Danica FINK-HAFNER, Blaž HAFNER*

DEMOCRACY AND ALTERNATIVE MODES OF GOVERNANCE: CONCEPTUAL FRAMEWORK

Abstract. *While governance literature either analyses particular modes of governance or focuses on case studies, there is a gap in the literature in the longitudinal tendencies of the joint impact of various modes of governance on democracy as regards a particular country. The article provides a framework for analysing types of governance in a post-socialist country in which liberal democracy is being consolidated and at the same time challenged by various modes of post-liberal-democratic governance. The article offers a typology of governance in terms of both the nature of governance (public, private, mixed governance) and the presence or absence of a governing territoriality. It also offers the democratic value dimensions for an evaluation of governance.*
Keywords: *governance, democracy, globalisation, values, Slovenia*

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Introduction

This special issue will address the gap in research into the joint impact of various modes governance on a young democracy which is at the same time a young EU member state. Furthermore, it opens a new research venue by simultaneously analysing hierarchical governance based on a representative assembly, the elitist governance of neocorporatism and the new modes of governance emerging within the EU political system and their mutual impact on democracy.[1]

Several general questions guide the contributions to this special issue. How have hierarchical modes of governance based on elections and representation through political parties evolved in a young democracy in terms of democratic values? What is the relationship between the dynamic changes of representative and neocorporatist modes of governance? How do the new modes of governance (as part of the EU political system) interfere in the internal processes of representative governance and social partnership

negotiations within an EU member state? What is the overall result of mixing the changing representative governance, neocorporatism and new modes of governance in terms of democracy?

This original approach is used to examine the particular country from a dynamic, longitudinal perspective. The particular post-socialist country in question is Slovenia, a country which is unique among the new EU member states in having experienced all the three modes of governance since its transition to democracy. The aim of this article is to establish a framework for analysing and evaluating dynamically changing modes of governance. Although we take into account more general trends, this special issue focuses on the citizens' perspective and takes a holistic bottom-up approach to the overall changes in governing.

We are currently observing a major change in the organisation of political power (Benz and Papadopoulos, 2006: 1). Indeed, researchers have observed that nation states are no longer the sole actors determining policy. There are now multiple independent decision centres. More precisely, researchers have identified 'the erosion of traditional bases of political power' in advanced industrialised democracies (Pierre, 2000: 1). In order to capture these changes, political science has not only responded by drawing a distinction between the term 'government' and the term 'governance', but also by identifying various modes and subtypes of governance (see Ansell and Jacob Torfing, eds., 2016). Although the term governance has been increasingly used to relate to changes in steering policymaking while leaving aside the 'meta' contents of governance, recent questions and dilemmas about the relationships between various types of governance and the big questions of democracy and the role of politicians have been revisited (see Sørensen, 2002; Sørensen and Torfing, 2005; Blanco, Lowndes and Pratchett, 2011; Bäckstrand and Kuyper, 2017). Liberal democracy is considered to be in decline and political elites in some countries are even openly favouring the degradation of liberal democracy to 'illiberal democracy' (Zakaria, 1997 and 2007). Nevertheless, a debate on post-liberal democracy has emerged within a meta-governance framework (Sørensen and Torfing, 2005).

The governance literature is first of all literature which primarily focuses on changes in the steering of dynamically transformed socio-economic realities of states, world regions and the world in general from the point of view of Western countries. However, the new governance phenomena are not foreign to other countries or parts of the world. Indeed, in this special issue we take into account the Western literature on changing modes of governance as well as the thesis that during the last several decades the state has been adapting to its external environment. Nevertheless, not all states and countries have evolved at the same time, and their adaptations to the changes of globalisation have varied.

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In this special issue we focus on the condition of young nation states which are at the same time young (post-socialist) democracies. Their peculiarity is that these states have been challenged by three major changes – the building of a liberal democratic political system, the introduction of a capitalist system and their responses to changes in the global and regional (EU) environment. Indeed, the processes of state-building, democracy-making and the development of capitalism have taken place while these countries were also simultaneously integrating into the EU and joining other new governance modes beyond nation states. For such countries, the governance and meta-governance debates must be addressed together with evaluations of the evolution of liberal democracy in these countries. Paradoxically, it was Dahl's liberal-democratic model of polyarchy which served as a basis for the political criteria (known as the Copenhagen Criteria) which had to be fulfilled by candidate states in order to join the EU (Fink-Hafner, 1999; Kochenov, 2004). At the same time, the EU functions as a post-liberal regional political system involving various modes of governance without any representation and without a clear system of accountability (Papadopolous, 2016).

In this article and throughout the special issue we understand globalisation as an ever wider, deeper and increasingly rapid linking between states and societies (see more in Fink-Hafner and Dagen, in print). The most recent globalisation wave is only introducing new ways in which states and their governments respond to the need to (re)shape public policies. With the global crisis of financial capitalism, rapidly increasing social inequalities and social conflicts in the world have challenged the functionality of the existing sub-types of democracy, and alternative modes of governance have also proliferated.

While there are many variations on defining governance within the framework of a rich segment of literature on governance (see overviews in Koliba, Meek, Zia, 2010; Torfing, Peters, Pierre and Sørensen, 2012; Ansell and Torfing, eds., 2016), we build on a broad basic definition of governance. We take Bevir's (2013) definition of governance to mean those processes of governing undertaken by government, the market or a network over a family, tribe, formal or informal organisation or territory, executed through laws, norms, power or language. Indeed, this definition reflects ideas about governance which have arisen in the last twenty years in various academic disciplines, including collective action theory, organisation theory, public management and New Public Service Theory, planning theory, state theory, democracy theory, public law, regulatory theory, development theory and international relations theory (Ansell and Torfing, 2016; Perry, 2007). However, our main focus is on the political meaning of governance – the exercise of power by a particular political community. This

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is the aspect of governance that includes 'publicness' in the form of public authority which can grant private actors a certain level of influence (Ansell and Torfing, 2016). At the same time, it raises the question of accountability (see Lajh) and its relation to representation (see Johannsen and Krašovec) (Papadopolous, 2016). This special issue aims to contribute to the efforts to evaluate governance based on democratic values (see e.g. Hanberger, 2001 and 2004; Sørensen, 2002; Sørensen and Torfing, 2005).

Historically, many forms of governance in general as well as many forms of democracy in particular have already evolved (Held, 1992; Keane, 2009; Isakhan and Stockwell, 2012; Held, 2014). Western authors have tended to qualify the historically changing modes of governance as elements in the chain of ever more modernised and democratised modes of governance. However, this has been criticised as a Western-centric approach which ignores the fact that many forms of governance co-exist – whether traditional hierarchical governance or the newly emerging non-hierarchical governance (Damgaard, 2006). While reverse processes of de-democratisation are taking place (see the first issue of the Journal of Democracy in 2015, dedicated to the decline of democracy; see also Foa and Monk, 2016), the new modes of governance appear to bear both non-democratic and at least potentially democratic characteristics (Sørensen and Torfing, 2005). Furthermore, forms of political governance cannot be studied without taking into account the trends in the making/transformation of other types of governance as well as the mutual relationships among various kinds of governance. This is particularly the case in the context of the latest wave of globalisation, in which researchers have conceptualised a broad variety of governance forms. These various forms have included: network governance, democratic network governance, interactive governance, regulatory governance, collaborative governance, private governance, urban and regional governance, multi-level governance, supranational governance (including the supranational aspect of EU), transnational economic governance, metagovernance and adaptive governance (Kahler, 2009; Torfing et al., 2012; May, 2015; Ansell and Torfing, 2016).

When we consider the phenomenon of governance at the empirical level, we should note that many governance innovations proliferated in the last quarter of the twentieth century. Among them has been the EU's regional experiment of a multi-level and multi-actor governance (Hoogh and Marks, 2001; Tömmel and Verdun, eds., 2009). There is, however, no single bottom-up or top-down empirical trend that identifies one particular governance model as the single predominant global model. Furthermore, there is no theoretical consensus on what constitutes the full variety of alternative governance modes in the global context either in terms of their structural characteristics or an evaluation criteria based on democratic values.

There is also a lack of any systematic analysis as to which particular model or modes would be feasible based on the existing social, economic and political forces in the current world.

Current Debates on Alternative Modes of Governance

The current debates on alternative modes of governance are primarily located in the western literature, which stresses that the nation state is incapable of solving social and economic problems in the the new post-national era. This is primarily due to the emerging wicked problems, the nation state having lost its primacy in regulation. Furthermore, the development of the EU political system has led not only to the development of a multi-layered system based on a division of labour and subsidiarity (layer cake) (Hooghe and Marks, 2001; Bache and Flinders, eds., 2004), but has also led to one which includes the new interactive characteristics (marble cake) leading to the conceptualisation of networked governance (Kahler, ed., 2009; Keast, 2016) and experimentalist governance within and beyond the EU (Zeitlin, ed., 2015). However, state-centered systems are challenged by the proliferation of regulation of private (non-state) actors as well as new forms of public-private modes of regulation-making. These new developments in the modes of regulation have led to a co-evolution of governance practices, as well as a need to evaluate them (Bekker, Dijkstra, Edwards and Fenger, 2007).

In short, three major strands can be identified in the recent debate on alternative modes of governance. *First*, there is the strand on the various types of governance within political communities, ranging from the societal (communal) to the sub-national, national, international and the supra-national/global level. *Second*, we can analyse the variety of governance types by distinguishing between public and private governance. *Third*, we can consider the value orientation and ideological aspects of governance. In this strand, the primary focus is on evaluating the various social experiments and answering the question of how the existing processes and the results of globalisation could be civilised and democratised.

Modes of Governance I: Political-Territorial Levels of Governance

A vast number of academic contributions study the existing liberal-democratic modes within the framework of the *nation state* and more recently also within the framework of the dynamically evolving regional political system of the EU. The symptoms of their crisis of legitimacy are identified and critically discussed (Lord, 2000; Bekker et al., eds., 2007). Many political scientists of the last decade have been preoccupied with the decline in political trust and the limitations of governance modes based on the nation

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state as well as the EU regional governance in times of increasing economic and social globalisation (Hix, 2008; Føllesdal and Hix, 2006; Føllesdal, 2011).

However, despite the criticism of state-centred theories, the debate on governance has not overlooked the fact that the state has not yet become obsolete. To some extent the geographical delimitation of a political community and its authority persists. The territorialisation of politics divides *'the global surface into mutually exclusive geographically defined jurisdictions enclosed by discrete and meaningful borders'* and has existed since the Peace of Westphalia (1648) (Kobrin, 2001: 690). Today it is still evident in the struggles between states for control of those places on Earth which cannot be said to be governed by any peoples. Antarctica is one example of a territory without a particular sovereignty. In fact, it is not a country in any modern sense. In spite of the Treaty signed by an increasing number of countries since 1959, various countries have been appropriating parts of the Antarctica. Furthermore, parts of the territory under the management of the various research bases are also under the jurisdiction of the individual countries which established them (Seganish, 2003; Thinking Legal, LLC, 2009–2010; Wendover Productions, 2016).

Nevertheless, more recently it has been argued that new forms of governance can transform the state either by supplementing or extending it (Mayntz, 2016; Torfing, 2016). The law regulating social relations in outer space is a case in point[2]. There have been downward shifts in governance toward the local (municipal) level, the development of coordination between central and regional governments (for example, in Germany), the commercialisation of some state segments (such as the police) and also horizontal shifts toward network and societal self-regulation (Bekker, Dijkstra, Edwards and Fenger, 2007; Jeffery, Pamphilis, Turner and Rowe, 2014). Governance networks have evolved as networks of interdependent and autonomous actors which make decisions and regulate particular issues through negotiations (Scharpf, 1994).

Furthermore, political scientists have identified the gap between the globalisation of the economy and the increasing set of global policy issues on one hand and the delayed political institutional globalisation on the other (Hajer, 2003). As early as the beginning of the 1990s, Held (1992) offered an alternative proposal with the United Nations as a basis for the creation of a global liberal-democratic governance system. Since this time, political scientists have both criticised Held's proposal and sought answers to the question of what alternative global governance modes are theoretically possible (Saward, 2000; De La Rosa and O'Byrne, 2015).

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[2] *Space Law-What Laws are There in Space?, Wendover Productions. Accessible at https://www.youtube.com/watch?v=h6AWAoc_Lr0 (22. 1. 2017).*

Even though the academic literature appears to have been more concerned with alternative modes of governance at the supranational level (global, and to some extent regional, such as the EU), researchers have also increasingly studied real-life experimental democratic innovations at other levels of governance – particularly the communal (micro-level communes smaller than sub-national political territorial units) and sub-national levels in the form of local communities. There is also a vast segment of literature which focuses on governance experiments within the EU political system (see the extensive literature review in Borrás and Radaelli, 2010). This literature has questioned the lack of democratic character and lack of accountability (Bekker et al., eds., 2007). Although it is possible to talk of the 'marble-cake' characteristics of the EU system, which give actors from various levels of governance opportunities to take part in decision-making at different governance levels, the EU's commitology and soft-lawmaking (the Open Method of Coordination) are among the most democratically questionable aspects of the EU's political functioning (Bergstrøm, 2005; Borrás and Radaelli, 2010; Fink-Hafner, 2010).

Increasingly, the academic debates have benefited from sensitivity to the deliberative, self-organising character of many modes of governance. This is not only noticeable in an appreciation of democracy inclusive of stakeholders, but also in an appreciation of the discursive, constructivist and agential aspects of government (Galtung, 2000; Hansen and Rostbøll, 2012; Griggs and Howarth, 2016). The empirical turn in the deliberative democracy literature (as named by Hansen and Rostbøll, 2012: 508–509) has, among others, also contributed to the designing of methods to integrate the public into the decision-making processes. Some previously existing research methods have been amended with new methods that are usually ad-hoc, non-institutionalised, which focus only on particular issues and are independent of the electoral process (see Železnik). Nevertheless these experiments have been organised primarily by decision-makers or external consultants and not by the citizens in a bottom-up fashion. One limitation of such experiments is that deliberations require an exchange of opinion backed up by reasonable argument. Such communication disproportionately advantages the involvement of the most educated and those with better debating skills at the expense of those whose views that are less eloquently expressed in public (Hansen, 2004; 2010).

Modes of Governance II: Private-Public Relationships and Formal/ Informal Relationships

The debates on the political aspects of governance (characterised as 'public') have been increasingly influenced by an emphasis on *private governance* and the mix of private and public governance. Private and mixed

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types of governance in the form of networks are believed to offer great potential for proactive governance as well as providing the information, knowledge and evaluation mechanisms needed to qualify political decisions. They are also expected to establish a framework for consensus building – if not also for resolving conflicts – thereby reducing the risk of implementation resistance (Sørensen and Torfing, 2005: 198–199). Governance networks emerge as a new way of governing where public, private and civil society actors are interdependent and no equity is required between them (Klijn and Skelcher, 2007: 587).

According to Bellamy and Jones (2000), alternative governance modes can be located on the public-private continuum and on the formal-informal continuum. In fact, Bellamy and Jones (2000: 205) believe that both of these continuums are important for mapping both the existing situation and the ever more globalised world to come. As the two continuums cross, they create a matrix of four types of governance, namely the public/formal, public/informal, private/formal and private/informal. At the core of such a variability of governance types is an awareness of '*the expansion of regulatory and decision-making mechanisms beyond the various branches of the state and away from formal and hierarchically ordered structures of authority*' (Bellamy and Jones, 2000: 204). More precisely, the public/formal governance is a type of governance that is built on democratically elected political representatives and enlightened public officials. It is therefore both governmental and stable. The public/formal model of governance is not solely found within the framework of nation states. It is reflected in real-life intergovernmental modes of governance in the global context, and to some extent in the regional EU context. When describing public/informal governance, the authors stress that most formal mechanisms also involve informal elements and vice versa. Of the entirely informal variants, two are especially notable: the case in which an individual's reputation places them in a public leadership role; and the case in which the democratic will manifests as public opinion. Furthermore, private/formal governance is a type of governance that could evolve from market exchanges or elected boards of directors in firms and associations. Entirely private governance places the individual in a position of public leadership while the democratic will manifests as diffuse public opinion. Private/informal governance of market-based actors effectively means a prevalence of private governance that would be fragile in the long term and often undemocratic (Bellamy and Jones, 2000: 206). More precisely, in such circumstances, the governed would lack any mechanism of control over the way the governing class exercised their power, while the governing class would lack information about the ideals and interests of the governed.

In the last two decades, there has been a clear rise in private regulation in the world economy (Büthe and Mattli, 2011). Decision-making is taking

place within private governance structures at the international level while central states are not directly involved and also other institutions are too fragmented to be able to interfere in such governance (Büthe and Mattli: 2011: 214–215). A new generation of questions, about who governs, how, and at which level (global, local or intermediate levels), is shaping the agenda (Verbruggen and Havinga, eds., 2017).

To what extent are any of these types of governance in place at the global level? According to Bellamy and Jones (2000: 206), proto global governance today is expressed through elements of all the four governance types. The regional political system of the EU is often cited in literature as an experiment that provides an environment for the expansion of inter-governmental governance while at the same time limiting the formation of a transnational government (Golub, 2000: 197; Bellamy and Jones, 2000: 213; Heather, 2004: 352). Indeed, the EU as a 'regional laboratory' had become attractive in the search for new suitable forms of global governance including the global set of formal public institutions – *polity* (Jørgensen and Rosamond, 2002). But the EU is also involved in the broader experiment of downgrading the role of nation states while upgrading the power of private actors (notably multinational corporations). Among the most publicised cases have been the trans-Atlantic trade agreements, such as CETA and TTIP (the case in point being the dispute settlement court for the resolution of investment disputes between corporations and states) (CBA/ABC National, 2016).

There is a notable variation in the debates on alternative governance that focus on either the territoriality of governance or on the variations of governance in terms of private/public relationships. However, some debates on alternative governance stress the crucial importance of values that feed into governance alternatives. In the next section we turn to these debates.

Modes of Governance III: Value-based Alternatives

Since governance is not value-free, any alternative model of governance will always be value-based. In other words, both governing institutions and policymaking imply a value-based selection of alternative modes regardless of whether the debate focuses on alternative institution-building and alternative policymaking. An example of an extreme normative use of good governance is a set of standards and recommendations which have become tools of international organisations such as the United Nations, International Monetary Fund and World Bank, used to influence developing countries[3].These issues of selection are becoming ever more complex in the cur-

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[3] *See the United Nations Economic and Social Commission for Asia and the Pacific, no date, What is Good Governance? Accessible at http://www.unescap.org/sites/default/files/good-governance.pdf;*

rent processes of globalisation. So, what ought to be the criteria for selecting governance institutions and public policies?

Historical analyses of governance modes usually focus on their evolution, assessing them on how democratic they are at a certain point in time. Representation and accountability have become crucial issues in such academic research. Furthermore, some researchers directly collaborate with governments in their search for ways to 'fix' the existing modes of governance (for example, the promotion of gender quotas and the search for democratisation of the EU political system). Other researchers are more interested in studying the bottom-up real-life innovations based on 'self-organisation' and 'self-regulation'.

Many academics look for answers by rephrasing the question outlined above as one of 'How do we civilise and democratise the processes of globalisation?' Indeed, democratic standards for evaluating governance arrangements have recurred in political science debates. The question of how to evaluate post-liberal governance has led to proposals on how to ensure post-liberal democracy (Sørensen and Torfing, 2005). This debate is not entirely dedicated to only one mechanism for ensuring democracy. Indeed, elections are not considered to be the only democratic mechanism. Likewise, democratic mechanisms should not be linked to states alone, but can also be based on the participation of fluid non-state and non-territorial actors (Galtung, 2000). Furthermore, democratic mechanisms need to proliferate in order to capture representation and accountability across national borders. For example, Saward (2000: 38–39) argues that a cosmopolitan democracy needs to be inclusive of democratic mechanisms that could be found both (i) on the continuum based on the time-span in which democratic mechanisms are used (the temporary-permanent continuum), as well as (ii) on the non-governmental-governmental continuum (based on the types of actors). Some authors are even clearer. For instance, Held (2004) openly favours the social-democratic orientation in the creation of democratic global governance.

Nevertheless, the territoriality of governance is no longer the only game in town. The logic of a political community may also be *functional*. Examples could be deliberative forums, cross-border referendums, forms of cultural group autonomy. Cultural groups – whether delineated by language or religious based entities – living across borders can constitute cross-border cultural communities. When it comes to specific issues which are important to such communities, these communities may have representatives who are

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able to effect decision-making in the framework of more traditional political forums such as national parliaments (Saward, 2000). One suggested approach has been reciprocal representation, which was originally defined by Dobson (1996) and Schmitter (1997) and further elaborated in the proposal that British MPs could have seats and voting rights on certain issues in the French Parliament (Saward, 2000). These are not only thought to be forms of representation, but also means of ensuring accountability (Majone, 1994; Saward, 2000).

Political scientists have become increasingly aware of political phenomena that cross political and territorial borders. The real-life transnational networks of various actors are indeed multiplying. Actors are targeting political decision-making at a societal (community), sub-national, national, international and supranational level as well as within the framework of multi-level governance (as in the case of the EU).

To summarise, we can identify a variety of levels and modes of alternative governance modes which take into account three main dimensions of governance: (i) the public-private dimension; (ii) the territorial/trans-territorial dimension; and (iii) the value basis of governance. In the next section we will propose an analytical framework for studying alternative modes of governance that takes account of these three dimensions.

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Alternative Modes of Governance: An Analytical Framework with Examples

In this section we provide an analytical framework in the form of a typology of governance modes, which will, among others, serve as a reference point when analysing empirical governance in this special issue. The typology rests on the distinction between the natures of governance (public, private, mixed governance) and on the presence/non-presence of territoriality of various kinds of governance (Table 1). The value dimension of governance is outlined with reference to the value-based governance alternatives.

The Public-Private Dimension

The relationship between private and public (formal political) governance is at the heart of current dilemmas on governing an ever more globalised world and its constituent parts.

As a rule, *public governance* has been equalised with legally-determined political systems, effective within certain territorial borders. A variety of public governance is currently seen at the various levels of political-territorial units, from the sub-national, national to supranational level (in the case of the EU political system).

By contrast, in terms of economic governance, *private governance* can already be found at all levels – from the societal level in the framework of political territorial units and beyond them – including the global level. Currently, one segment of private governance, namely transnational corporate governance, appears to have overtaken the establishment of global governance (May, 2015). However, private economic governance can be found in self-managing workers' enterprises (for instance, reviving certain bankrupt enterprises, or in the case of journalists taking over a particular mass media enterprise). Networks of illicit entrepreneurship are also privately governed.

Among the most innovative cases of current global economic governance is the example of Bitcoin– exemplifying transnational private governance beyond the reach of public governance. Bitcoin is a crypto-currency launched by Satoshi Nakamoto (the alias of a programmer or a group of programmers) which functions within a decentralised network without a central body comparable to central banks and without administrators. As an open-source project, it allows anybody to participate without limitation. Financial transactions take place directly between users without any mediators. The confirmation and logging of transactions is based on 'mining' whereby users can lend the processing power of their personal computers or dedicated 'mining' machines to running algorithms and the network and are in turn rewarded with the creation of new Bitcoins. As the maximum number of Bitcoins can never exceed 21 million, 'mining' has become mathematically ever more demanding, making the discovery of (new) Bitcoins ever more difficult. Since Bitcoin transactions are anonymous, they have often been linked to criminal activity such as drug trafficking (UNDOC, 2016). Nevertheless, their credibility seems to be increasing. Bitcoins are accepted as a form of payment by transnational corporations such as Microsoft, NewEgg, Subway and Dell. It is also possible to exchange Bitcoins for currencies and other crypto-currencies on particular web portals.

As presented in the following sections, there are other facets to the public-private dimension of governance including the intrusion of private actors in the management of public territorial entities and semi-private local initiatives in relation to central government.

 Some experiments have combined public and private aspects of governance. Among these has been the introduction of elements of corporate-like emergency governance in bankrupt US cities[4] and top-down economic experiments introduced in the framework of local public communities. The case in point is Michael Unterguggenberger's influential experimentation (based on the idea of economist Silvio Gesello) with the introduction of

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[4] *See http://www.economist.com/blogs/schumpeter/2013/07/detroit-s-bankruptcy; http://www.governing.com/gov-data/municipal-cities-counties-bankruptcies-and-defaults.html.*

a local currency. During the economic crisis of 1932/1933, Unterguggen-berger, the mayor of the small city of Wörgl in Austria, used forty thousand schillings of the city's budget to issue stamp scrip of the same value. The stamp scrip was not only used to finance public infrastructure projects, but also to pay workers and for citizens to pay their taxes. The local currency not only facilitated the implementation of infrastructure projects, but also helped to create 12–14 times more work compared to the official national currency. The majority of jobs were generated by the circulation of currency among the people after receiving the currency as a payment for their work on public projects. As this local innovation was so successful at solving unemployment, many other local communities in Austria looked to follow this example. However, the Austrian Central Bank halted the experiment. The people's law suit against the Bank was unsuccessful. Issuing alternative currencies became a criminal offence. Local communities in fact were beaten by both the national level financial governance and by the higher political-territorial governance.

Today, the most outstanding innovations include public-private sector cooperation (i.e., hybrid governance), which combines self-regulation with government oversight and enforcement capabilities. Among such cases is the hybridisation of food governance (Verbruggen and Havinga, eds., 2017), regulation of the Internet (Tusikov, 2017) and attempts to regulate transactions in cyberspace –e-commerce (Kobrin, 2001).

The Territorial Dimension

There are many territorial-political entities within which or across which governance has been dynamically changing. In particular, the latest wave of global capitalist developments has placed a new governance challenge on the agenda in relation to the increasing need for natural resources. As these resources are available in some territories without sovereignty, such as in Antarctica, in the deep sea and in the space, these entities have become objects of international (actually inter-governmental) governance in-the-making.

A historical overview of the inter-governmental law on the rights and responsibilities of nations with respect to their use of the world's oceans in terms of establishing guidelines for businesses, the environment, and the management of marine resource exploitation reveals a radical departure from the tradition of open access and freedom of the high seas in 1982. The United Nations Convention on the Law of the Sea (UNCLOS) in 1982 declared the seabed area beyond national jurisdiction and its mineral resources as the 'common heritage of mankind', (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations, 2016; MIDAS,

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2016). As with the case of the deep sea, the legal rules governing outer space have evolved in the same direction (Doyle, 2010; Brisibe, 2013). However, the overall institutional mechanisms of monitoring and control are hardly in place and are not functioning. The gaps in extraterritorial law allow very different treatments of legal issues relating to outer space, because they are regulated by the national laws of those countries which have a presence in space. Recently, the increased involvement of private economic interests in the exploration of space has become more marked – a notable example being the US Commercial Space Launch Competitiveness Act of 5 November 2015 (International Institute of Space Law, 2015).

The above cited examples as well as examples of cross-border regions highlight the challenge of public governance across jurisdictions and spatial zones. Similarly, the literature on urban and regional governance identifies new challenges (Pierre, 2016). While this literature tackles the state at the local level, it deals with the levels of governance most affected by the recent wave of globalisation processes. This, together with the interlinking of regionalisation with ethnic, religious or other identity-related attributes, may lead to direct clashes between the sub-national and supranational levels of globalisation. The most notable examples are Quebec in Canada, as well as Scotland, Catalonia and Wallonia within their countries and the EU.

It is not possible today to talk of a cosmocracy – as Keane (2003: 97) named the 'first-ever world polity'. Rather there is a patchwork of national and intergovernmental institutional seeds of potential global public polity combined with international and intra-national competitions and even conflicts among the existing territorial polities over sovereign territories as well as over those territories and spaces currently without sovereignty. However, the delay in public global governance-making is not preventing the real-life dynamic global spread of private economic governance by global corporations (Verbruggen and Havinga, 2017).

Such developments are not free of value based comments and criticisms.

The Values Dimension

The new modes of governance have been implementing particular values. The key question is their effectiveness at solving problems and implementing decisions, since new modes of governance are considered to be more effective at this than democratic institutions. Their key characteristics are believed to be the negotiated interaction of a plurality of public, semi-public and private actors, which formulate efficient means for governing increasingly complex, fragmented and multi-layered societies. As Føllesdal (2011: 82) observes, it is claimed that new modes of governance provide more expertise, respond more rapidly than public actors alone, and enable

Table 1: THE PUBLIC/ PRIVATE NATURE AND TERRITORIALITY OF GOVERNANCE

	Intra-territorial	Territorial – nation state	Inter-territorial – among nation states	Trans-territorial	Deep sea	Extra-territorial
Political		Nation state, sub-national political territorial communities	PUBLIC Inter-governmental organisations (regional, global)	The EU as a regional (post-modern) state	Inter-governmentally determined law of deep sea; no deep sea state	Inter-governmentally determined deep space law and national laws; no extraterritorial state
Economic	Self-managing workers' enterprises; corporate governance of sub-national economic units	Market; corporate governance of national economic units	PRIVATE Market corporate governance of multinational enterprises	Market; Corporate governance of multinational enterprises in the framework of global production systems; networks of illicit entrepreneurship		
Social/ societal	People; social groups, social communities regardless of politico-territorial borders	People; social groups, social communities regardless politico-territorial borders	People; social groups; social networks; social communities	Trans-state border social groups, social networks, social communities		
Economic/ public	Neo-corporatist arrangements	Corporate-like emergency management of bankrupt local communities	MIXED PRIVATE/PUBLIC International trade agreements in the making	Regional, global hybrid governance		

Source: Authors' elaboration.

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more credible commitments in so far as they are insulated from governments which are subject to electoral decisions. Yet, the capability of these governance networks in contributing to the democratic governance of society remains questionable. Nevertheless, the democratic performance of governance networks has become the normative orientation in some of the governance literature aimed at substantiating an analytical model for measuring the democratic anchorage of governance networks in different political constituencies, proposing an appropriate set of democratic rules and norms as well as re-inventing the role of politicians in a post-liberal context (Sørensen and Torfing, 2005).

Furthermore, the social, economic and demographic changes and their impacts on the current world have not only sparked many forms of discontent and spontaneously organised social alternatives, but have also renewed the intellectual debate on the values required for the formation and transformation of governance. The re-politicisation of the crucial issues of the twenty-first century is already underway. Public debates as well as political philosophical debates have joined this process by focusing on values such as equality, inclusiveness, representation, participation, autonomy and solidarity, together with debates on the relationship between the individual and the collective, between liberalism and communitarianism which are once again on the agenda at all levels of governance (Christiano and Christman, 2009).

In this special issue we focus on two democratic values – representation and accountability – which have become the key issues debated in the context of the current legitimacy crisis of liberal democratic systems. Representation is understood to encompass the political equality of citizens and their exercising authority through various forms of representation including political parties, parliamentarians and interest groups (Macdonald, 2008; Bäckstrandand, Kuyper, 2017); but representation also encompasses 'discursive representation' (Dryzek and Niemeyer, 2008; Taylor, 2016). Democratic accountability is understood as *the relationship between an actor and the forum in which the actor has an obligation to explain and to justify his or her conduct; the forum can pose questions and pass judgement, and the actor may face the consequences* (Bovens, 2007: 447).

So far, the examples which seek to 'fix' the existing political institutions have tended to proliferate. In this framework, various mechanisms have been introduced to ensure gender quotas in politics. Furthermore, mechanisms for consultation with citizens and interest groups have been evolving, as have mechanisms for the greater inclusion of politically marginalised social groups, such as youth and the elderly.

Additionally, some real-life experiments have emerged based on those ideas. Experimental ideas appear to be able to travel across time and space.

Some of them have even contributed to attempts to 'mend' the institutions of the current forms of governance. Such examples have included experiments with consensus conferences, planning cells, citizens' juries, citizen panels (Minipopulis), town meetings, citizens' summits, citizens' assemblies, deliberative polls and participatory budget procedures (Hansen and Rostbøll, 2012: 508–508; Pateman, 2012). Among the most well-known real-life experiments has been the citizens' participation in local community budgetary policymaking in Porto Alegre (Brazil), which was established in 1989 and became most prominent during the period 1991–2004. Pateman (2012) noticed that participatory budgeting had become known as an alternative system of managing public money at the local level, which to some extent is inclusive of those people who are usually excluded – such as the less wealthy, non-citizens and youth. More specifically, people participate in the process of allocating public funds to specific areas of public interest (e.g. in the field of education).The main idea is that members of the community propose ideas for particular projects; their delegates formulate them into project proposals on which the community members vote, while the local government implements the most popular projects.

The kibbutz is a model evidently based on respect for inclusive, participatory governance which experiments with local participatory budgeting among others. Debating alternative governance in the global context is not value-free. Among the most notable thoughts on future global governance are those to be found in the schools of international relations realism, radical democratic pluralism, Marxism and the school of deliberative democracy (McGrew, 2002; Held and McGrew, eds., 2003; Hansen and Rostbøll, 2012). Indeed, Held et al. (2003: 444–452) identify three alternative projects at the global level – liberal internationalism, radical republicanism and cosmopolitan democracy. While radical republicanism does not rely on any political intermediary structures, liberal internationalism demands the reform of global governance along the lines of liberal-democratic theory including pluralism and social-democratic reformism. The cosmopolitan project is the most radical in terms of being grounded in liberal democratic theory, pluralism and participatory democracy. Democracy is supposed to entail both the process of deepening democracy within the framework of national political communities as well as the spread of democracy beyond territorial borders (Held, 2000; Held et al., 2003).

From this point of view, the continuation of the existing international order at the global level may also be problematic. In the words of Held et al., (2003: 451): '*...the reform of global governance currently envisaged by the most powerful countries, for example the reform of the UN, is all too often focused on efforts to include other powerful countries, above all Germany and Japan. Such reform would consolidate the power of certain geopolitical*

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interests but at the expense of many other countries which have some of the fastest rates of economic growth or some of the largest populations. This position is probably unsustainable in the long run.'

Do all alternative forms of governance help civilise and democratise the processes of globalisation? The answer is a definite no. Furthermore, some traditional modes of governance (particularly nation-state based modes of governance) have resisted such processes. Non-civil, undemocratic alternatives are part of the reality. The globalisation of rage is the common denominator in an array of populist extremisms in the current world burdened by extreme social, economic and political inequalities, deep socio-economic changes, major insecurity and high anxiety (Mishra, 2016). Indeed, when considering the current populist surge in Europe, Mudde (2016: 30) qualifies this populist surge as *'an illiberal democratic response to decades of undemocratic liberal policies'*. The recent presidential election in the United States anticipates the potential capture of public governance by private corporate owners and a political marriage between public governance and historically undemocratic regimes. Also, new forms of fundamentalist governance (such as ISIS) have emerged, once more proving that in times of deep crisis the emergence of theocracies cannot be excluded (Fink-Hafner and Slatenšek, in print). Given the centrifugal effects of these many competing ideas and forces for alternative governance, further terrorism and war cannot be excluded.

Research Agenda and Contributions in the Special Issue

In this special issue, the authors focus on several current modes of governance which critically co-determine the nature and democratic aspects of governance in Slovenia. More precisely, from a comparative perspective, the authors analyse empirical modes as they have been evolving in Slovenia since the country's transition to a democracy (1990–2017).

The articles present theoretical sub-framings relevant to specific aspects of governance; they analyse the empirical dynamics of each particular type of governance studied and evaluate them. Two democratic values are used as the main assessment criteria: *representation and accountability*. An analysis of empirical governance takes into account the dynamics of each of the particular mode of governance and identifies the trends in their empirical functioning in Slovenia since its transition to a democratic political system.

The following articles analyse several clusters of issues. *The first* cluster focuses on empirical representative governance based on parliament and political parties. In the article 'Democratic Critique and Development: In Search of Responsiveness', Lars Johannsen and Alenka Krašovec compare and contrast the comparative strengths and weaknesses of the three

empirical modes in Slovenia: neo-corporatism, majoritarian pluralism and personalist politics. Simona Kustec Lipicer, Gregor Čehovin, Ana Železnik and Danica Fink-Hafner analyse the dynamics of parliamentary accountability through elections and changes in the characteristics of Slovenia's parliamentary elite since 1992. Tanja Oblak looks closely at parliamentary political parties to reveal party strategies in using new social media to communicate with voters, particularly young people. *The second* cluster of issues focuses on neo-corporatist arrangements. Alenka Krašovec and Lars Johannsen test whether corporatism is in decline or remains durable and adaptive. The *third* cluster of representation and accountability issues deals with the structure and functioning of accountability systems in the linkage between the national (Slovenian) and EU-level decision-making on EU directives. Here, Damjan Lajh considers the established accountability arrangements that are accompanied by a dysfunctional accumulation of a range of accountability mechanisms. The *fourth* cluster of issues relates to civil society organisations as linkages between the public and the government. Meta Novak in her article answers the often marginalised question of whether and to whom civil society organisations are accountable. The *fifth* cluster of issues deals with the criticisms of governing from a deliberative and participatory theory point of view. Ana Železnik looks at the problems of political inequality and the potential to amend the existing modes of governance through deliberative innovations. Based on the concept of political equality in the context of participatory and deliberative democracy, she proposes deliberative innovations for the Slovenian national political system. The *concluding* article draws together and summarises the various evaluations of Slovenia's empirical governance practices. It also places the questions posed at the beginning of this introduction in the context of the current debate on governance and offers some preliminary answers.

BIBLIOGRAPHY

Ansell, Christopher and Jacob Torfing (eds.) (2016): Handbook on Theories of Governance. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Bache, Ian and Matthew Flinders eds. (2004): Multi-level Governance. Oxford: Oxford University Press.

Bäckstrand, Karin and Jonathan W. Kuyper (2017): The Democratic Legitimacy of Orchestration: The UNFCCC, Non-State Actors, and Transnational Climate Governance. Environmental Politics 26 / 4 published on-line http://dx.doi.org/10.1080/09644016.2017.1323579 (28. 5. 2017).

Bekker, Victor, Geske Dijkstra, Arthur Edwards, Menno Fenger (eds.) (2007): Governance and the Democratic Deficit. Assessing the Democratic Legitimacy of Governance Practices. England and USA: Ashgate.

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Bekker, Victor, Geske Dijkstra, Arthur Edwards and Menno Fenger (2007): Governance and Democratic Deficit: An Evaluation. In Victor Bekker, Geske Dijkstra, Arthur Edwards and Menno Fenger (eds.), Governance and the Democratic Deficit. Assessing the Democratic Legitimacy of Governance Practices, 296–312. England and USA: Ashgate.

Bellamy, Richard and R. J. Barry Jones (2000): Globalization and Democracy – An Afterword. In Barry Holden (ed.), Global Democracy: Key Debates, 202–216. London and New York: Routledge.

Benz, Arthur and Papadopoulos, Jannis (2006): Introduction. In Arthur Benz and Jannis Papadopoulos (eds.), Governance and Democracy. Comparing National, European and International Experiences, pp. 1–26. Routledge, Abington, Oxon, UK and New York, USA: Taylor and Francis group.

Bergstrøm, Carl Frederic (2005): Comitology. Delegation of Powers in the European Union and the Committee System. Oxford, New York: Oxford University Press.

Bevir, Mark (2013): Governance: A Very Short Introduction. Oxford, UK: Oxford University Press. Accessible at https://www.youtube.com/watch?v=pS-sXDI-5ufU (12. 11. 2016).

Blanco, Ismael and Vivien Lowndes, Lawrence Pratchett (2011): Policy Networks and Governance Networks: Toward Greater Conceptual Clarity. Political Studies Review, 9: 297–308.

Borrás, Susana and Claudio Radaelli (2010): Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages. Swedish Institute for European Policy Studies, report (7): December 2010. Accessible at http://www.sieps.se/sites/default/files/2010_7.pdf (14. 11. 2016).

Bovens, Mark (2007): Analysing and Assessing Accountability: A Conceptual Framework. European Law Journal 13 (4): 447–468.

Brisibe, Tare C. (2013): A Normative System For Outer Space Activities In The Next Half Century. 5th Nandasiri Jasentuliyana Keynote Lecture. International Institute of the Space Law. Accessible at http://www.iislweb.org/docs/2013keynote.pdf (14. 11. 2016).

CBA/ABC National (2016): ETA's New Dispute Settlement Court. Q&A with Greg Tereposky, National Magazine. Accessible at http://www.nationalmagazine.ca/Articles/March-2016-Web/CETA-s-new-dispute-settlement-court-Q-A-with-Greg.aspx (15. 11. 2016).

Christiano, Thomas and John Christman eds. (2009): Contemporary Debates in Political Philosophy. US and UK: Wiley-Blackwell.

Damgaard, Bodil (2006): Do Policy Networks Lead to Network Governing? Public Administration 84 / 3: 673–691.

De La Rosa, Sybille and Darren O'Byrne eds. (2015): The Cosmopolitan Ideal. Challenges and Opportunities. London and New York: Rowman and Littlefield.

Division for Ocean Affairs and the Law of the Sea. United Nations: Office of Legal Affairs, (2016), The United Nations Convention on the Law of the Sea (A historical perspective). Accessible at http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm (12. 11. 2016).

Dobson, Andrew (1996): Representative Democracy and the Environment. In William Lefferty and James Meadowcroft (eds.) Democracy and the Environment: Problems and prospects, 124–139. Cheltenham: Edward Elgar.

Doyle, Stephen E. (2010): A Concise History of Space Law. International Institute of the Space Law: Nandasiri Jasentuliyana Keynote Address on Space Law. Accessible at http://www.iislweb.org/docs/2010keynote.pdf (15. 11. 2016).

Dryzek, John and Simon Niemeyer (2008): Discursive Representation, American Political Science Review, 103 (4): 481–493.

Fink-Hafner, Danica (1999): Dilemas in Managing the Expanding EU: the EU and Applicant States' Points of View. Journal of European Public Policy, 6 (5): 783–801.

Fink-Hafner, Danica (ed.) (2010): The open method of coordination: a view from Slovenia. Ljubljana: Faculty of Social Sciences.

Fink-Hafner, Danica and Tamara Dagen (in print) Globalisation in Higher Education Policies: Multidisciplinary Insights. Teorija in praksa.

Fink-Hafner, Danica and Boštjan Slatenšek (in print): Teokracija. Talibanski režim v Afganistanu 1996–2001. Ljubljana: Založba FDV.

Foa, Roberto Stefan and Monk Yascha (2016): The Democratic Disconnect. Journal of Democracy 27 (3): 5–17.

Føllesdal, Andreas (2011): The Legitimacy Challenges for New Modes of Governance: Trustworthy Responsiveness. Government and Opposition, 46 (01): 81–100.

Føllesdal, Andreas and Hix, Simon (2006): Why There is a Democratic Deficit in the EU: Response to Majone and Morawczik. Journal of Common Market Studies 44 (09): 533–562.

Galtung, Johan (2000): Alternative Models for Global Democracy. In Barry Holden (ed.), Global Democracy: Key Debates, 143–161. London and New York: Routledge.

Golub, Jonathan (2000): Globalization, Sovereignty and Policy-making: Insights from European Integration. In Barry Holden (ed.), Global Democracy: Key Debates, 179–201. London and New York: Routledge.

Griggs, Steven and David Howarth (2016): Discourse Theory. In Christopher Ansell and Jacob Torfing (eds.), Handbook on Theories of Governance, 293–307. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Hajer, Maarten (2003): Policy Without Polity? Policy Analysis and the Institutional Void? Policy Sciences (36): 175–195.

Hanberger, Anders (2001): Policy and Programme Evaluation, Civil Society and Democracy. American Journal of Evaluation 22 (2): 211–228.

Hanberger, Anders (2004): Democratic Governance and Evaluation. Paper presented at the Sixth EES (European Evaluation Society) Conference in Berlin, Germany– September 30-October 2, 2004.

Hansen, Kasper. M. (2004): Deliberative Democracy and Opinion Formation. Odense: University Press of Southern Denmark.

Hansen, Kasper. M. (2010): The Equalitiy Paradox and of Deliberative Democracy: Evidence from National Deliberative Poll. In Michael R. Wolf, Laura M. Morales

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and Ikeda Ken'ichi (eds.), Political Discussion in Modern Democracies, 26–43. London: Routledge.

Hansen, Kasper. M. and Christian F. Rostbøll (2012): Deliberative Democracy. In Benjamin Isakhan and Stephen Stockwell (eds.), The Edinbourgh Companion to the History of Democracy. From Pre-history to Future Possibilities, 502–511. Edinbourgh: Edinbourgh University Press.

Heather, Derek (2004): Citizenship: The Civic Ideal in World History. Politics and Education. Manchester and New York: Manchester University Press.

Held, David (1992): Democracy: From City-States to a Cosmopolitan Order? Political Studies special issue 40 (s1): 10–39.

Held, David (2000): The Changing Contours of Political Community: Rethinking Democracy in the Context of Globalization. In Barry Holden (ed.), Global Democracy: Key Debates, 17–31. London and New York: Routledge.

Held, David (2014): Models of Democracy, 3rd edition reprinted. Cambridge, Malden (MA): Polity.

Held, David (2004): Global Convenant: The Social Democratic Alternative to the Washingtom Consensus. Cambridge, Oxford and Malden: Polity Press in Blackwell Publishing Inc.

Held, David and Anthony G. McGrew (eds.) (2003): Governing Globalization: Power, Authority and Global Governance. Cambridge, Oxford and Malden: Polity Press and Blackwell Publishing Inc.

Held, David and Anthony G. McGrew, David Goldblatt and Jonathan Perraton (2003): Global Transformations. Cambridge and Oxford: Polity Press in Blackwell Publishing Ltd.

Hix, Simon (2008): What's Wrong with the European Union and How to Fix it. Cambridge and Malden, MA: Polity Press.

Hoogh, Liesbet and Gary Marks (2001): Multi-level Governance and European Integration. Lanham: Rowman & Littlefield Publishing.

International Institute of Space Law (2015): Position Paper on Space Resource Mining Adopted by Consensus by the Board of Directors on 20 December 2015. Accessible at http://www.iislweb.org/docs/SpaceResourceMining.pdf (20. 11. 2016).

Isakhan, Benjamin and Stephen Stockwell (eds.) (2012): The Edinbourgh Companion to the History of Democracy. From Pre-history to Future Possibilities. Edinbourgh: Edinbourgh University Press.

Jeffery, Charlie and Niccole M. Pamphilis, Ed Turner, Carolyn Rowe (2014): Regional Policy Variation in Germany: The Diversity of Living Conditions in a 'Unitary Federal State'. Journal of European Public Policy 21 (9): 1350–1366.

Jørgensen, Knud Erik and Ben Rosamond (2002): Europe: Regional Laboratory for a Global Polity? In Morten Ougaard and Richard Higgott (eds.), Towards a Global Polity, 189–206. London and New York: Routledge.

Kahler, Miles (ed.) (2009): Networked Politics. Agency, Power and Governance. Ithaca and London: Cornell University Press.

Keane, John (2003): Global Civil Society? Cambridge, New York, Melbourne, Madrid, Cape Town: Cambridge University Press.

26

Keane, John (2009): The Life and Death of Democracy. New York, London: W. W. Norton.

Keast, Robyn (2016): Network Governance. In Christopher Ansell and Jacob Torfing (eds.), Handbook on Theories of Governance, 442–453. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Klijn, Erik-Hans and Chris Skelcher (2007): Democracy and Governance Networks: Compatible or Not? Public Administration, 85 (3): 587–608.

Kobrin, Stephen J. (2001): Territoriality and the Governance of Cyberspace. Journal of International Business Studies 32 (4): pp. 687–704.

Kochenov, Dimitry (2004): Behind the Copenhagen Façade. The Meaning and Structure of the Copenhagen Political Criterion of Democracy and the Rule of Law. European Integration Online Papers, 8 (10): July 2004.

Koliba, Christopher and Jack W. Meek, Asim Zia (2010): Governance Networks in Public Administration and Public Policy. Boca Raton, FL: CRC Press, Francis & Taylor Group.

Lord, Christopher (2000): Legitimacy, Democracy and the EU: When Abstract Questions Become Practical Policy Problems. Universtiy of Leeds, Department of Politics. Policy Paper 03.

Macdonald, Terry (2008): Global Stakeholder Democracy. Power and Representation beyond Liberal States. Oxford: Oxford University Press.

Majone, Giandomenico (1994): 'The Rise of the Regulatory State in Europe'. West European Politics, 17 (3): pp. 78–102.

Büthe, Tim and Mattli, Walter (2011): The New Global Rulers. The Privatization of Regulation in the World Economy. Princeton and Oxford: Princeton University Press.

May, Christopher (2015): Global Corporations in Global Governance, Abingdon, Oxon and New York: Routledge.

Mayntz, Renate (2016): Steering. In Christopher Ansell and Jacob Torfing (eds.), Handbook on Theories of Governance, 259–266. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

McGrew, Anthony (2002): From Global Governance to Good Governance: Theories and Prospects of Democratizing the Global Polity. In Morten Ougaard and Richard Higgott (eds.), Towards a Global Polity, 207–226. London and New York: Routledge.

MIDAS (2016): The International Legal Framework for Deep Sea Mining. Accessible at http://eu-midas.net/legal_framework (22. 11. 2016).

Mishra, Pankaj (2016): The Globalization of Rage. Why today's Extremesm Looks Familiar. Foreign Afffairs. November –December 2016: 46–54.

Mudde, Cas (2016): Europe's Populist Surge, Foreign Afffairs. November–December 2016: 25–30.

Papadopolous, Yannis (2016): Accountability. In Christopher Ansell and Jacob Torfing (eds.) Handbook on Theories of Governance, 205–216. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Pateman, Carole (2012): Participatory Democracy Revisited. APSA Presidential Address, Perspectives on Politics, March 10 (1): 7–19.

27

Perry, James L. (2007): Democracy and the New Public Service. The American Review of Public Administration 37 (1): pp. 3–16.

Pierre, Jon (2000): Debating Governance: Authority, Steering, and Democracy, Oxford: Oxford University Press.

Pierre, Jon (2016): Urban and Regional Governance. In Christopher Ansell and Jacob Torfing (eds.) Handbook on Theories of Governance, 477–485. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Saward, Michael (2000): A Critique of Held. In Barry Holeden (ed.) Global Democracy, 32–46. London and New York: Routledge.

Scharpf, Fritz W. (1994): Games Real Actors Could Play. Positive and Negative Coordination in Embedded Negotiations. Journal of Theoretical Politics 6 (1): 27–54.

Schmitter, Philippe C. (1997): Exploring the Problematic Triumph of Liberal Democracy and Concluding with with a Modest Proposal for Improving Its International Impact. In Axel Hadenious (ed.), Democracy's Victory and crisis, 297–307. Cambridge: Cambridge University Press.

Seganish W. Michael (2003): Criminal Law in Antarctica: Law West of The Pecos Revisited. Journal of Business & Economics Research 1 (6): 13–17.

Sørensen, Eva (2002): Democratic Theory and Network Governance. Administrative Theory & Praxis, 24 (4): 693–720.

Sørensen, Eva and Jacob Torfing (2005): Network Governance and Post-Liberal Democracy. Administrative Theory & Praxis, 27 (2): 197–237.

Taylor, Lucy (2016): Representation. In Christopher Ansell and Jacob Torfing (eds.) Handbook on Theories of Governance, 170–178. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

ThinkingLegal, LLC (2009–2010): How Does the Law Work in Antarctica? Accessible at legalflip.com, http://www.legalflip.com/ArticlePrint.aspx?ID=15 (12. 11. 2016).

Torfing, Jacob and Guy Peters B., Jon Pierre, Eva Sørensen (2012): Interactive Governance. Advancing the Paradigm. Oxford, New York: Oxford University Press.

Torfing, Jacob (2016): Metagovernance. In Christopher Ansell and Jacob Torfing (eds.) Handbook on Theories of Governance, 538–550. Cheltham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Tömmel, Ingeborg and Amy Verdun eds. (2009): Innovative Governance in the European Union. The Politics of Multilevel Policymaking. Boulder, London: Lynne Rienner Publishers.

Tusikov, Natasha (2017): Chokepoints. Global Private Regulation on the Internet, Oakland, California: University of California Press.

UNDOC – United Nations Office on Drugs and Crime (2016). World Drug Report 2016. Accessible at https://www.unodc.org/doc/wdr2016/WORLD_DRUG_REPORT_2016_web.pdf (18. 1. 2016).

Verbruggen, Paul and Tetty Havinga (2017): Hybridization of Food Governnace: An Analytical Framework. In Paul Verbruggen and Tetty Havinga (eds.), Hybridization of Food Governance. Trends, Types and Results, 1–27. Cheltenham, Glos, UK and Northampton, Massachusetts, USA: Edward Elgar.

Wendover Productions (2016): How to Create a Country, 9. 1. 2016. Accessible at https://www.youtube.com/watch?v=bg2VZIPfX0U (10. 11. 2016).

Zakaria, Fareed (1997): The Rise of Illiberal Democracy. Foreign Affairs, 76 (6): 22–43.
Zakaria, Fareed (2007): The Future of Freedom: Illiberal Democracy at Home and Abroad. New York :W. W. Norton & Company.
Zeitlin, Jonathan ed. (2015): Extending Experimentalist Governance? The European Union and Transnational Regulation. Oxford: Oxford University Press.

SOURCES
Space Law-What Laws are There in Space? (2016): Wendover Productions. Accessible at https://www.youtube.com/watch?v=h6AWAoc_Lr0 (10. 1. 2016).
Schumpeter business and management (2016): Accessible at http://www.economist.com/blogs/schumpeter/2013/07/detroit-s-bankruptcy (11. 11. 2016).
Governing the States and localities. Governing data (2016): Bankrupt Cities, Municipalities List and Map. Accessible at http://www.governing.com/gov-data / municipal-cities-counties-bankruptcies-and-defaults.html (1. 12. 2016).
United Nations Economic and Social Commission for Asia and the Pacific, no date, What is Good Governance?. Accessible at http://www.unescap.org/sites/ default/files/good-governance.pdf (12. 4. 2017).
International Monetary Fund (2005): The IMF's Approach to Promoting Good Governance and Combating Corruption — A Guide. Accessible at http://www.imf. org/external/np/gov/guide/eng/index.htm (12. 5. 2017).
The World Bank (2017): World Development Report. Accessible at http://www. worldbank.org/en/publication/wdr2017 (12. 5. 2017).

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