

DEBATE ON GOOD GOVERNANCE SOME THEORETICAL AND PRACTICAL CONSIDERATIONS

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Abstract

Traditional notion of market failure exists within the discourse of a democratic market economy. There are areas where market either does not deliver efficiently or not all. The text-book response is to look towards some agency of collectivity (e.g. the government) to fill in the vacuum left by the market mechanism. The Public Policy literature has tried to rationalize the role of the agency of the state to promote common good and sustainable development as popularly perceived --- the proverbial concept of welfare state. Of late however, the crisis of the welfare state has called into question the rationale for the welfare state framework. It is necessary to energize the welfare state model through social innovations like accountability, transparency, responsiveness and civil society participation. Bureaucratic hierarchy, empowerment of social organizations in decision making arenas, local identification of problems and the corresponding utilitarian solutions, etc. will be some of the highlights in this article.

Key Words: *Welfare state, good governance, accountability, transparency, utilitarian solutions*

Governance

Within the discourse of market economy under a democratic order, it is argued that there are areas and avenues where market either does not deliver efficiently or not at all traditional notion of market failure.¹ The text-book response is to look towards some agency of collectivity (e.g. the government) to fill in the vacuum left by market mechanism. The Public Policy literature has taken this a step forward to

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¹ Paul Samuelson and William Nordhaus, *Economics* (19th Edn). (McGraw-Hill:/Irwin, 2009), pp. 30-39. Available at [http://hotfile.com/dl/10168563/9199491/SamuelsonNordhaus_-_Economia\(pdf\).zip](http://hotfile.com/dl/10168563/9199491/SamuelsonNordhaus_-_Economia(pdf).zip)

rationalize the role of the agency of the state to promote common good and sustainable development as popularly perceived --- the proverbial welfare state conception.² Of late however, the crisis of the welfare state in the form of fiscal deficits, lack of sustainability, ineffective and/or inefficient delivery systems has called into question the rationale for the welfare state framework. This in turn has led to two competing narratives for public policy theorists: one, to revert back to market mechanisms (e.g. privatization, public- private partnership, etc.) to achieve the objectives of efficient allocation of resources --- the neoliberal paradigm. The other is to energize the welfare state model through social innovations like accountability, transparency, responsiveness and civil society participation---the definition of good governance.

In this article an attempt is made to describe and analyze the dynamics of civil society--the people outside government and in the for-profit sector in interaction with the state structures, formal and informal, to improve upon the performance and delivery system envisaged in the welfare state model.³ Decentralization, a flattening of the bureaucratic hierarchy, mobilization and empowerment of social organizations in decision making arenas, local identification of problems and the corresponding utilitarian solutions, etc. will be some of the highlights.

Good Governance

Governance, shorn of academic niceties, really means what the government does. The issue at hand is to examine if the government delivers effectively and efficiently. In a free market system, a well-developed market working in a competitive environment is theoretically capable of achieving efficiency without non-market interventions. The proponents of the system even argue that not only efficiency but the best possible solution with the given constraints is automatically achieved as posited in the concept of pare to optimality.⁴

The social objectives of equity, human rights and empowerment of citizens are neither claimed as goals of market decision making nor are adequately addressed via the familiar and formal dynamics of market mechanism. Hence, the necessity of intervention by a legitimate agency of the people at large – generally a representative government is required. However the presumption of intervention by a customary agency of people may not lead to either an efficient or equitable dispensation. Hence, the further re-definition and invocation of the term good governance is necessary.

Good governance is invested with certain characteristics that are meant to promote the common good in terms of both equity and

² Bellinger, *Economic Analysis of Public Policy* (UK: Routledge, 2009) pp.199-135.

³ UN Report of the panel of Eminent Persons: Civil Society, *The United Nation and Global Governance*. (New York, 2004)

⁴ Ibid.

effectiveness. The common litany of main features generally includes people's participation, inclusiveness, transparency, responsiveness, effectiveness, equity, empowerment of the citizenry, protection of human rights, public accountability, efficiency and the rule of law, etc. Good governance may indeed be a fad as some have labeled it but with the people's active participation it can be turned into a fruitful exercise of prescriptive agenda in pursuit of common aspirations of a humane, dignified and sustainable life experience.⁵

Characteristics of Good Governance

It is generally posited that the advent of good governance requires, a priori, a literate populace, an independent and inquisitive media, independent and assertive judiciary, political stability, a well-trained and competent administrative structure, service oriented and people friendly attitude on the part of those in position of authority, deeply ingrained social norms of justice and fair play and a conscious and mobilized citizenry, etc. Without presuming to exhaust the list of prerequisites, suffice it neither to say that good governance does not arise instantaneously nor automatically to facilitate an efficacious social existence. It requires a process of self-conscious direction and has an evolutionary social aspect that needs to be kept in view as one goes about developing good governance practices. Good governance can be identified and gauged through many characteristics some of which are listed here in no particular order of importance.⁶

Strategic Vision

For good governance it is important that all participants have a broad and long term perspective on the ultimate objective of governance and policy formulation, socio-political development, economic growth, democratization, distributive justice, alleviation of poverty, gender rebalancing, minority inclusion, ethical realignment of social classes and ultimately a redefinition of sociality in a market society. It would also be helpful to have an understanding and appreciation of a variety of historical, material as well as cultural forces and developments that have culminated in the extant complexity of social reality. An analytical perspective and an appropriate contextualization would be enormously fruitful in delineating relevant good governance attributes and characteristics.

⁵ Cynthia de Alcantare, "Use and Abuse of the Concept of Governance" *ISSJ*, (1998), pp. 155.

⁶ Agerve, "Promoting Good Governance", Quoted in Tanzila Siddique: *Retaining National Role in Health care under 18th Constitutional Amendment*. Proposal for M.Phil Thesis on the Government and Public Policy Dept. of the Faculty of Contemporary Studies, National Defence University, Islamabad. (2000)

Ethical Considerations

While the field of ethics is rife with divergent ideologies, contradictory arguments and a diversity of views on the exact role and location of moral value in policy formulation and analysis, most philosophic considerations gravitate towards the minimalist agenda of basic human rights, freedom and equality. As a matter of fact, most public policy – including good governance – is, in some fashion or other, guided by some socially accepted norms of ethics and morality; for example the social provisioning for those unable to care for themselves like the indigent, the infirm or the invalid, etc. A clear identification and specific statement of ethical considerations embodied in particular policies could go a long way in clarifying and facilitating good governance objectives.

Participation

A fundamental requirement and a salient feature of good governance is citizen participation in all processes of policy formulation and implementation. The object of science, so to speak, (in this case the people) also needs to be an active subject in developing strategies and procedures to achieve specific goals and objectives of social policies. And it is the only way to create a sense of stewardship and voluntary observance of the norms of good governance.

Responsiveness

There needs to be a built in responsiveness in the content of envisioned policy prescriptions as well as the willingness and ability of policy proponents to adjust and accommodate evolving needs and desires of the affected segments of the populace. An ongoing process of give-and-take among different stake holders has the potential to move towards a common sense of vision and destiny. Rigid and authoritarian prescription of policy rules is generally not compatible with the practice of good governance.

Consensus Orientation

The attitude on the part of those wielding authority of laying down the law, as it were, can be a game changer in every sense of the term. To arrive at a consensus of opinion regarding actions embodied in a policy is not only likely to help succeed in achieving the particular objectives but also would be helpful in leading to social cohesion and group solidarity which in turn can enhance the efficacy of problem solving efforts. However when conflicting interests and contradictory objectives are involved, good governance needs to focus on points of broad agreement thus minimizing divergence and keeping contradictions within manageable limits.

Transparency

Transparency is widely recognized as an essential element of good

governance. It promotes trust between contending parties and clarifies the issues of ownership of social policy by making an effort to garner full cooperation of those concerned. In addition, it pierces the veil of hidden machinations in the exercise of power and authority between unequal participants in a given context. The fresh air of openness and the light of clarity of transactional details can be enormously helpful in the observation of specific provisions of contracts, etc.

Accountability

Accountability, recognized as a fundamental principle of good governance, is the key to not only delivering on the promise of good governance but making it responsive to public demands and sensitivities. Accountability as a mechanism of setting and keeping the record straight, unlike witch-hunting of adversaries, is the key to efficiency and efficacy of policy making procedures and processes. Those who are aware that they can be called to account can be counted on for good accounting in most, if not all, matters of social business affairs.

Rule of Law

This characteristic ensures fundamental egalitarianism implied in a cohesive social formation. Equal before the law, in theory as well as in practice, has the potential to highlight and accentuate the basic democratic attributes embodied in good governance. Equality of opportunity and equitable distribution of the rewards associated with particular governance policies can go a long way in establishing and promoting good governance. Once rules are established through some legitimate social process, adherence to the rule of law, in its letter and spirit, is the essence of good governance.

Equity/Inclusiveness

Discrimination and/or injustice towards the marginalized and the weaker segments of society can be a sure-shot recipe for the undoing of good governance. Inclusiveness based on a shared sense of equity can ensure a cohesive and cooperative response from most components of a polity for the achievement of collective goals; hence its critical salience in any good governance framework. And it may not be as farfetched as some might fancy that inclusion of basic human rights specifically empowering women and minorities as part of good governance would lead to a path of progress and development. Violation of human rights and exclusion of women and minorities leading to injustice, persecution and at times violence would be antithetical to any concept of good governance.

Efficiency/Effectiveness

Mainstream literature often characterizes efficiency – meaning the maximization of a set of goals and objectives with the constrained

resources at hand – as the exclusive if not the only yard-stick of good governance. The logic of efficiency or effectiveness is surely a necessary aspect of good governance but certainly not a sufficient guarantor of social optimization. While efficiency needs to be kept in center stage, it should not be allowed to trump other considerations like equity, fair play and such social exigencies as looking after the truly needy, etc. A freely functioning – as in a “perfect competition” model of text-book variety – market can at least in theory take care of efficiency but the goals of good governance require self – conscious and socially directed intervention of the collectivity.

Obstacles to Good Governance

There are myriad obstacles to good governance. Sociologically speaking, if a positive phenomenon is being blocked from affectivity over a period of time despite concerted efforts for its promotion and implementation, it stands to reason to locate and identify the relevant impediments in its way. Researchers and keen observers of the situation enlist as:

1. Absence of a speedy justice system.
2. Corruption in administration and politics.
3. Politicization of administrative cadre of the government.
4. A growing nexus amongst politicians, businessmen and the bureaucracy, etc.⁷

When justice is delayed inordinately, it creates the perception of the proverbial ‘justice delayed is justice denied’. The aggrieved parties, then, tend to find extra-judicial and extra-legal means to pursue their objectives, which in turn undermines the imperatives of good governance. Those unable to go this route tend to disconnect and disavow allegiance to the notions of a collective social order of things. This translates into a kind of passive resistance undermining the legitimacy of the very foundations of governance and the government itself. Besides, in a society with a weak law-and-order situation, fear of change, transitional stressfulness and unpredictability of future prospects can lead to violence in defence of an actual or perceived ideal and/or desirable social order. This can result in chaos and anarchy – an utter denial of any form of governance and governability.

Corruption in administrative structures and the political culture is really the flipside of good governance. In the classical development literature in a truly orientalist refrain, it was not un-common to ignore corruption or even accept a certain modicum of it as greasing the wheels

⁷ P.I, Cheema, “Good Governance and Fight against Terrorism”. *Monoograph*. National Defence University, 2008, pp.10-12.

of otherwise frigid decision making processes of bureaucracy in the less developed (read non-western) countries.⁸ What is lost in this view is the fact that corruption notably misdirects and misallocates resources and assets in the short run and tends to corrode the very framework of good governance in the long run – a truly pernicious state of affairs.

Politicization of the administrative cadre of the government is a two edged sword. On the one hand it may be desirable, at times, to induct political appointees to administer programmes and departments with a view to reflect the interests and aspirations of the people at large and to soften the cold, uncaring “steel-frame” of bureaucracy. On the other hand, politically motivated appointments reflecting nepotism and a kind of social jobbery may lead to incompetence and hurt the morale of those already serving in the trenches on the basis of some sense of meritocracy.

The growing nexus amongst politicians, businessmen and the bureaucracy can be injurious to the interests of the common citizen as those influential segments of society can usurp and misappropriate resources based not on the grounds of collective good but in keeping with the perceived necessity of pandering to individual, parochial concerns thus hurting overall growth and development of society and negating all notions of good governance. Most effective training programmes therefore aim at both capacity building as well as at consciousness-raising to promote tenets of good governance.

Role of People

The role of people in good governance is conceptualized as both central and critical. The consequences of governance, good as well as not so good, are after all borne primarily by the people at the receiving end of government policies and programmes. If good governance promotes growth and development, the people at large will receive whatever positive impact is so created. If, as sometimes postulated, good governance strengthens political institutions, empowers local administrative bodies, encourages democratic norms, facilitates a culture of level playing field, etc. It is likely to affect the quality of people’s lives. If, on the other hand, bad governance encourages corruption, inefficiency and general socio-political instability as is also variously implied, the general populace will have to bear the brunt of these negative attributes and their venal effects. It is therefore necessary to define and reflect on the category of people and their role in a given social formation.

Civil Society

There are many definitional and conceptual debates regarding the notion of civil society and civil society movements. For the purpose of this

⁸ See for example A. Argandona, *Corruption and Companies: use of Facilitating Payment and of Business Ethics*. Vol. 60. (2005).

presentation, it has been convenient to rely on the UN Report of the Panel of Eminent Persons on the subject which defines civil society as referring to the associations” of citizens (outside their families, friends, and businesses) entered into voluntarily to advance their interests and ideologies. The term does not include profit-making activities (the private sector) or the governing cadres (the public sector).

Of particular relevance are mass organizations (such as organizations of peasants, women, or retired people), trade unions, professional associations, social movements, indigenous people’s organizations, religious and spiritual organizations, academic and public benefit non-governmental organizations.⁹ As is obvious and natural the concept of civil society has undergone historical metamorphosis – from, the classical notion of a good society in general, to a separate sphere of sociality distinct from the state.¹⁰

In the Hegelian framework the market social relations as such constitute civil society as distinct from the institutions and apparatuses of state. The Gramscian version holds civil society as the cultural and ideological capital supporting the hegemony of the bourgeois mode of production and a site of social problem solving. The modern currency of the term emphasizes the voluntary, collective and associational relations to promote some aspect of the common good.

Here again, the concerns are whether the concept as defined is capable of delivering all the social benefits that its proponents ascribe to it: the social trust, mutual tolerance, participatory decision-making, etc. Also when does a civil society become an antagonistic arena of competing groups geared towards rent seeking? Can a civil society movement seeking political justice become a political party vying for political power of the state and still be a civil society extension? These and many other such questions really point towards the grey areas that any typological categories have to delineate, sometimes in an arbitrary fashion for a given context. But as the context changes, it should be possible to redefine the boundaries of the term without necessarily jeopardizing the validity of the concept. The modern theoretical formulation of civil society and the related empirical evidence, nonetheless, suggest a substantive explanatory power embodied in the concept.

Considerations of Function vs. Structure

While it is helpful to enumerate and describe the characteristics of and obstacles to good governance, it is essential to analyze the sources and built-in incentives for divergence from socially fruitful aspects of governance. Take corruption for example. It is now widely understood that

⁹ UN Report of the Panel of Eminent Persons. “We the people: Civil Society UN and Global Governance”, Preamble, NY. 2004.

¹⁰ Michael Edwards, *Civil Society*. (Cambridge: Cambridge University Press, 2004) p.ii.

corruption in the government sectors is primarily an expression of rent-seeking behavior of official functionaries in collision with and/or in support of the political classes. The etymology of rent-seeking can be traced to the tenant-landlord social relation of production in which the tenant does all the work and the landlord appropriates the larger share of the produce by virtue of the social status of landlord 'ism' rather than his contribution to the actual process of production.¹¹ Likewise, those in position of authority of decision making can demand and receive unearned and therefore underserved remuneration in the form of a "kick-back".

At times it is some organized group or a professional organization also that can lobby for extra considerations as special licenses, exemptions, subsidies or bonuses. At other times special dispensation, even though not socially warranted, can be legalized through the legislative processes in cahoots with the ruling elite. These "legal" rents can be just as promoting element of corrupt behavior as bribing "illegally" for a favor. While good governance requires that the rule of law prevail – and it should be underlined for emphasis – it also is critical that one not forget that the "golden rule" is written by those who have the "gold". So the specific function of observing rules may not be sufficient to achieve ends of good governance. One has to examine the structure of particular rules and rulings to get at the sources of the evil of social inequity to argue for deep, all-encompassing good governance. Time and again surveys have demonstrated that evasion of tax payment, for example, is practiced to avoid the burden of taxes but also there is widespread perception that the taxes are unfairly levied and once collected are disbursed for undeserving purposes.¹²

This argues for examining the functional as well as structural imperatives of a given social formation to understand and strategize for more socially optimal outcomes. Additionally the issues of hierarchy and social class need to be incorporated in a holistic analysis and presentation of problems and prospects so as to move towards a truly democratic society to optimize social cohesion and social satisfaction – the ultimate aim of good governance.

There are several levels and sites at which civil society can provide effective inputs. For example at a "functional" level the civil society organization both through identification of local problems and appropriate solutions, possibly of an indigenous variety, can streamline the efficient delivery of basic services to communities. The open and transparent operational context would tend to obviate rent-seeking behavior of government functionaries – a huge impediment to governmental efficiency

¹¹ Jamil Nasir: Rent-seeking and governance. The News International, Pakistan April 06, 2013.

¹² Asad Kamal: Tax Evasion in Pakistan – A case Study. M.Phil Thesis Department of Governance and Public Policy, Faculty of Contemporary Studies, National Defence University Islamabad. 2012.

and hence a devastating critique of governmental interventions.

At the “structural” level the civic associations can provide input and guidance as to the necessary as opposed to superfluous levels of bureaucracy and top-heavy management practices. A flattening of hierarchical decision making would tend to bring government closer to people – a desirable objective in its own right – as well as rationalize appropriate structures of administration.

It is generally agreed that a select elite get to dictate both the social goals and the methods to achieve them which may or may not promote the well-being of the people at large. The people’s role as expressed in civil society movements, in general, has given salience to the subaltern perspectives on goals and objectives and methods. The historical social evolution has of course benefited greatly from such movements both in the economic and political spheres. Even though social change can be intimidating, even at time overwhelming, the appropriate role of people, by and large, can point to the path of change towards a more democratic, humane and empowering denouement. And the role of people in economic as well as political spheres could be instrumental in this endeavor.

The Indigenous Experience

In Pakistan, like most elsewhere, volunteerism as civic engagement is rooted in custom and tradition and the institutions developed around these practices.¹³ Some of these institutions, even as evolved through history, continue to function in the present day society. The examples cited could be mausoleums of the spiritual elders, seminaries and mosques, where people come for solace, solidarity, and bread – an expanded version of human security.¹⁴ The modern form of these institutions is the community support organizations. Prominent among these are welfare and charity organizations, writers’ associations, women’s organizations, trade unions, and student organizations. The civic agendas of the organizations have varied from charity, literacy, poverty alleviation to issues of governance and sustainability.

But the sectional agendas pursued by these organizations inherently limit their scope in terms of creating a social movement for structural changes necessary for instituting and sustaining norms of good governance at large. However a new and dramatic development in the polity of Pakistan is the role being played by the Higher Judiciary of Pakistan.¹⁵ Although it is stated in the Constitution of Pakistan that “the state should be exercising powers through its elected representatives” to ensure full observance of democracy, freedom, equity and social justice”

¹³ Baqir Fayyaz, “UN Reforms and Civil Society Engagement.” Researchgate, November 2007

¹⁴ C. Candland, “Pakistan’s Recent Experience in Reforming Islamic Educations.” Education Reform in Pakistan. 2005/PP 17-19.

¹⁵ Hamid, Role of Judiciary in Good Governance. www.supremecourt.gov.pk/ijc N.D

the Higher Judiciary has, historically, employed a doctrine of necessity to justify and legitimize undemocratic interruptions in the polity as well as looked the other way in the face of administrative malfeasance. As it appears, not anymore! The current technicality of suo-moto notice at benches of the Higher Judiciary seems to be in the vigorous, proactive pursuit of public interest litigation. From kite flying to bonded labor, from loan default to fake degrees of parliamentarians and undeserved promotions and postings to qualifications of elective candidates, the Higher Judiciary is intent on enforcement of the principles and norms of 'good governance'. The Judiciary also has, to the consternation of some, started to probe the undemocratic behavior patterns of the really high and mighty. It is as if the power of pen –the judicial one of course--is about to trump all other sources of power and authority! The moral authority of the strong institution of Judiciary may finally be the midwife of good, humane governance in a poorly governed society of Pakistan. But this is a work in progress. Only time will tell how far this top down cleansing and reforming can go and ultimately to what end! And it deserves watching because the ultimate denouement of good governance leading to social development and human advancement hangs in the balance.

