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Governing through Critique: Post-Conditionality and Bottom-Up Governance in the Merida Initiative

Peter Finkenbusch

Abstract
This article is about how the governmentality critique of top-down governance feeds into current interventionary policy thinking. Drawing on the Merida Initiative, a US-Mexican security cooperation agreement signed in 2007, the article brings out how neoliberal civil society discourse continuously deconstructs the normative and analytical assumptions, categories and concepts of modern liberal-universalism. In the Merida Initiative, civil society representatives were repeatedly delegitimized for being part of a detached internationalized NGO bubble. The goal was to enable idiosyncratic local knowledge-power to unfold its creative governing potential unencumbered by the oppressive and counterproductive reductions and exclusions of liberal-universal episteme. In this way, policy thinking actually coincides with the governmentality critique of standardized knowledge and top-down imposition. One of the negative implications is that international policymakers lose their ability to arbitrate according to fixed normative standards.

Keywords: neoliberalism, epistemology, critique, governmentality, civil society, intervention

Introduction
Governmentality studies—those analyses that focus on normalizing disciplinary rule and population-centred types of knowledge—have had a major influence on our understanding of neoliberal\textsuperscript{1} civil society\textsuperscript{2} frameworks (Abrahamsen, 2000; Chandler, 2010b; Duffield, 2007). They interpret contemporary civil society approaches as refining the application of classic liberal-universal knowledge claims, such as instrumental rationality and laissez-faire economics. For example, David Williams sees international interveners as steeped in liberal-universal assumptions about the subject, society and the state. In his reading, international intervention is a project of ‘geographical universalism’ (2008, p. 21). Williams and Young (2012) conceive civil society policy as ‘social engineering’ at its extreme, ‘inculcat[ing] good (liberal) practices’ and ‘eliminat[ing] bad (illiberal) practices’ (p. 17). Local deviants are
supposed to be ‘disciplined to be free’ (Williams, 1996, p. 173). For governmentality authors, the most important concern is that neoliberal civil society is socially selective, i.e. it ‘excludes’ ‘bad attitudes and practices’ (Williams & Young, 2012, pp. 13, 18). Similar to Williams´ critique of the imposition of liberal templates, James Scott has opposed ‘state simplifications’, i.e. ‘abridged maps’ that ‘represent[...] only that slice of [reality] that interest[s] the official observer’ (p. 3). As a remedy, Scott (1998) made a case in favour of more ‘local knowledge and know-how’ (p. 8).

This paper contends that contemporary policy thinking shares the governmentality critique of ‘geographical universalism’ and ‘state simplifications’. Williams´ (2008) critique of World Bank policy in Africa as a ‘liberal project of social transformation’ is actually a mainstay of constructive policy thinking (p. 91). His critique of ‘geographical universalism’ neatly mirrors how international policymakers think about enabling radical alterity ‘from below’ (2008, p. 21). Similarly, rather than figuring as a radical counter-discourse, Scott’s (2010) critique of ‘the view from above’ has become the champion of the new consensus. Thus, the main argument is that contemporary civil society frameworks operate through a critique of naturalist liberal postulates, such as the rights-bearing, self-interested subject, capitalist free market development and competitive party politics. They develop ideological traction by rejecting classic liberal tenets and standardized forms of knowledge, not by (re-) affirming them. In the wake, ironically, they undermine the ability of international actors to formulate normative judgements. Paradoxically, anti-foundation self-critique is both the main operating element of neoliberal governance and its chief stumbling block.

These insights are drawn out with reference to the Merida Initiative, a US-Mexican security cooperation agreement signed in 2007. In the Merida Initiative, the more policymakers tried to get in touch with a truly ‘local’ set of actors, the more they had to deconstruct the analytical and normative foundations on which they used to base their foreign policy. In consequence, US policymakers were finding it increasingly difficult to deliberately arbitrate on Mexico´s human rights, rule of law and good governance record. The discursive strategies of US and Mexican actors converged on the critique of liberal blueprints and standards. It is their collective, taken-for-granted governmentality and as such is ‘not usually open to questioning by its practitioners’ (Dean, 2007, p. 16). Notably, this study it is not about the political influence of academic scholars, such as Scott and Williams, but about how their critical theorectizatations parallel now-dominant policy thinking. There is arguably no strong causal relationship between the work of these academics and the policy world. However, their conceptual arguments strangely reflect key aspects of bottom-up policy discourse.

The first section reconstructs regulatory practice in the Merida Initiative. Subsequently, the analysis elaborates on how Merida´s civil society discourse critiqued
social actors in Mexico as unrepresentative of genuinely local ways of thinking. The third section presents the work of David Williams as a paradigmatic example of the governmentality perspective; while section four offers a critique of it. The last section spells out the detrimental implications for international policy agency.

The Rise of Post-Conditionality in the Merida Initiative
During the 1980s and 1990s, the US Government annually compiled a list of drug-producing and drug-transiting countries, the so-called Majors List. Listed states were subject to a variety of sanctions unless the US Government certified that its leadership had been fully cooperating with US anti-narcotics efforts or had pursued appropriate law enforcement and interdiction policies on its own (US Congress, 1986, p. (a)). For its policy-oriented academic critics like Julie Ayling, certification was a ‘coercive strategy’ to enlist foreign governments in the so-called War on Drugs (2005, p. 376). And indeed, decertified states faced severe consequences: US representatives in multilateral development banks, such as the World Bank and Inter-American Development Bank, automatically ‘vote against any loan or other utilization of the bank’s funds for those countries’, US security assistance may be ‘cut off’, non-food assistance and financing by the US Export-Import Bank are ‘suspended’ (2005, pp. 377–8). Trade sanctions apply, including the denial of preferential tariff treatment, the application of additional duties, the curtailment of air transport and the withdrawal of US customs personnel from that country (2005, p. 378). In short, the policy of decertification was seen as ‘coercion by way of the threat of aid withdrawal’ (2005, p. 378). In contrast, its advocates saw certification as a ‘straightforward procedure’, mainly because the parameters for inclusion on the Majors List were strictly quantitative, measuring the number of arrests, the amount of drugs seized, and the size of fumigated cultivation areas (Rand Beers, then Assistant Secretary of State for International Narcotics and Law Enforcement, in: US Congress, 2001, p. 27).

When Merida started in 2007, returning to certification was entirely unacceptable to policymakers. As former US ambassador to Mexico James Jones put it, ‘accountability yes; the old certification process, no’ (in: US Congress, 2007, p. 59). When 15 percent of Merida funds were tied to the US Department of State reporting regularly and positively on the Mexican government’s human rights record, policymakers in Washington went through great pains not to have this obligation viewed as traditional conditionality. For example, Representative Loretta Sanchez emphasized that the so-called 15%-reports did not ‘bear any resemblance to the flawed drug certification process’ and that ‘the House and Senate Appropriations Committees took great care not to mirror that flawed certification process’ (in: US House of Representatives, 2008, p. H5138). And the US Embassy clarified that these
reports were ‘a dialogue […]’, rather than a certification mechanism’, although it conceded that ‘Congress ultimately has funding authority’ (2009).

Fifteen-percent-reporting was to establish ‘a mechanism for regular consultations’ between the Government of Mexico, human rights groups and ‘other relevant Mexican civil society organizations’ in order to furnish ‘recommendations concerning implementation of the Merida Initiative’ (US Congress, 2008, p. 2339). Or as Representative Sanchez underlined, Merida contained ‘conditions on human rights, transparency, justice reform and promoting and protecting the rights of civil society’—all aspects of the process of policy formulation and implementation, rather than its outcomes (in: US House of Representatives, 2008, p. 5139). I suggest that the dismissal of certification in favour of 15%-reporting is a move towards post-conditionality. As Graham Harrison (2004) has shown in his landmark study of ‘governance states’, post-conditionality avoids ‘conditionality in its directly coercive sense’ (p. 77). Instead, it employs incentive finance and aims at institutionally re-designing states (Harrison, 2001, p. 660). Post-conditionality shifts the way external regulatory power is exercised and the points upon which it is applied away from ‘policy conditions’ and towards ‘process conditions’ (Fraser, 2005, p. 318, emphasis added). Merida’s reluctance against certification and the goals and modalities of human rights reporting that this triggered represent a discursive shift in which “process” is as important as “policy” (Harrison, 2004, p. 18). Unlike certification, 15%-reporting is not primarily about imposing a specific set of policies, but about modifying the process of policy formulation.

What exactly had made certification so problematic? How exactly was certification critiqued in the Merida Initiative? And how were human rights reporting and the Mechanism of Dialogue with Civil Society to remedy these shortcomings? According to the American Enterprise Institute, the problem with certification was that it imposed a crude, ‘uniform’ measurement on ‘widely differing objects’ (Falcoff, 1997). In this view, ‘recognizing differences’ involved accepting that ‘a single standard of evaluation is elusive […]’ (Falcoff, 1997). The critics thought that there was something going on beneath the level of ‘bureaucratic formalities’ that was much more important than what certification was able to represent (Falcoff, 1997). Instead of applying a uniform standard to evaluate government performance on a set of specific anti-narcotics policies, policymakers were beginning to ask themselves what it was that certification failed to perceive, what remained outside of its vision. Certification merely ‘created the image that some countries were making substantial achievements in the fight against drugs’, as leading Mexican policy analyst Jorge Chabat argued (2000, p. 4). It allowed them to ‘hide their weaknesses and failures’ framed in terms of ‘deeper’ institutional incapacities (2000, p. 4).

What is important here is that the institutional deficiencies to which the critique of certification drew attention were revealed through a critique of inappropriately reductionist
categories of analysis. Certification and the kind of policies it promoted articulated a simplistic and contextually insensitive understanding of the drug problematic and what to do about it. Standardized categories—focusing on a single objective that could be measured quantitatively—kept policymakers from perceiving the really relevant issues. In brief, the critique of certification was actually a critique of using a simplified optic to order a rich empirical reality.

In this way, the opposition against certification was quite similar to the argument made by James Scott in ‘Seeing like a State’ (1998). For Scott, it is the fact that government operates through a limited range of standardized categories and tries to impose them indiscriminately on a diverse social fabric that causes great harm for the intended beneficiaries of development schemes. Scott (1998) argues that ‘[c]ertain forms of knowledge and control require a narrowing of vision’ (p. 11). The synoptic view from above—in Scott’s study, the ‘cyclopean short-sightedness of high-modernist agriculture’—makes the observed phenomena ‘lose their particularity and reappear in schematic or simplified forms as members of a class of facts’, ‘ignoring distinctions that might otherwise be relevant’ (p. 81). Standardization is the central aspect of ‘state simplifications’: ‘However unique the actual circumstances to the various individuals who make up the aggregate, it is their sameness, or more precisely, their difference along a standardized scale of continuum that are of interest’ (1998, p. 80). Scott’s (1998) critique of ‘state simplifications’ warns against ‘dismembering an exceptionally complex and poorly understood set of relations and processes in order to isolate a single element of instrumental value’ (p. 21). When the Latin America Working Group (LAWG), a cluster of influential Washington-based human rights NGOs, critiqued certification for being based on the US Government’s claim to ‘know[...] best how to solve the international drug problem’, their criticism seems to resonate rather strongly with Scott’s (1998) argument that the ‘insistence’ of ‘hubristic’ policymakers that ‘they had a monopoly on useful knowledge and that they impose this knowledge set the stage for disaster’ (p. 247). One might say that 15%-reporting in the Merida Initiative and its Mechanism of Dialogue with Civil Society are also ‘making a case against an imperial or hegemonic [...] mentality that excludes the necessary role of local knowledge and know-how’ (Scott, 1998, p. 6).

In the LAWG’s quote, certification appears premised on an external evaluator assuming universally applicable standardized knowledge and the authority to apply it across the board in a top-down manner. That is, certification was a regulatory practice in which interveners assumed a bird’s eye view, replete with a generalized understanding of how the world works, in this case the international drug market. From above, US policymakers tried to impose uniform standards and policy prescriptions irrespective of the unique specificities of
local context. And it would appear that the rise of post-conditionality in the Merida Initiative departs from this kind of universalist, top-down knowledge-power.

Importantly, if international interveners can no longer govern by recurring on ‘state simplifications’, where else are pertinent policy solutions to come from? As the next section will bring out, Merida’s civil society discourse proposes an alternative, ‘grassroots’ source of knowledge-power, in the wake, shifting agency from US policymakers to the intervened themselves.

Civil Society in the Merida Initiative: Looking for the Locals, Deconstructing Liberal-Universal Knowledge

In the Merida Initiative, the notion of civil society referred to an insider understanding of local institutional context which was meant to remedy the shortcomings of standardized categories of analysis, top-down forms of governing and coercive modes of external regulation. As stated for the Citizen Participation Councils (CPCs), ‘civil society will not only be able to identify problems, but become active participants in identifying solutions and better practices’ (US Department of State, 2011, p. 61). Therefore, rather than instructing other governments on how to solve drug-related security issues, it is local society that interveners have to support and enable—‘leverag[ing] its skills and resources’ (US Department of State, 2010a). Failing to ‘follow up on ideas generated by civil society’ (US Department of State, 2010b, p. 16) would neglect that only locally embedded ‘grassroots’ actors have the requisite knowledge-power to identify and push through fitting policy solutions. In Merida’s civil society discourse, policy solutions may only ever come from an ‘indigenous groundswell’, never from outside through prescription by Washington-based policymakers (O’Neil, in: US Congress, 2010, p. 88).

This is a key turning point for the consolidation of a neoliberal framework of intervention (Chandler, 2010b). It displaces agency, i.e. the capacity to solve governance problems, from international interveners to the intervened. What is more, the neoliberal civil society discourse recognizes new limits on outside knowability and top-down malleability. Instead of knowing policy solutions in a generalized way and imposing them from above through reward and punishment, as did certification, intervention now has to govern indirectly, through the agency of others: ‘strengthen[ing] their ability to monitor [...] conduct[,] and provide input on [...] policies’ (Seelke & Finklea, 2011, p. 23, emphasis added). In this way, Merida’s civil society discourse reflects the current turn towards ‘the local’ as a site of transformative agency, questioning the validity of liberal-universal episteme (see Lederach, 2008).

Policymakers in the Merida Initiative encountered a major problem trying to enable local agency. It was difficult to concretely identify truly local social actors, i.e. people with
access to idiosyncratic context-specific governance understandings. Policymakers repeatedly discarded the current civil society representatives for not being local enough, for being part of an internationalized policy community which was just as detached from indigenous knowledge-power as interveners themselves. For example, in a 15%-report from August 2009 the State Department subscribes to the critique that access to CPCs is too selective. The State Department was expressing doubts as to the ‘openness’ of these councils, writing that:

‘Some members of civil society have been critical of what they see as a lack of openness and an exclusiveness regarding membership on the councils, arguing that the government is predisposed to assure representation by certain socio-economic sectors and interests at the expense of society at large’ (US Department of State, 2009, p. 7).

The State Department critiqued the NGOs that were part of the CPC process for their narrow social basis. These organisations were seen as more interested in their own enrichment than acting as ‘change agents’ (Selee, in: US Congress, 2011, p. 22). The US Embassy seemed to be particularly sceptical and even disappointed. It complained that Merida’s Mechanism of Dialogue with Civil Society ‘produced more positive cross-talk than aggressive questioning’ (2009). It found that ‘relatively few of the Mexican civil society groups are strident’ in seeing the regular 15%-reports as ‘a means to leverage improved GOM [Government of Mexico] […] transparency’: ‘The majority simply seek more information about how to secure funding […]’ (US Embassy Mexico City, 2009). In the eyes of the State Department, there seemed to be a problem with identifying suitable local counterparts. And the alleged reason was that Mexican NGOs, human rights groups and advocacy networks were too close to international donors and policy processes.

In the Merida Initiative, policymakers reacted to what they perceived as a problem of unrepresentative representatives by trying to further decentralize the participatory process. In the 15%-report of August 2009, the State Department emphasized its effort to expand participation beyond capital-based, elite NGOs. The report stresses the importance of the ‘First National Forum of Citizen Participation Councils’ in Morelos in June 2009 which was to ‘provid[e] exchanges on how to create more effective councils and enhance participation by local citizens’ (US Department of State, 2009, p. 11, emphasis added). The problem of identifying appropriate Mexican counterparts, i.e. those able to articulate non-technocratic, vernacular episteme, did not lead to a return to certification—a trust in external actors to address the War on Drugs. Instead, US policymakers moved ‘downwards’, further responsibilizing national actors and, then, critiquing them for being too elitist or too close to international donors and top-down policy processes.
In the eyes of critical US policymakers, they had inadvertently—through their own interventionary frenzy—cultivated a detached NGO bubble. To the degree that NGOs within Mexico had been exposed to international policy discourse, they were seen as replicating the epistemic limitations which, precisely, the civil society approach wanted to avoid. Hence, they are unsuitable for generating appropriate policy solutions. And enabling that kind of simulacrum civil society will not really be governing from the bottom-up. In this view, US policymakers had not been engaging the right kind of people, people who are located close enough to the ‘grassroots’, people whose institutional embeddedness and the mental models it stimulates are not tainted by liberal-universalist tendencies of thought. They would have to go a little bit more local and doing so would demand shedding some more liberal-universal baselines. What emerged was an on-going disqualification of civil society representatives as unrepresentative of uniquely local ways of thinking—entrenching the critique of liberal-universal episteme.

**Governmentality Studies: Disciplining Participation, Spreading Liberal-Universalism**

One of the most important representatives of the governmentality reading of neoliberal civil society approaches is David Williams (2008, 2010). Williams’ (2008) work on the World Bank as a ‘liberal project of social transformation’ has been hugely influential for governmentality interpretations of contemporary civil society frameworks (p. 91; see also Fraser, 2005; Harrison, 2004).

For Williams and Young (2012), the civil society approach of the World Bank reflects a fundamental ‘tension[…]’ or ‘ambiguity’ within liberal thought (p. 12). On the one hand, there is an idealized notion of human nature: autonomy, or the ‘ability to reason’ (Williams & Young, 2012, p. 12). On the other, there is a realization of how ‘malleable’ people really are, influenced by religion, custom and tradition, ‘so much so that many of these supposedly “natural” traits [are] absent from social life’ (Williams, 2008, p. 12). Where these social practices ‘diverge[…] from certain liberal understandings […] they are to be reformed’ (Williams & Young, 2012, p. 17). In this way, civil society policies are ‘revealed to be insertion into new forms of discipline’ (Williams, 2008, p. 12). They are ‘social engineering’ at its extreme, ‘inculcat[ing] good (liberal) practices’ and ‘eliminat[ing] bad (illiberal) practices’ (Williams & Young, 2012, p. 17). According to Williams (2008), it is the ‘mismatch between what people actually think and do, and what liberals think they should think and do’ that fuels liberalism as a political project and, as such, informs World Bank policy (p. 25). ‘Civil society’ is a massive and detailed disciplinary apparatus charged with realizing the theoretical assumptions which liberal thought posits as natural. And it is this over-arching imperative to ‘create liberalism’ which unveils all references to participation and ownership as pro forma (2008, p. 30).
The methodological implications of this understanding come out nicely in Williams’ account of how the good governance agenda emerged after the failure of structural adjustment. Structural Adjustment Programs (SAPs) regulated through the incentives of conditional lending (Williams, 2008, p. 48). Over time, it became clear that this kind of regulation ‘was not working’ (2008, p. 59). Borrowing governments and their bureaucracies were successfully resisting, subverting or evading international policy dictates. In reaction, the World Bank began to ‘rework the attitudes and commitments of politicians and bureaucrats’ (2008, p. 60). The failed implementation of SAPs prompted the World Bank ‘to contemplate an all-encompassing liberal project of social transformation that extends not just to countries’ economies, but also to their political, institutional and social structures, and the thoughts and behaviour of individuals’ (2008, pp. 91–2). Accordingly, Williams (1996) understands bottom-up governance as still essentially top-down: ‘[…] [T]he construction of a liberal institutional order must be accompanied by the use of techniques to effect much more micro-level transformations of behaviour. The building of a liberal order must start right from the bottom’ (p. 172). The key point is that Williams understands post-adjustment policy as escalated and refined top-down discipline because he sees international interveners as liberal-universal hegemons. It is because ‘[t]he Bank claim[s] to know better than developing country governments about what [is] good for their economies and societies […]’ that it is able to continue imposing policy solutions from above in even more manipulative and perfidious ways. What has changed after structural adjustment is the technical modalities through which this ‘claim to know’ is exercised in governmental practice. For Williams (2008), the World Bank is and remains steeped in ‘geographical universalism’ (p. 21). The civil society discourse continues to delineate particular human characteristics which are seen as ‘invariant and universal’ which, in turn, ‘implies that the social arrangements desirable for this kind of person are also universally desirable’ (2008, p. 20). This universalizing liberal project governs through ‘prescription’ (2008, p. 22); which only makes sense because ‘liberals believe themselves to be in possession of the truth about social and political affairs’ (2008, p. 21). Williams sums this up brilliantly: ‘[…] [F]or being in the possession of a truth for all means liberals cannot rest easy simply in the knowledge that they are right; they must attempt, if they can, to foist this on everyone else’ (2008, p. 21). In Williams’ account, liberal-universalist knowledge is applied through top-down disciplinary techniques. Participation and ownership are really just local ideational resources to be instrumentalized or harnessed in order to more effectively implant a predefined, substantive (liberal) notion of the subject, society and the state.

Critiquing Governmentality
The governmentality critique has important normative and analytical merits. There does seem to exist a strong selection bias in neoliberal civil society policies. Governmentality studies have convincingly demonstrated that ‘the kinds of groups understood as being ones than can “participate” are mostly organized around certain “interests”’ (Williams & Young, 2012, p. 13). That is, neoliberal frameworks discriminate ideologically by ‘operate[ing] with a particular view of what constitutes “civil society”’ (Williams, 1996, p. 13). In governmentality studies, what is most important about neoliberal civil society is that it is a ‘constructed realm’: ‘[C]ertain kinds of associational life are to be reworked or even eliminated, and others encouraged’ (Williams & Young, 2012, p. 9). Civil society is socially ‘selectiv[e]’: Its ‘methods of inclusion’ ‘privilege’ certain types of actors and ‘influence[...] the content [...] of advocacy’ (Gould & Ojanen, 2003, p. 50; see also Williams, 2008, p. 19). This is a valuable critique.

However, it is astonishing that governmentality studies do not stumble over their own empirical findings when writing that ‘[r]ecent donor assessments [...] have consistently underscored the need to deepen and further institutionalize civic participation [...]’ (Gould & Ojanen, 2003, p. 50). In fact, it seems that governmentality studies make out policymakers to be more bearish than they really are. Criticizing civil society representatives for their limited (read internationalized) social basis and world view is actually a mainstay of avant-garde policy thinking, including in the Merida Initiative. When Alastair Fraser (2005) criticizes Poverty Reduction Strategy Papers (PRSPs) for failing to engage with the ‘forces driving actually existing civil society in Africa’ he does not seem to take into account how exactly this kind of critique reproduces neoliberal discourse (p. 330, original emphasis). It is key for understanding what contemporary civil society policy is really all about. If governmentality studies argue that civil society ‘remains more promise than achievement’ (Gould & Ojanen, 2003, p. 59), why is that? Why is it so difficult for international actors to include genuine civil society representatives in order to enable what only truely local actors know and—propped-up by external facilitation—may be able to accomplish? Why is it so difficult to allow local knowledge to come to the fore?

Governmentality studies contend that this is due to an ‘idealized notion of virtuous NGOs’ (Gould & Ojanen, 2003, p. 60). What concerns governmentality studies above all is the way in which actually existing associational groups—their messiness and impurity—relate to a liberal ideal, assumed to be informing policy, and are excluded from the stakeholder process due to their discrepancy from that ideal. The ‘small print’ of ownership discourses effectively excludes local political and economic arrangements (Hopgood, 2000, p. 3).

In contrast, I argue that international policy thinkers are fully aware of the selection bias which governmentality studies so vehemently criticize in neoliberal civil society policies (see International Crisis Group, 2008, p. 15). If that is so, then, the question one should be
asking is how governing *through* the critique of social selectivity works. This implies engaging with the ownership discourse as something more than rhetoric. It means thinking the world through from a neoliberal point of view. Governmentality studies are running into open doors these days, missing what is most intriguing about the neoliberal civil society approach: The way in which it constantly tries to *reduce* the amount of standardized knowledge claims used in government. Policymakers seem to be much more intellectually engaged than governmentality-inspired scholars would like to admit when making their arguments about hegemonic liberal-universal knowledge claims and disciplinary micro-regulation. In the Merida Initiative, US policymakers and the expert-advocacy community which surrounded them were a lot more self-reflexive than they are made out to be in the governmentality literature. This is not to give policymakers credit for a kind of critical thinking they are obviously not doing. The point is that policymakers voice a very similar kind of critique to the one that governmentality studies launch at them. If policymakers themselves delegitimize civil society representatives for their allegedly Western liberal-universal ways of thinking—just like governmentality authors do—and react by further deconstructing the simplistic categories and assumptions by means of which they have identified them—just like governmentality authors would like them to do—then this raises important questions about the relationship between critique and government (see Bargués-Pedreny, 2015).

Policymakers and governmentality authors concur in seeing the problematic of civil society policy as one of unrepresentative representatives, i.e. superficially local actors who do not express genuinely autochthonous ways of thinking. Both discourses agree that there is a danger of externally-oriented actors figuring as ‘surrogate “voices” for the down-trodden’ (Gould & Ojanen, 2003, p. 60). Policymakers and governmentality authors alike fear that—because NGOs, civic organisations and advocacy networks are so heavily embedded in international policy discourse—what they will be trying to sell as ‘local’ will reproduce liberal-universal categories all over again. It will be ‘one-size-fits-all’ policy solutions with a ‘politically correct name’ (Kessler, 2000). Merida’s critique of unrepresentative representatives was quite close to the governmentality concern that ‘domestic advocacy groups’ are pushed out of the policy process while, ‘due to their superior resources and readiness’, ‘transnational agencies’ become ‘surrogate representative[s]’ of civil society (Gould & Ojanen, 2003, p. 8). Merida’s policy discourse was fully in line with the governmentality critique that transnational NGOs are ‘quickly taken on board as the operational proxy for civil society’ (2003, p. 59). The US Embassy’s critique of Mexican NGOs as motivated by purely financial reasons echoes Fraser’s point that the ‘growth industry’ of civil society consists of ‘modern, professional groups willing and able to declare themselves pro-poor; express their demands in a technocratic framework; and accept the legitimacy of internationalized policy forums’ (pp. 333-4, see also Abrahamsen, 2000, p. 61).
It would seem that policymakers and governmentality authors strangely coincide in rejecting an externally induced, artificial habitat that only produces co-opted avatars: an ‘internationally oriented modern, liberal and technocratic discourse commun[ity]’ (Fraser, 2005, p. 334).

In more abstract, theoretical terms, where this study differs from the governmentality perspective is on the pre-eminence of liberal-universal, top-down knowledge-power in current governance approaches. It would seem that what is at stake in civil society as a post-conditional regulatory practice and bottom-up form of governing is the attempt to distance oneself as far as possible from liberal-universal, top-down knowledge-power. Governmentality studies seem to be so busy making their argument about a disciplinary will to govern ‘run amok’ (Gould & Ojanen, 2003, p. 87) that they leave the novelty of civil society as bottom-up governance substantially unreflected. What does it mean in terms of knowledge-power that government has to work through the agency of the Other, that external actors do not have the requisite epistemic and political wherewithal to accomplish liberal outcomes anymore? Why, as Tania Murray Li rightly points out, do international development planners believe that local empowerment ‘requires that authentic, capable communities still exist, or can be restored?’ (2007, p. 246) How come international development planners can only think of themselves as ‘midwives’ and are so wary of acting as ‘ethnocentric outsiders imposing their views?’ (2007, p. 246)

In light of the deconstructive dynamic described above, I argue that neoliberal civil society discourse actually renounces a ‘universalist’ ‘theoretical ambition’ (Williams, 2008, p. 21). What Williams and other governmentality authors are describing is a heroic act of analytical reductionism and normative imposition. It is so heroic that neoliberal policymakers would probably strongly object. The whole point of neoliberal understandings of civil society is that there is no ‘universal human nature’ (Williams, 2008, p. 26). Such an assumption would be too generalized, too reductionist and the forms of policy engagement flowing from it would be too top-down. The whole enterprise sounds too hubristic from a neoliberal point of view.

Post-conditionality involves much more than a mere ‘problem of implementation’ (Williams, 2008, p. 61). The neoliberal civil society discourse reflects a crisis of meaning. It breaks with key tenets of liberal-universal epistemology, privileging localized context understandings in its place (see Chandler, 2010a, 2013). That is why the quote that certification (read traditional conditionality) was premised on the ‘idea that the US knows best how to solve the international drug problem’ is so important (Latin America Working Group, 2000, emphasis added). It highlights that the forms of external regulation which succeeded it are quite different in the kind of knowledge claims undergirding them. Post-conditional regulatory practice and its notion of civil society are not about imposing reductionist liberal-universal knowledge in a more refined manner. Neoliberal civil society is a governmental
practice which claims not to know policy solutions itself. Neoliberal civil society tries to govern after having lost that kind of representational claim. Civil society approaches today acknowledge that international interveners do not know. It tries to enable other people’s knowledge, their solutions, not to impose reductionist liberal-universal templates as the answer to conflict and underdevelopment. Indeed, how could international policy elites apply something that they do not have anymore, that they feel so uncomfortable with? How are they to apply a kind of knowledge that they have been so consistently and rigorously throwing overboard, i.e. that they have been so successfully learning to unlearn through normative and analytical self-deconstruction?

Williams’ argument has been reminding me of Michel Foucault’s ‘The Birth of Biopolitics’ (2004). In the opening remarks of his discussion of neoliberalism, Foucault laments that it is often ‘made out to be nothing at all, or anyway, nothing but always the same thing, and always the same thing but worse’ (2004, p. 130). What is at stake here is that the governmentality literature appears to be—to speak with Foucault—‘repeating the same type of critique for two hundred, one hundred, or ten years’ (2004, p. 130). Contrary to the popular governmentality interpretation, civil society today is a struggle to disassemble modern liberal-universal artifice. In the contemporary civil society framework, as long as policy fails, interveners have been too universalist, instead of not universalist enough, as governmentality authors would think of policymakers. Policymakers react to failure by trying to be less universalist, not more universalist. Failure makes international policymakers recoil from ever being universalist again. In the neoliberal civil society framework, international enablers feel the need to dig ‘deeper’ because they do not know, not because they know the solution and want to ‘foist this on everyone else’ (Williams, 2008, p. 21). As long as policy fails, interveners have been imposing themselves too much, have seen the world too much through standardized categories of analysis (see Scott, 1998). Contrary to the popular governmentality critique, neoliberal civil society discourse tends to deconstruct intervened societies as a ‘knowable, improvable, technical domain’ and does not react to failure by ‘reassert[ing] the authority of [its] own calculations’ (Murray Li, 2007, pp. 154, 282). The problematic in neoliberal policy discourse is not one of ‘making categories real’, but of debunking one’s own naive, naturalist premises (Murray Li, 2007, p. 205). To be sure, there are still enough standardized, reductionist knowledge claims to allow international policymakers to police categories like ‘the local’ or ‘grassroots’. However, they are clearly on the defensive. Civil society as a post-conditional regulatory practice and bottom-up form of governing is not about international policymakers knowing how to solve problems. It is the other way around. Neoliberal civil society policy reflects how international policymakers aspire to overcome reductionist liberal-universal knowledge.
Implications: The Growing Difficulty to Arbitrate

In this section, I would like to hint at the problems of political action once the liberal capacity to govern starts to wither. The old problems of governance—those of ‘geographical universalism’ (Williams, 2008, p. 21) and ‘state simplifications’ (Scott, 1998)—are gradually overcome, while new ones emerge. In particular, through their search for pure local actors, international policymakers lose their ability to judge political outcomes. In the Merida Initiative, everybody seemed to be so concerned with enabling better choice-making in Mexico that nobody seemed to be able to evaluate the decisions that were taken. After certification, US politicians, bureaucrats, think tanks and NGOs are so reluctant to pass judgment on a foreign government and so self-conscious about imposing something from above that they are less and less prepared to evaluate anything at all—even if it is merely procedural aspects that they are interested in. The critique of certification has done such a thorough job at discrediting standardized, quantifiable measurements of success that conclusive and substantive evaluations have become untenable.

Merida’s 15%-reports have been so obviously evasive of any definitive evaluation that the Senate report accompanying the Fiscal Year 2010 Supplemental Appropriations Bill explicitly requested the Secretary of State to make a ‘determination […] of compliance with each of the requirements’ (US Senate, 2010, p. 68). In a memo to the author, Maureen Meyer from the Washington Office on Latin America emphasized that using the ‘word determination is important’ because, unlike the first report from August 2009, this one ‘included an opinion whether Mexico was fulfilling the requirements’ or not (personal communication, June 2011).

Merida’s 15%-reports sustain a policy discourse on Mexican state-society relations that constantly digs ‘deeper’ in order to finally pin down truly local social actors. In this process, international actors lose agency by deconstructing liberal-universal episteme. Trying to unearth and unblock radical alterity ‘from below’ makes international actors know less and less. And without a generalized liberal-universal framework of understanding, they find it increasingly difficult to decide whether a government ultimately fulfils certain normative criteria. The search for an epistemic Other and the desire to set free its governance potential systematically corrode the liberal-universal foundations on which international policymakers used to ground their actions.

Conclusion

This paper has dealt with the way in which post-conditional forms of regulation and bottom-up forms of governing reproduce themselves parasitically by deconstructing liberal-universal knowledge claims. The analysis reconstructed how Merida’s human rights reporting and the Mechanism of Dialogue with Civil Society opposed certification in a similar way as Scott’s
(1998) critique of ‘state simplifications’. Merida’s post-conditional regulatory regime rejected standardized categories of analysis and top-down imposition, formulating an alternative site of transformative agency: locally embedded social actors ‘at the grassroots’. Only they had the requisite knowledge-power to solve governance problems, formulating and implementing policy responses tailor-made for Mexico’s socio-institutional context. Rather than standardized liberal-universal knowledge, idiosyncratic ‘insider’ understandings were seen as key for improving public security governance in Mexico.

There are many governmentality critiques of neoliberal civil society (paradigmatically Williams, 2008). The take-away point was that governmentality studies are only able to argue that what came after structural adjustment was even more disciplinary rule because they see international policymakers as steeped in classic liberal-universal assumptions.

In contrast, this paper has argued that post-conditionality and bottom-up forms of intervention try to govern beyond standardized liberal-universal categories—or, at least, with fewer and fewer. In the Merida Initiative, the suspicion of lingering liberal-universal ways of thinking delegitimized civil society representatives. In reaction, bottom-up policy tried to identify a new set of actors who were a little bit closer to the ‘grassroots’. The key point in this on-going endeavour is that international interveners constantly shed more cumbersome, counterproductive standardized categories, concepts and premises. In other words, the search for local actors systematically takes apart generalized liberal-universal knowledge. One of the main implications is that international actors find it increasingly difficult to determine whether normative goals have been achieved. The search for radical epistemic alterity, thought to reside in ‘local’ understandings and mentalities, debilitates international policymakers.

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Notes

1 Here, ‘neoliberalism’ denotes those governmental approaches that portray the subject as the social product of its conditioning environment, instead of equipping it with a set of universal, substantive characteristics. As Foucault (2004) writes, neoliberalism works on the ‘milieu’ within which decision-making subjects are embedded in order to stimulate collectively beneficial individual choices (p. 245). In a neoliberal framework, economic (and political) competition is ‘absolutely not a given of nature’ (p. 120). Economic processes ‘only really exist, in history, insofar as an institutional framework and positive rules have provided them with their condition of possibility’ (p. 163). They are the fragile products of delicate institutional engineering: ‘[…] [C]ompetition as an essential economic logic will only appear and produce its effects under certain conditions which have to be carefully and artificially constructed’ (p. 120). Competition and its positive attendants are an ‘objective’ of government, rather than a ‘natural given’ (p. 120). The consequence is that the economy cannot exist independently of the regulatory framework. The economy (read society) cannot be ‘left free’ (p. 121). It must be ‘accompa[nied] from start to finish’ (p. 121). By positing the subject as derivative of its socio-institutional framework, neoliberalism departs from possessive individualism. What remains liberal about it is that political and economic phenomena are looked at ‘from the viewpoint of individual choices’ (Chandler, 2010b, p. 180). Neoliberal governance puts itself into the ‘position of the person’ who acts, ‘analys[ing] the internal rationality, the strategic programming of individuals’ activity’ (Foucault, 2004, p. 223). This subject is seen as rational not in a classic universalist sense, but in the sense that it ‘responds systematically to systematic modifications artificially introduced into the environment’ (p. 270). The neo-institutional concept of bounded rationality encapsulates this ambivalence or inversion (see North, 2011). In contrast, the term ‘liberal’ refers to the ‘political philosophy of universal rights derived from rational and self-interested selves and associated forms of state’ (Harrison, 2004, p. 44).

2 In this article, the term ‘civil society’ refers to a changing governmental discourse, a policy paradigm to interpret the problems of international intervention (see Chandler,
2010b, p. 170). It is not used as an analytical concept. Also, the term does not refer primarily to an actually existing associational sphere. As Foucault notes, ‘we should be very prudent regarding the degree of reality we accord to this civil society. […]. Civil society is not a primary and immediate reality; it is something which forms part of modern governmental technology’ (2004, p. 297). Defining ‘civil society’ as a changing governmental rationality includes all iterative practice ‘on the best possible way of governing’ (2004, p. 2). This definition is more interested in what is being said than who is saying it.

3 Although he does not position himself as such, I argue that Scott is a governmentality author. In ‘Seeing like a State’, Scott refers positively to Foucault’s (1991) work on the ‘police state’ (see chapter one, footnote seven) and finds his (1995) analysis of how discipline spread from the prison and psychiatry into society ‘persuasive’ (see chapter three, footnote 11). I would like to thank Reviewer #3 for pointing this out.

4 The Merida Initiative was launched by the US and Mexican governments on 22 October 2007 with a planned initial budget of $1.4 billion (Office of the Spokesman, US Department of State, 2007). In the first year of funding, the US Congress appropriated $440 million for the Merida Initiative, equalling the total amount of US security assistance to Mexico of the previous twelve years (1996-2007) (Benítez, 2007, p. 3). It is now considered the ‘centerpiece of the US Government´s security cooperation with Mexico’ (Assistant Secretary Bersin, Department of Homeland Security, in: US Congress, 2009, p. 57).
References


