State-Building, Democratization and "Politics as Technology"
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The paper attempts to develop a critical history of the contemporary uses of state-building and "democracy-building" as frameworks governing increasingly intensive interventions in the politics of post colonial societies (so called "post conflict peace-building"). It develops this critical history in part by situating the emergence of these concepts and programs within the history of American political science, and within geopolitical history of the last 20 years. The paper also points to an analogy between imperial liberal reform and contemporary notions of state-building, which have in common a notion of "politics as technology"

"A thought must be crude to come into its own in action"[1]

"Skepticism is … a willingness to accept one's own contingency. The concept of the contingent, the accidental, of the finite, which originated in the Christian theology of creation, [is defined as] as 'that which could also be different.' But if one looks closely at it not from God's point of view but, more humanly, from man's point of view, this accidentalness takes two forms. The accidental is that which could also be different and which could be changed by us … Or the accidental is *that which could be different and which we precisely cannot change, or can change only a little* … in other words, it is something fatefully accidental. Now the skeptic thinks that in our lives the fateful accidents leave an indelible imprint; and among them are our usual practices, on which we have to rely, because we do not, predominantly govern our lives ourselves, and certainly do not do so absolutely. But this means that what *we human beings are is always more our accidents – our fateful accidents – than our accomplishments.*"[2]

I

In chapter 7 of book 2 of the *Social Contract*, Rousseau ponders the problem of creating new political orders – new states. The pressing question he confronts is, who would be capable of devising the rules and institutions for another people? The task of the Legislator (Law Giver) is to design a new order which would at once be sufficiently suited to the needs of the population, and also based on sound principles of political theory, to be both stable and reasonably just. In answering this question, Rousseau finds himself retreating to an Archimedean point outside society and social relations, a point from which a "superior intelligence" could behold "all the passions of men without experiencing any of them." Gods would be needed to give men laws.

But for Rousseau this proposition is not a statement of absurdity or impossibility. Rather, in a metaphorical transposition which epitomizes the social and political imaginary of Enlightenment political theory, the God-like Law Giver is immediately equated with an *engineer* who "*invents the machine*." Politics is a mechanism, to be calibrated, measured, engineered (*known*) and, ultimately, invented and designed. Of course, its component parts – the people – cannot also be spared from the turn of the engineer's lathe. Thus, according to Rousseau, the Law Giver who dares to under take the making of a people's institutions "ought to feel himself capable … of changing human nature …; of altering man's constitution for the purpose of strengthening it; and of

[1] Walter Benjamin, review of *Dreigroschenroman*, quoted in Hannah Arendt, "Introduction" to Walter Benjamin, *Illuminations*, Hannah Arendt, ed., Harry Zohn, trans. (New York, Schocken Books, 1968) p.15.
[2] Odo Marquard, *In Defense of the Accidental: Philosophical Studies* (Oxford, Oxford University Press, 1991) p. 5. (emphasis added).

substituting a partial and moral existence for the physical and independent existence nature has conferred on us all. He must, in a word, take away from man his own resources and give him instead new ones alien to him, and incapable of being made use of without the help of other men."[3] External political engineering requires, at some level, an engineering of human subjects; in other words, subjects must become objects, known, measured, calibrated and re-made in the name of the telos of a normatively consecrated order.

Writing 200 years earlier, in the early modern period, Machiavelli also considered the problem of instituting "new modes and orders."[4] As Althusser argued, much of Machiavelli's *oeuvre* makes most sense as an attempt to grasp the circumstances in which a stable and durable state can emerge and endure.[5] The figure of the Prince was the medium for the possible realization of this durable and stable state. Yet, in sharp contrast to Rousseau's Archimedean Law-Giver, the Prince does not occupy a position outside the social world, and nor does he aspire to total knowledge of this world. The Prince is neither engineer nor mechanic, nor does he successfully consolidate a state through some fictional contract. The Prince is the embodiment of the political actor who acts under and within the conditions of a specific historical conjuncture, bounded by pre-constituted relations of force and historical conditions that are not presumed to be infinitely malleable or knowable. The "actual truth of the thing" in Machiavelli emerges *not* from assumed omniscience of the external law-giver,[6] but from the activity of men, a truth which exists only in the confrontation between forces. The success of the Prince is never wholly or even mostly a matter of design; it is the product of the aleatory interaction of *fortuna* and *virtu*. Accordingly, the knowledge that serves the Prince best is the knowledge of the reality of the task that confronts him and knowledge of the exigencies of political practice under that conjuncture. Indeed, when it comes to the idea that new orders can be founded *ab initio* through sheer technical mastery, Machiavelli, unlike Rousseau, shrinks from the implications:

> To make in cities new governments with new names, new authorities, new men; to make the rich poor, the poor rich … to build new cities, to take down those built, to exchange the inhabitants from one place to another; and in sum, not to leave anything untouched. […] I do not know whether this has ever occurred or whether it is possible. [It would be] a very cruel enterprise or altogether impossible.[7]

These two moments in political theory mark distinctive approaches to the situation of creating new orders. One imagines political and social space as historically conditioned, non-transparent and determined by circumstances and forces too numerous to know or control with any certainty – decidedly non-Euclidean. The effectivity and necessity of the real is the starting point, rather than abstract rationalities presumed to be true from some Archimedian perspective. Successful political action thus resides in a certain kind of self-

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[3] Jean-Jacques Rousseau, *The Social Contract*, tr. Christopher Betts (New York and Oxford, Oxford University Press, 1994), Book II, chapter 7, p.76.
[4] Niccolo Machiavelli, *The Prince*, tr. Peter Bondanella and Mark Musa (New York and Oxford, Oxford University Press, 1984); Niccolo Machiavelli, *Discourses on Livy*, tr. Harvey Mansfield and Nathan Tarcov (Chicago, University of Chicago Press, 1998).
[5] Louis Althusser, *Machiavelli and Us* (New York and London, Verso, 2001) pp. 48, 56, 80.
[6] As Althusser puts it: "This is the thesis of the *Aufklarung*: like light, truth has no location; it occurs, and works through the efficacy of the true, whose essence is to take effect by enlightening." *Ibid*, p.22.
[7] Machiavelli, *Discourses*, pp. 47-61.

limitation in terms of the presumed malleability of the real. The other is a deeply modern "machine dream"[8] that embodies what Hans Morgenthau described – without too much caricature – as a defining characteristic of modern liberalism:

> seventeenth- and eighteenth-century rationalism and the mode of thought prevailing in the nineteenth and twentieth centuries have … two qualities in common which are rooted in rationalistic assumptions: the conception of the social and the physical world as being intelligible through the same rational processes [as science] … and the conviction that understanding in terms of these rational processes is all that is needed for the rational control of the social and physical world.[9]

What this leads to, for Morgenthau, is the dangerous and self-deceiving understanding of *politics a*s *technology*, a mode of political being that forgets its own historical determinacy and engages with all politics, everywhere, as if political and social spaces were homogeneous.[10] Thus, Morgenthau laments:

> Convinced that this political philosophy was justified in light of reason and was, therefore, beyond the reach of historical change, the nineteenth century neglected the fleeting element of historic time and place which had gone into the making of its political thought and upon the presence of which both the theoretical soundness and practical feasibility of this philosophy depended. Forgetful of the historic relativity of all political philosophy, the nineteenth century elevated the product of a unique historic and philosophic configuration into an immutable system of rational suppositions and postulates to be applied, regardless of historic conditions, everywhere and at all times.[11]
> … These ideas and institutions [written constitutions, the rule of law and parliamentarism] led liberalism to victory over the feudal state, and the classic liberals were convinced that upon this philosophical basis and with these intellectual tools the liberal society could safely be built …
> … For the liberal reformer the domestic problems which remained to be solved after the fall of the feudal state were of a nonpolitical, rather technical nature, analogous to those with which the physicist and the technician have to deal.[12]

Morgenthau's target in this polemic, first articulated in a 1940 lecture delivered at the New School for Social Research, included the liberal international lawyers of the inter-war period. He castigated them for thinking that the legal rules and forms so beloved of liberal legalist thinking could create an international order which had already lost its social and political foundation: the nineteenth century land order of the *jus publicum Europaeum*, swept away by the First World War. The basic error of these lawyers, in Morgenthau's account, was to think that fundamentally political questions such as constituting new orders could be approached in the technical manner of 19th century liberal rationalism, with its belief that a social world can be known and manipulated in the manner of nature.

The ideology of liberal reform promised a technology of political change, if only enough knowledge could be accumulated about the society in question. To this, Morgenthau responded that social and political problems cannot be treated like the

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[8] This phrase is taken from Philip Mirowski's book on the history and epistemology of economics: Philip Mirowski, *Machine Dreams: Economics Becomes a Cyborg Science* (Cambridge, Cambridge University Press, 2001).
[9] Hans J. Morgenthau, *Scientific Man versus Power Politics* (Chicago, University of Chicago Press, [1946] Midway Reprint 1974), p. 3
[10] As will be seen below, this envisioning of political space as Euclidean and homogeneous was an essential characteristic of both liberal justifications of empire, and is a necessary presumption of more contemporary theories of modernization, rational choice and institutional design.
[11] Morgenthau, *Scientific Man*, p. 20.
[12] *Ibid* p. 27.

problem of an "air-cooled engine": "the problem of the air-cooled engine was unsolvable under certain technological conditions and became solvable under others … Social problems, such as marriage, education, equality, freedom, authority, peace, are of a different type. They do not grow out of temporary limitations of knowledge or temporary insufficiencies of technical achievement."[13] Yet the consequences of this mode of political being (thinking and acting) were very real: colonial state-building projects from Asia to Africa were laboratories for the liberal reformist fantasy that whole peoples could first be grasped as objects of knowledge, and then reconstituted as political subjects through long-term intervention and oversight.[14] Liberal reformers such as the Mills, Bentham and Macaulay understood that domination of one people by another involved the potential for great abuses, and were appropriately scandalized by such abuses when they occurred.[15] But they also firmly believed that such risks could be avoided or minimized by a commitment to the values of trusteeship, in which the title deeds of empire were underwritten by the positive transformation (civilization) wrought by the colonizer: the rule of law was to replace arbitrary despotism; political institutions would be modeled on the political life of the metropole, but expertly adapted by colonial civil servants to the culture and values of the natives (the presumed omniscience of Rousseau's Law-Giver is apparent yet again); the extirpation of native practices which scandalized the morality and sensibility of Europeans, and indeed provided the clearest justification for intervention and reform.[16] Underlying this was also a belief in the "limitless malleability" of character and politics; foreign domination could carry a people "through several stages of progress" and "clear away obstacles to improvement."[17]

As Bain's careful reconstruction of the conceptual structure of trusteeship suggests, the humanitarian imperative underlying a relationship of tutelary reform is necessarily hierarchical (even if explicitly hierarchical language is not used): the external actor promotes the welfare of those who, for whatever reason, are incapable of choosing or attaining for themselves the ends for which they *ought to* strive.[18] The tutelary subjects are encouraged to participate in the process of their own tutelage (in part to make it more effective), and they are assumed to be ultimately capable of obtaining the objectives prescribed by the tutelary power. The idea of domination as an end in itself was decried as incompatible with the "sacred trust" of tutelage, but the path to equal emancipation nevertheless required at least temporary domination so that the tutelary subjects can be

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[13] Morgenthau, *Scientific Man*, p. 215.

[14] See generally, Uday Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, University of Chicago Press, 1999) pp. 9, 37; Thomas Metcalf, *Ideologies of the Raj* (Cambridge, Cambridge University Press, 1997) p. 29.

[15] For example, JS Mill joined the "Jamaica Committee" to urge the prosecution of Governor-General Eyre for his alleged excesses in suppressing the Morant Bay revolt in Jamaica: see Metcalf, *Ideologies*, pp. 52-4.

[16] See generally Mehta, *Liberalism and Empire*, chh. 1, 3 and 4; Metcalf, *Ideologies*.

[17] JS Mill, *Utilitarianism, Liberty, Representative Government*, pp.218-27, cited in Metcalf, *Ideologies*, p. 33.

[18] William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford, Oxford University Press, 2003) pp. 23-6. See also Mehta, *Liberalism and Empire*, ch. 2 for a careful argument that tutelary domination was not a contradiction for 19th century liberals, but flowed logically from the twin pillars of a commitment to universal history and epistemology, and of an evangelical impulse to "better the world".

properly educated in the means and ways of a good polity.[19] In contrast to liberalism's *domestic* concern to limit the exercise of political power, in its imperial reformist aspect, liberal thought embraced a capacious concept of the desirable uses of political power to manage the affairs of other peoples and territories.[20] As Mehta puts it, "the will to power that liberals do express for empire is always as a beneficent compensation for someone else's powerlessness relative to a more elevated order."[21]

For the liberal reformers of the British Empire, the primary responsibility of colonial government was without doubt the security and happiness of its native subjects.[22] This was to be achieved through the reconstruction of Indian political institutions, to make Indian law more "rational", and thus more benevolent. The principles applied in such a rational re-ordering were regarded as (in the words of one reformer), "principles true in every country."[23] But this did not mean that these reformers were indifferent to local customs and practices. While the principles of a good polity were regarded as universal and so appropriately applied by outsiders, the subjects of tutelage also had to be thoroughly known as objects of sociological and anthropological knowledge, to maximize the efficacy of the institutional reform and re-design.[24] Hence, as Nicholas Dirks observes in his recent work, *The Scandal of Empire*, colonial bureaucracy was not just about control: it was also an accumulation and creation of knowledge in the service of *rule*, a rule which created *its own objects and its own experts*.[25] East India Company governor Warren Hastings – impeached by Edmund Burke for the scandals of Company rule in India – in fact took great care to study indigenous systems of justice, in order to create a colonial legal order that appeared directly modeled on indigenous customs, texts and practices.[26] The new legal procedures introduced by Hastings appeared fully justified as the maintenance of an Indian legal tradition, which had been rationalized and modernized to ensure the best approximation of the "rule of law" that could achieved under Indian conditions.[27] Similarly, Lord Lugard's model of indirect rule required the diligent district officer to accumulate and codify as much knowledge about local custom and tradition as possible, in order to be able to use that

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[19] Bain, *Between Anarchy and Society*, p. 26: "Trusteeship assumes that the fit, that is, the virtuous, shall rule on behalf of the incapable. It assumes that some notion of defect joins ruler and subject in a hierarchical relationship …"

[20] Mehta, *Liberalism and Empire*, pp. 79-80.

[21] *Ibid* p.191.

[22] Metcalf, *Ideologies*, pp. 25-39; Mehta, *Liberalism and Empire*, ch.3. Mehta records at p. 87 that by the nineteenth century, "every major justification of the raj rests on the dual props of progress for India and a history that makes evident the need for such progress, along with the accompanying claim that such progress can be brought about only through the political interdictions of the empire."

[23] Timothy Mitchell, *The Rule of Experts: Egypt, Techno-Politics, Modernity* (Berkeley, University of California Press, 2002) p. 54.

[24] Metcalf, *Ideologies*, pp. 5-28; James Mill, father of John Stuart and also a liberal proponent of empire, observed that for the British, "charged as they are with the government of that the great portion of the human species," the accumulation of knowledge about the "true state of the Hindus" is an "object of the highest practical importance. No scheme of government can happily conduce to the ends of government, unless it is adapted to the state of the people for whose use it is intended." James Mill, *History of British India*, cited in Mehta, *Liberalism and Empire*, p.91.

[25] Nicholas Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Mass., Harvard University Press, 2006) p. 209.

[26] *Ibid*, p.212.

[27] *Ibid*, p.222.

knowledge to improve the efficacy of indirect rule and its ultimate goal of reforming the political life of the colonized population.[28] The colonial state was "relentless" in its "quest for detailed information"[29] about subject populations, in order to better rule them in an enlightened manner and to authorize the fact of that rule.

The conceit of techno-politics (or politics as technê), of which colonial liberal reform is a variety, is that social relations can be mapped and known as objects of knowledge within a Euclidean space,[30] and so rendered amenable to more and more intensive technical intervention. Precisely in the mode of Rousseau's omniscient Law-Giver cum Engineer, colonialism's will to knowledge sought a snapshot of subject societies,[31] all the better to reconstitute and re-order them. But as Tim Mitchell reminds us in his study of Egypt, to claim to "know" an object in this way is also to act on and transform it, through codification, systematization, rearticulation. Such knowledge-objects are neither mere representation nor hard "facts" – they are "artifactual" creations that simplify the world and underwrite claims of expertise only by resolving social reality into a much simpler set of forces and oppositions.[32] Expertise constructs its object as much as it claims to know it.[33] Unsurprisingly, under such circumstances, there is rarely a linear relation between the expert reformer's claimed knowledge and intention, and the sought-after outcome. Thus, Warren Hastings' effort to re-establish an Indian legal tradition on rationalist principles in fact created a "new and radically different system of classification and codification."[34] Instead of ameliorating the alleged arbitrariness and cruelty of the pre-existing juridico-religious order, British justice turned out "to be far more draconian than Islamic justice had been."[35] With its emphasis on fixed and immutable (that is certain, non-arbitrary) punishment, the new system imposed capital punishment much more frequently. Similarly, British re-writing of Egyptian land laws, undertaken in the name of banishing the unpredictability of the Ottoman-derived land tenure system, created a new private realm of arbitrariness: freehold estates concentrated in the hands of village notables, but unencumbered by the networks of informal and unwritten communal obligation that had overlaid the old property rights. Rather than creating a rupture with arbitrary forms of power, the modern "rule of law" in Egyptian property "rearranged the arbitrariness. It redistributed its operations and its effects … Law ruled on the outside, arbitrary power was hidden on the inside…"[36]

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[28] Bain, *Between Anarchy and Society*, p. 59.
[29] Metcalf, *Ideologies of the Raj*, p. 26.
[30] Mehta, *Liberalism and Empire*, p. 108.
[31] Timothy Mitchell, *Colonizing Egypt* (Berkeley, University of California Press, 1991).
[32] Mitchell, *The Rule of Experts*, p.34.
[33] In an example given by Metcalf, British administrators efforts to understand and regulate religious practices in India were undertaken on the assumption that there "was something which could be identified as a separate religion called Hinduism. They were determined to make of Indian devotional practices a coherent religious system possessing such established markers as sacred texts and priests." As such, they "invented" the religious system of Hinduism in this image, canonizing certain texts as definitive, sacred and authoritative, and shaping laws of religious denomination and regulation on the basis of these artifacts of knowledge. In so doing, they *created* new orders of political power and social relations, such as by relying on Brahminical collaborators as authoritative sources of religious guidance, a practice that would greatly enhance the legal and social status of Brahmins in the colonial state. Metcalf, *Ideologies*, pp. 10-12.
[34] Dirks, *The Scandal of Empire*, p.220.
[35] *Ibid*.
[36] Mitchell, *The Rule of Experts*, p.78.

II

Many of the trappings of nineteenth century rationalism – its naïve naturalism, its crude teleology and often explicitly racialized hierarchies of social and political organization – are no longer with us. But despite this, the conceptual grammar and syntax of "politics as technology" remains fundamentally constitutive of disciplines such as economic development and, I would suggest, the emergent knowledge-complex of "state-building" and "democratization." These modes of political thinking are not merely ideas or representations to be corrected or adjusted. They are modes of political being that are codified, operationalized and disseminated through a variety of circuits: financial, academic, non-governmental. They are, in other words, quintessentially forms of knowledge/power in the Foucauldian sense, which actively en-vision, shape and discipline political subjectivities in creating new modes and orders.

Almost two decades since the end of the Cold War, categories such as "democratization," "good governance" and now, "state-building," have emerged not only as normative ideals, but forms of expertise characteristic of politics-as-technology. As such, I think it is imperative that we analyze and debate them less as innocent categories of political or legal theory, and more as "privileged channels for the exportation of political technologies, economic recipes or juridical models."[37] The imperative derives, in my view, from the inherent dangerousness entailed in the re-emergence of substantive models of domestic order as the proper concern of international politics. This re-emergence parallels the end of the Cold War, the unprecedented ideological hegemony achieved by the liberal democratic states of the West, and the geopolitical hegemony of the United States. As Edward Keene argues in *Beyond the Anarchical Society*, the notion of a standard of civilization in international affairs – a standard which codified and authorized imperial dominance in the 18th and 19th centuries – was not entirely banished from the juridical structure of international politics after 1945.[38] It continued to be implicated in the under-determined concepts of human rights, economic and technological progress and self-determination. But under the conditions of a bipolar world order, in which any international legal definition implicating the legitimacy of domestic political and social systems was subject to vigorous contestation by each bloc, thickly prescriptive visions of domestic order could not be codified.[39] With the collapse of the bipolar order, these restraints were lifted and the institutionalization and circulation of a radically more substantive vision of domestic order became possible.

This possibility was widely embraced as marking a new frontier for liberal internationalism, in which not only would the political institutions and forms of liberal democracy inevitably proliferate[40] (a trend seemingly evidenced by the wave of

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[37] Nicholas Guilhot, *The Democracy Makers: Human Rights and International Order* (New York, Columbia University Press, 2005) p.8.

[38] Edward Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge, Cambridge University Press, 2002), pp. 98-118.

[39] Thus, even concepts like the right to political participation were painstakingly defined in a manner that did not require a commitment to a particular political order, and so were rendered equally compatible with liberal democracy, "people's democracy" and many forms of one party rule (see Henry Steiner, "Political Participation as a Human Right" (1988) 1 *Harvard Human Rights Yearbook*, pp. 77-128.

[40] Most notoriously in Fukuyama's thesis on the end of history, but also, as Carothers points out, in official US and non-governmental organizations concerned with democracy promotion and assistance: "Many

democratic transitions following immediately after end of the Cold War), but in which the international legal order would finally abandon its agnosticism concerning preferred forms of governance and articulate a "right" to (liberal) democratic governance on behalf of all.[41] Against the dominance of realism in international relations and strategic studies, a strong interest revived in the idea of a liberal peace, which explicitly and elaborately theorized a causal connection between a particular kind of domestic order, and peace and cooperation between sovereign states. None of these currents of thought and scholarship were entirely novel to the post-Cold War context – the claim to pit liberty against Soviet tyranny was an ideological mainstay of US interventions during the Cold War,[42] and the propagation of theoretical, legal and popular political arguments for the superiority of liberal democracy formed a continuous part of US policy in cultural, academic and international institutional settings throughout the Cold War.[43] But in the absence of an ideological and geopolitical competitor, the horizon for the active realization of these liberal democratic ideas about domestic politics and international order seemed unbounded. There was even a moment when it seemed that "democratic enlargement" would be consecrated in US grand strategy as the successor doctrine to containment.[44] It is in the context of this fervour that one can locate the emergence of the claim that liberal democracy should now be considered as *primus inter pares* among possible forms of political legitimation tolerated by the international legal order,[45] and an increased willingness to argue that various kinds of intervention to promote or even impose liberal democratic institutions and practices were legitimate under international law.[46]

However, even if the shifting geopolitical context opened a space for a renewed effervescence of liberal internationalism in the realm of ideology and theory, it has not necessarily resulted in a conforming legal practice among the universal international institutions. As Fox concludes in his recent survey of the "right" to democracy in international law, "more common statements by international bodies that strongly affirm democracy's importance but lack clear indications of whether the statements are *lex lata*, *de lege ferenda* or mere political aspirations."[47] In the practice of UN Charter organs, resolutions increasingly referred to "democracy" or "periodic and genuine elections" as

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democracy enthusiasts clearly believed that, while the success of new transitions was not assured, democratization was in some important sense a natural process, one that was likely to flourish once the initial breakthrough occurred." Thomas Carothers, "The End of the Transition Paradigm" (2002) 13 *Journal of Democracy* 1-20, 7.

[41] Thomas Franck, "The Emerging Right to Democratic Governance" (1992) 86 *American Journal of International Law* 46-91.

[42] Odd Arne Westad, *The Global Cold War* (Cambridge, Cambridge University Press, 2005) ch. 1.

[43] Guilhot, *The Democracy Makers*, chh. 1 and 2.

[44] Douglas Brinkley, "Democratic Enlargement: The Clinton Doctrine," (1997) 106 *Foreign Policy* 111-127; Thomas Carothers, "Democracy Promotion under Clinton," (1995) 18 *The Washington Quarterly* 13-25.

[45] See, e.g., Allan Rosas, "Internal Self-Determination" in C Tomuschat, ed, *Modern Law of Self-Determination* (Dordrecht, Nijhoff, 1993), pp.225-251; Jean Salmon, "Internal Aspects of the Right to Self-Determination: Towards a Democratic Legitimacy Principle?" in C Tomuschat, ed, *Modern Law of Self-Determination* (Dordrecht, Nijhoff, 1993) 277-293.

[46] See, for example, the range of arguments made in favor of the US invasion of Panama, discussed in chapter 3 of Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford, Oxford University Press, 2001).

[47] Gregory Fox, "Democracy, right to, International Protection," Wayne State University Law School Legal Studies Research Paper Series No. 07-22, July 30, 2007, para. 4.

desiderata in the context of specific regional conflicts, but there is little evidence that "democracy" had developed a determinate *legal* content in international law.[48] Thus, between 1993 and 2000, the Security Council refers to democracy in 53 resolutions, all of which imply a favourable view of democracy as conducive to the resolution of a regional or national conflict[49] but that do not elaborate on the meaning of democracy. The General Assembly has similarly referred to democracy in the context of resolutions addressing internal conflicts or promoting negotiated transitions from governments widely-recognized as having assumed power in an irregular manner (such as in Myanmar and after the 1991 military coup in Haiti),[50] although several recent resolutions endorse regional arrangements for promotion and consolidation of democracy.[51] The latter include some vague and under-determined definitions of democracy as, inter alia, "maximizing participation of individuals in decision-making,"[52] "bringing the government closer to the people," and "enhancing social cohesion." At the same time, the General Assembly passed a series of resolutions reaffirming the principles of national sovereignty and the right to self-determination, and insisting that "there is no single political system or single model for electoral processes equally suited to all nations and their peoples …"[53] The one subsidiary organ that began to articulate a thickly prescriptive, liberal democratic, definition of democracy in resolutions and expert reports was the Commission on Human Rights.[54]

But the despite the absence of a clear legal definition of democracy, the repertoire of the Security Council practice in its invocations of democracy since 1990 does point to a constellation of presuppositions *about* democracy. That is, the circumstances in which the Security Council refers to democracy as a policy objective imply a set of ideas about democracy as a means of realizing certain political outcomes, and a tendency to equate those desired outcomes with the formal creation of particular political institutions and processes. The contexts in which the Security Council explicitly referred to democracy were almost exclusively those of internal armed conflict or its aftermath: the peace-

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[48] Thus Nowak, in the context of commenting on the right to political participation found in Article 25 of the ICCPR, notes that: "[T]he substance of many of the obligations [contained in Article 25], particularly with regard to positive obligations to ensure political rights, is quite relative, and often only in the nature of an "obligation of conduct" or a procedural guarantee. This has to do with the fact that there is only general agreement in the world as to what is in substance meant by democracy." Manfred Nowak, *CCPR Commentary* (Kehl, NP Engel, 2nd ed. 2005) p. 590.

[49] Gregory Fox, "Democratization," in David Malone, ed, *The UN Security Council: From the Cold War to the 21st Century* (Boulder, Colorado, Lynne Reiner, 2004) 69-84.

[50] GA Res. 48/17 (13 November 1993) (Burundi); GA Res. 48/27 (10 December 1993) (Haiti); GA Res. 48/159 (8 February 1993) (South Africa); GA Res. 49/137 (24 January 1994) (Central American peace process); GA Res. 49/197 (6 March 1997) (Myanmar).

[51] GA Res. 55/96 (28 February 2001); GA Res. 59/201 (23 March 2005).

[52] As Steiner noted in his 1988 article on political participation, this notion is not incompatible with one-party states that require mass party membership and participation in various political bodies: Steiner, "Political Participation as a Human Right".

[53] GA Res. 44/147 (2 March 1990); repeated in the following resolutions: GA Res. 45/151 (18 December 1990), GA Res. 46/130 (17 December 1991), GA Res. 47/130 (22 February 1993), GA Res. 48/124 (20 December 1993), GA Res. 49/180 (2 March 1995), GA Res. 50/172 (22 December 1995), GA Res. 52/119 (23 February 1998), GA Res. 54/168 (25 February 2000); GA Res. 56/154 (13 February 2002); GA Res. 58/189 (22 March 2004), GA Res. 60/164 (2 March 2006).

[54] See, for example, CHR Res. 2004/54 (2 February 2004); CHR Res. 2004/70, (20 April 2004); CHR Res. 2005/32 (20 April 2005).

keeping, peace-building and "peace-enforcement" missions that were conducted in unprecedented number and scale since 1990, and which were the incubator for the contemporary concepts of "state-building." As Fox's judicious review of the Security Council's use of democracy demonstrates,[55] the Council endorses democracy as a *palliative* political method that will ameliorate the causes of the conflicts that have occasioned the Council's intervention. Thus, the Council praises democracy as fostering reconciliation, ensuring peace and assisting reconstruction and effectively links an internal method of organizing political power to the preservation of international peace and security: "Democracy, in the Council's repertoire of practice, is above all a means of ending, preventing, sublimating and diverting violent internal conflict."[56] And if democracy is equated with the existence of formal institutions and processes, such as elections, it is also an exit strategy. The early success of the UN mission in Namibia, in which a peace-keeping mission culminated in national elections that produced a relatively stable new order and did not relapse into conflict, appears to have inspired an institutionally-programmatic "model" of "peace through democracy"[57] – even though the stabilization of Namibia is more readily attributed to underling political dynamics that have little to do with democratic institutions or procedures.[58] Hence, in its 1994 resolution on Mozambique,[59] the Council declared that a "system of multiparty democracy and the observance of democratic principles … will ensure lasting peace and political stability."

The commitment to the idea of democracy as a political technology of peace-engineering was adumbrated and deepened in the policy documents of the Secretariat and of UN agencies. In his *Agenda for Democratization*, UN Secretary-General Boutros Boutros-Ghali elaborated the theory seemingly implicit in the Security Council's association of formal democratic institutions and peace:[60]

> Democratic institutions and processes channel competing interests into arenas of discourse and provide means of compromise … thereby minimizing the risk that differences or disputes will erupt into armed conflict or conflict. Because democratic Governments are freely chosen by their citizens and held accountable through periodic and genuine elections and other mechanisms, they are more likely to … cope effectively with social conflict … They are therefore less likely to abuse power against the peoples of their own State territories. Democracy within States thus fosters the evolution of the social contract upon which lasting peace can be built. In this way, a culture of democracy is fundamentally a culture of peace.[61]
> … Democratic institutions and processes within states may likewise be conducive to peace among states.

The kinship with a vulgarized "liberal peace" theory is readily apparent in this excerpt, in which the parsing of internal political conflicts – *irrespective of their historical or social specificity* – through formally democratic institutions (also irrespective of their historical development, type and provenance) *necessarily* minimizes the risk of violence.[62] This

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[55] Fox, "Democratization".
[56] *Ibid* p. 70.
[57] See Maley, this volume; Fox, "Democratization," p. 72.
[58] Roland Paris, *At War's End: Building Peace after Civil Conflict*, (Cambridge, Cambridge University Press 2004) pp. 140-145.
[59] SC Res. 957, 15 November 1994.
[60] Boutros Boutros-Ghali, *Agenda for Democratization* (United Nations, New York, 1996).
[61] *Ibid* para.17,18.
[62] These claims for democracy fit Huntington's description of "Webbism": the tendency to ascribe to an existing political system qualities which are assumed to be its ultimate goals rather than qualities which

claim also has as a corollary a converse implication: that the sources of serious internal conflict can be attributed to the absence of democratic institutions and processes. Non-democratic institutions and processes, under this construction, are pathologies that pose a continuing risk of disorder and (internal and external) violence. Both of these claims – that democratic governance ameliorates conflict and non-democratic governance constantly threatens to be overcome by it – radically simplify and homogenize the specific historical genealogies of any given violent conflict, and simultaneously overestimate the *potential malleability* of socio-political relations and dynamics through formal procedures and institutions.

As such, the idea of "democracy" underlying these claims bears little relation to any *actually existing* political system, method or context – it is rather a capacious metonym for "peace," "good politics," "order," "institutional efficacy" and a large number of other desirable public goods. If used in this metonymic way, it is not surprising that "democracy" is serially invoked in policy documents by UN agencies confronting their new role as participants in projects of "peace-engineering": the organization and its various agencies required a repertoire of norms, labels and formulae to frame (and in part, legitimate) their increasingly intensive interventions in member state's territories. "Democracy-building" becomes, in effect, short-hand for a claim to be able to identify and ameliorate the political pathologies of territories in which intervention has occurred.[63] In other words, the metonymy of "democracy" in the policy formulations of "peace-building" *stands in for* the objective of engineering a *certain kind of politics* – one based, it would appear, on a highly idealized and de-historicized model of Western liberal democratic states.

In creating this opening towards (and indeed, necessity for) the production and circulation of technologies of political reform, the metonymy of democracy in "peace-building" converged with another emerging set of institutional prescriptions that were deeply committed to a model of politics as a realm amenable to technical intervention and radical transformation by design: "good governance." Good governance emerged in the early years of the post-Cold War period,[64] initially as a descriptive and prescriptive term invoked by the World Bank to explain why structural adjustment lending in Africa had

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actually characterize its processes and functions. Samuel Huntington, *Political Order in Changing Societies* (Cambridge, Mass., Harvard University Press, 1968) p.35.

[63] Note here the concurrent emergence of the "new anarchy" thesis that stylized the post-Soviet threat to US security as failed states and revanchist blood feuds. Threats of this kind became a sort of constitutive other to the democracy of "good governance" – the apogees of the kinds of violence that non-democratic states generated and ultimately succumbed to. The opposite of liberal democracy was no longer totalitarianism but barbarism. Indeed, in the short-lived effort to promote democratic enlargement as the "new containment," democracy promotion was justified as a means of ameliorating such pathologies of developing world politics: see generally Brinkley, "Democratic Enlargement".

[64] The coincidence of the emergence of good governance with the end of the Cold War is explained by Doornbos as follows: "After the lifting of Cold War-related support structures maintained by the superpowers, the room now became wide open for global forces of various kinds – financial, institutional, commercial, to claim direct access to the economies and societies of post colonial state systems, many of them quite vulnerable… With the end of the Cold War, the paramount urge to organize the world into opposing camps had come to a halt. The time had come when it appeared quite justified, and when there appeared no more constraints, for global powers and institutions to set conditions to and prescriptions for the manner that client states should manage their internal affairs." Martin Doornbos, *Global Forces and State Restructuring: Dynamics of State Formation and Collapse* (Palgrave, London, 2006) pp. 62, 78.

consistently failed to produce the outcomes predicted by the Bank's economic theories.[65] In a 1989 report on Sub-Saharan Africa,[66] the Bank declared that "underlying the litany of Africa's development problems is a crisis of governance," with governance defined as "the exercise of political power to manage a nation's affairs."[67] The Bank's report proposed "institutional reform" and "political renewal" as antidotes to the crisis of governance, proposals that implied an expansion of the realm of external policy intervention from economics to include political processes and the configuration of the state.

As has been widely observed, the Bank's early notions of "good governance" were in essence institutional prescriptions based on an idealized notion of the liberal state of advanced developed-world economies:[68] an efficient public service, an independent judicial system, legal enforcement of contracts ("the rule of law"), non-clientelistic allocation of state funds and offices, decentralization of state functions, pluralistic party politics and a free press.[69] In its initial conception, "good governance" applied a technocratic lens to the political phenomenon that the Bank had diagnosed as impeding the success of structural adjustment lending. But the import of making governance an issue on the Bank's agenda was clearly appreciated by its senior staff: it entailed the idea that "the governance of African states needs to be *systematically rebuilt* from the bottom up."[70] The governance agenda brought institutional design and institution-building within the ambit of Bank lending, and as a consequence,[71] within the ambit of donor-funding more generally. By the early 1990s, the term good governance was "completely integrated into the development policies of major multilateral organizations and Western governments."[72]

The uses of "good governance" across international organizations, donor governments and development NGOs, indicate that the term is pliable, a "flexible carrier

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[65] Jolle Demmers, Alex Fernandez Jilberto and Barbara Hogenboom, "Good Governance and Democracy in a World of Neoliberal Regimes," in Jolle Demmers, Alex Fernandez Jilberto and Barbara Hogenboom, eds, *Good Governance in the Era of Global Neoliberalism: Conflict and Depoliticization in Latin America, Eastern Europe, Asia and Africa* (Routledge, London, 2004), p.4.

[66] World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth* (Washington DC, World Bank, 1989).

[67] Ibid pp. 6, 15.

[68] David Williams and Tom Young, "Governance, the World Bank and Liberal Theory," (1994) 42 *Political Studies* 84-100; Rob Jenkins, "Mistaking 'governance' for 'politics': foreign aid, democracy and the construction of civil society," in Sudipta Kaviraj and Sunil Khilnani, eds, *Civil Society: History and Possibilities* (Cambridge, Cambridge University Press, 2001) pp.250-268, p.252; M. A. Thomas, "The Governance Bank," (2007) 83 *International Affairs* 729-745, p.742.

[69] World Bank, *Sub-Saharan Africa*, pp.60-61. For an expanded list, indicating the increasingly all-encompassing nature of "good governance," see Derick W. Brinkerhoff and Arthur A. Goldsmith, "Institutional Dualism and International Development," (2005) 37 *Administration and Society* 199-224, Table 1.

[70] Pierre Landell-Mills, "Governance, Civil Society and Empowerment in Sub-Saharan Africa," 1992, cited in Williams and Young, "Governance, the World Bank and Liberal Theory", 88.

[71] As Williams and Young note, the Bank both produces "development orthodoxy" and reflects it: "Governance, the World Bank and Liberal Theory", 88). Doornbos also notes that because of the Bank's "key role in the coordination of aid," donor countries "followed the Bank's lead in what could be demanded under the concept of good governance." Doornbos, *Global Forces and State Restructuring*, p.79.

[72] Demmers, Jilberto and Hogenboom, "Good Governance and Democracy in a World of Neoliberal Regimes" p.4. See also Adrian Leftwich, "Governance, democracy and development in the Third World," (1993) 14 *Third World Quarterly* 605-624.

which can be used to convey varying combinations of messages or ideas."[73] The Bank's early use of good governance reflected its concern to "make the state safe for the market" by prescribing the kind of state that would, in the Bank's model, most successfully implement the policies required under structural adjustment lending: economic liberalization and the retrenchment of the state from its previously dominant position in directing development.[74] The "accountability" of the state to various kinds of economic discipline, and the devolution of state functions to non-state actors grouped under a notion of "civil society," fitted within this concept of good governance.[75] A second approach, said to have been formulated first in the development policy of the United Kingdom,[76] emphasizes good governance as involving "effective" public institutions and public participation in the formulation of poverty alleviation policy, albeit within neo-liberal parameters. A third current, attributed to the development policy arms of Nordic states and some western European development NGOs[77] – and later embraced by the United Nations Development Programme (UNDP)[78] –, uses good governance as a term encompassing almost all aspects of "the exercise of economic, political and administrative authority,"[79] in a manner that makes democratic institutions and human rights principles component parts of an overarching model of the "good governance" state, which is deemed conducive to "human development."[80] Thus, to promote good governance in this sense could include efforts to "establish and operate" in aid-recipient states political and legal institutions such as national and local legislatures and judiciaries. After all, on this model,

> [s]ound national and local legislatures and judiciaries [are] critical for creating and maintaining enabling environments for eradicating poverty. Legislatures mediate different interests and debate and establish policies, laws and resource priorities that directly affect people-centered development. Electoral bodies and processes ensure independent and transparent elections for legislatures. Judiciaries uphold the rule of law, bringing security and predictability to social and political relations.[81]

Good governance becomes, in effect, a *total* expertise of politics, economics and society. It is at once a descriptive claim to know *how politics works* ("legislatures mediate different interests")[82] and also a prescriptive claim about *how to make politics*

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[73] Doornbos, *Global Forces and State Restructuring*, p. 76.
[74] Rita Abrahamsen, *Disciplining Democracy: Development Discourse and Good Governance in Africa*, Zed Press, London, 2000, pp.48-9, 50-51, 57.
[75] *Ibid* p.57.
[76] Demmers, Jilberto and Hogenboom, "Good Governance and Democracy in a World of Neoliberal Regimes", p.4.
[77] *Ibid*
[78] In 2000, UNDP devoted 46 percent of its funding to good governance promotion: Paris, *At War's End*, p.46
[79] UNDP, *Governance for Sustainable Development* (United Nations, New York, 1997) pp.2-3.
[80] Since the mid-1990s, the World Bank has adopted uses of good governance that include aspects of the second and third kind.
[81] UNDP, *Governance*, p. 14.
[82] As Holmes shows in his discussion of policy formation in post-Soviet Russia, it is far from necessary that legislatures will actually mediate political interests. Depending on the underlying political forces, interests may be mediated outside formal legislative processes (such as through direct negotiations between elites or oligarchs) and so bypass them completely: see Stephen Holmes, "Lineages of the Rule of Law" in Jose

work in a particular way: if judiciaries that uphold the rule of law bring security and predictability, aid-recipient countries should be funded to establish judiciaries that uphold the rule of law. Doornbos points out that good governance achieved its currency as a "donor-driven discourse"[83] in part because it "conceptually prepar[ed] the terrain for policy intervention [by donors]" into political structures, institutions and process. Good governance as a donor policy framework implied the need for a capacity to "reach much deeper into Third World societies and mould them more than ever."[84] At the same time, the all-encompassing and pliable uses of the term "good governance" obscure the tensions, conflicts and contingencies of achieving economic and political development, by "translating complex and sometimes conflicting economic, social, political and cultural processes into manageable issues of governance and policy."[85] "Good governance" allows the easy assumption that "all good things go together"[86] and that there are "no inherent tensions, conflicts or difficult tradeoffs between the various goals of development – such as growth, democracy, stability, equity and autonomy."[87]

More fundamentally, "good governance" shares two key features that mark its kinship with the mode of political thinking and acting that Morgenthau chastised in 19th century liberal reformers: it takes institutions that are the *products* of a particular history and trajectory of political development and posits them as the principal *solutions* to undesirable political dynamics and outcomes.[88] And it presumes that these institutions can be produced, legitimated and stabilized as a matter of intention and design, with sufficient success to *generate* the desired political dynamics and outcomes. A particular model of politics – one produced as a contingent outcome of the interaction of a number

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Maria Maravall and Adam Przeworski, eds, *Democracy and the Rule of Law* (Cambridge, Cambridge University Press, 2003), pp. 19-61.

[83] Doornbos, *Global Forces and State Restructuring*, pp.77, 85. Doornbos describes the "donor-driven" proliferation of the ideas as follows: "[The language of good governance has become pervasive] in part due to the 'echo effect' of donor agencies repeating the mantra over and over again pledging their adherence to it, and projecting it on their target group."

[84] Williams and Young, ""Governance, the World Bank and Liberal Theory", 99

[85] Demmers, Jilberto and Hogenboom, "Good Governance and Democracy in a World of Neoliberal Regimes", p.6.

[86] Guilhot notes that the "governance agenda" 'promises a harmonious agenda of human rights, democratic reform poverty alleviation, environmental protection, minorities empowerment and ethnic cultures, with privatization, commodification of services and social relations and opening to the global market place." Guilhot, *The Democracy Makers*, p.221.

[87] Leftwich, "Governance, democracy and development in the Third World", 605.

[88] For example, bureaucratic autonomy in the United States was a relatively late achievement, and took several decades to develop, due to circumstantial factors beyond the control of any one government or generation of political actors: see Ronald Johnson and Gary Libecap, *The Federal Civil Service and the Problem of Bureaucracy: The Economics and Politics of Institutional Change* (Chicago, University of Chicago, 1994); Daniel Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton, Princeton University Press, 2001). In Weber's own account, bureaucratic autonomy is not a product of intention or design but a *by-product* of conflicts over political power: see Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge, Cambridge University Press, 1997) pp.7-9.

Interestingly, there was no significant correlation between the existence of bureaucratic autonomy and high economic growth rates in the US: Arthur Goldsmith, "Is Governance Reform a Catalyst for Development?" (2007) 20 *Governance: An International Journal of Policy, Administration and Institutions* 165-186.

of factors that "appear or do not appear for unknown reasons"[89] – becomes a donor-driven template of rational politics to which all other political realities can be assimilated or can be made to assimilate. Good governance is the contemporary equivalent of those "principles true in every country" that were unquestioned by imperial liberal reformers.[90]

Through his analysis of the idea of "civil society" in governance-driven development policy, Jenkins provides an example of how this mode of political being engenders both a particular *construction* of politics in the aid-receiving society and a particular way of intervening that tries to engineer politics to conform to that construction. "Civil society" occupies a central place in the "governance agenda" as the key link between economic liberalization and democratization. Conceived in an undifferentiated way as private actors, NGOs, business associations, charitable and voluntary organizations, and almost any other organized non-state interest,[91] civil society was stylized as the locus of countervailing power against unaccountable, corrupt and abusive states. This notion has been "constructed, reproduced and re-transmitted to aid-recipient countries by a community of scholars, consultants, activists and policy analysts that influence policy making in national governments, internationalized agencies and non-governmental organizations."[92] "Civil society" in this sense is an artifactual knowledge-object, rather than an actually-existing political phenomenon; it forms part of a set of expert claims about the process of effecting social, economic and political change in post-colonial societies. Seen as instrumental to the production of a liberal state and liberal politics, "civil society" becomes something that donors try to "create" by funding organized groups within developing countries – policies which no doubt provide resources to those groups, and so impact on domestic politics,[93] but which do not and

[89] Holmes, "Lineages of the Rule of Law", p.34.

[90] Interestingly, the World Bank's own reviews of its "good governance" lending suggest that loans and associated programs fail to alter institutional dynamics in any durable way: An evaluation of the Bank's civil service reform work in 32 countries found that only 33 percent of closed projects and 38 per cent of ongoing projects had satisfactory outcomes, and that "even when desirable, outcomes were often not sustainable … As a result, institutional reforms could not substantially limit arbitrary action by bureaucrats and politicians." World Bank, *Civil Service Reform: A Review of World Bank Assistance* (Washington DC, World Bank, 2006). See also Thomas, "The Governance Bank", 738-740.

[91] Abrahamsen, *Disciplining Democracy*, p.54. On the way in which this concept can systematically misunderstand and misrepresent the way in which the boundary between "state" and "society" is produced and reproduced in an given national context, see Julia Elyachar, *Markets of Dispossession: NGOs, Economic Development and the State in Cairo* (Durham NC, Duke University Press, 2005). Elyachar notes that in Egypt in the 1990s, the Bank extensively funded "NGOs" as part of its claim to promote "participatory development" outside the state – a state that was a paradigmatic case of "bad governance." But "NGOs" funded by the Bank did not correspond to the construct of "civil society" as the non-state realm of associational liberty: "NGOs in the sphere of 'the economy' were a site for maneuvers to accumulate power and wealth in Egypt during the 1990s. They were not a mode of anti-power in the non-state sphere of 'civil society.' Nor did they represent 'the people'. Rather, they provided a context … for new ways to gain and generate power. While all this went on in the name of civil society, in a sphere that was supposedly state free, individuals and groups identified with 'the state' were intimately involved." (p. 173).

[92] Jenkins, "Mistaking 'governance' for 'politics': foreign aid, democracy and the construction of civil society", p.250

[93] These impacts are not necessarily benign or consistent with promoting "accountability" – foreign donor funding and its accompanying guidelines can alienate groups from their original social bases and constituencies, and transform them from means of organizing constituencies and exercising political power,

cannot engineer the "liberal public sphere" that is the archetype for the governance agenda's model of civil society.[94] As Jenkins concludes, "donor conceptions of civil society represent not a misreading of political theory but a misreading of history – particularly with respect to the political dynamics which underlie regime change, the entrenchment of democratic order and the evolution of economic policy … The blue print from which aid agencies are attempting to construct civil societies … uses the term 'governance' as a euphemism for 'politics,' in the process grossly underplaying the contingencies which influence the formation of opposition movements, the entrenchment of political order, and the exercise of state power."[95]

With its commitment to the belief that politics can be "fixed" by "getting the institutions right," it is not surprising that the governance agenda has become the central policy language of "state-building."[96] Its main producers and proponents, such as UNDP, the World Bank and the development agencies of donor-states are also the principal donors and conduits of "capacity-building" expertise in the state-building projects of the last 16 years. Moreover, the governance agenda and its supporting intellectual claims at once provide a simple *post hoc* explanation of "state failure," and a convenient *a priori* policy framework that reinforces the palliative ideals of "democracy-as-peace-engineering." As noted above, the "democracy-as-peace-engineering" repertoire of the Security Council and UN Secretariat entails a claim that non-democratic politics is a principal cause of intra-state violence, leading to state failure. Within the good governance analytic, non-democratic politics becomes one important dimension of a broader set of non- or anti-rational political phenomena (inadequate judicial systems, clientelistic bureaucracies and political practices, repressive state security agencies) that cause (or in some accounts are even synonymous with) "state failure." Having stylized the causes of state failure in this manner, the solution immediately presents itself: the creation of the institutions that will produce good governance, and so eliminate or resolve the pathological politics of the past. Blaming state collapse on failures of governance is readily accepted because it resonates with donor critiques that take for granted the relationship between governance and state failure. But as Doornbos observes, there is "no single recipe and no single set of determinants" of state collapse:

> The lifting of Cold War hegemonic support structures might need to be primarily understood as implying that different social and political state systems – some of them more robust than others, others more fragile and vulnerable, yet each embedded within its own historically endowed socio-political context – were laid open to a whole range of political and economic forces and interests …
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> Pointing to institutional failures may not add much to the analysis, as the question still remains as to how those institutional mechanisms came to be undermined and at the hands of what forces. The ease and pace with which the "good governance" discourse was embraced in donor circles has

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into depoliticized service delivery organizations or professionalized "interest groups": see Rema Hammami, "NGOS: The Professionalization of Politics", (1995) 37 *Race and Class* 51-63.

[94] In their review of the impact of more than a decade of "civil society building" in Cambodia, Richmond and Franks conclude: "Civil society [in Cambodia] is quite possibly an illusionary 'virtual' or 'parallel' society created by the presence and funding of the internationals and mainly visible to international eyes. Far from aiding the development and sustainability of an indigenous civil society, it is representative of conditionality and dependency." Oliver Richmond and Jason Franks, "Liberal Hubris? Virtual Peace in Cambodia" (2007) 38 *Security Dialogue*, 27-48, 39.

[95] Jenkins, "Mistaking 'governance' for 'politics': foreign aid, democracy and the construction of civil society", p.254, 268.

[96] See David Chandler, *Empire in Denial: The Politics of State-building* (London, Pluto Press, 2006) ch.3

> indeed been remarkable, yet it hardly offers a tool for a better understanding of different socio-political contexts to which state systems must relate, or why they might be failing at this.[97]

In *Liberalism and Empire*, Mehta notes that in empire, liberal thought found a *project*. India was viewed as "the promised land of liberal ideas – a kind of test case and laboratory."[98] Metcalf similarly comments that, while liberalism's radical ideas could not really be implemented in Britain because of entrenched constituencies, a conquered India could not easily protest measures introduced for its own benefit. India could become a "laboratory for the creation of the liberal administrative state … Away from the contentious political environment of England, liberalism … developed a coherence it rarely possessed at home."[99] It is not overly polemical, I think, to suggest that in state-building, "good governance" has found its own *project*: a laboratory for the claims that institutions and practices deemed pathological and conflict-inducing can through technical expertise be re-made, perhaps even made *ab initio*. From a donor-discourse initially conceived as a language to frame aid-conditionalities that might otherwise be denounced as "too political," good governance as state-building now promises a comprehensive "recipe book" of political, juridical and economic technologies for donors, and encourages them to anticipate wider and more intensive interventions to re-create political space in these territories. Post-conflict settings seem to offer up a "fresh start":

> [post]-conflict situations often provide special opportunities for political, legal, economic and administrative reforms to change past systems and structures which may have contributed to economic and social inequities and conflict … In the wake of conflict, donors should seize opportunities to help promote and maintain momentum for reconciliation and needed reforms.[100]

Anthony Pagden reminds us that the emergence of "good governance" as an increasingly comprehensive idiom of donor states, international organizations, and non-government entities such as development and human rights NGOs and policy think-tanks, has strong affinities with the way in which earlier empires framed their exercise of power over other territories and peoples in terms of universal claims about what politics is and should be. Every imperial system articulated and disseminated claims of legitimation to its authority over others – whether in terms of universal monarchy, universal civilization or cosmopolitan right – that took a parochial history and experience and turned it into the

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[97] Doornbos, *Global Forces and State Restructuring*, pp. 106, 109. For a careful study of the dynamics of state formation in Liberia, and the way in which Liberian politics is shaped by several historical and regional determinants, see Mary Moran, *Liberia: The Violence of Democracy* (University of Pennsylvania Press, Philadelphia, 2006).

[98] Mehta, *Liberalism and Empire*, p.9, 12.

[99] Metcalf, *Ideologies of the Raj*, p.29. In his account of Russia's invasion and "liberation" of Bulgaria from Ottoman rule in 1877, Peter Holquist points out that Russia's bold plan to transform the political system of Bulgaria paralleled those that Alexander II and his bureaucrats had been pursuing at home, but which had lost momentum by 1877. Bulgaria was thus a "laboratory" for these civic reforms, implemented by reformist bureaucrats in the newly established "civilian affairs" branch of the army. Peter Holquist, "From Expulsion to 'Civilian Affairs': Russian Policy from the Conquest of the Western Caucusus (1860-1864) to the 1877-78 Russo-Turkish War," paper presented to Centre d'études du Monde russe, soviétique et post-soviétique, Ecole des hautes etudes en sciences sociales, Paris, May 28, 2004.

[100] Andreas Mehler and Claude Ribaux, *Crisis Prevention and Conflict Management in Technical Cooperation: An Overview of the National and International Debate* (Wiesbaden, GTZ, 2000) p. 37.

measure of all history and politics.[101] None of this was inconsistent with claims of benevolence and tutelage, and as we saw in the case of Britain's imperial liberal reformers, such claims were made with sincere conviction. But nor were they inconsistent with great inequalities in power, armed force and wealth and the ability to subordinate those deemed to be the proper objects of benevolent reform where necessary. Indeed, various ideologies of tutelage *presupposed* such profound asymmetries of power in the international order as the condition of possibility for civilizing reform. In its totalizing claims to *know* what rational politics is and should be, good governance in the current conjuncture has assumed the role of an ideology of tutelage, a new standard of civilization that promises the means and methods to renovate and remake political orders that have fallen into disorder or tyranny, and so need to be returned to the community of good societies. It also presupposes a deeply unequal international order, one segmented not only by inequality of arms and finances, but also by inequalities of *political virtue* measured by the standard of the governance agenda.

III.

In a 2004 paper, Przeworski puzzled over a basic shift within American political science since the late 1970s.[102] Whereas 25 years ago readers of political science scholarship would have read that "institutions can, at most, organize power that lies elsewhere [and] to be viable, they must reflect the distribution of this power," today what they read is that "the problem with Ecuador is that it does not have an independent judiciary … The new passion of the US government and many international organizations is institutional engineering."[103] Yet Przeworski was "struck by how little robust, reliable knowledge we have about the impact of institutions."[104]

The emergence of a "new institutionalism" in American political science and policy was an essential intellectual backdrop for the cruder and more programmatic claims of "democracy-building" and "good governance." Guilhot rightly observes that academic production and academics themselves have been "central to the construction of a new global discourse on democracy":

> The construction of tools for democratization and the justification of this new form of international activism have proceeded both on political and academic ground … [P]olitical science is one of the main 'disciplines of power' … because it defines an area where various modalities of government and the exercise of power are elaborated, codified, and justified … The discussion of which technologies of political change are most adapted, the evaluation of existing programs and projects, the assessment of the impact of political conditionality attached to foreign aid, have opened occasional or permanent professional outlets for many academics.

Despite some considerable variation in terms of methodology,[105] the "new institutionalisms," of which democratic transition theory is one expression, share two basic tenets: that political and legal institutions can explain different political outcomes in

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[101] Anthony Pagden, "The genesis of 'governance' and Enlightenment conceptions of cosmopolitan world order," (1998) 155 *International Social Science Journal* 7-15.
[102] Adam Przeworksi, "Institutions Matter?" (2004) 39 *Government and Opposition* 527-540.
[103] *Ibid* 528-9.
[104] *Ibid* 528.
[105] See Peter Hall and Rosemary Taylor, "Political Science and the Three New Institutionalisms," (1996) 44 *Political Studies* 936-957. Hall and Taylor describe "historical institutionalism", "rational choice institutionalism" and "sociological institutionalism". It is the former two strands, and particularly the second, that I think have been most influential in policy circles.

different contexts, and that certain institutional forms can produce desired social and political behaviors across nations.[106] The new institutionalism was in part defined in reaction to an earlier generation of policy sciences that can be clustered under the label, "modernization theories." But what the two generations have in common is that each kind of theory became, in its time, the basis for frameworks of prescriptions for reformist interventions into the politics of other societies. In this way, each generation of theories facilitated a convergence between the strategic tenets of foreign policy planners and the assumptions of a reigning political science orthodoxy – a convergence made all the more possible by a shared but largely inarticulate belief in technical capacities to generate societal change.

In the wake of the Second World War, territorial empires began a rapid collapse. By the early 1950s, decolonization was an apparently unstoppable force, achieving a firmer legal basis through the efforts of newly decolonized states in the General Assembly, Trusteeship Council and Commission on Human Rights to reinvigorate the "right to self-determination." When Khrushchev reversed Stalin's policy of indifference towards the national liberation movements and newly decolonized states, competition for influence in the Third World became an essential part of Soviet foreign policy.[107] American administrations since Eisenhower had already begun to regard decolonization, nationalism and the erosion of Western empire as dangerous to American interests,[108] posing an urgent challenge to develop policies that could manage these forces of change in a way that would "make these regions more like 'us' – and less like Russians or the Chinese."[109] A science of politics adapted to diagnosing, predicting and intervening in the politics of these societies, in order to steer their development towards a liberal democratic politics, was a pressing need. This need was filled by modernization theory,[110] a cluster of theories and methods that dominated the first two decades of post-war US social science and whose leading figures – including Parsons, Pye, Rostow, Almond and Weiner – would also set the intellectual foundations for a distinctively American "science" of comparative politics. As Gilman explains in his detailed intellectual history of modernization theory, the theory's research program was an effort to build a "comprehensive theory not only for understanding what was happening in postcolonial regions, but also for promoting change"[111] along a path that would be conducive to US interests. This attempt at a comprehensive theory, and its claim of scientific validity,[112] constituted a "meta-language" that supplied a framework of meaning for postwar

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[106] S. N. Sangpam, "Politics Rules: The False Primacy of Institutions in Developing Countries," (2007) 55 *Political Studies* 201-224.
[107] Westad, *The Global Cold War*, pp. 66-72.
[108] John Lewis Gaddis, *Now We Know: Rethinking Cold War History*, (Oxford, Oxford University Press, 1997) p.154; Michael Latham, *Modernization as Ideology: American Social Science and 'Nation Building' in the Kennedy Era* (Chapel Hill, University of North Carolina Press, 2000) p.27.
[109] Nils Gilman, *Mandarins of The Future: Modernization Theory in Cold War America* (Johns Hopkins University Press, Baltimore, 2003) p. 3.
[110] Piki Ish-Shalom, "Theory Gets Real: Rostow, Modernization Theory and the Alliance for Progress," (2006) 50 *International Studies Quarterly* 287-311.
[111] Gilman, *Mandarins of the Future*, p.3
[112] Latham notes that "as modernization grew in popularity as an intellectual model, its authors also rode a powerful wave generated by heightened expectations of what scientists could provide in service to American society": *Modernization as Ideology*, p.46.

geopolitical uncertainties, and a set of directives for how to effect positive change in that world.[113]

In the narrative of this "metalanguage", a research program of systematic comparison between modern and traditional societies would demonstrate that the social processes and political institutions characteristic of European and American development could be abstracted from their contexts of origin, and regarded as objective indicators of what it meant to be modern.[114] The concept of modernization allowed its theorists to claim to have grasped an entire process of social change, encompassing both the *past* of the West and the *present and future* of the "developing" world. [115] The latter could be placed on a continuum of modernization through an analysis of their social and political institutions and psychological dispositions, and through this analysis, a technology of political intervention could be produced.[116] Since the United States was the archetype of the "modern" in this theory, a political form similar to the US would be the sought-after end-point of democratic progress: pluralistic, competitive party-politics and a capitalist economic system would be the common *telos* to which traditional societies evolved.

Modernization theory sought to "transform a historically specific categorical scheme into a scientific theory of development applicable to any culture around the world." The power of these ahistorical abstractions was that they "filled a cognitive gap for social scientists struggling to understand what development might mean for countries utterly different from the US or Europe."[117] Although the proponents of modernization theory denied any association with the (explicitly racist) evolutionary schemes of 19th century social science, they ultimately sought to rehabilitate a basic element of 19th century methods: the attempt at a systematic comparison of other political environments along axes defined by the characteristics of the political development of the West. Such an attempt at a generalized theory posited a homogeneous theoretical space inhabited by "variables" and "parameters," a conceptual move that allows "everything to be compared with everything else"[118] and in which "in principle each unit is a congruent and translatable replica of any other unit" along a historical continuum.[119] As noted above, this was a conceptual move shared by theories of liberal imperial reform.

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[113] Latham, *Modernization as Ideology*, p.5.

[114] A paradigmatic example of this scholarship is Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East* (New York, Macmillan, 1958).

[115] It is worth noting in passing that the concept of "economic underdevelopment" was coined around the same period that modernization theory arose.

[116] See, for example, Lucien Pye's *Politics, Personality and Nation Building: Burma's Search for Identity* (New Haven, Yale University Press, 1962). Pye declared at the beginning of his study that "this is an era of nation building." His concern was to identify a "doctrine of democratic development" that could guide the process of nation building, on the understanding that "the immediate problems of nation building are clearly a part of profound historical developments in which the spirit of traditional communities must give way to the ethos of modern forms for organizing human life …" (10). Pye proceeds to diagnose the uniform characteristics of politics in societies that occupy this "transitional" stage between traditional and modern, including the "personality types" and personal "identity crises" of its political leaders and population. (An earlier version his schema had been published under the modest title of "The Non-Western Political Process.") This diagnosis is then applied to Burma. The last section of the book is devoted to prescriptions for American foreign policy if it is to assist in nation building.

[117] Gilman, *Mandarins of the Future*, pp.87-8.

[118] Mehta, *Liberalism and Empire*, p.96.

[119] *Ibid* p.127.

The modernism of modernization theory was a modernism of "order, plan and mastery."[120] But the theoretical program was marked by a peculiar ambivalence as between modernization as an inexorable *process*, and modernization as an engineered *outcome*. Theoretically, the deep debt to Parson's structural functionalism was manifested by a tendency to ascribe momentous changes to anonymous and oddly agent-less categories such as "world culture" and macro-social processes like "social differentiation."[121] Political and social institutions reflected underlying social, psychological and cultural factors, but could not necessarily bring about change; rather institutional forms would themselves change in adaptation to "world culture" or processes like "urbanization and industrialization". On the other hand, as policy intellectuals, its proponents justified their program and successfully courted government funding on the grounds that it would yield means of diagnosing and resolving obstacles to desired political outcomes. In the words of one of its best-known mandarins, Walt Rostow, social scientists were to "have a role equivalent to that of physical scientists in the arms race."[122]

Modernization theory ultimately collapsed under a combination of internal critique and a changing external environment. Its explanatory power seemed increasingly dubious as few "modernizing" societies arrived successfully at the political terminus of liberal democracy or polyarchy, and it was accused both by committed Cold Warriors[123] and New Left dependency theorists[124] of underestimating the power conflicts and risks inherent in political and economic development. Even as the theoretical program specified concepts and indicators with greater detail, the prospects of smooth transitions to Western-style democracy seemed more remote and contingent.[125] Moreover, the comfortable assumption that a stable, well-integrated society awaited those peoples who made the transition to American-style modernity was rocked by the cultural and social upheaval erupting in the United States during the 1960s and early 1970s.[126] Nevertheless, the theory did bequeath a certain methodological orientation to the newly emergent sub-discipline of "comparative politics" in American political science: a commitment to systematic comparison, a vocabulary of scientificity, and an interest in functional prerequisites to political development. This somewhat heterogeneous field of scholarship

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[120] Gilman, *Mandarins of the Future*, p.7. Its impact on what Scott calls "authoritarian high modernism" is explored in James Scott, *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, Yale University Press, 1998).
[121] See Pye, *Burma*, ch. 1 for an example.
[122] Quoted in Gilman, *Mandarins of the Future*, 160. Perhaps most infamously, modernization theory shaped American counter-insurgency policy in Vietnam by claiming to know the needs and psychology of the "traditional" peasant population and to be able to prescribe measures to meet those needs, thereby defeating the promise of socialist revolution. The result was the notorious "strategic hamlet" program that displaced and resettled under military control hundreds of thousands of Vietnamese peasants. See Latham, *Modernization as Ideology*, ch.5.
[123] Most famously, by Huntington in his highly influential 1968 book, *Political Order in Changing Societies*.
[124] See Gilman's account, *Mandarins of the Future*, ch.6
[125] Guilhot, "The Transition to the Human World of Democracy – Notes for a History of the Concept of Transition from Early Marxism to 1989", (2002) 5 *European Journal of Social Theory* 219-243. Dahl's famous work *Polyarchy* is an example of a work inescapably indebted to the scientistic orientation of modernization theory, but also deeply at odds with any expectation of a smooth transition from non-polyarchic regimes to polyarchy.
[126] Guilhot, *The Democracy Makers*, p.108.

was the incubator for the "transition to democracy" scholarship of the 1980s, which in turn laid an essential intellectual foundation for the new policy expertise of state-building during the 1990s.

One stream of the "new institutionalism" emerging after modernization theory replaced the latter's structural-functionalism with an actor-based functionalism derived from rational choice and public choice theories. Actor-based functionalism, with its game-theoretical premises of strategic interaction between actors, posited institutions as the outcomes of stabilizing equilibria achieved through the bargaining and strategic choices of political elites,[127] rather than the products of agent-less macro-social processes. If successfully stabilized, institutions could then reproduce and entrench incentives to comply with the new "rules of the game." In developing this analytical frame, the theories restored a role for agency in the shaping of political contexts and the production of institutions.[128] Applied to cases of democratic transitions across Latin America and Eastern Europe between the early and late 1980s, these methodologies, and their focus on the role of institutional entrepreneurs and political elites, appeared to provide powerful analytical techniques for understanding the development of new political regimes in those places. But as Guilhot points out in his brilliant analysis of this literature, the focus on strategic actors with definable preferences and calculable interests[129] opened a space for *another* transition in the concept of transition: from process-centered *description* to an institution-and-agent-centered *prescription* or *technique* for founding and stabilizing new political regimes:

> What was previously understood as the autonomous, all-encompassing *development* of social structures and relations could become the object of *instrumental* action or strategies … The *knowledge of* social dynamics that modernization theories sought to provide had to be substituted by a *knowledge for* social change …
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> … By focusing on the transformation of political regimes and opting for agency-based explanations … [these] research orientations have tended to restrict the question of social change to that of *legal-institutional* … transformations that can be attributed to specific agents … They

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[127] A classic work is Przeworski's *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge, Cambridge University Press, 1991). As Hall and Taylor note, rational choice institutionalists "begin by using deduction to arrive at a stylized specification of the functions that an institution performs. They then explain the existence of the institution by reference to the value those functions have for actors affected by the institution. This formulation assumes that the actors create the institution in order to realize this value, which is most often conceptualized … in terms of gains from cooperation. Thus, the process of institutional creation revolves around voluntary agreement by the relevant actors; and, if the institution is subject to a process of competitive selection, it survives primarily because it provides more benefits to the relevant actors than alternate institutional forms." : "Political Science and the Three New Institutionalisms", 945.

[128] Guilhot, "The Transition to the Human World of Democracy", p.234.

[129] As Pierson comments, applying game theory to political dynamics has its own limitations: although concerned with strategic actors rather than macro-social processes, game theory has a "simplifying ontology". It homogenizes social space in the way that it constructs the rationality of its actor-agents and simplifies historical processes into an ordered alternation of "moves" by actors. As a result its explanatory power in concrete cases can be questioned: Paul Pierson, *Politics in Time: History, Institutions and Social Analysis* (Princeton, Princeton University Pres, 2004) pp.61, 108-9, 121-22, 152. Bates, Figueiredo and Weingast similarly observe that "Game theorists often fail to acknowledge that their approach requires a complete political anthropology." Robert Bates, Rui JP de Figueiredo and Barry Weingast, "The Politics of Interpretation: Rationality, Culture and Transition," (1998) 26 *Politics and Society* 603-642, 628.

> imply a view of *political institutions* as the primary site of social change … Far from being the tail-end of social change, the political institutional order initiates it.[130]

This technological concept of transition implies that the formal political institutions of the state can generate the necessary moral, cultural and cognitive resources among the population to stabilize the newly minted political-legal institutions and produce compliant behaviours. Recalling once again Rousseau's law-giver and his power to engineer the political subjects required by the new political order, this conception of social change by institutional design includes an educational component aimed at habituating social actors to new political rules. Thus, "multiple programs of 'civic education' or 'training' delivered by national and international agencies … with a view to creating active 'civil societies' are in, that sense, logical extensions of this concept of social change."[131]

In the wave of ostensibly democratizing regime changes that followed the end of the Cold War, and the proliferation of democracy promotion and democracy-building initiatives by both donors and international organizations, the academic research program of democratic transition held out the promise of a rationalized method of promoting and managing "transitions to democracy." Not unlike modernization theory before it, the newly consecrated discipline of "transitology" filled a cognitive gap among policy intellectuals and donors facing a new period of uncertainty and turbulence in the politics of the Third World. It became, in the words of one democracy-promotion insider, "a universal paradigm for understanding democratization. [It was] ubiquitous in US policy circles as a way of talking about, thinking about, and designing interventions in processes of political change around the world."[132] Once a country was labeled "transitional," its political life was "automatically analyzed in terms of [its] movement toward or away from democracy, and they were held up to the implicit expectations of the paradigm."[133] Transitology's emphasis on legal-institutional change as the locus of political change led to an "indifference to underlying conditions – political history, institutional legacies and other structural features"[134] and a tendency to assume that progress towards democratization depended "primarily on the political intentions and actions of its political elites"[135] In the convergence of foreign policy programs and academic production that took place under the auspices of transitology, we can observe a close family resemblance with the policy prescriptions of state-building and good governance: "a whole generation of democracy aid is based on the transition paradigm, above all the typical emphasis on the institutional checklist as a basis for creating programs, and the creation of nearly standard portfolios of aid projects … some judicial reform, parliamentary strengthening, civil society assistance, media work, political party development, civic education and electoral programs."[136]

Whatever the nuances and critical potential of the original research program of comparative democratic transition studies,[137] its institutionalization as a policy expertise

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[130] Guilhot, "The Transition to the Human World of Democracy", 234-235.
[131] *Ibid* 237.
[132] Carothers, "The End of the Transition Paradigm", 6.
[133] Ibid 7.
[134] Ibid 7.
[135] Ibid 17.
[136] Ibid 18.
[137] See Guilhot, *The Democracy Makers*, ch.4 for a sympathetic account of the founders of the democratic transition research program. Guilhot points out that the scholars associated with the creation of this

within the circuits of donor funding, international institutions and development agencies turned it into a component part of "emerging technologies for the global administration of political regimes."[138] Yesterday's modernization theories and today's "transitology" are both premised on a simplifying homogenization of political and social space that renders the politics of other societies seemingly more tractable to a "policy science" of governance. These techniques of thought, and the artifactual knowledge-objects they generate, underwrite and disseminate, are fundamental to idea of "state-building" as an intentionalist enterprise.

IV.

This essay has so far explored a series of conceptual affinities between contemporary discourses of state-building, democratization and good governance, and earlier generations of knowledge claims that authorized and underwrote deep interventions in the constitution of politics in other societies – imperial liberal reform and modernization theory. An attempt to sum up these affinities might be the following: the claims of expertise and the conceptual infrastructure that have come to constitute the practices of state-building[139] authorize a *kind of claim to knowledge* about heterogeneous social spaces and territories – each with distinct local historical genealogies and political topographies (fateful accidents, in Marquard's words) – that places these spaces within a homogeneous plane, encoding them as "factors", "variables," "types" or even "cultures" which become instances of a schema or framework of characterizing (knowing) politics. Not unlike the liberal reformism of empire, the urgent imperative of "bettering the world" conduces to a tendency to see the world as "limitlessly malleable" through political effort (or political power). But this tendency also seems to consistently imply a *conceptual* move in which socio-political orders and practices that become the objects of reform are placed within a schema that is at once descriptive and evaluative. On the one hand, distinct political topographies are coded and mapped in terms (agrarian, industrial, tribal, authoritarian, etc.) which seem to describe and situate them within a homogeneous space encompassing all possible cognizable politics, thus allowing "everything to be compared with everything else."[140] On the other hand, the very positing of such a homogeneous space of comparison at some level implies the flattening out of heterogeneous and contingent local histories and genealogies into categories or types that seem to stand in a relationship of inequality with one another relative to their normative desirability: good governance is to be preferred to bad, and institutional and political forms, practices and repertoires that appear to correlate with good governance should thus be promoted, relative to those that correlate with bad governance. But what is elided in this conceptual

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program were largely critics of the Reagan administration's strategy of supporting counter-insurgency in Central and Latin America in the 1980s. The founding scholars' analysis of authoritarian states in Latin America incorporated a "critical knowledge of the state" influenced by dependency theory and Marxism, and which was sensitive to the power relations and political conflictuality entailed in struggles over control of state apparatuses. For this reason, the transformation of the research program into a new form of hegemonic internationalism is all the more significant as case study of the interrelationship between academic production and global circuits of power.

[138] Guilhot, *The Democracy Makers*, p.223.

[139] The most recent trend is towards "how-to" state-building literature or even a self-proclaimed "recipe-book" for state-building.

[140] Mehta, *Liberalism and Empire*, p.96.

move is that the apparently universal content of good governance and its associated institutions is in fact a highly particularized historical product – a fateful accident of a parochial regional history – which has been hypostasized into the *telos* of rational politics.[141]

In his 1970 address to the American Political Science Association, philosopher Alasdair MacIntyre made the impolitic observation that the "claims of political science are closely linked to a claim about the political status of the political scientist, to a claim about the possession of political expertise."[142] The example he had in mind was that of liberal imperial reformer Thomas Macaulay, whose claim to expertise concerning Indian society and the "laws" of politics, was intimately connected with defending and promoting his proposals for imperial state-building.[143] But the observation would seem to me to have equal application to modernization theory, "transitology" and the governance agenda. MacIntyre does not deny that *some* kinds of comparative knowledge about political life in other societies are in fact possible, but this knowledge is of a different kind to that claimed in the mode of political thinking and acting that I have stylized as "politics as technology":

> We do have clear cases where the same intention in embodied in two different cultures, such intentions as to apply Roman Law or the Code of Napoleon or to bring about some particular course of economic development. What we shall achieve if we study the projects springing from such intentions are *two or more histories of these projects*, and it is only after writing these histories that we shall be able to compare the different outcomes of the same intention.[144]

The knowledge yielded by this comparative history is a knowledge of antecedent but not sufficient conditions for a particular outcome.[145] It provides *de facto* maxims of political action, something that MacIntyre associates with Machiavelli's method: "Machiavelli realized that in political life *fortuna* … has never been dethroned. To any stock of maxims derived from empirically founded generalizations, the student of politics must always add one more: 'And do not be surprised if in the event things turn out otherwise.' … The maxims relied upon are open textured and open-ended, and the sense of when which maxim is relevant cannot itself be unpacked into a set of maxims."[146]

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[141] In a long reflection on the research agenda that he helped to found, comparative politics and democratic transitions scholar Guillermo O'Donnell concludes that "practically all definitions of democracy are a distillation of the historical trajectory and the present situation of the originating countries." Even Schumpeter's minimalist definition proves to be not as "procedural" as sometimes claimed, presupposing a number of institutional and sociological prerequisites. Guillermo A. O'Donnell, "Democracy, Law and Comparative Politics", (2001) 36 *Studies in Comparative International Development* 7-36, at 8, 9-13.
[142] Alasdair MacIntyre, "Is a Science of Comparative Politics Possible?" in *Against the Self-Images of the Age: Essays on Ideology and Philosophy* (Schocken, New York, 1971) pp. 260-279.
[143] *Ibid* p. 270.
[144] *Ibid* p. 271-2.
[145] Hirschman makes a similar observation: "The architect of social change can never have a reliable blueprint. Not only is each house he builds different from another that was built before, but it also necessarily uses new construction materials and even experiments with untested principles of stress and structure. Therefore what can be most usefully conveyed by the builders of one house is an understanding of the experience that made it at all possible to build under these trying circumstances." Albert Hirschman, "The Search for Paradigms as a Hindrance to Understanding," (1970) 22 *World Politics* 329-343, 343.
[146] MacIntyre, "Is a Science of Comparative Politics Possible?", pp. 269, 275. Or put another way: "For any prospective inquiry which seeks to specify conditions and actions which could effectively produce a 'transition' to a particular desired outcome (elsewhere originally produced unintentionally), there is a difficulty … which may be logically insurmountable. It is impossible to replicate the initial conditions of action: we now know the outcome desired, and we now act intentionally to bring it about. However, the

What we do know about the historical and sociological processes of state-formation and "state-building" in Western Europe and North America (the states that form the archetype for "good governance" and "successful" state forms) suggests that this Machiavellian emphasis on contingency, uncertainty and non-intentionality is appropriate.[147] Institutions such as bureaucratic autonomy and robust, independent judiciaries, emerged over several generations and frequently as the unintended or unpredictable *by-product* of the intentional strategies of multiple generations of actors. *Once established*, institutions could sometimes generate self-reinforcing dynamics that deepened and broadened their capacity to shape politics. But the achievement of such self-reinforcing processes is not a matter of design nor of tapping some "master process" like modernization. It reflects the "inter-currence" of intersecting trajectories of different, but connected, long term processes, conjunctural coincidences, and material endowments that were successfully mobilized at (what happened to be) the right time.[148] Hence, as Poggi is led to ask in his lucid and admirably concise volume on the development of the modern states, "how plausible is the notion of the state's being 'made' or being 'built'?"

> [T]he concrete historical processes leading to the emergence of a state have typically been protracted, tentative, and circuitous, and have presented a wide discrepancy between *undertakings* and *outcomes*. Similar aspects or phases of these processes have received, in different circumstances, widely different justifications and interpretations by the participants … All this makes doubtful the "state-building" imagery, the notion that the historical events involved actualized a conscious purpose, an explicit design.[149]

In a later work, Poggi asks, "what set the West on this particular course? […] what gave liberal democracy a chance?" His conclusion, after a review of different elements of the "makings" of liberal democracy, emphasizes "how varied they [the makings] were, how far back into the European experience they reached, and how improbable was their convergence. The basic implication of this argument [is] that the particular course taken by the making of the Western state was a highly contingent affair."[150]

The invasions of Afghanistan and Iraq – and their continuing instability – have entrenched the project of developing a technology of "state-building" firmly within the policy machinery of the United States government. As such, it seems likely that the intellectual and conceptual dynamics associated with the production of a new expertise of transforming the politics of other societies that have been highlighted in this essay are likely to deepen and intensify. So, for example, the Director of the State Department's

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consequences of such present actions, included towards a specific end, may in fact produce yet another unintended outcome." Sunil Khilnani, "The Development of Civil Society" in Sudipta Kaviraj and Sunil Khilnani, eds, *Civil Society: History and Possibilities* (Cambridge, Cambridge University Press, 2001), pp.11-32, p.25.

[147] See Ertman, *Birth of the Leviathan*; Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Stanford, Palo Alto, 1978); Otto Hintze, *The Historical Essays of Otto Hintze*, ed. Felix Gilbert (Oxford, Oxford University Press, 1975); Gianfranco Poggi, *The State: Its Nature, Development and Prospects* (Stanford, Palo Alto, 1991).

[148] Pierson, *Politics in Time*, pp.55-57. For example, in Ertman's thesis, "certain critical junctures and cross-national differences in the sequencing of key historical processes, generated durable variations in the structures of nation-states." The onset of military competition was a factor common to the emergence of all these states, but *when* military conflict occurred and the underlying technical capacities available to state-builders *at that time* help explain different structures of administration that developed. See Ertman, *Birth of the Leviathan*, ch. 1.

[149] Poggi, *The Development of the Modern State*, pp. 98-99

[150] Poggi, *The State, Its Nature, Development and Prospects*, pp. 102, 105. See also Part II of the book.

peak Policy Planning unit and the head of the newly-created Office of Reconstruction and Stabilization, write: "[T]he only way to create lasting peace is to promote better governance … If we are going to ensure that countries are set on a sustainable path towards peace, democracy and a market economy, we need new, institutionalized foreign policy tools – tools that can influence the choices countries and people make about the nature of their economies, political systems, their security, indeed, in some cases about the *very social fabric of a nation*."[151] In the same volume of *Foreign Affairs*, a former US Undersecretary of State makes explicit the connection between US security policy and the surveillance and management of the quality of governance of other societies. Reiterating the now-orthodox claim of the "New Anarchy" thesis[152] that a "tide of violence, humanitarian crises, and social upheaval …[is]… sweeping across developing countries from Afghanistan to Zimbabwe," the article reaches the conclusion consistent with the good governance analytic: "[T]he roots of the weak-state crisis, and any hope for a long-term solution, lie in … fostering stable, accountable institutions in struggling nations … Thus, state-building is not an act of simple charity but a smart investment in the United States' own safety and stability."[153]

If this essay can be said to have any "practical" dimensions, I think they are perhaps two. First, the material reviewed here suggests that the production, consecration and circulation of "expertise" about how to intervene in the politics of other societies and other peoples, is deeply implicated in the structures of inequality and strategies of domination inherent in any world order. Indeed, this inequality and these possibilities of domination, seem to be conditions precedent for the expertise to "come into its own in action." If this is true, then it seems to me that there is a need to seriously and critically examine any demands that we deepen, intensify and perfect such technologies and knowledges of intervention. Human beings do not act "under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past."[154] Professions of humanitarian intention, or the alleged nobility of the desired outcomes, cannot displace these encountered circumstances. Before we embrace a demand for more "knowing" and more "expert" state-building, it is necessary to situate the constellations of concepts and practices that inform this enterprise in the contexts that have generated and transmitted them to us, and ask whether we are, despite ourselves, furthering a strategy of domination or entrenching and reproducing relations of inequality.

Second, this essay has questioned the exorbitant claim that state-building is an intentional product of an applied technical knowledge. It seems to me that if we take such a claim to its logical conclusion, we are paving a way for an enterprise very similar to

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[151] Stephen D Krasner and Carlos Pascual, "Addressing State Failure," (2005) 84 *Foreign Affairs*153-63 (emphasis original), as cited in Amitai Etzioni, *Security First: For a Muscular, Moral Foreign Policy* (New Haven, Yale University Press, 2007) p.66. The Krasner and Pascual article, in 10 short pages, lays out an extraordinary program of producing, refining and proliferating techniques and expertise of intervention, across all levels of the US government and military. If realized, the proposals would, in effect, create an entrenched apparatus of indirect rule and direct surveillance of weak states within the US bureaucracy, not unlike the British Colonial Office.

[152] See note 62, above, for a description of this thesis, which emerged in the early-to-mid 1990s.

[153] Stuart Eizenstat, John Edward Porter and Jeremy Weinstein, "Rebuilding Weak States," (2005) 84 *Foreign Affairs* 134-146, at 135.

[154] Karl Marx, *The 18th Brumaire of Louis Bonaparte* (International Publishers, New York, 1963) p.15.

colonial state-building. Some might, and have, claimed that in the long run, such colonial enterprises are the best way to consolidate successful states.[155] But as Keynes once reputedly said, in the long run we are all dead. Maintaining long-term domination of a territory – even with the purest and most civilizing of aims – requires the subordination or acquiescence of its inhabitants. And if the latter cannot be secured, the former is achieved principally through the intensive and frequently vicious cycle of insurgency and counter-insurgency. To echo Machiavelli, to claim to be able to "to make in cities new governments with new names, new authorities, new men" may be a very cruel enterprise or altogether impossible. The appropriate attitude, it seems to me, is one of skepticism in Marquard's sense, and the ethos would be one of self-limitation. "State-building" strikes me as a tragic scenario, one in which the builders not only *cannot* live up to their claims of founding a new, good governing polity, but in which it might well be more dangerous to *try* to live up to those claims, if this closes off possibilities for temporizing stability.[156]

Reflecting on the idea of foreign intervention to promote polyarchy, as the American failure in Vietnam was already apparent, Dahl cautions that "the process of transformation [from another political order to polyarchy] is too complex and too poorly understood"[157] to hold high expectations that foreign assistance or intervention could transform regimes. The foreign power is "caught in a tough network of historical and cultural forces that frequently it can do very little to manipulate."[158] Recalling that the age of democratic revolutions in Europe and North America ended without any enduring democracies except in the US, the "safest bet" about a country is "that it will be somewhat different, but not radically different from what it is today."[159] As we face another decade of interventionism (whether multilateral or unilateral), in which intervention will likely be freighted with and *justified by* greater and greater expectations concerning the remaking of politics in those locales, I think Dahl's observation stands as an appropriate caution against both hubris and imperial utopianism.

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[155] Niall Ferguson, for one: Niall Ferguson, *Empire: The Rise and Fall of the British World Order and Lessons for World Power* (New York, Basic Books, 2003).
[156] I take this to be one of the lessons of William Maley's chapter in this volume.
[157] Dahl, *Polyarchy: Participation and Opposition* (New Haven, Yale University Press, 1971) p.214.
[158] *Ibid* p. 209.
[159] *Ibid* p. 209.