the employer. If expelled from the profession, one in theory, may continue to work in an undiminished capacity, since the employer decides and not the professional body. True, there are exceptions to this, the most obvious being in the professions of law and medicine. Still, suspensions and expulsions are rare and, in some professions such as engineering, they hardly occur at all. In this objective economic sense, "many professionals, working in or for the public sector and responsible for delivering goods and services to the public, view the membership of a professional body in terms that are much diminished from those for doctors, lawyers and accountants". Accordingly, "if they are unlicensed and the applicable professional institutions do not have the power to insist on licensing practitioners, then the real professional code is the one imposed by the government through its regulators" (Hutton and Massey, 2006, p. 24).

The more governance is globalised and becomes more complex, the more the need arises to modernise the professional ethic and back it by statutory licensing of individual professionals. Professional ethics and ethical behaviour need to become part of the professional DNA in order to be effective. This can involve the full professionalisation of occupations, with a requirement that members acquire a licence to practice, nationally and globally. The justification for such a requirement is the fact that the behaviour of professionals, which is not backed by statute, is merely trust-based.

The statutory licensing of professionals, within a global scheme, creating an effective international licensing code, would be able to provide a global kite mark of competence. It could be extended to include a confirmation of integrity. One would then be removed in the instance of dishonesty or wrongdoing.

Such licensing procedures would support professional bodies in their oversight of individual members, as well as protecting professionals in their dealings with employers and customers, providing a legitimate counter-balance to managerial and market pressures. It would also take the debate about what it means to be a professional beyond the old "characterisation of professionalism as an occupational project of market closure and market enhancement"; returning it perhaps to a discussion about professionalism being a process of effective occupational control and accountability, with clear echoes of Durkheim's equation of professions with types of moral communities, or Tawney's argument that professionalism is a force "capable of subjecting rampant individualism to the needs of the community" (Aldridge & Evetts, 2003, p. 548, and Evetts, 2003, p. 22–27, in Hutton and Massey, 2006, p. 30).

Nationally and globally, debates around professionalism are broadened to include ideas about 'good' and 'bad' governance; the latter lacking sufficient procedures to enforce accountability through transparency and effective redress of wrongdoing. The current concept of governance has dwelt on the complexities of modern political systems, accounting for the reality that, with few exceptions, hierarchical and centralised bureaucratic government is no longer the dominant form of the political system. Yet pluralistic structures of power and service delivery are, or more accurately remain, dominated by coalitions of interests. Accordingly, given the integral part that professionals play within the policy networks and, by extension, within the strategic, meso and micro-levels decision-making, their conduct with regard to their professional codes is instructive and important. The concepts of professionalism and a public service ethic "have been intertwined for generations; they have also been linked to more obviously Victorian concepts of modernisation..." Professional expertise, the control of knowledge and the way it is exercised for the common good have become part of the wider and long-lasting debate about the role and purpose of the public sector and Public Administration. With the growth and complexity of governance, involving increasingly expansive knowledge and expertise, deep questions have been raised about trust in relation to professions and professionalism (Hutton and Massey, 2006, pp. 4-5).

A large part of the analysis of developments in professionalism and trust may be found in studies related to the idea of the "hollowing out of the State" and the differentiated nature of the political structures and processes

in economically advanced countries. Many of the policies attempted in such countries tend to fail, either wholly or in part. This situation is not because of a lack of commitment on the part of public officials but more because of the extent to which power is devolved and dispersed among an array of institutions and powerful interest groups within the international economy. We live in an age of super-complexity and bewildering diversity of interests and mechanisms of service provision. Ensuring accountable, transparent and ethical governance has become increasingly difficult.

There has been a de-territorialisation of much state and market activity, with governments trying to ensure that ethical concerns, on which they insist domestically, are also applied internationally, when their citizens and companies compete for the provision of services globally (Moon and Bonney, 2001; Fraser-Moleketi, 2005; Pagaza and Argyriades, 2009). An awareness of the risk of fraud and corruption and measures to "deter, detect and punish those engaged in it or tempted to engage in it are now commonplace and ever stronger, with some countries, such as the United States, prepared to punish their own citizens for infringements committed abroad" (NAO, 1995; Moody-Stuart, 1997; Neild, 2002; Harvard Business Review, 2003). Thus, "it is within this complex, sophisticated context of governance, within the global system of multi-level governance, that professionals operate" (Hutton and Massey, 2006, p. 34).

We urgently need to have confidence, as well as trust in robust systems of accountability, licensing, registration, testing and auditing, in national and global governance. Confidence is essential. It extends beyond the trust in public institutions outside of face-to-face relationships (Plant, 2003, p. 579). Confidence is related to competence and performance. Thus, while a degree of trust is needed, competence should also be addressed in ways that highlight and appreciate the centrality of capacities which have been sketched above, leading to high performance within an appropriate system of rewards and sanctions. This underscores the need to accord top priority to upgrading the knowledge, skills and competence of all, at all levels of governance.

Concluding Remarks

21st Century governance, replete with the concomitant evolution of global constellations of communities, institutions and power, presents numerous challenges in the alignment of people, space, place, systems, policies and action in the global public interest. States, markets and civil societies are increasingly drawn together in diverse ways, with strategic alliances, networks and other patterns of interaction. These have been forged

across and thereby alter traditional spheres and divides. The foundations, complexities and nuances of communities, institutions and power need not simply be understood, but also thoroughly appreciated, accompanied by an ability to design, construct and nurture institutions, while being ever-mindful of the importance of securing and retaining public legitimacy. Hence the critical importance of an appreciative capacity, an architectural-building capacity and a legitimation capacity of the types outlined in this chapter.

We have stressed the need for capacities, which ought to be developed as fundamental elements of global governance. We have seen them as central to claims of professional status and professionalism in governance. Accordingly, we have urged that the roles and expectations of professions and professionalism become central concerns in the global arena and, as a needed corollary, that the challenges confronting the appropriate exercise, accountability and control of professional power be more comprehensively addressed than they have been to-date. Likewise, we need to ensure that tomorrow's global professionals are far removed from the narrow, elitist stereotype that both the political left and political right criticised a generation ago. The challenges are there to foster and, ideally, ensure a highly responsive and effective professional service in the global public interest.

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