

2 The Rise of Transnational Hybrid Authority A Primer

For the 30,000 or so experts who participate every year in the technical committees of the International Organization for Standardization (ISO), standards may look like well-tuned instruments for defining requirements, specifications, guidelines, or characteristics used in the production, exchange, and consumption of goods and services, and more generally in the functioning of organisations. Yet, for scholars studying recent transformations in the global economy and non-conventional forms of power and regulation in contemporary capitalism, standards often look like UFOs, even as their significance is increasingly recognised. Scholars from many quarters of social sciences have increasingly used the word ‘hybrid’ to unpack such a complex blend. For instance, in a comprehensive account of the regulatory strategies and institutional arrangements adopted by the European Union in promotion of the Single Market, Egan associates the role of standards to a ‘distinctive model of regulation that is a hybrid of state and non-state actors’ (Egan, 2001: 264). A decade later, Bartley recognised that a great deal of work remained to be done to fully understand concepts such as the ‘complementarity, rivalry, and hybridity in the interplay of multiple standards’ (Bartley, 2011: 519). Why does the term ‘hybrid’ continue to crop up in reference to the growing power of standards in the disparate phenomena closely or loosely related to globalisation and global governance? What are the common attributes of all these phenomena? Could ‘hybrid’ be something more than a general attribute? If so, what are the substantive attributes of what I will shortly refer to as transnational hybrid authority? Finally, how does all this work in practice – that is: who standardises what and where?

Through those *why*, *what*, and *how* questions, this chapter discusses the non-conventional forms of power and regulation enacted by standards in international relations and the global political economy. The chapter makes three broad arguments. First, in answer to *why* the term ‘hybrid’ is so frequently used to describe the power of standards and their relations to new forms of global governance, I suggest that references to hybridity in contemporary debates on globalisation, regulation, and

governance are often made to justify the highly volatile, and sometimes contradictory, policies that are required to accommodate multiple political, ideological, and technical exigencies. Just as the concept of governance allows for the exercise of authority without the full attributes of sovereign power, the notion of hybridity gives credit to the ambiguous sources of legitimacy that global governance draws on in order to wield authority beyond sovereign control. A brief overview of recent scholarship and a more detailed genealogy of the concept of governance will show how the notion of hybridity has been predominantly used as an unspecified general attribute – a ‘default attribute’ – that leaves such non-conventional forms of power virtually undefined.

The second argument put forward in this chapter answers the *what* question – what are the substantive attributes of the power of standards? It makes the case for understanding the concept of hybridity as a ‘substantive attribute’ of ambiguity; in other words, as an ontological property shared by a majority of the non-conventional forms of power that have arisen in conjunction with contemporary global capitalism. Just as a piece of collage artwork acquires a unique aesthetic status from a paste-up of assorted materials – think of fragments assembled by Picasso, Duchamp, Schwitters, and their like – so do hybrid phenomena acquire an identity of their own. To pursue the analogy further, our *pièces rapportées* are supplied by different areas of enquiry, particularly in semiotics, the sociology of science, technology, and society, as well as in post-colonial studies. The non-conventional form of power and regulation exercised by standards is conceived as a *transnational hybrid authority* and defined as a form of authority based on the ambiguous juxtaposition of instances of power transforming the relation between transnational capitalism and territorial sovereignty.

Moving on to the *how* question, I look to how a host of new actors rely on this notion of ambiguity to exert non-conventional forms of power in standardising multifarious old and new issues across different sovereign spaces. In political science, international relations (IR), and international political economy (IPE), this ambiguity is identified with the blurring of the private/public divide, and the literature on private regulation offers extended accounts on how this blurring is strategically employed by non-state actors to gain power and recognition in global governance. What is missing, however, is the recognition that ambiguity imbues not only the status of the actors involved in standardisation and regulation but also the scope of the issues on which they operate and the spaces on which they exert their authority. All three categories, i.e. subjects, objects, and spaces of authority, will be charted in a three-dimensional framework to analyse transnational hybrid authorities – or ‘hybrids’ for short. Such a

framework will drive my study of the ambiguous and multi-layered instances of power conveyed by international standards. It could also hold for understanding broader issues shaping and transforming the relationship between transnational capitalism and territorial sovereignty.

Why Hybrids Now?

Why are standards so often defined as an archetypical example of hybrid regulation? Does this refer only to the technical complexity involved in the all-pervasive use of such market and regulatory instruments whilst seeking global solutions to global problems? Is it a rough-and-ready recognition of private actors as invaluable stakeholders above and beyond states in standard-setting procedures? According to current usage, it could be both, either, or neither of the above. In fact, the concept of hybridity is rarely applied with any precision. In practice, it is generally employed to serve as a handy *default attribute* of the power of standards in global governance, part of a lexical register chosen to accommodate the multiple and contradictory understandings of their authority at the global level. After briefly reviewing how the notion of hybridity is used as a sort of “second-best” – or default – criterion, the following account suggests that the notion of hybridity, when used in the ordinary meaning of the word, is likely to reinforce – not qualify or clarify – the ambiguity of power relations more broadly involved in global governance. The argument is further supported by a detailed genealogy of the concept of governance which shows that it primarily enables authority to be exerted without full control of sovereign rights. While this sheds light on the common use of hybridity to deal with the ambiguous power of standards, it does not dissect the defining properties of such power. This will be done in the subsequent section focused on what hybrids eventually are or can be.

Many studies attempt to respond to the definitional challenge raised by the pervasive influence of standards and other kinds of market instruments in the functioning of the global economy by invoking the term ‘hybrid’. Of note in this regard are debates in legal studies on complementarity and rivalry in the intersection of public and private standards, hard and soft law, and the layering of rules in ‘old’ and ‘new’ forms of governance, especially in the context of the European Union and the WTO (Mahler, 2007; Trubek and Trubek, 2007; Bartley, 2011; Zumbansen, 2011; Jurcys et al., 2013; Frydman, 2014; Pauwelyn, 2014). The notion of hybridity is brought in to characterise a distinct feature of regulation closer to a society-centred approach reaching out to a global level of analysis. According to Kjaer, the hybrid dimension of such a regulatory environment has even become ‘common place insofar as the combined forces of

globalisation and privatisation and an increased reliance on self-regulation have resulted in the emergence of regulatory arrangements which combine elements of several legal orders' (Kjaer, 2013: 3).¹ With the growth of third-party independent or semi-independent actors, standard-setting bodies and accreditation agencies, deregulation has indeed given way to the emergence, extension, and consolidation of new and more complex forms of regulation. This is all the more visible in the aftermath of the global financial crisis. Levi-Faur emphasises that this new golden age of regulation prompts a 'hybrid architecture of regulatory capitalism' (Levi-Faur, 2011a: 5). In today's world, a more comprehensive understanding of regulation should take stock of 'different systems of control, where statist regulation co-evolves with civil regulation, national regulation expands with international and global regulation, private regulation co-evolves and expands with public regulation, business regulation co-evolves with social regulation, voluntary regulations expand with coercive ones, and the market itself is used or mobilised as a regulatory mechanism' (Levi-Faur, 2011b: 668). In this analysis, hybridity describes the juxtaposition of state, market, and civil society actors in nearly all of the twenty-seven possible forms of regulatory design that combine regulators, regulatees, and third parties (Levi-Faur, 2011a: table 1, p.9). While this helps shed light on recent changes in the politics of regulation, the hybrid attribute is mostly used to denote the complexity that derives from the involvement of new actors in the regulatory design of capitalism, whether market-based or not-for-profit civil society organisations.

With the concept of 'innovation hybrids', Weiss brings the semantic field of hybridity one step closer to a major feature of contemporary global political economy. She draws upon Koppell's (2003) organisational typology of quasi-governments as complex partnership arrangements between public and private actors set in the distinct context of market organisation and innovation in the United States. Far from being confined to an organisational feature of an assumed neoliberal policy privileging privatisation and outsourcing, the concept of innovation hybrids carries, for Weiss, a much wider implication: they 'blunt the [national security] state's impact and blur its visible presence in economic governance, avoid political blockage, and promote the business of innovation' (Weiss, 2014: 147). The pervasiveness and significance of innovation hybrids is evidence of the extent to which technological pre-eminence has furthered the American model of capitalism and sustained American military dominance through the

¹ For the research agenda in global administrative law, see, among others, Cassese (2005) and Kingsbury et al. (2005).

dramatic changes in the security environment from the Cold War years to the post-9/11 era. This broader understanding of the hybrid attribute of contemporary global political economy arrangements echoes the argument put forward in Hurt and Lipschutz (2016). As stated in the introduction, here the hybrid rule constitutes a new phase of state formation. In contrast to analyses that emphasise how neoliberalism led to a retreat of the state in favour of privatisation, the authors maintain that state power is enhanced by privatisation and the ensuing depolitisation of the public sphere. As such, political developments often lack accountability; they can just as well help reinforce a closure of the public domain and accommodate a more authoritarian capitalist regime. New research on transitions has also acknowledged the importance of ‘regime-hybridity’ in developing countries to understand the role that democratic and undemocratic components of political regimes play in the trade-offs between formal and substantial democracy in economic transformation (Zinecker, 2009).

A prominent feature of contemporary global politics is indeed the ability of a wide range of agents to cooperate across borders to establish rules recognised as legitimate by states and non-state actors that have not formally delegated their sovereign rights for such mandates.² The scale at which globalisation is transforming the spatial organisation of social relations and production processes has magnified not only the way in which communities and issues are linked across nations, regions, and continents but also the power relations behind them. It is in this respect that international standards and global governance can be viewed as parts of a policy project supporting the involvement of new actors in the policy process, assuming that they would better tackle complex issues across borders. If left to either market self-regulation or plain state regulation, the argument goes, these transformations would be difficult to manage, lack efficiency, and, in the end, legitimacy. To be sure, cross-border modes of cooperation between public and private actors have not replaced the authority of the nation-state, and there is no reason to believe that they will in the near future. Yet, nation-states, as Held et al. (1999: 49) pointed out long ago, ‘have gradually become enmeshed in and functionally part of a larger pattern of global transformations and

² It should be noted that private and informal ententes were also players in the game of organising capitalism at a time when the Westphalian interstate system supposedly conferred exclusive sovereign and territorial authority on states (Osiander, 2001; Teschke, 2002). Even at such a landmark moment in Westphalian history as the end of World War I, when the logic of colonies and empires started to give way to the universal interstate system and the principle of national self-determination, the diplomacy of war debts and reparation payments were mostly left in private hands (Hogan, 1977).

global flows'. If international policy coordination was hitherto chiefly played out within the confines of interstate multilateralism, and the power struggles therein, the project of global governance has taken a more depoliticised and functionalist turn. Where does this come from and how does it bring us back to the ubiquity of hybrids to which international standards belong?

At its core, the notion of governance refers to the act of exerting power without the appearance of doing so. As Guzzini points out, 'the two concepts of power and governance, although related, should not be conflated' (Guzzini, 2012: 3). Accordingly, the rise of global governance does not just reflect a diffusion of power; it also allows for informal rule that re-articulates the global political order and 'may well increase control' (Guzzini, 2012: 27). The notion of global governance thus echoes what we have seen so far with hybrids. Power mechanisms of any and all political, ideological, and technical persuasions are likely to take advantage of a fuzzy understanding of actors, forms, and sites associated with the exercise of authority. This suggests that the usage of the notion of governance enables the exercise of authority over a defined domain and population without the plain attributes of power imparted by sovereign rights. The following account looks at the genealogy of global governance from such a perspective focused on the ambiguous power relations highlighted by the notion of hybrid.³

First employed in the thirteenth century to denote the action or manner of governing, the term 'governance' initially referred simply to government. Yet, its reference object progressively moved away from the heart of power in the context of the development of the modern state, the centralisation of political authority, and the transformation of the principle of sovereignty that went together with the rise of modernity. The term eventually decoupled entirely from the actual centre of sovereign power. As Hewitt de Alcántara (1998: 109 – my translation) points out, 'while the concept applies to many situations where there is no political system as such, it still implies the existence of a political process'. Its usage has even come to presume governing practices that thoroughly exclude the type of political sovereignty found in modern democracies. As we will see later, this can be particularly advantageous in situations when sovereign states are confronted with groups that subscribe to different political orientations and push for different political

³ A vast number of studies exist on the theories and conceptualisations of global governance; beyond those already quoted, see, in particular: (Hewson and Sinclair, 1999; Murphy, 2000; Paye, 2005; Payne and Phillips, 2014).

projects. In these cases, governance serves as a handy approach to reform in lieu of formal and more radical institutional change.

This understanding of governance has proved strikingly fruitful. The term came in political vogue at the turn of the twentieth century, in response to the first convulsions of independence within the British Empire. Not surprisingly, governance was used as a woolly definition of sovereign self-determination to justify reforms in the colonial status of key Crown territories, particularly India in the wake of the crisis related to the partition of Bengal (Silburn, 1910; Stuart-Linton, 1912; Low, 1913). A few decades later, pioneer studies in management and organisational studies reclaimed the notion in reference to an even more specific feature of economic power. Here, governance was seen as a tool to solve issues arising from the separation between capital management and capital ownership in the context of big firms. The relationship between the two dimensions of capital control, which had already been legally codified in the financial schemes of long distance trade established in the early days of mercantile capitalism, was further refined by the introduction of the concept of governance in the economics literature of the 1930s. Unlike state law, corporate governance focused on new models of corporate decision-making and behaviour in response to the rising power of waged managers in large American firms since the end of the nineteenth century. This analysis of the advent of the new managerial figure and the governance functions of corporate managers was introduced by Berle and Means (1932).

The notion of governance gathered steam in the context of the managerial revolution of Fordism and Keynesianism. It marked the successful rise to power of managers, who had started to share with the state and trade unions the responsibility for mass production, mass consumption, and the redistribution of high productivity gains. After several decades of undisputed consensus, the function of managers was again questioned at the beginning of the 1970s, first in the United States and then in Europe and the rest of the world. With falling productivity and increasing wage claims, trade-offs between owners and managers took a new turn – this time in favour of the former. New modelling techniques were produced, which reoriented the management utility function towards the valuation of shares on the stock market (Pérez, 2003: 35). Governance became a paragon of shareholders' value-based management and, at the same time, a watchword of the 1970s attempts to liberalise various aspects of the political order away from governmental or intergovernmental decision-making processes. With the demise of Fordism, owners of capital and top managers claimed the need to replace sovereign governments with corporate governance in arbitrating the distribution of productivity gains between capital and labour.

This shift went one step forward in the late 1980s. Governance, hitherto confined to the world of corporate management, was now to reach the four corners of the world. International financial institutions, such as the World Bank Group and the International Monetary Fund, greatly contributed to the popularisation of the concept of governance in reaction to mounting critiques over the repeated failures of development aid and structural adjustment programmes. With an emphasis on *good* governance, they recognised the need to complement purely market-oriented development models with measures to improve the quality of institutions in charge of reforms. Good governance enabled international institutions to abdicate responsibility for any development failure by adding domestic requirements as conditions for funding development programmes out of the debt crisis.⁴ It followed, so the argument went, that the governments of incompetent and corrupt developing countries had to relinquish control to the external constraints of the world economy. To pick up on Gutner's taxicab analogy, international institutions used the language of good governance to issue explicit policy instructions while still leaving developing countries in the driving seat; *de jure* authority remained with the state, but *de facto* control shifted elsewhere (Gutner, 2010). Without let or hindrance, development finance made its way deep into the heart of the sovereign political sphere under the smoke and mirrors of good governance and new management principles (Osmont, 1998).

The establishment of the Commission on Global Governance in 1992, on the back of the post-Cold War burst of enthusiasm for greater collective responsibility, lent even more credit to the notion of global governance. However, its definition remained vague, as it describes 'the sum of the many ways individuals and institutions, public and private, manage their common affairs' (Commission on Global Governance, 1995: 2–3). Unsurprisingly, the work of the Commission did not prevent successive studies from casting doubt on the likelihood of governance undermining multilateralism as the prevailing form of collective action within the United Nations system. Perhaps de Senarclens put it best: 'advocates of this prescriptive approach tend to mingle all actors of the international realm in a large and woolly set, without hierarchy regarding their roles and political influence on systems of regulation [which results in the] naïve valorisation of non-state actors, particular multinational corporations, non-governmental organisations and international organisations' (Senarclens, 1999: 201). Behind the veil

⁴ The rise and fall of the orthodox good governance doctrine among multilateral development agencies is well known. The landmark reports of the World Bank are the following: (World Bank, 1989, 1997, 2002).

of complexity and comprehensiveness, global governance is far from ideologically neutral. In fact, there is no scarcity of scholars describing it as an ideological project aimed at enforcing a particular – in most accounts, neoliberal – world order (Payne, 2005).

Governance, in one form or another, features equally heavily in the discourse around institutional innovation at the level of the European Union. Not only is the notion well suited to a supranational institution without full sovereign rights; it can also be used to sidestep the old debate between intergovernmentalists and neofunctionalists. ‘Multi-level governance’ made its debut as a European research programme in the 1990s (Marks et al., 1996; Hix, 1998; Tömmel and Verdun, 2009). The word now stands in the very title of the latest European Treaty that has come into force in the aftermath of the Euro crisis.⁵ But, yet again, the undefined usage of this word leaves considerable leeway to private-public partnerships. It also offers no clear boundaries between, on the one hand, the political and administrative implications of the European tradition of continuous negotiation and, on the other, institutional developments taking place up and down centralised states. It is no coincidence that a great deal of discussion in the literature revolves around the extent to which the language of (multi-level) governance has taken over the language, if not the practice, of democracy, by gradually displacing the notions of expertise, representation, transparency, accountability, and legitimacy (Brassett and Tsingou, 2011; Keohane, 2011; Weiss, 2011). For a long time, it has also given cause for significant asymmetry between the degree of market discipline imposed by the Union on macroeconomic and monetary issues, and the limited room for manoeuvre left to member states for social and regulatory issues (Holman, 2004). More generally, the concept of governance has been at the core of the research programme on limited statehood, seeing the plain attributes of power imparted by sovereign rights as an exception of the Western modern nation-state rather than the rule (Risse et al., 2018).

Thus far, I showed how governance has meant quite different things throughout history, with increasing ambiguity regarding the attributes on which it lays claims to the exercise of authority. While the notion was confined to constituted powers in the *Ancien Régime*, the development of the territorial state and the rise of modern democracies progressively decoupled governance from government. Unlike the latter, governance refers to carrying out governing tasks without sovereign powers, generally

⁵ The Treaty on Stability, Coordination and Governance was signed on 2 March 2012 by the leaders of all the then euro area members and eight other EU member states, and entered into force on 1 January 2013.

in new domains such as corporate management, development finance, and macroeconomic regulation. Governance has thus achieved prominence both as a normative compass for legitimating policies claimed to be closer to the people (i.e. good/democratic governance) and as an analytical tool to explore the emergence of a form of polity that is a step removed from both the state and the people (i.e. multi-level/network/informal/private governance). In both cases it remains ambiguous. So long as the notion of governance rests on a fuzzy definition of regulatory authority, qualifying it also as hybrid will hardly help shed light on the definitional criteria of its working institutions.

Since the turn of the millennium and the heydays of globalisation, defining governance, authority, or power as ‘hybrid’ became almost idiomatic in studies focused on the new patterns and actors of regulation involved in contemporary capitalism. Sassen, for example, stressed that ‘the mix of processes we describe as globalization is indeed producing, deep inside the national state, a very partial but significant form of authority, a hybrid that is neither fully private nor fully public, neither fully national nor fully global’ (Sassen, 2003b: 10). In a report of the French Conseil d’Analyse Économique, an institution under the aegis of the Prime Minister, ‘hybrid governance’ was considered the most appropriate way to frame the reform of the world order (Jacquet et al., 2002: 74–92). Similarly, the eminent development economist Gerald K. Helleiner (2001: 245) predicted that ‘hybrid private–public arrangements’ would probably count among the key purveyors of public goods at the global level. Two decades on, the catchword is still very much in the limelight. The number of actors and issues defined as hybrid has considerably increased. The range of fields concerned has also considerably expanded, with discourses on hybrid regulation featuring in sociology of organisations and production, public administration and administrative law, or security and warfare studies (see among others: Djelic and Quack, 2010; Miller et al., 2010; Acheraïou, 2011; Levi-Faur, 2011a; Belloni, 2012; Jurcys et al., 2013; Weiss, 2014; Hurt and Lipschutz, 2016; Leander, 2016; Lanoszka, 2016; Bair, 2017). According to Djelic and Quack (2010: 383) the emergence of transnational communities can thus be described as a permanent fixture of ‘fluid ... and hybrid formations out of formal organization and/or networks’ supporting a new form of governance in a complex world. For their part, Dezalay and Garth maintain that global governance relies on competing forms of expertise on a transnational space; here, hybridity is seen as instrumental to overcoming the difficulties encountered in the recognition of this cognitive power in developing countries: a ‘process of hybridization permits the progressive putting in place of new social usages built around foreign governance mechanisms’ (Dezalay and Garth, 2011: 282) and

presupposes the alteration of a prior ‘logic that accounted for the coherence and relative efficacy of the governing device in the country of origin’ (Dezalay and Garth, 2011: 277). All in all, hybridity comes through as a significant attribute of actors and practices involved in the increasingly complex process of globalisation. Yet, be it ‘fluid’ – as Djelic and Quack take it – or ‘altered’ – as Dezalay and Garth would put it – hybridity betrays more the lack of clear defining attributes than an effort to assign global governance a distinct feature.

Thus, returning to my question asking why the notion of hybrid is omnipresent in studies on standards and contemporary global governance debates, it appears particularly handy to take stock of the complexity instigated by new patterns of public and private regulation in contemporary capitalism. While mostly focused on the rise of private actors and standards, it entails much ambiguity on the defining criteria of supposedly new arrangements organising the world economy. It largely remains a *default attribute*. This second-best categorisation echoes the fuzziness of the concept of governance itself, and is likely to reinforce it. Far from being a mere non-sense, hybridity helps to accommodate multiple and contradictory understandings of global governance. Even if left without further specification, the integration of multiple and contradictory meanings and practices is thus not at all pointless. As Acheraiou points out, the protean nature of discourses on hybridity reflects a ‘structural flexibility’, which greatly contributes to its resilience; it integrates multiple, contradictory, let alone irreconcilable, lines of reasoning and ‘lends itself to ready appropriation by almost anyone, to serve almost any political or ideological purpose’ (Acheraiou, 2011: 153). Moreover, the vagueness of the notion is likely to support political disengagement and historical shortsightedness, thereby leaving the door open for misappropriation by both dominant and contending forces. Yet, the concept remains dubious if employed without further historical, geographical, and conceptual roots. This brings me to my second set of questions: can the term hybrid be employed as something more than a default attribute? What are its defining properties, and how does it reflect the distinct, non-conventional form of market creation and regulation embodied by the widespread use of standards in the international economy?

What Hybrids Are

Not just a default attribute, the notion of hybrid conveys *substantive attributes* which can help make sense of standards as non-conventional forms of power in contemporary capitalism. From this angle, ambiguity becomes a prevailing feature of the criteria that define the authority of

standards in creating and regulating markets. Yet, far from a vague conglomeration of actors involved in setting complex rules, ambiguity is seen here as an ontological property of the new tools of global governance of which international standards are a case in point.

In order to understand this ontology, I draw on insights from semiotics, sociology of science, technology and society, and post-colonial studies. In the previous section I showed that the default position of studies laying emphasis on the notion of hybrid would just get us to describe the intermingling of public and private standards as a juxtaposition of state, market, and civil society actors. Semiotics helps us to see hybridity as much more than a default attribute, with a rich and long etymology; its ambiguous meaning and ambivalent values reach back to early representations of collective life. Studies in the sociology of science, technology, and society, for their part, open our eyes beyond the private-public nexus of hybrid governance debates. They emphasise the ambiguous relationship between nature and society, leading to the understanding that standards are never mere technical specifications and always convey social values, be they implicit. Finally, post-colonial studies of hybridity lend support to understanding the cultural and spatial underpinning of power relations conveyed by the ability of standards to extend their authority beyond borders.

First of all, in order to fully grasp the defining properties of hybrids, it is worth thinking back to ancestral figures of human imaginary. From such a larger semiotic perspective, hybrids pervade all sorts of myths' narratives across time and space (Uranie, 1996). Contrary to the ideal of unity and simplicity found in classicism, they gain their persuasive power through fabulous and multifaceted dimensions. Hybrid creatures form powerful legendary wholes; even if each of their parts is of real and well-defined origins. In Ancient Greece and Rome, couplings between humans and animals usually gave birth to malign monsters. Philologically, the orthography of the word 'hybrid' was quickly twisted to express more fully the awe conveyed by such creatures. In Latin, *ibrida* was used by the Roman naturalist Pliny to describe the crossbreeding of a sow with a wild boar. Shortly afterwards, it became *hybrida* – replacing the first *i* with *y* was meant to call to mind the Greek word *hybris*, which connotes all sorts of excess and transgression, possibly leading to violence. For instance, the fire-breathing Chimera was an awe-inspiring creature able to melt, devour, and vomit anybody and anything she met; for centuries, she personified evil in early Christian art (Godin, 1996: 46).⁶ The

⁶ Reference to the figure of the chimera is also made by Leander (2014) to analyse the enmeshed and elusive characteristics of the public-private divide at the core of US National Intelligence and security governance.

Minotaur, the monster with a bull's head and a human body, is probably the most famous of those malign creatures; living in the centre of the Cretan Labyrinth, every ninth year he devoured seven youths and seven maiden sent from Athens as tribute. When the coupling is between humans and gods, however, hybrids usually take a much more benign shape. In those cases, 'the contribution of divine blood is like a regeneration of the human race' (Brémond, 1996). Here, the figure of Helen can jog our memory. Daughter of the mortal Leda, wife of King Tyndareus of Sparta, yet fathered by Zeus, she is remembered not only for having been the most beautiful mortal on earth, but also for prompting the Trojan War, the founding moment of Greek civilisation. Hence, from a semiotic perspective, rather than being entertaining and naïve characters, hybrid figures disclose fundamental features of the organisation of collective life. Their power lies on a juxtaposition of life forms and qualities that transcends singular purposes. Ambiguity is in itself central to understanding this form of power. As Godin (1996: 40) emphasises, the basic forces of hybrids at work are their *ontological ambiguity*, wavering between reality and the imaginary, and their *affective ambivalence*, hesitating between repulsion and seduction. In other words, it is by means of such ontological ambiguity and affective ambivalence that 'the hybrid has the power of the Whole that s/he symbolizes' (Godin, 1996: 43). In the present world, this underlines how governance instruments such as international standards draw their power from the ambiguity that characterises them as new tools made up from easily identified parts but assembled in such a way as to form inventive artefacts in charge of shaping significant transformations of contemporary capitalism. Similarly, ambivalent views call up feelings of both attraction and repulsion towards such instruments closely related to opportunities and threats associated with globalisation – largely depending on where one stands on the scale of the multifaceted hierarchy of global capitalism.

Studies in the sociology of science, technology and society situate hybrids in the broader context of modernity and the major debates on its crisis. In his analysis of the rise of the 'risk society', Beck ties the notion of risk to the ways a 'hybrid society watches, describes, values and criticizes its own hybridity' (Beck, 1992, 2000: 221). Our society is thus understood to become intrinsically reflexive. Technical issues, previously confined to private choices or narrow bureaucratic decision-making, are increasingly opened to democratic scrutiny. In underlining the growing significance of public scientific and political controversies, Beck considers that 'the notion of a "hybrid" world is necessary, but insufficient [since it] says what it is not – not nature and not society etc. – but it does not really say what it is' (Beck, 2000: 221). He unmistakably recognises

the significance of Latour's critique of modernity in this discussion. Yet he keeps seeing it as more of a negative than a positive concept and, therefore, failing to provide much guidance to further enquiry.

This is quite misleading. 'Hybrid' is, in fact, the conceptual linchpin of Latour's analysis of the current crisis of modernity and of the theory built to overcome the conundrum that follows from its dichotomic framework of thought (Latour, 1991). With examples drawn from the daily reading of the newspaper, such as the hole in the ozone layer over the Antarctic, HIV contaminations, or competition over computer microchips, hybrids refer to what Latour calls 'quasi-objects' belonging neither to nature nor to society but to both of them. Rather than merely negative, the concept reflects an attempt to reunify the understanding of a world torn apart by the advent of modernity. While this combination of natural properties and cultural traits was considered self-evident to pre-modern societies, Latour suggests that the great illusion of modernity – leading to its current crisis – is the belief in the ability to conceal this co-constitution of nature and culture. In its grand design of purification and separation, the argument goes, modernity made nature and society opposite poles in the organisation of collective life. Not only did this process liberate forces to dominate nature in a limitless perspective but it also initiated the domination by the West of the rest of the world, identified as lacking the modern scientific knowledge required to avoid being blinded by the confusion between sign and thing (Latour, 1991: 135). From this viewpoint, hybrids reflect the erosion of the great divide that modernity failed to establish between society and nature, humans and non-humans, society and science. With many controversies sketching out imbroglios of scientific, political, economic, legal, and other concerns, standards codify not only technical specifications but more broadly the proliferation of 'quasi-objects'. Such hybrids call for a complete shift of perspective, which amounts to the application of a principle of symmetry to the analysis of the co-constitutive properties of nature and society. This approach, commonly known as Actor–Network Theory, analyses those co-constitutive properties as networks. Their productive tension overcomes the opposition between structures and agents through processes that can be traced at various scales and across different spaces.⁷ This is the purpose of Latour's so-called new Constitution, whose first guarantee is to avoid separating nature and society again: 'nature and society are not two distinct poles, but one and

⁷ For an early constructive critique of the relevance of Latour's theory for international relations, see (Elam, 1999); there has been a flurry of scholarship transposing Actor–Network Theory into the field of international relations over the last few years. See, among others (Barry, 2013; Best and Walters, 2013).

the same production of successive states of societies-natures' (Latour, 1991: 191). While Latour thinks of 'Parliaments of Things' as institutional extensions of this line of thought, Callon et al. conceive 'hybrid fora' as the new arenas where expert knowledge mingles with lay knowledge to arrive at technical choices involving the wider public and thus encourage a shift from delegative to dialogical democracy (Callon et al., 2001: 189). Such embeddedness of scientific and technological choices into social, cultural, and political contexts and institutions can also be conceived as a co-production, according to which 'there cannot be a proper history of scientific things independent of power and culture' (Jasanoff, 2004: 21). A number of arenas have put into operation this new form of regulatory politics, such as nuclear waste management, the fight against AIDS epidemics, GMO technologies, and nanotechnologies. For my part, I designed the platform INTERNORM, a pilot project funded by the University of Lausanne (2010–2014) to foster the involvement of civil society associations in ISO technical committees. That interactive knowledge centre based on the sharing of academic skills, ad-hoc expertise, and the experiences accumulated by consumer associations, environmental associations, and trade unions gave a unique opportunity to experience a new way of responding to the democratic deficit rampant in the field of standardisation.⁸

Thus, for scholars of science and technology studies, the hybridity of artefacts such as standards is much more than a default attribute describing heterogeneous developments in contemporary global governance. Rather than a mere juxtaposition of private and public actors, hybridity reflects a fundamental property of our relation to the world, in which the two poles of nature and society are intrinsically co-constituted. Hybridity embraces dual function as a form of authority that is used to govern but also as a potential means to engage and resist such forms of governing – all the more so when hybrid fora increasingly shape the organisation of markets (Callon et al., 2002: footnote 11). Theorists sharing this alternative view consider that nature–society relationships gain, above all, a foothold in local and ad-hoc conditions, be it the laboratory of Louis Pasteur (Latour, 1984), the outpatient department of a large hospital, or so-called publifora, where assemblies of citizens debate new technological challenges (Callon et al., 2001, chap. 5). While this helps to understand global governance as a socially embedded practice in line with the so-called practice turn in IR theory (Best, 2013: 22–25), it leaves us short of a proper understanding of the transnational nature and the

⁸ See: Hauert et al. (2016) and Graz and Hauert (2019).

global reach of many institutional arrangements involved in such practices. Moreover, such an emphasis on network process tracing of quasi-objects leaves little space for the wide range of actors involved in such contexts, their strategies and capacity to act – and still less for any consideration of the deterritorialisation of sovereign space and power as conventionally understood. This prompts us to pay attention to the third strand of scholarship that has given hybrids central stage.

Post-colonial studies view hybridity as a result, not of mingling nature and society, but of the influence of colonialism on the blurred subjectivities and identities of the colonised subjects throughout the period of decolonisation as well as globalisation. The concept was arguably formulated by Bhabha (1994) and subsequently widely discussed by authors in literary criticism such as Lionnet (1995) and Young (1995). To some extent, this debate alone gave a fundamental contribution to the emergence of the very field of post-colonial studies.

Bhabha drew the concept from the Russian linguist Bakhtin in order to overcome Saïd's (1978) analysis of orientalism, which was blamed for its totalising view of power and colonial discursive practices. According to Bakhtin, languages evolve in society like 'unintentional hybrids', with mixed worldviews remaining 'mute and opaque' (Bakhtin, 1981: 360). In contrast, the reconstruction of language by a novelist is often an 'intentional and conscious hybrid' (Bakhtin, 1981: 366), an 'artistically organized system for bringing different languages in contact with one another' (Bakhtin, 1981: 361). In coining the concept of hybridity, Bhabha makes a similar argument about the ability to transform an unintentional condition of dominance into an intentional strategy of emancipation. On that account, 'moments of hybridity' become moments of 'historical agency' (Bhabha, 1994: 208). According to Young, the significance of this argument is stupendous: 'By grafting the Bhaktinian notion of the subversive and dialogical force of hybridity onto the ambivalence in the colonial encounter, ... Bhabha has shifted this subversion of authority through hybridization to the dialogical situation of colonialism' (Young, 1995: 22). In doing so, post-colonial studies do not merely define hybridity as a rejection of binary relations of power. They lay emphasis on alternative concepts, such as difference, multiplicity, plurality, fluidity, and ambivalence, in order to stress how existing situations of colonial domination can and have become instruments of resistance. For instance, Ní Mhurchú draws on hybridity to describe certain experiences of subjectivity 'as a form of ambiguity within, rather than a form of presence across, several nations ... at the intersection of citizenship and migration' (Ní Mhurchú, 2015: 167). A number of studies question, however, such possibility of dismantling power

structures and idealised valorisations of the struggles of subaltern subjects. According to Prabhu, there are serious doubts that hybridity holds for a “radical conception of agency” if left to such flattened and fanciful means of resistance (Prabhu, 2007: 2). Together with Prabhu, Kraidy and Acheraïou have also thoroughly criticised the inability of the post-colonial understanding of hybridity to properly address the question of agency in relation to the material structures of power in globalisation, let alone its tacit complicity with a Eurocentric post-modern ethos (Kraidy, 2005; Acheraïou, 2011).

Despite these criticisms, dismissing the concept of hybridity out of hand for our understanding of the power of standards would be tantamount to throwing the baby out with the bath water. Besides science and technology studies which provide new insights into the significance of ‘quasi-objects’ mediating nature-society relations, the cultural and inter-subjective processes that inscribe the spatial domination of globalisation on a concrete basis are the most obvious lessons to be drawn from post-colonial studies. This is why, for instance, research on the degrading and over-standardised labour of call centres in India and elsewhere, as well as other predicaments associated with the growth of remote services enabled by information and communication technologies, draw so easily on the post-colonial conceptual toolkit (Das and Dharwadkar, 2009). From a wider and deeper socio-historical perspective, Acheraïou makes a similar point on the power dynamics and multifarious nature of hybridity in ancient empires, characterised by a spatial domination which was heavily dependent on administrative and political syncretism. Transposed to our contemporary context, the concept of hybridity can thus help us to describe such ‘syncretic modes of governance’ (Acheraïou, 2011: 19) or what Cox describes as a ‘plural world of coexisting civilisations’ (Cox, 2002: 56). Besides shedding light on how standards can be seen as operational devices used to create and regulate markets with strong cultural underpinnings, post-colonial approaches can also reveal concern towards disaggregated spatial structures. Countless studies have focused on the ‘interrelated, if not overlapping, spaces’ of *métissage* and diaspora (Lionnet, 1995: 7). The lexical reference to hybridity here helps us to take on an equally illusory understanding of formal territorial sovereign space, still closely or loosely shared among IR scholars. To some extent, it echoes van der Pijl’s far-reaching critique of IR theory as unable to account for various ‘modes of foreign relations’, in which human communities combine different ways to occupy space, to secure it, and to organise exchange between each other. While the global governance project lies on a formal equality of sovereign states, it not only brings on-board ‘the exploitation of nature and society on a world scale’

but also continues to coexist with primeval nomad and imperial modes (Pijl, 2014: viii). Ultimately, the importance given to standards for market access across borders entails a hybrid space whose transnational logic overlaps in many ways states' territorial sovereignty. Being hybrid, however, this form of authority not only governs market but can also be seen from its opposite side, as a resistance to market power.

In summary, semiotics, science, technology, and society studies, as well as post-colonial approaches, provide insights into the many ways in which hybridity has intrinsic properties. All of them can help define the issues at stake, the actors involved, and the cultural and spatial environment where new actors claim a say in the global governance to which standardisation bodies belong. Just as the ISO is made up of more than 150 private and public bodies designed as the 'most representative of standardisation in their country', many other standard development organisations exist and are broadly recognised so long as their instruments are adopted by markets. Quality management standards such as Six Sigma, multi-stakeholders' initiatives like the Roundtable on Sustainable Palm Oil, and metrics designed for professional practices by well-organised associations such as the International Standards on Auditing (ISA) produced by the International Auditing and Assurance Standards Board (IAASB) of the International Federation of Accountants are all examples of specifications that confer authority (although with very disparate reference bases) on actors seeking market access across borders. Hybridity describes such an ambiguous juxtaposition of power instances that intermingle with the interstate system. As with hybrids, this phenomenon is essentially Janus-faced. Yet, in addition to the resistance strategy envisioned by post-colonial scholarship or networks of symmetric mediations between nature and society, as conceived by Actor–Network Theory, the phenomenon remains anchored in asymmetries of material power that support the global governance project of unifying markets across sovereign territories. In other words, contemporary hybrids sanction new objects and agents which, though fully real, are aggregated in such a way that their defining criteria entail inherent ambiguity and inherent ambivalence in their powers of attraction and identification. This brings us to our third argument, where we will try to specify the categories that remain ambiguous in the idea of hybridity.

How Hybrids Work

It would be presumptuous to reduce the hybrid power of standards in the global political economy to the ambiguous criteria conferring authority to their cross-border endeavour to create and regulate markets. New forms

of collective action and international authority – as well as the broader and more disparate influence of non-state actors on the world stage – should be seen as a multi-dimensional phenomenon with multiple material and symbolic aspects. Responding to the question of who standardises what and where thus supposes an understanding of how ambiguity confers authority to new actors and new issues across sovereign spaces.

In her pioneer investigations on the *Retreat of the State*, Susan Strange suggested that ‘between the two extremes of non-state authorities welcomed and opposed by states lie certain non-state authorities whose relation to governments is variable or ambiguous’ (Strange, 1996: 94). In her concluding remarks, she notoriously equated the advent of non-state actors in the arena of global politics to Pinocchio’s problem: at a loss when caught without any more strings to guide him. The lack of a clear definition of non-state actors in world politics has led, in her words, to ‘a ramshackle assembly of conflicting sources of authority’, making it particularly hard to decide ‘where do allegiance, loyalty, identity lie’ (Strange, 1996: 199). According to Cutler, it is precisely these conflicting sources of authority that create a new form of private authority in international affairs. Cutler emphasises in particular the political significance of legal doctrines that have twisted the status of the subject of law: ‘the implication of treating corporations and individuals as objects and not subjects are deeply troubling empirically and normatively ... [W]hile transnational corporations and private business associations may be objects of law (*de jure*), they are in fact, operating as subjects (*de facto*)’ (Cutler, 1999, 2003: 149). Analyses in terms of private international authority shed light on the range of actors to have gained authority in an international context that traditionally denied them that privilege. They paved the way for in-depth studies of firms and inter-firm cooperation leading to political roles for actors traditionally associated with the private sphere of economic transactions. They also raised the troubling normative implications of an authority geared towards maximising capital gains and concealing the instruments serving those ends (Gill and Cutler, 2015). Yet, focused on the cooperation of firms across borders, this approach remains primarily concerned with a sub-set of actors. Since then, countless studies have been published on the wide range of political positions vis-à-vis global governance issues taken on by other non-state actors, such as non-governmental organisations, social movements, global civil society platforms, and, not least, transnational criminal organisations. From technical self-regulation to corporate social responsibility, from environment and labour standards to financial and accounting rules, much of the literature is focused on who governs the global economy through private regulatory tools (Hall and Biersteker, 2002b; Schirm, 2004; Grande and Pauly, 2005; Krause Hansen, 2008; Avant et al., 2010; Djelic and Quack,

2010; Green, 2014; Payne and Phillips, 2014; Gill and Cutler, 2015). There can be sharp disagreement as to the meaning attributed to the prominence of non-state actors, variously understood as suppliers of private standards making up for the failure of governments to embrace such tasks or as influential corporate actors shaping regulatory outcomes in favour of the financialisation of global capitalism. With a focus on voluntary standards as privileged instruments of global governance mechanisms situated somewhere between those two poles of public and private power, this book aims at looking not only at the ability of private actors and civil society organisations to shape global regulation across borders. Two other aspects play a key role in the reconfiguration of global capitalism: one is the scope of practices involved in standardisation and the other is the reconfiguration of the spatial structure in which those practices are recognised and implemented to such an extent that compliance can be assumed on a transnational basis.

Casting the nature and the implications of the rise of hybrid authority across borders in a broader context thus requires us to consider and aggregate three distinct categories: the *subjects* wielding authority, the *objects* concerned, and the *space* of their deployment. For instance, international standards set by the ISO as well as those provided by the not-for-profit body ASTM International (originally known as American Society for Testing and Materials) entail numerous technical experts and national delegates who play the role of new actors in the nascent technical diplomacy world. The same experts and delegates also define the nature of the objects concerned (from nuts and bolts to sustainable innovation and societal responsibility) and the spatial structure in which they exert their power (on a national, regional, or global scale). The point here is to suggest that ambiguity not only defines the status of the actors involved in standardisation and regulation but also the scope of issues concerned and the space on which such authority is recognised. Following on from the introduction of this chapter, this non-conventional form of power is what I call a *transnational hybrid authority*, i.e. a form of authority based on the ambiguous juxtaposition of instances of power transforming the relation between transnational capitalism and territorial sovereignty. That said, I still need to specify those ambiguous categories that confer authority to new actors and new issues across sovereign spaces. Transnational hybrid authority is shaped by each of these three dimensions (actors, objects, space) as follows.

Hybrid Actors

The first dimension concerns the actors setting technical specifications, regulation mechanisms, and broader governance standards, plus the distinction between the private and the public spheres in which they

operate. Many discussions on non-state authority and global governance focus on what has been referred to elsewhere as a ‘diffusion of authority’ (Guzzini and Neumann, 2012). As Payne and Phillips point out, certain developments over the last two decades have led to a situation in which, ‘as well as being pushed downwards, upwards and outwards to different spatial levels, authority and agency have dispersed to a wide range of actors at and across all these levels’ (Payne and Phillips, 2014: 6). A proper understanding of the wide variety of actors in a position to set standards and shape regulation across borders depends to a great extent on the definition of the private/public distinction, and its interplay with the civil society. Despite variations between societies, the separation between the modern state and the economy has shaped social relations by distinguishing between the private and the public spheres (Cutler, 2003: 141–179). They remain closely related, reflecting two sides of the same coin. While the public sphere confers universal rights in the political domain, the private sphere brings them into play for the purpose of providing contractual rights in the economic and civil domains. The range of private actors claiming authority in international affairs is thus larger than what we refer to as the ‘private sector’ in narrow economic terms. It may include non-state actors such as trade unions, activist groups, women’s organisations, professional associations, cadres and experts organised in ad-hoc bodies, advocacy or policy networks, elite clubs, and religious groups. This implies that the ‘private’ authority of non-state actors in international relations potentially includes any collective actor organised through formal or informal contractual relations within the realm of civil society. As Colàs (2002: 23) argues, civil society should not be viewed as a benign sphere of collective action outside the state system, but rather as a ‘space of contested power relations where clashing interests play themselves out through analogous but unequal modes of collective agency’. Such contests may assign authority to some actors while undermining the authority of others.

Against this backdrop, hybrid actors ready to set standards span an *institutional continuum* whose poles include both the public and the private sphere. Ambiguity as to where actors should be situated on the continuum makes it possible to confer authority on those who were traditionally denied such privileges at the international level. It is indeed the lumping together of private and public attributes that bestows authority onto a set of actors who previously lacked the qualification to do so. In this view, hybrid actors look like the new wholes of ancient mythological figures: they are able to transcend the attributes of each of their former conditions. For instance, as Chapter 5 will show in full detail, the shift towards principles-based regulation, the use of internal models of

solvency capital requirement, and qualitative requirements such as the Own Risk and Solvency Assessment (ORSA) have recently put private insurers in a position to set standards on their own and shape regulation in their own favour across borders. In so doing, governmental and inter-governmental regulatory bodies support and fully recognise the self-regulatory power of private insurers.

Whether we speak of non-state actors, private authority, or non-conventional forms of sovereignty and governance, two distinct conditions must be met for such hybrid forms of authority to be effective: the consent of actors who are subject to the rules without having been involved in their making; and explicit or implicit support by the state. Indeed, consent – rather than enforcement or explicit compliance – is a vital element in such configurations of power. As Cutler et al. (1999: 19) emphasise, ‘those subject to the rules and decisions being made by private sector actors must accept them as legitimate, as the representations of experts and those “in authority”’. In the same vein, Djelic and Sahlin-Andersson (2006: 23) consider that non-state authorities enabling various forms of transnational governance hinge upon ‘powerful institutional forces that altogether constitute a transnational culture or meaning system’. Similarly, Büthe emphasises the socio-political incentives for consent to such rules when private regulators are well aware that they ‘may be more efficient if their rules (or at least their rule-making) are perceived as legitimate’ (Büthe, 2010: 20). This aspect is closely related to the power of reputation in compliance processes, which substitutes command-and-control, hierarchical, and formal state regulation for informal and non-hierarchical governance. It is important, however, not to overemphasise this consensual underpinning of non-state authority, which I identified elsewhere as one among other limits of transnational private governance (Graz and Nölke, 2008).

As briefly stated in the introductory chapter, beyond this consensual dimension underlying the transnational hybrid authority of standards, states retain a central role in the rise of such authority. There is no consensus on how to conceptualise state recognition. But there is little disagreement on the overall complementary and subsidiary role of private actors in regard to state functions. As Payne and Philips point out, ‘most complex governance arenas inevitably require that both types of actor are comprehensively engaged if progress towards solutions to policy dilemmas is to be achieved’ (Payne and Phillips, 2014: 475). Similarly, Pauly and Grande underscore that ‘the idea of reconstituting public authority implicates the institutional form of state sovereignty, and its scope and content as well’ (Grande and Pauly, 2005: 16). Recent transformations in the sovereignty of states thus fully bring on board new

agents of global governance to whom standard-setting bodies are only one among many examples. The analysis of global politics and non-state authority should therefore be ‘not about the type of the agent, but the *character of the relationships*, both among governors and between governors and governed’ (Avant et al., 2010: 3). This reflects what other scholars describe as a ‘re-articulation of regulatory authority’, in which ‘public regulation has indeed retreated in some areas of the economy, but in the same time other forms of governmental and inter-governmental regulation are actually being strengthened’, such as in intellectual property rights, trade and investment, and humanitarian law (Utting, 2008; Ponte et al., 2011: 7).

To sum up, the transnational hybrid authority conferred on standard setters hinges on an institutional continuum marked off by the confines of the public and private sphere. Governments and intergovernmental institutions often support and fully recognise the power of non-state actors to set standards subsequently accepted by a wide range of actors not involved in their making. They are consequently likely to enhance their legitimacy.

Hybrid Objects

The second axis along which the power of standards is to be analysed are the objects on which they exercise their hybrid authority. Whereas the private/public nexus of the actors involved in setting standards can be located on an institutional continuum, this second dimension maps out a *material continuum* delineating what can be specified, standardised, and more generally regulated from the two opposing poles of the physical and societal world. Globalisation can hardly be dissociated from the impact and pace of technological innovation in such diverse industries as neuroscience and bioinformatics, knowledge process outsourcing of services supported by information and communication technologies, and big data behind individual hyper-connected services. The scope of technological change not only generates potential limits of a science-based economy against an allegedly given, natural environment. It also betrays a lack of democratic control over the proper use of technology in society. As mentioned previously, social studies of science and technology describe hybrids as quasi-objects across the divide established by modernity between nature, science, and society. The distinct hybridity of issues concerned with standardisation practices in this context emphasises the ambiguity of technological choices and innovation embedded in constellations of power and political struggles. In aggregating the relationship between human beings and nature, a transnational hybrid authority

ranges from natural and invariable physical measures to constructed and historically bounded societal values. The extension of the scope of international standardisation provides ample evidence of the significance of this second dimension. For decades, standards were mostly confined to 'physical' standards, such as the size of screw threads, the resistance of materials, and units of measurement. They are now covering more and more 'societal' topics. Corporate standards in social responsibility (ISO 26000), risk management (ISO 31000), energy management (ISO 51000), or anti-bribery management (ISO 37000) are emblematic in this regard. Yet, even standards seen as highly technical, such as those developed by the ISO Technical Committee 229 on nanotechnologies, may include deep societal issues, such as occupational risk management for laboratories dealing with nanomaterials, safety data sheets used by workers in the preparation of nanomaterials, or the labelling of products containing nanomaterials likely to be bought by consumers.⁹ In contrast to the widely held belief that complex technology could justify keeping democratic principles at bay, the hybrid premise highlights the fact that technology remains inextricably linked to society as a whole.

Political institutions often appear at a loss when facing the hybrid nature of the issues involved. Their complexity commonly justifies claims of experts to have a hold on it; their societal underpinning would, on the contrary, deny to expert technical committees the right to reach any final decision. And yet, hardly any decision can be reached today without some sort of scientific assessment, forecasting, or approval. Following a Weberian view on modern state power, this substitutes, to some extent, the role of bureaucracies in the foundations of authority and the domination of modern states in the structure of capitalism. Such 'technical authority' (Porter, 2005; Best, 2012) rests on a sustained ambiguity between technical and societal issues. Such hybrid status brings me back to the fundamental question of the relationship of human beings with nature. On analytical grounds, this ambiguity draws our attention to how the material continuum of our conceptual framework can link the opposing poles of the physical and societal world of standards – or what various authors have referred to as the 'Parliament of things' (Feenberg, 1991; Latour, 1991; Salomon, 1992). This supposes piecing together again the puzzle of what Latour defined as the quasi-objects that conceal the divide between the human and non-human world. Be they apparently more

⁹ I draw this from the findings of the aforementioned INTERNORM project, funded by the University of Lausanne and devised to support the direct participation of civil society organisations in arenas setting international standards; for further information see: www.unil.ch/vei/internorm (accessed 24 August 2017).

technical, as in the field of nanotechnology, or more societal and cultural like all those dealing with social responsibility, the set of issues concerned by standards discussed earlier nevertheless link together societal stakes of collective life with its material, natural, and, more generally, physical dimensions. The domains concerned remain ambiguous. They tend to conceal the difference between an authority founded on scientific knowledge and technical expertise, and an authority built upon a formal mandate and with procedures in place for delegating the sovereign power formally conferred on individuals in democratic societies. As we will now see, the territorial basis of the state and the structural power of governments and markets remain beyond most forms of non-state authority. The ambiguous authority of standards here comes from their ability to be recognised across sovereign territories.

Hybrid Spaces

The third dimension of my analytical framework deals with the production of the space through which transnational hybrid authority is diffused and recognised across sovereign states. The question goes back to the central issue of how standards can ever be effective and how we comply with them. A whole host of organisations contribute the ways in which standards are used to shape global governance practices. Standard-setting bodies must have certain defining characteristics to be recognised as sufficiently legitimate to set specifications that cannot be seen as only technical. For instance, as Chapter 4 will show in detail, the new generation of mega-trade deals such as the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) specifically target convergence in regulatory approaches and harmonisation of standards as one of their most prominent outcomes. The intertwining of standards in regulatory enactments, contractual relations, and potential liabilities to public courts and private arbitration panels points here to a fragmentation of the political space that is distinct from the modern inside/outside divide that is supposed to shape the confines of autonomous political units commanding final authority within a defined sovereign territory.

Conventional answers to the question of why we obey standards set as rules not issued by states usually fall under two types. Materialist explanations focus either, from a neo-Marxist perspective, on the structural power of capital to impose market discipline or, from a more liberal approach, on the market structures (such as oligopolies, network effects, or the clout of reputation) that enable compliance with private regulations. Institutional and normative analyses focus for their part on the

legitimacy puzzle of new governance arrangements, in particular on the significance of, and relation between, input legitimacy (the type of participation in decision-making), output legitimacy (the effectiveness, efficiency, and social justice of such rules), and throughput legitimacy (the quality of the deliberation processes to attain such rules) (Cutler, 2010). Here I take a different approach. Based on an evolutionary understanding of the relationship between space and power, I see compliance with non-state rules as resulting from the fragmentation of the political space, whereby its underlying logic is reorganised in a way that encroaches upon conflicting sources of transnational authority. The growing significance of non-state rules prompts states to adapt to the changing conditions of their environment in cumulative processes with irreversible consequences. According to the processual and sequential analysis of the changing institutions of capitalism pioneered by Veblen, this presumes a 'cumulative change, realized to be self-continuing or self-propagating and [with] no final term' (Veblen, 1919: 37, see also: Dopfer, 2005). Transposed to our present concerns, this echoes the idea according to which the 'territorial trap' of international political economy can only be overcome by 'showing how the domestic and the foreign come together under different historical circumstances rather than separating them into permanent opposition' (Agnew, 1994: 67).

The ambiguity of the relations within which standards are recognised and made effective spans a *spatial continuum* across multiple jurisdictions. This third axis of our analytical framework conflates two interlocking logics: the endogenous logic of territorial sovereignty, on the one hand, and the exogenous logic reinforcing the transnational underpinning of capitalism on the other. The idea of a dimension of continuity in the political space of modern nation-states goes against a conventional reading of globalisation as either a continuation of state sovereignty by other means or a sheer deterritorialisation of the nation-state. According to a critical approach that considers space as an output of social relations rather than physical design, the assumed spatial correlation between the nation and the state has never existed; neither have distinct spaces separating political entities and discrete domestic national economies (Osiander, 2001; Teschke, 2002; Cameron and Palan, 2003). As Nederveen Pieterse (2001) has noted, hybridity can be viewed from this perspective as particularly significant insofar as it problematises boundaries. If you think of the International Financial Reporting Standards set by the International Accounting Standards Board, they are typically seen as the outcome of the private expert authority embodied in professional accountancy bodies with strong British and European backgrounds. Their adoption by some 120 countries since 2001 (including all but five

members of the G20) rests, however, on a complex mixture of private and public organisations that have endorsed them in one way or another. On the private side of the market for professional services that spans existing boundaries, the Big Four accounting firms (PWC, Ernst & Young, Deloitte, and KPMG) have, for instance, gained significant power as a result not only of their ability to shape standards but also of the expertise required to interpret them and provide professional judgement in their role of auditors. On the public side of sovereign spaces, national, regional, and international regulators have been instrumental in the swift spread of their adoption. The official support of the International Organisation of Securities Commissions (IOSCO), the references included in the Reports on Standards and Codes of the World Bank, the emphasis placed by the G20 since the global financial crisis and, *last but not least*, the European Regulation ((EC) No 1606/2002) that compelled the use of IFRS for all listed companies across the European Union as of 2005 are only the most significant examples of the role played by public regulators with greater or lesser connection with territorial sovereignty (Humphrey and Loft, 2011; Ramirez, 2013). This is how I have come to view the expansion of the spatial reach of standards as reflecting a transnational hybrid authority that occupies the cracks between the all-encompassing rules governing the global market and the enduring exclusive principle of territorial sovereignty.

How do the entwined exogenous and endogenous poles of this spatial continuum help us to obey standards not necessarily set by States? According to Palan, the institution of sovereignty carries out two closely related functions: ‘the juridical expression of the principle that divides the planet into clearly demarcated lines of authority and responsibility’ on the one hand and, on the other, ‘the foundation of the national and international law of contract’ required by capitalism (Palan, 2003: 86). From this view, standards need hybrid spaces that reinforce such dual nature of sovereignty. Their recognition rests on the territorial inscription of sovereignty in the same time as on the transnational guarantees given to the principle of contract inviolability in a world of globalised capitalism. Power mechanisms rooted on the territorial dimension tend to rely on an endogenous logic of recognition. They rely on social forces located within the territorial space of state sovereignty. Conversely, contractual market guarantees provided for the spatial expansion of capitalism across sovereign spaces convey exogenous forces. Compliance with standards rests in many ways on the ambiguity of a similar dual mechanism. From an endogenous logic, what empowers international standards is that their development process, as well as the certification procedure followed to assess conformity to a defined standard and the

overall institutional framework providing trust via accreditation to certifiers, replicates to some extent a principle of delegation of territorial sovereign rights. As we will see in Chapter 4, the claim to abide by formal mandates is particularly important in the functioning of international standardisation bodies such as the *Comité européen de normalisation* (CEN) and, to a lesser extent, the ISO. It also often rests on formal oversight of state agencies on tests and conformity assessment procedures. Conversely, the exogenous logic is related to the diffusion of rules through market mechanisms first. In this case, what empowers an international standard is its use by market actors backed by inviolable contracts across sovereign spaces. The fact that the standard is set by an official standardisation body with a defined mandate or, on the contrary, by a private organisation or even a consortium of large multinational enterprises setting their own technical specifications for the larger use of the market is irrelevant, so long as users are ready to comply with a standard guaranteed by contractual market relations. As Chapter 7 on service offshoring in India will make clear, this is why, for instance, management officials in charge of quality may see no difference of status between ISO standards and management methodologies devised by American specialised firms, such as the CMMI Institute.

In brief, compliance to standards within the confines of a hybrid space rests on the ambiguity of a mixture of endogenous and exogenous logics. Whereas the contradictory logic of sovereignty has always been split between territorial power and transnational legal guarantees in support of capitalist expansion, the deterritorialisation of sovereignty in transnational hybrid authority marks a shift away from the endogenous pole of sovereign power towards more exogenous means of supporting the current accumulation regime.

This chapter built on the concept of transnational hybrid authority to explain how and why standards reflect a non-conventional form of power that puts the existing structure of the interstate system to the test. This first supposed answers to the question of why the power of standards is so often referred to as a shift towards hybrid forms of markets and regulation. A growing literature in law and political science has emphasised that this reflects the increasing complexity of regulatory environments made of a comprehensive web of public and private actors in charge of setting technical specifications and assessing that goods and services fully comply with them. More generally, I stressed that this reflects a core ambiguity in the notion of governance with regard to the exercise of

authority: a way to exercise power over a defined domain and population without, however, the plain attributes of sovereign rights. In both cases, the notion of hybridity is first and foremost used as a *default attribute* that says more about what it is not than what such non-conventional forms of power are. In contrast, in answering the question ‘what are hybrids?’, I emphasised that ambiguity ought to be considered a *substantial – or ontological – attribute* of the non-conventional forms of power and regulation embodied by standards in the context of globalisation. In contrast to conventional understandings of standards as science- and expert-based instruments devised to respond to an increasing complexity of the world or a distinguishing feature of private market power and capture, ambiguity appears as a defining criterion of standards in conferring authority to new actors on a number of new issues across sovereign spaces in the context of globalisation. As a mythological creature of sorts, or a post-colonial subject, a transnational hybrid authority gains credence despite its undefinable imaginary with multifaceted and contradictory dimensions, for each of its parts is made of real and well-defined features along the three dimensions analysed in this chapter. Finally, answering the question ‘how hybrids work’, the final section of the chapter delineated an analytical framework for the study of the transnational hybrid authority of standards. The power of standards should thus be viewed from a tri-dimensional perspective. First, it confers authority across an institutional continuum that blurs the distinction between private and public actors. The scope of this authority, in turn, extends along the material continuum of physical measures and societal values in such a way as it undermines the divide between humans and non-humans. Finally, the recognition of this authority lies on conflicting sources along a spatial continuum, where the endogenous logic of territorial sovereignty becomes interwoven with an exogenous logic that reinforces the deterritorialisation of capitalism.

In the conclusion of this book I shall return to the broader implications of this analytical framework. We shall see in particular why such ambiguity should not be considered only as a challenge to sovereignty, to democratic representation, and to the interstate system supporting the expansion of market power in the contemporary restructuring of the capitalist regime of accumulation. Following a Coxian understanding of critical approaches to international political economy (Cox, 1981, 2002), my analysis remains situated in time and place and should facilitate an assessment of the current potential for emancipatory transformation and change. As ambiguity supports a form of authority used to govern, but at the same time can be brought into play to engage and resist forces supporting such power, it should thus also be viewed as providing

opportunities for those struggling for progressive change. In contrast to the dematerialised idealistic reading of some post-colonial scholarship and, to a lesser extent, social studies of science and technology, Best, for instance, sees ambiguity rather as a mundane everyday practice that can become a means of resistance (Best, 2008, 2012: 87, 2013). All in all, standards put in motion new informal institutions that intermingle with the interstate system in many different ways to form an ambiguous juxtaposition of power instances. The rise of such transnational hybrid authority is, like all hybrids, essentially Janus-faced. Yet, far from being resistance discourses and strategies studied by post-colonial scholarship or symmetric quasi-objects flattening the relation between science, society, and nature, the transnational hybrid authority of standards remains very much anchored to the material asymmetry of power that underlies the global governance project of unifying markets across sovereign territories.