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BEYOND GRIDLOCK:
RESHAPING LIBERAL INSTITUTIONS
FOR A PLURALIST GLOBAL ORDER?

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Beyond Gridlock: Reshaping Liberal Institutions for a Pluralist Global Order?

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The authors of *Gridlock* present a compelling if rather disheartening reflection on the state of contemporary global politics, and our persistently unsuccessful collective efforts to advance global institutional cooperation across a range of policy domains. The book is framed around a series of dispiriting narratives of failed international cooperation—from multilateral trade talks to climate negotiations and threats to global security and humanitarianism presented by major civil and regional conflicts. International cooperation is widely recognized to be vital for adequately handling pressing collective problems such as these; yet efforts to negotiate cooperative intergovernmental agreements remain gridlocked.

While recognizing the distinctive dynamics of each unique area of global policy, the authors argue that it is possible to identify underlying structural drivers of gridlock that cut across these diverse policy fields. Distinct yet intersecting blockages—characterized by the authors as rising multipolarity, institutional inertia, harder problems and institutional fragmentation—are argued to have created a situation in which intergovernmental cooperation is shifting increasingly out of reach, precisely at the time it is needed most. The book also paints a rather gloomy

picture of the prospects for transcending the current deadlock, amidst failures of global leadership, the inability of civil society to translate popular campaigns into institutional reform, and unaccommodating domestic political dynamics in some of the world's most powerful countries.

Much of the detailed analysis presented in the book focuses on dissecting the complex processes underpinning the present institutional gridlock. However, the authors also consider possible pathways through which new forms of decentred transnational governance may help to fill the gaps left by a faltering system of multilateral governance—enhancing the effectiveness and legitimacy of global governance on key issues. Analysis of both the functional problem-solving capacity of governance institutions, and underlying patterns of political agency and mobilization, enable exploration of the political as well as institutional foundations required to move beyond gridlock.

The book's systematic dissection of underlying sources of gridlock is significant not only for diagnosis of the drivers and consequences of gridlock, but also for questions of how we might approach the “search for a politics beyond gridlock.”¹ Some dimensions of gridlock are more amenable to resolution through coordinated political action than others. Clear differentiation between blockages of different kinds thus provides an important basis for evaluating efforts to bolster global cooperation. The brief commentary that follows explores such differences, placing particular emphasis on distinctions between institutional and

¹ Thomas Hale, David Held and Kevin Young, “Gridlock: The Growing Breakdown of Global Cooperation,” *Global Democracy*, 24 May 2013, available at: www.opendemocracy.net/thomas-hale-david-held-kevin-young/gridlock-growing-breakdown-of-global-cooperation

deeper societal dimensions of gridlock—each of which, it is suggested, has distinct consequences for global cooperative efforts. Institutional dimensions of gridlock—associated with blockages within established intergovernmental institutions—are in some ways the least significant of our challenges. More structural impediments to global cooperation are presented by complex social problems and fragmented or decentred global political authority.

Rather than investing too much political energy seeking pathways through multilateral gridlock, we may therefore find firmer grounds for revived global cooperation through efforts to rebuild legitimate forms of liberal global governance within the structural constraints of an increasingly complex, chaotic and pluralist global order. The reinvigoration of pluralist global governance institutions may assist us to more effectively tackle “some of the most pressing global issues we face,”² while seeking to salvage normative liberal visions of a rules-based global institutional system.

I

Institutional Gridlock and Potential Institutional Remedies

Let us first consider *institutional gridlock*—that is, those elements of gridlock that result from blockages within established global cooperative institutions on which we have come to rely. Institutional gridlock results mainly from contingent features of established institutional structures and processes. The authors describe how such structures emerge at particular political

² Thomas Hale, David Held and Kevin Young, *Gridlock: Why Global Cooperation Is Failing When We Need It Most* (Cambridge: Polity Press, 2013), p. xviii.

moments in response to prevailing configurations of actor power and interest, and then tend to reproduce themselves even as external conditions change. Such “institutional inertia” is reflected perhaps most strikingly in the entrenched and yet increasingly dysfunctional voting structures of international bodies such as the United Nations Security Council and the International Monetary Fund.³

The main consequence of such gridlock is to shrink our repertoire of available institutional strategies for managing pressing global problems—limiting our capacity to rely on established mechanisms of inter-state cooperation. To some extent, such institutional blockages may be circumvented by the use of alternative transnational governance “technologies,”⁴ such as transgovernmental networks, multi-stakeholder initiatives, voluntary regulations or new mechanisms of adjudication and financing—all of which offer means of making rules or providing public goods.⁵ Institutional gridlock is thus of greatest concern in circumstances where established intergovernmental institutions experiencing blockage possess unique functional capacities or sources of legitimacy that cannot easily be substituted.

Such concerns are sometimes significant. The authors identify notable weaknesses of potential institutional substitutes with regards to enforcement capacity and scope of coverage—limitations that constrain both problem-solving capacity and

³ *Ibid.*, pp. 41–2.

⁴ Thomas Hale and David Held, “Gridlock and Innovation in Global Governance: The Partial Transnational Solution,” 3 *Global Policy* 2 (2012), pp. 176–7, 169.

⁵ These arguments are further elaborated elsewhere by two of the book’s authors. See *ibid.*; and Thomas Hale and David Held, “Editors’ Introduction: Mapping Changes in Transnational Governance,” in *Handbook of Transnational Governance: Institutions and Innovations* (2011), pp. 1–36.

claims of broad-based representation. On the flipside, by enabling collective action amongst likeminded groups, limited coverage can at times more readily accommodate diversity of values and preferences. Less prescriptive and enforceable commitments can further enable “softer” and more flexible agreements to be reached. Thus, although new transnational governance technologies can deliver only “a partial solution for the challenges of contemporary interdependence,” they offer at least some accessible remedies for distinctively *institutional* dimensions of gridlock—providing feasible albeit imperfect pathways through which institutional barriers to cooperation can be circumvented.

II

The Structural Drivers of Harder Problems

Impediments to reinvigorated global cooperation appear deeper when we turn our attention to another important source of gridlock highlighted by the authors, in the form of what they call “harder problems.” Such problems are “hard” in large part because of their *complexity*—a challenge that has been extensively highlighted in recent governance literature.⁶ Multiple actors contribute to and are affected by such problems—increasing transaction costs and numbers of veto players involved in their governance. The governance challenges this entails are intensified by the diversity of values and preferences amongst different

⁶ Andreas Duit and Victor Galaz, “Governance and Complexity—Emerging Issues for Governance Theory,” 21 *Governance: An International Journal of Policy, Administration and Institutions* 3 (2008), pp. 311–35; James N. Rosenau, *Turbulence in World Politics: A Theory of Change and Continuity* (Princeton, NJ: Princeton University Press, 1990); John Urry, *Global Complexity* (Cambridge: Polity Press, 2003).

constituencies, and by different understandings amongst actors of the nature of the problems and what would constitute solutions. Hard problems are also often highly dynamic in character, involving shifting interplay between multiple causal drivers.

Hard problems of these kinds resist governability in a number of ways. The multiplicity of political agents makes it harder to bring together dispersed actors in successful *deliberation and bargaining processes* to agree common rules or coordinated actions. Underlying societal complexity can also intensify *compliance and implementation* challenges, requiring more complex and differentiated compliance mechanisms, complicating the coordinating and sequencing of regulatory strategies, and impeding efforts to foster consistent processes of desired socialization.

Such governance tasks are all the more challenging when decision-making and implementation processes need to be managed across issues and jurisdictions. Particularly difficult then are what the authors refer to as “intermestic” problems, whereby “old and new problems alike now penetrate deeper into societies ... requiring ... more shifts from what the domestic equilibrium might be ... to achieve cooperation.”⁷ Intermestic problems are usually complex, involving multiple actors and interests, intertwined through highly dynamic processes; this goes some way to explaining why these problems are so hard. But their distinctive challenges are compounded by the constitutive structure of statist jurisdictional boundaries, and the corresponding structure of political bargaining. Incompatibilities between political opportunity structures faced by negotiating parties—linked for example to electoral cycles or other local

⁷ Hale, Held and Young, *Gridlock*, p. 44.

political dynamics—generate distinctive obstacles for negotiators. The likelihood of political opportunity structures lining up across scales at a given moment in time to accommodate negotiated multilateral agreement is particularly low where cross-cutting coalitions or grand bargains are required not only across jurisdictions but across multiple issues—as is the case for many highly complex intermestic governance problems.

Although the distinction between institutional and deeper structural forms of gridlock is often blurred, it therefore has important implications for how we think about the possibilities of building a “politics beyond gridlock.”⁸ While institutional blockages can sometimes be overcome through coordinated strategies of institutional substitution, the diffusion and complexity of “hard” social problems makes them more resistant to change through coordinated political action.

III

Pluralist Ordering of Political Authority

To make matters harder still, the fragmented constitutive structure of statist political authority is now compounded by a broader *decentring* of authority within the global order. The inherent structural decentring associated with an inter-state system or society is intensified in the contemporary pluralist order by the proliferation of non-state, sub-state, supra-state and multi-stakeholder entities, often competing for influence over the definition and management of specific problems.⁸ Not only is

⁸ Nico Krisch, “The Pluralism of Global Administrative Law”, 17 *European Journal of International Law* 1 (2006), pp. 247–78; Sebastian Oberthür and Olav Schram Stokke, *Managing Institutional Complexity: Regime Interplay and Global Environmental Change* (Cambridge, MA: MIT Press, 2011).

such authority decentralized, it is also *disordered*, in the sense that there are no overarching authoritative procedures through which multiple centres of political authority can be coordinated on the basis of consistent normative principles. Particularly fragmented governance institutions have often emerged in policy fields also characterized by high problem complexity, such as regulation of transnational business or the environment.⁹ Complexity of social problems in need of governing is thus overlaid and intensified by complexity of political actors and institutions seeking to govern these problems.

Decentred political authority need not generate problematic forms of gridlock. Multiple, differentiated governance arrangements can productively accommodate the emergence of specialized bodies to regulate and govern specific issue areas, and support adaptiveness to varying needs and values across political contexts. In theory such problem solving capacities could be developed within a centralized political structure embodying appropriate principles of subsidiarity, but in practice such adaptiveness can more easily be negotiated through decentred processes that are able to opportunistically build on political coalitions and openings that emerge in different places, amongst different groups of actors, at different times.

Nonetheless, the weakly regulated nature of interactions between fragmented sites of political authority often also generates distinctive challenges. Institutional fragmentation can increase uncertainty and transaction costs, and generate costly duplication and diffusion of responsibility.¹⁰ Moreover, as multiple sites of authority act on a problem in uncoordinated ways, complex, unregulated spillover effects are generated—

⁹ Hale, Held and Young, *Gridlock*, Chapter 4.

¹⁰ *Ibid.*, pp. 46–7.

weakening coordination and problem solving capacity of governance institutions. The fragmented and disordered qualities of pluralist institutions also impede the capacity of governance institutions to coordinate decisions in accordance with normative principles of “impartiality and political equality.”¹¹ Institutional fragmentation can likewise weaken the capacity for collective bargaining and deliberation around shared issues of concern—further diminishing the ability of collective institutions to foster qualities of representativeness or responsiveness to affected groups. There are often particular barriers to representation for stakeholders who are *indirectly* affected by the exercise of transnational authority, and thus frequently excluded from official membership or recognition within governance processes.

Unlike choices between alternative governance mechanisms or “technologies,” the constitutive drivers of complex problems and pluralist political authority are strongly resistant to purposive change promoted by individual political actors or coalitions. Such structural dimensions of gridlock reflect more than simply contingent forms of political and institutional dysfunction; rather, they reveal deeper challenges of governability in the contemporary order.

IV

Legitimizing Pluralist Global Governance?

With these challenges in view, the authors remind us that political complexity and pluralism are now undeniably “the reality the world faces.”¹² What then are the prospects for salvaging core

¹¹ *Ibid.*, p. 305.

¹² *Ibid.*, p. 271.

liberal governance principles under social and institutional conditions that are increasingly multi-layered, dynamic and resistant to principled ordering? A politics beyond gridlock is unlikely to be one of reinvigorated multilateral grand bargains, but this need not be a prospect we lament. Rather, we can productively explore the potential for revitalizing liberal principles within more decentred institutional structures and processes.¹³

Coordination between multiple sites of political authority can be pursued not only through hierarchical forms of multilateral inter-state agreement. As recent scholarship has begun to explore, more indirect and non-hierarchical forms of cooperative governance can contribute in important ways to steering effective governance processes within a fragmented institutional system.¹⁴ Moreover, because fragmented governance processes are distributed over multiple sites and scales, the *democratization* of pluralist global governance requires innovative accountability mechanisms to be established at sub-national as well as national and international levels. In this sense, pursuing a legitimate global governance beyond gridlock is as much about reorienting political coalitions and institutions at *local levels* as it is about building distinctively “global” institutions.

¹³ Kate Macdonald, “Global Democracy for a Partially Joined-Up World: Toward a Multi-level System of Public Power and Democratic Governance?” in Daniele Archibugi, Mathias Koenig-Archibugi and Raffaele Marchetti, eds, *Global Democracy: Normative and Empirical Perspectives* (Cambridge: Cambridge University Press, 2011); Adrian Little and Kate Macdonald, “Pathways to Global Democracy? Escaping the Statist Imaginary,” 39 *Review of International Studies* 4 (2013), pp. 789–813.

¹⁴ Kenneth Abbott and Duncan Snidal, “International Regulation Without International Government: Improving IO Performance Through Orchestration,” 5 *The Review of International Organizations* 3 (2010), pp. 315–44.

The highly *dynamic* character of both complex global problems and institutional interactions further suggests a need for global institutions with distinctive qualities of responsiveness to instability and change. As the authors highlight, principles of experimentalism and institutional adaptation may offer useful pointers towards strategies of productive incremental change, through the distribution of institutional innovation “across small, dynamic institutions which try new methods and share their results with others in a continual process of learning and reform.”¹⁵ The highly dynamic character of transnational and local political dynamics can make it particularly difficult to identify changing patterns of actors *indirectly affected* by decisions taken in multiple, interacting forums. Institutional innovation may therefore also be required to develop mechanisms equipped to enable ongoing contestability, revision and review regarding ongoing stakeholder entry and exit, and to accommodate appropriate forms of recognition and voice for indirectly affected stakeholders of various kinds.

Such observations gesture only in highly schematic terms towards potential directions for ongoing institutional innovation and experimentation. However, they underscore the need to think differently about the deep challenges of governability that we face in a pluralist global order, and to channel intellectual and political energy not into resisting, but rather into strengthening and legitimizing decentred institutional arrangements.

The authors of *Gridlock* leave us in little doubt that “the challenges before us and the likely effectiveness of the probable

¹⁵ Hale and Held, “Gridlock and Innovation in Global Governance,” p. 179; Michael Dorf and Charles Sabel, “A Constitution of Democratic Experimentalism,” 98 *Columbia Law Review* 2 (1998), pp. 267–473.

responses”¹⁶ are sobering. Yet despite the gloomy tone of the book’s prognosis, the authors maintain a desire not “to cast despair on the prospects for effective global governance.”¹⁷ In accordance with this sentiment, the brief reflections offered here offer some modest grounds for viewing with at least a subdued optimism the prospects of salvaging normative liberal visions of a rules-based global institutional system, bound by broadly democratic principles of inclusiveness and equal respect. As we have seen, however, we may need to think differently about the institutional forms that resurrected forms of liberal global governance might most plausibly take—and correspondingly, the mechanisms of democratic inclusion and legitimation through which liberal governance principles may be protected within an increasingly pluralist global order.

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¹⁶ Hale, Held and Young, *Gridlock*, p. 275.

¹⁷ *Ibid.*