DEMOCRATIC GOVERNANCE AND POLITICAL RATIONALITIES IN THE IMPLEMENTATION OF THE WATER FRAMEWORK DIRECTIVE IN THE NETHERLANDS

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Multi-level governance, network governance, and, more recently, experimentalist governance are important analytical frameworks through which to understand democratic governance in the EU. However, these analytical frameworks carry normative assumptions that build on functionalist roots and undervalue political dynamics. This can result in a lack of understanding of the challenges that democratic governance faces in practice. This article proposes the analysis of democratic governance from the perspective of multiple political rationalities to correct such assumptions. It analyses the implementation of the Water Framework Directive in the Netherlands as a paradigmatic case study by showing how governmental, instrumental, and deliberative rationalities are at work in each of the governance elements that it introduces. The article concludes by discussing the implications of a perspective of multiple political rationalities for the understanding and promotion of democratic governance in practice.

INTRODUCTION

The term ‘governance’ has been propagated as a new form of steering since the 1990s by national governments (Bevir et al. 2003), transnational organizations such as the World Bank or the United Nations (UN) (Doornbos 2001), and the European Union (EU) (Kohler-Koch and Rittberger 2006). Authors such as Rhodes (1997) and Pierre and Peters (2000) have contributed to making governance a central theme in the policy literature and political studies. Although governance is defined in different ways, depending on the author’s field and subject of study, some key elements are more or less undisputed: (1) governance takes place in networks and at multiple levels; (2) governance is no longer the sole domain of states, but also of non-state actors such as business parties and NGOs; and (3) the changing role of the state in governance – from command-and-control to ‘steering at a distance’ – includes a new mode of accountability (Behagel 2012).

The key elements by which governance is defined not only reflect a shift in how steering takes place but are also part of normative discourses on ‘good governance’. In the context of the EU, the most influential of these normative discourses is represented by the White Paper on Governance (EC 2001), which invokes the principles of openness, participation, accountability, effectiveness, and coherence for establishing more democratic governance. In order to realize these principles, multi-level partnerships involving regional and local authorities, the inclusion of non-state actors, and greater flexibility in steering by setting less rigid standards are all explicitly mentioned.

In close connection to the normative discourse of good governance that the EU employs, EU governance scholars have sought to describe and order the ways in which key elements of governance can realize democratic principles. Influential strains of scholarship are multi-level governance (MLG) (Hooghe and Marks 2003), network governance (Torfing 2005), and experimentalist governance (Sabel and Zeitlin 2008). These strains of
scholarship present analytical perspectives on EU governance to describe how one or more of the key elements of governance work to establish democratic governance. These perspectives are not merely analytical; each perspective also carries specific normative assumptions, grounded in specific epistemologies (or worldviews), about the relation between one or more elements of governance and democratic quality.

In this article, we question the normative assumptions of analytical governance perspectives by critically investigating the idea that the key elements of governance – multiple actors and levels, state and non-state actors, and new modes of accountability – can be directly and functionally related to the democratic quality of governance. To do so, we argue that the performance of governance depends on specific contexts (Van Assche et al. 2012) in which political rationalities play an important role. By showing how these political rationalities are performed in each key governance element, this article aims to demonstrate that the elements of governance are neither democratic nor undemocratic in their own right. This leads us to reconsider the challenges that democratic governance faces.

The article is organized as follows. First, we discuss the normative assumptions of MLG, network governance, and experimentalist governance. Next, we trace these normative assumptions to their functionalist roots. We continue by introducing an alternative analytical framework of multiple political rationalities for the study of democratic governance and describing three types of rationality in governance. We then argue for the EU Water Framework Directive (WFD) (EC 2000) as a paradigmatic case study for democratic governance and discuss the methodology, after which we present an analysis of the implementation of this directive in the Netherlands in terms of political rationalities and discuss our findings. We conclude by discussing the implications of our findings for our understanding of the challenges that democratic governance faces.

THE NORMATIVE ASSUMPTIONS OF ANALYTICAL FRAMEWORKS

Analytical frameworks of governance not only analyse decision-making practices. These frameworks are also of a prescriptive character. According to Bevir (2010, p. 2), ‘the argument is obvious: if policy actors form policies using formal or folk theories from social science, then social science partly constitutes those policies’. The analytical categories a framework employs also guide the normative assumptions it holds. Whether governance is conceived of primarily as an institutional framework, an actor network, or a regulatory architecture therefore affects the democratic challenges perceived.

MLG builds on neo-institutional analysis to describe the historical development of functions and jurisdictions of different tiers of government in terms of path dependency (Hooghe and Marks 2001). It operates from the assumption that effective steering is best attained at higher levels of government, whereas democratic legitimacy is most likely to be attained at lower levels where there are increased opportunities for relevant actors to participate (Moss and Newig 2010). Consequently, MLG scholars tend to discuss effectiveness and democracy in terms of a trade-off or dilemma between participation and system effectiveness (Dahl 1994). The trade-off is decided by the MLG idea that dispersion of competencies across tiers of government is normatively superior to a central state monopoly (Hooghe and Marks 2001, p. 4).

Network governance scholars do not focus that much on formal competencies but instead point to governance networks as ‘hybrid organizational forms that play a major role shaping and delivering public policy to citizens and communities, including quasi-governmental agencies, public–private partnerships, and multiorganizational boards’.
They analyse these networks as horizontal phenomena shaped by societal context, institutional design, and political struggles (Sørensen and Torfing 2009). Network governance scholars draw on informalism and point to the responsibility of politicians and public managers to defend public interests and assume strategic leadership (Sørensen and Torfing 2009, p. 235). Building on the categories of network theory, they locate democratic quality in the relations between different types of actor. In particular, they point to the anchorage of networks in representative democracy, the membership basis of participating groups, accountability to a territorially defined citizenry, and democratic rules of conduct (Sørensen and Torfing 2005, p. 201).

The analytical framework of experimentalist governance describes a logic of decision making that results from context-oriented regulatory frameworks characterized by the use of non-binding targets and soft law, subsidiarity, and the inclusion of relevant actors (H´eritier 2001; Eberlein and Kerwer 2004). It adds the concept of deliberation to the concepts of multi-level institutions and informalism in order to describe how regulatory frameworks can constitute a governance architecture that is a ‘direct, deliberative polyarchy’ (Sabel and Zeitlin 2008, p. 276). Experimentalist governance scholars assume that deliberation is at the core of effective and democratic decision making (Eberlein and Kerwer 2004) and that deliberation can be promoted by the functional interplay of all three key governance elements. Its analytical concepts include peer review between different tiers of government and between state and non-state actors, direct interaction between different types of actors, and periodical revisions of goals.

THE FUNCTIONALIST ROOTS OF GOVERNANCE ANALYTICAL FRAMEWORKS

The core idea of functionalism is that functional needs (such as welfare, economic benefits, or environmental protection) take primacy over power politics. Although many functionalist perspectives on public administration offer a role for politics in decision making, they make this role secondary to functional pressures. For example, Hooghe and Marks (2006, p. 207) use the metaphor of a car to say that: ‘Functionality . . . is the engine, but politicization is the drive shaft’. As a consequence, the normative assumptions of MLG, network governance, and experimentalist governance can be read as functionalist drives that explain the presence of key governance elements. In other words, these key elements are assumed to perform the democratic functions that – according to functionalist accounts of governance – gave rise to them. We build on two lines of critique on the use of this type of functionalism in governance: (1) functionalist perspectives do not sufficiently take contextual factors into account; and (2) institutions, actors, and regulations can also perform dysfunctionally.

The first line of critique concerns the partial understanding of actors and institutions within their context in functionalist accounts (Cleaver and Franks 2005). There is a tendency to view actors as only fisherman or only environmentalists, and institutions as only local or only participatory. Consequently, these accounts fail to recognize that for instance non-state actors who engage in participatory processes seek to meet their own, specific goals that are broader than, and sometimes conflict with, the goals they are assumed to represent (e.g. Van der Arend and Behagel 2011). We can apply this critique to MLG, which places a high level of trust in the efficacy of institutional frameworks and formal rulemaking.

Network governance is also susceptible to this line of critique: although it places more emphasis on informal decision-making processes, it primarily views these as a threat
to democracy. To ‘save’ democracy, it invokes a functional link between representative principles and the modes of interaction within governance networks and upholds a strong linkage between representative institutions and democracy when it prescribes ‘democratic anchorage’ (Sørensen and Torfing 2005). Doing so, it continues to ascribe single functions (effectiveness or democracy) to single elements of decision making (informal, interactive processes or formal representative institutions).

The second critique of functionalism stresses how governance elements can to a substantial extent be dysfunctional in terms of the functions they are designed to perform because of the play of different political rationalities (Miller 2000). It points out that the actions of individual actors are also shaped by ideas and paradigms (Blatter 2003) and that institutions are often performing functions other than those originally intended (Pierson 2000). Furthermore, policy instruments are shown to produce effects ‘independently of their stated objectives ... and they structure public policy according to their own logic’ (Lascoumes and Le Galès 2007, p. 10). Although experimentalist governance deals with the first line of critique, as it highlights contextual factors, it remains susceptible to this second line of critique when it understands governance in specific functionalist terms (Sabel and Zeitlin 2008, p. 274); that is, when it ascribes a deliberative logic to the functional interplay of governance elements.

TOWARDS POLITICAL RATIONALITIES OF GOVERNANCE

The normative assumptions of governance analyses have invited a broad range of critiques (e.g. Papadopoulos 2007; Smismans 2008; Arts et al. 2009). Many of these critiques focus on the functionalist roots of these assumptions. For example, they highlight how specific elements of governance – for example the participation of non-state actors – may actually obstruct democracy when they are performed within top-down, instrumental rationalities (e.g. Turnhout et al. 2010) or how governance architectures hold normative promises that are not reflected in empirical findings (Börzel 2012). Such critiques of normative accounts of governance share a common reference to socio-historical contexts and build on political rationalities such as technocracy in order to show how governance can produce effects and logics independently of its stated goals or intentions.

Accordingly, these critiques highlight the shortcomings of functionalist accounts of governance. However, they often do so in an ad-hoc and implicit fashion, only implicitly giving analytical weight to the importance of socio-historical contexts or the role of political rationalities in decision making and without tracing normative assumptions to their functionalist roots. We therefore propose the use of more explicit analytical categories and the emphasis on non-functionalism by introducing multiple political rationalities as an analytical framework of governance.

Rationalities describe the inherent logic of actions and decision making and connect drivers for action to actors. Therefore, rationalities provide the logic of action embedded in local contexts and more comprehensive discourses that explain and guide decision making (Glynos and Howarth 2007). Political rationalities, according to Rose and Miller (2010, p. 273), are ‘the changing discursive fields within which the exercise of power is conceptualized ... notions of the appropriate forms, objects and limits of politics, and conceptions of the proper distribution of such tasks’. What makes political rationalities specifically suited to analyse democratic processes is that they not only guide the behaviour of individual actors, but also prescribe where decisions take place, who is authorized to decide, and which outcomes of decision making are acceptable or not. The emphasis
GOVERNMENTAL, INSTRUMENTAL, AND DELIBERATIVE RATIONALITIES

We identify three types of political rationality that can be found in governance processes: (1) governmental, (2) instrumental, and (3) deliberative. We base these rationalities on an extensive review of the governance literature (a selection of which is discussed below) and they also align to a substantial degree with the three types of analytical perspectives on governance discussed above.

The first type of rationality – governmental – builds on theoretical assumptions and empirical observations of how governments and bureaucratic institutions behave. An important theoretical influence is Foucault (1994) and his notion of governmentality, or ‘the reason of state’. This rationality is based upon control of a population’s well-being in the interest of the state, while producing self-control by the people in parallel. Through technologies of power, institutional practices, and societal discourses, civilians are taught what social practices are good for them, thus reproducing the reason of state and disciplining themselves at the same time (Dean 1999).

Governmental rationality builds on the phenomenon of bureaucratic self-interests as well, i.e. the observable inclination of any bureaucratic organization to resist change and to protect its (self-perceived) interest, autonomy, and identity against others (Allison and Zelikow 1999). We therefore understand governmental rationality as the play between an effort to maintain control ‘at a distance’ by centralized bureaucracies – through new technologies of power such as output orientation (Rose and Miller 2010) – and the resistance to such efforts on the part of lower-level bureaucracies. When MLG upholds the normative position that dispersion of competencies over multiple levels of authorities is superior to a central, effective actor as government, it implicitly refers to this type of rationality: the effectiveness of central, top-down steering is being diminished by the bureaucratic interests of lower-tiered agencies in a trade-off to counter the anti-democratic effects of a controlling state.

The second type of rationality – instrumental – builds on ideas of effective management and strategic leadership. At the individual level, it invokes ideals such as being proactive, creating win–win solutions, combining the knowledge and resources of different stakeholders, and being goal-oriented, amongst others (Covey 1991). At the organizational level, instrumental rationality is strongly represented in the many variants of New Public Management (NPM), which advocates the use of business methods in public management (Hood 1995). Here, strategic leadership is combined with a strong focus on auditing and outputs to guarantee effective management (e.g. Power 1997). The literature on governance networks is closely connected to that of NPM. Although it does not share the emphasis that NPM places on business methods, its primary focus is also on efficient and effective decision making through structured interactions in the socio-political environment (Kickert 1997). Fundamentally, it builds on the idea that the increasing complexities of society can only be effectively steered by the involvement of a wide range of state and non-state actors.

Third, deliberative rationality stands for the opening up of the political process to communication and a joint search for the ‘common good’, for example through participation and transparency (Elster 1998). Here, principles of democracy and citizenship as well as dialogue and inclusiveness are important norms to strive for in governance processes. This
type of rationality ideally leads to free speech, open discussion, argumentative decision making, and deliberative democracy in the public sphere. It contrasts output orientation with an orientation on processes (Habermas 1996). Deliberation has been proposed to replace the interest-based and power-driven practices of representative democracy as a basis for democracy (Chambers 2003). Experimentalist governance scholars build on the normative promises of such a deliberative rationality as they assume that processes of peer review, direct participation, and the periodical revision of goals are at the core of democratic decision making.

These rationalities not only describe decision-making dynamics, but are also used by policy actors to rationalize their decision-making practices. Accordingly, these different dynamics can come into conflict with one another as they represent different values and can lead to different outcomes. The aim of the remainder of this article is to show how these multiple political rationalities are all, but not necessarily evenly, utilized in the key elements of governance and are not functionally related to only one of them.

THE WATER FRAMEWORK DIRECTIVE AS A PARADIGMATIC CASE

The WFD came into force in December 2000. Its overall purpose is to enhance the quality of European surface and ground water. We chose the WFD as a paradigmatic case study (Flyvbjerg 2006) in order to highlight how the key elements of governance utilize multiple political rationalities in practice. Its potential as a paradigmatic case – in particular in the EU context – is supported by the fact that it was drafted in the same period as the White Paper on Governance (EC 2001) and that it includes many of this White Paper’s recommendations, thereby reflecting its normative discourse. Moreover, the WFD explicitly includes each key governance element in its legal articles and therefore can be a subject of each analytical perspective on governance discussed above.

1. **Multi-level institutions**: The WFD requires member states to: (1) identify river basins and assign these to river basin districts (Article 3.1); (2) ensure appropriate administrative arrangements, including the identification of competent authorities for each river basin district (Article 3.2); and (3) coordinate programmes of measures for all of the river basin districts (Article 3.4). Existing national and international bodies may be identified as competent authorities (Article 3.6).

2. **Involvement of non-state actors**: Public participation in the WFD is twofold: the active involvement of interested parties should be ‘encouraged’ in the production, review, and updating of river basin management plans (RBMPs). More ‘passive’ involvement through informing and consulting with the public is also required, as key documents in the WFD implementation process should be published and made available for comment (Article 14).

3. **New mode of accountability**: Accountability in the WFD is arranged by a combination of environmental objectives and output requirements. Water quality objectives for individual water courses are set by member states in reference to broad goals such a ‘good status’ or ‘good potential’ according to a classification scheme laid out in Annex V of the directive (Article 4). The realization of these objectives and the processes facilitating this realization are closely linked to a broad range of output requirements that follow a strict timeline, including the publication of the characteristics of the river basin district (Article 5, by 2004), a monitoring programme (Article 8, by 2006), a programme of measures (Article 11, by 2009), and RBMPs (Article 13, by 2009).
Examples of the use of MLG to describe WFD processes can be found in Moss (2004), who discusses WFD implementation in the Netherlands and Germany in terms of institutional interplay, and in Lundqvist (2004), who describes the challenge of the WFD as a ‘governance trilemma’ between effectiveness, participation, and legitimacy. In another example, Pahl-Wostl et al. (2007) use the perspective of network governance to advocate processes of social learning in order to promote efficiency in the realization of the WFD objectives. The WFD is also an often-cited example within experimentalist governance studies, where the WFD elements of framework goals, ‘lower-level’ plans, and output requirements are linked to dynamic learning processes based on peer review (e.g. Sabel and Zeitlin 2008; von Homeyer 2010).

In light of the above, the WFD is a good example with which to question the normative assumptions of the analytical perspectives of MLG, network governance, and experimentalist governance. For our case study, we carried out an in-depth analysis of the WFD implementation processes in the Netherlands. The Netherlands provides a suitable context for this case study as it has a long history of non-state actor involvement in water management and of decentralized water boards. Moreover, the WFD implementation in the Netherlands led to intense political debates over conflicts between environmental and agricultural values at the end of 2003, which resulted in a political discourse that promoted a ‘feasible and affordable’ implementation that favoured agricultural interests over environmental ambitions (V&W 2004; Behagel and Turnhout 2011). This discourse foregrounded the political dynamics that take place in governance.

Data collection consisted of semi-structured, recorded, and transcribed interviews (38); a document search; and group meetings where notes were taken. Data collection took place between 2007 and 2011 and was executed in three phases: phase one focused on political dynamics at the national and subnational levels of government; phase two focused on participatory processes; and phase three focused on the role of framework goals and output requirements. In each phase, interviewees were selected based on participation in key events, structural participation in networks, decision-making authority, impact on public discourse, authorship of key documents, and snowball sampling. Additional care was taken to include heterogeneous voices and to select interviewees from different domains of society and representing different views and values.

The document search was guided by the contents of the interviews as well as by the formal role of documents in the WFD implementation process (i.e. draft RBMPs, monitoring programmes, etc.). On the basis of the interviews, group meetings to reflect on the WFD were also organized and/or participated in where notes were taken and preliminary results were discussed by the first author.

Data analysis was carried out in an iterative coding process that spanned three phases. In the first phase, events were identified that showed clear expressions of conflict between values as well as events that clearly lacked these, in order to uncover possible political dynamics. In the second phase, the three political rationalities and the three key elements of governance identified above were used as analytical categories to identify which political rationalities were utilized and how these could be linked to governance elements. In the third phase, the normative assumptions about the functions of governance elements were scrutinized and related back to the political rationalities that they utilized. An overview of the results is described below for each key WFD governance element.
MULTI-LEVEL INSTITUTIONS

The WFD requires each member state to provide a list of authorities competent to deal with the WFD. In the Netherlands, these competent authorities include the Ministry of Infrastructure and the Environment for national waters (managed by its executive arm, Rijkswaterstaat), water boards for regional waters, and provinces for ground water. Although not officially placed within a hierarchical accountability structure, water boards and provinces represent lower-level authorities than the ministry. These authorities have a seat on coordination bodies at river-basin level (Regionaal Bestuurlijk Overleg) and are supported by these authorities’ civil servants in parallel, bureaucratic coordination bodies (Regionaal Ambtelijk Overleg). In addition, a national WFD coordination body (Coördinatiebureau Stroomgebieden Nederland) handles reporting to the EC and drafting RBMPs.

In WFD implementation in the Netherlands, most programmes of measures are drafted by water boards as they manage the largest proportion of WFD water bodies. Moreover, they are also allowed to set water quality objectives for most water. Consequently, these water boards have had a large impact on the WFD implementation process as a whole.

Through governmental rationality, the water boards were actively steered by the coordination bodies at river-basin and national levels. Regional water directors and civil servants came together in the coordination bodies at these levels to attune their efforts with one another. The main role of the Dutch coordination bodies was to create a homogenous approach to the WFD. That is to say, different water boards were not supposed to set divergent water quality objectives for the same water type, and there was to be a uniform level of (low) ambition towards reaching these objectives. More generally, a discourse advocating the selection of measures that were ‘feasible and affordable’ emanated from the national level and was reflected by most water boards in both their communication and their reluctance to address agricultural pollution caused by fertilizers. This disciplinary force from above was also resisted by bureaucratic tendencies from below. For instance, a few water boards situated in the west of the Netherlands set high standards for water quality against the national trend.

Another noteworthy example is a meeting of water board directors at the office of the Association of Regional Water Authorities at which they decided not to report to the national coordination body all their planned measures to improve water quality. The rationale for this was that water boards did not want to be held accountable if budget cuts or changing political circumstances prevented them from executing these measures. In addition, some measures entailed the purchase of land, and water managers feared that publicizing these plans would drive up land prices.

The multi-level structure of the WFD also utilized instrumental rationalities. A good example is the leadership role of the national coordinator, who used his personal network to proactively call on all the regional WFD coordinators to fulfil their output requirements ‘regardless of the contents’. Different stakeholders were also to come together to implement measures for specific water bodies. In one example, water boards and nature organizations worked together by combing different types of funding, including EU subsidies, in order to take multiple measures to improve the water quality of a lake.

Another success story is the installation of fish ladders to facilitate upstream fish migration. Before the WFD was introduced, this was problematic as investment in fish ladders only pays off when these are installed over the whole length of a river. Because of regional coordination at river-basin level, however, many fish ladders are now in
place. More generally, a shared focus on outputs has led to more interaction across levels of governance. Having water boards draft programmes of measures has arguably also resulted in lower costs than originally estimated (PBL 2008).

The high level of coordination needed to satisfy the WFD reporting requirements has also led to more deliberation. The joint task of 26 water boards to implement the WFD promoted discussion and cooperation among water boards, and this is one of the most positive outcomes of the WFD in the view of many water managers. Deliberation was also stimulated by the WFD’s step-by-step process. Formally, programmes of measures were only selected by 2009, whereas implementation started around 2005. Through a process called ‘convergent planning’, policy choices were only made concrete as time went on, leaving flexibility and room for deliberation during the implementation process. More informally, meetings were held in which actors from the national coordination body, the water boards, experts, and academics discussed visions and experiences with the implementation process, in which the first author also participated. These were open forums in which each participant could make his/her voice heard, and even led to the publication of a collection of essays on the WFD (Van der Arend et al. 2010).

INVOLVEMENT OF NON-STATE ACTORS

In the Netherlands, the WFD’s consultation and information requirements were considered sufficiently covered by existing law, although the active involvement of ‘interested parties’ was to some extent new. This call for the encouragement of active involvement was seen as a requirement to organize public participation at multiple levels. At the national level, under the auspices of the Ministry of Infrastructure and the Environment, a deliberative body including national societal groups was reformed to better suit the WFD demands. At river-basin level, sounding boards were established. Finally, water boards organized more than one hundred public participation events. At this lower level in particular, the organization of participation was diverse, ranging from information meetings to highly interactive processes.

On all levels, however, the same types of actors were invited: representatives from agriculture, industry, the market, drinking water, and environment. All were full-time, paid professionals whose job was to lobby for their sector or interests and to influence government policy. Private citizens did not play a meaningful role at any level.

Participation can take place within a governmental rationality. Cooke and Kothari’s book, Participation: The New Tyranny (Cooke and Kothari 2001), describes three forms of tyranny: when facilitators of participatory processes override existing legitimate decision-making procedures; when group dynamics reinforce power structures; and when participatory methods exclude other forms of involvement that provide benefits which participation cannot provide. These criticisms show that participatory processes can reinforce top-down steering, as revealed in our case study. For example, the environmental group Natuurmonumenten complained that the facilitators of participatory processes often did not allow discussion about the desirability of specific measures – for example the creation of ‘helophyte filters’ to filter nutrients out of water through the use of specific plants (helophytes) – and stopped these discussions short by saying that these measures were not ‘feasible’. In addition, civil servants and government officials were present in great numbers during these processes, and similar interest groups were grouped together (i.e. environmental organizations in one group and agricultural organizations in another), thereby reinforcing power structures.
Furthermore, sitting ‘at the table’ with decision makers meant that environmental groups were reluctant to engage in legal action (against these same decision makers), as they feared this would cost them their place at the table. Nonetheless, non-state actors also resisted this top-down organization of their involvement. Environmental groups dropped out of regional participatory processes in large numbers and instead focused their resources on other ways to satisfy their constituencies. For example, the environmental groups *Natuur & Milieu* and *Reinwater* started a complaint procedure with the EC on the Article 5 report, arguing that the analysis of economic water use in the Netherlands was poor. In another example, the outcomes of participatory processes were overturned in political forums by the same party that had been part of those participatory processes, as the agricultural organization *Land- en Tuinbouw Organisatie* (LTO) did on a number of occasions.

Instrumental rationality was also in place in the involvement of non-state actors. There was a call to non-state actors to act ‘professionally’. According to the national WFD coordinator, this meant a focus on possible strengths and weaknesses in implementation. For example, recreational fishing groups indicated existing fishing spots so that policymakers could take these into consideration in planning measures, thereby saving time and money. The organization of participation also led environmental groups to move from an antagonistic to a more cooperative, participatory role. They established a search for best practice, and the environmental NGO *Reinwater* invented a WFD game designed to more actively involve stakeholders and to engage with policymakers in the implementation process.

Moreover, there was a strong focus on outputs by non-state actors, specifically on the water quality objectives. On the one hand, environmental groups were very much focused on goal attainment by 2015 and used an ex-ante evaluation (PBL 2008) – which predicted low goal achievement – to call for higher ambition and more government funding. On the other hand, business groups such as the employers’ organization *VNO-NCW* focused on the legal anchorage of these water quality objectives and successfully lobbied for them not to be legally enacted (as was the case for other environmental objectives, such as air quality), but rather be subject to executive decision, with the consequence that they could not be easily pursued in court by environmental groups.

In some instances, deliberative rationality was also utilized in the involvement of non-state actors. This mostly occurred during the participatory processes organized by the water boards. Participants reported that, in some water boards, these processes – especially those organized by a professional facilitator – led to a joint search for measures to improve water quality that was both open to, and inclusive of, a broad variety of stakeholders. However, this did not apply to the majority of the participatory processes, where the governmental rationality described above dominated.

At national level, non-state actors also entered into debates with decision makers and with one another about the ambitions of the WFD and what its goals should be. However, these debates were characterized more by a focus on finding best practices and less by processes of peer review or learning. One possible exception was a coalition of environmental groups, drinking water companies, and recreational groups, called *Benefits of Clean Water*. They sought to promote the ‘common good’ of clean water, but still did so through a mostly instrumental rationality by referring to win–win possibilities.
NEW MODE OF ACCOUNTABILITY

The WFD creates a new mode of accountability by introducing water quality objectives and setting reporting requirements for different milestones in the implementation process. Important steps in the setting of water quality objectives were the identification of WFD water bodies, establishing a list of water types, and setting quality objectives for each individual water body. Important reporting requirements entailed the characterization of the water basin district, including a review of the environmental impact of human activity and the economic analysis of water use (2005); the establishment of a monitoring programme (2007); and the publication of RBMPs according to a detailed list of elements and a programme of measures (2009). All these reports were sent to the European Commission (EC) Directorate General of Environment (DGXI) and published on an official EU website. These reports were then analysed by the DGXI and compared across countries. Thus, member states can see how they perform in relation to other member states.

In our case study, the water quality objectives and reporting requirements reflected a governmental rationality: they operated as technologies of power and had disciplinary effects. According to Power (1997, p. 42), auditing mechanisms show a commitment to push control further into organizational structures in an attempt to ‘re-order the collective and individual selves that make up organizational life’. A good example of such a re-ordering of organizational life is the reporting requirement on the characteristics of the river basin district by 2005, which spurred Dutch policymakers to create water types and develop water quality objectives according to the categories laid out in Annex V of the WFD (EC 2000). These water types and objectives replaced existing ways of monitoring water quality.

Moreover, they now no longer only served for the internal reference of water managers, but were used to hold water managers accountable for reaching these objectives. As a result, water managers focused more on water designated as WFD water bodies than on those that were not, by directing more funds and energy to WFD water bodies than to other water. Similarly, much emphasis has been placed on the drafting and reporting of RBMPs. The categories that should be listed in RBMPs, which include the measures taken to achieve different WFD goals, how public participation was organized, the composition of monitoring networks, and the current quality status of water bodies, have led to a substantial re-ordering of how water is managed. In particular, the need to come up with comparable outputs in terms of water quality objectives and programmes of measures has led to pressures on water boards to follow the strategic line of ‘feasible and affordable’ decided by the ministry.

In addition to having disciplinary effects, monitoring and reporting also brought about bureaucratic tendencies. Although the Netherlands has a tradition of monitoring water quality that pre-dates the WFD, the monitoring network for official WFD reporting has a relatively low number of monitoring points, including when compared to other member states. This has been planned by the authorities so that they are not held accountable. Although monitoring of water quality in the Netherlands takes place on an extensive scale to inform authorities about the status of their waters, they report only a fragment of this to the EC. Water managers also engaged in strategies to lower water quality objectives in order to circumvent accountability. For example, they generally designated larger water bodies rather than smaller ones, so that small bodies of high-quality water would not become representative of larger ones of lower quality.
The requirements for monitoring and reporting were also carried out within an instrumental rationality. Performance-based policymaking, as popularized in the NPM paradigm, stresses the creation of manageable units, private-sector styles of management, discipline and frugality in resource use, and greater emphasis on output controls, amongst others (Hood 1995). The WFD has changed water policy in the Netherlands from one based on intentions and horizons – where broadly framed visions for the future were set out in policy notes, but without a clear strategy to achieve those visions – to one based on clear targets within set timeframes with programmes of measures to achieve these targets.

Moreover, by managing the water system as water bodies within a river basin, a more private-sector style of management has gained ground over management based on administrative boundaries. For example, increased interaction between water ecologists within the Meuse river basin led to the development of templates to establish water quality objectives for water bodies in the basin. In addition, economic considerations have become more explicit in the selection of measures. Before the WFD, measures to improve water quality had primarily to fit within a budget; today, they also have to be cost-effective in relation to the achievement of good water status.

By introducing transparency, the WFD’s new mode of accountability was expected to bring about deliberative rationality through peer review and scrutiny by the public. Most of the debates that resulted from this mode of accountability, however, took place in parliament: what type of water quality was acceptable, and accordingly what objectives should be established for these waters. As one Member of Parliament from the Populist Freedom Party (PVV) put it: ‘as long as my children can swim in it and don’t get sick I consider it clean’. Peer review also took place, but mostly in the expert domain and at EU level. As water quality standards needed to be ‘intercalibrated’ across the EU – so that they would yield similar results – deliberation on how to measure quality took place in expert forums of ecologists. At national level, the WFD requirements have led to various reports on the economic and social impacts of the WFD (e.g. PBL 2008) and the economic value of water (e.g. Bade and van der Schroeff 2006). These reports, in turn, were meant to facilitate debate and present different visions of ‘the common good’. However, this debate remained the domain of experts and environmental NGOs, and was not convincingly taken on board by governmental agencies, let alone the public.

DEMOCRATIC, EFFECTIVE, AND DELIBERATIVE WATER GOVERNANCE?

In the case study, the governance element of multi-level institutions did not show an unequivocal ‘effectiveness from above and democracy from below’ as MLG describes. Although an over-emphasis on effective steering from above was resisted by the lower-level water boards, for instance when they did not report all the measures they had planned, that resistance was not the result of democratic processes but of bureaucratic self-interest. In general, the WFD’s multi-level structure was conducive to a focus more on effectiveness than on democracy, including in the interaction of the lower-level water boards. Insofar as a democratic quality could be ascribed to the element of multi-level institutions, it resulted from a deliberative rationality found in the open nature of the implementation process, rather than from a ‘bottom-up’ process.

The inclusion of non-state actors showed mixed results. On the one hand, there were examples of different types of state and non-state actors coming together to improve water quality. On the other hand, there were stronger examples showing that this mix of actors led to a lowering of ambitions to do so. Most of the time, the strategy of ‘feasible
and affordable’ exerted a top-down, disciplinary force on participatory processes that led participants to drop out or pursue other political and/or legal strategies. Finally, the impact of deliberation – if it occurred – was weak. Consequently, the image that governance network scholars paint of a hybrid organizational form that shapes and delivers policy was not discerned in our case study. Democratic anchorage therefore was not unequivocal either. Links to representative democracy were skewed towards economic and agricultural interest groups, the membership basis of participating groups suffered from parties dropping out of participatory processes, and democratic rules of conduct were conflictive, depending on the venue (i.e. outcomes of participatory processes were overturned in political forums).

The mode of accountability introduced by the WFD failed to lead to processes of peer review amongst water boards and resulted in only limited interaction between different types of actors. The broad deliberative logic that experimentalist governance predicts will result from the combination of a new mode of accountability, multi-level institutions, and the inclusion of non-state actors was not found either. Instead, the accountability mechanisms of quality objectives and reporting requirements led to disciplinary effects and invited bureaucratic resistance. It also led to a more managerial style of policymaking based on the delineation of water bodies as manageable units and a focus on outputs. The deliberation that took place in peer-review processes remained mostly limited to the domain of experts and did not reach local levels of government.

The above analysis can serve as a paradigm for the role of political rationalities in contemporary modes of governance. Although the descriptive or epistemological foundations of MLG, network governance, and experimentalist governance align to a substantial extent with the three political rationalities that we identified, their normative assumptions do not hold true for our case study – which serves as an important example of each of these analytical frameworks – and therefore are not likely to hold true for other cases either. Specifically, the analysis shows how each governance element can perform multiple political rationalities, instead of single functions, although one or two of these dominated in our specific case. Therefore, political rationalities have a decisive role in how democratic governance does or does not take shape.

CONCLUSIONS

The normative assumptions of MLG, network governance, and experimentalist governance about how democratic governance functions, and by which elements, show a partial understanding of the practice of governance but fail to recognize how key elements of governance can also be dysfunctional in regard to the functions they are designed to perform. As these frameworks do not take into account that specific contexts beyond the scope of their analytical categories promote a specific type of political rationality, their trust in the democratic potential of lower-level institutions, democratic anchorage of networks, or the deliberative logic of a governance architecture appears unwarranted. To conceive of the challenges of democratic governance as trade-offs between system effectiveness and participation, as issues of democratic anchorage, or as resulting from the integration of different governance elements in an architecture is therefore problematic. Moreover, when functionalist – and hence depoliticized – types of governance analyses find their way to policy actors who devise policies, be it through white papers, policy advice, or ‘folk theory’, they can contribute to anti-democratic practices of governance by promoting technocratic, bureaucratic, and/or elitist modes of governance.
Some scholars propose a way out of this failure to address politics in governance analyses by taking the categories of politics, polity, and policy from political science and linking these to the governance elements of actors, institutions, and regulations/policy tools, respectively (see e.g. Treib et al. 2007; Tollefson et al. 2012). Even though these governance elements on their own are good analytical tools to describe empirical shifts in policy making (for instance the shift ‘from government to governance’; e.g. Lange et al. 2013), any attempt to link these governance elements to political science categories continues to fall in to the functionalist trap. To limit the study of politics to the governance element of actors alone disregards the abundance and variety of contexts that extend beyond fixed institutional and regulatory structures as well as the dysfunctional effects that any measure to improve democratic quality – such as participation – may have. In other words, when political analyses of governance are reduced to representing the ‘drive shaft’ of functional pressures or when the category of politics is reduced to who the actors of governance are rather than what practices they engage in, democratic values such as openness, heterogeneity, and multiplicity (Behagel 2012) lose much of their value.

In light of the above, we call for the use of an analytical framework of multiple political rationalities to promote (1) a better understanding of democratic governance practices, and (2) the realization of democratic governance itself. In doing so, we follow scholars who challenge modernist understandings of public administration based on singular rationalities and who offer contextualized or local rationalities as a better alternative to understand democratic practices in governance (e.g. Bevir 2010). By breaking with the idea that policy actors automatically adapt to institutional constraints, to new types of relationships in governance networks, or to regulatory frameworks, we want to open up the analysis of why actors choose the role that they play in public decision making, where they choose to exert influence, and by what mechanisms accountability is achieved and/or avoided.

Finally, the broader application of a framework of multiple political rationalities to the study of governance would allow a rethinking of the challenges that democratic governance faces. Challenges such as technocratic decision making, elite capture, or a lack of accountability cannot be adequately addressed by simply introducing more bottom-up decision making, by anchoring governance in representative norms, or by creating new modes of accountability. What also needs to be addressed is the important role played by political practices of both state and non-state actors in the realization of democratic values in governance. Recognizing that these practices are shaped according to rationalities that are often more powerful than the institutions, networks, or governance architectures designed to govern them constitutes a vital step in any attempt to improve their democratic standing.

NOTE
1 In accordance with the legal text of the WFD and the context of this article, a ‘water body’ refers to ‘a significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water’ (EC 2000, article 2).

ACKNOWLEDGEMENTS
The research for this article was generously supported by a grant from the Netherlands Organization for Scientific Research (NWO) (grant number 311-09-121). We also thank Catherine O’Dea for language editing the manuscript. Finally, we wish to thank three anonymous reviewers for their helpful comments in improving the clarity of our arguments.
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