Chapter 1
Governance in Perspective:
The Issue of Normativity

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ABSTRACT

This paper describes the evolution of the discipline of governance study through a focus on the evolution of proceduralism. From a lecture and a critique of Maesschalck and Lenoble "contextual proceduralism" and their reconstruction of the evolution of the field, the authors aim at creating a more open theory ("comprehensive proceduralism") that would avoid some of the reduction of previous school of procedural governance, notably the reduction to argumentation, by opening the scope of governance to the different register of discourse. This paper aims at introducing the EGAIS book, and thus will introduce the theoretical (and critical) emergence of comprehensive proceduralism, leaving some of the consequences and application area to further investigation in the book.

INTRODUCTION

Ethics and governance are increasingly being recognized as a necessity in the technological and scientific fields. The issue is that those concepts are very broad and often vague, as they can cover a lot of different theories and practice. The field of governance studies is full of divergent theories, divergent practices that hold major contradictions between them. To give a perspective on governance, we will both have to choose between those theories and find a way to understand their own dynamic. The aim of this article is to give a philosophical perspective on the state of governance nowadays, the historical trend it comes from, the ways it is developing, the different challenges it

faces (gap between theories and practice, issues of decontextualisation, of instrumentalisation, and so on), and the possible ways to solve them.

To reach that aim, we have found a very useful theory in the theory of Marc Maesschalck and Jacques Lenoble, from Center of Philosophy of Law, Louvain University (forming what we call "the Louvain school," which has created the theory called "contextual proceduralism"). Their approach, despite some limits that we will point out (status of the theories, procedural presupposition, reduction to argumentation, etc.) has the interest of putting together fragmented currents in fields usually separated and finding a dynamic of the evolution of governance among them. The hypothesis of Louvain is that a lot of disciplines actually share, despite their separation, the same exigencies and intuitions. From that, they reconstruct in four steps (Maesschalck & Lenoble, 2007a) the dynamic of governance thoughts, from which their own theory is the final step. Indeed, the aim of their work, beside make light on some internal interdisciplinary dynamic, is to extend and deepen that dynamic into a united theory of governance.

The reason why we take this particular theory of governance as a way to approach governance in general is because they give us a meta-view on the development of governance, in which their own theory is integrated. Because they tackle every important governance theory, while constructing their own, following their work is a good way to understand the dynamic of governance, with the restriction of course, that their construction is indeed a construction, and, as such, has to be taken as an hypothesis, rather than as the only possible way of interpreting the different trends in the field of governance.

The Louvain approach gives a very complex reconstruction of the dynamic of proceduralism and neo-institutionalism while being very critical, but gives also an original theory to solve the insufficiencies of the field of governance. Their theory, along with the theory of Jean-Marc Ferry,

from the university of Bruxelles (ULB), has been the ground from which has been constructed the theory of governance called comprehensive proceduralism, which has been the theoretical result of the EGAIS project, and which has been since the ground of some other projects, continuing to test the hypotheses of that theory.

This paper is organised as follows. In section 2, we detail the theory of Maesschalck and Lenoble in its two steps (reconstruction of the procedural dynamics and the stakes it carries in various disciplinaries, and their own solutions to some of the challenges and limits of that dynamic). In section 3, we address the limitations of their solution and give hints for solutions to some of the challenges pointed out. The final section is the conclusion, in which we explore the possibility of further research, and the limits of our own approach.

THE LOUVAIN'S THEORY

The theory of Maesschalck and Lenoble aims at tracing a dynamic of the governance thoughts, splitting it into four steps, and examining the limits of each step, and, moreover, how each evolution takes the limits of the precedent and tries to give solutions by deepening the same intuitions with new tools and new hypotheses. Each step does not contradict the achievements of the precedent(s) but, on the contrary, tend to complexify its mechanisms to better comprehend the complexity of the governance situations, and by that, increase the number of tools to act.

Beyond complexification, the dynamic that Maesschalck and Lenoble point out is a process of *internalisation* of the resource for collective action. The first step still postulates a hierarchical institutional form as an external incentive, while, as they go further and explore the limits of that approach, the next steps go on to interiorise the mechanisms of regulation of collective social action, to put it in the hands of the agents (even if the hierarchical recourse is not completely

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