

# GOVERNANCE

BASEL INSTITUTE ON GOVERNANCE

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## Focus non-western forms of governance: In Favour of an Equivalence Functionalist Observation of Governance in Areas of Limited Statehood

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### 1. Introduction

Which actors fulfil governance functions, and in what way do they fulfil these functions? The Research Centre (SFB) 700 at the Free University of Berlin believes that this is the key question concerning governance research in areas of limited statehood.<sup>1</sup> The aim of this research is to discover alternative forms of governance next to the typical western forms.

Compared with conventional theories of regulation like the German steering theory, the western concept of governance allows for a relatively large degree of variation with regard to style of governance. According to the western definition of governance, this concept strives to embrace "all co-existing forms of collective regulation of societal matters" (Mayntz 2004: 66<sup>2</sup>) – so not only those forms of regulating matters where the central actor is the state. Opening up political scientists' understanding of governing in this way seems to be promising and necessary – above all when observing weak or corrupt states.

This article will defend the theory that the western governance debate limits the breadth of the definition of governance by explicitly and implicitly focussing on the state as *the* central actor of governing. The text will look at this specific Eurocentrism dilemma and then propose an equivalence functionalistic approach to the governance problem in areas of limited statehood. For this innovative method opens up the observer's view to non-western forms of governance.

### 2. The Western Concept of Governance<sup>3</sup>

The term governance originates from a debate that has been observing cooperative, non-hierarchical forms of

political decision-making in the OECD world since the 1980s. Private actors are being granted ever greater involvement in social regulation processes. States are making less and less use of their power to make decisions, which is based on sanctions. Instead, governing is done in networks, rules are negotiated with private actors, incentives are set and attempts are made to convince people of ideas. These are new phenomena in the modern nation state, which, on the basis of a strict division between public and private spheres, was supposed to be solely responsible for governing – the regulation of societal matters, that is to say the fulfilment of so-called state functions or tasks (Mayntz 2001: 17-20). The deviation from this ideal towards a "new" enthusiasm for cooperation on the part of the state can be explained on the one hand by a progressive social differentiation and specialisation, and by the high cost of state intervention on the other hand. The state can no longer adequately control all social elements. It has begun to need the material and non-material cooperation of those affected in order to govern the society (e.g. Kooiman 2002: 73-75, 78; Mayntz 1996: 148; Rhodes 1996: 658-660).

The rising phenomenon of cooperation between public and private actors, as well as forms of private self-regulation, are now being described as "new" forms of governance, quite separately from state-centred policy analysis or theory of political steering. Whilst the state (government) and society have previously stood in a hierarchical relation to one another as subject of control and object of control, the western governance debate regards subject and object of control to be hybrid constructs depending on the situation (Mayntz 2005:13). In view of the variety of governance constellations that emerge from this, the focus on state actions of steering gives way to a discriminate observation of institutional regulation structures and processes.

Beyond this consensus, the authors of the analytical governance discourse can be categorised as follows: the first group understands governance to be all forms of intended regulation referring to the common welfare<sup>4</sup> in

<sup>1</sup> In its framework proposal, the Research Centre (SFB) declares the question of "how" governance tasks are carried out to be the key issue (SFB 700: 15). The question of "who" carries out governance tasks results from the branch projects' issues which are chiefly oriented towards the actors (cf. e.g. SFB 700: 15, 33, 322, 484-485, 642).

<sup>2</sup> Translation Anke Draude.

<sup>3</sup> Here we are looking at texts in which the term governance is understood in an analytical way. Normative concepts such as *good* or *global governance* have been left out intentionally.

<sup>4</sup> This essay leaves out the fact that in the OECD debate, the criterion of legitimacy usually limits possible forms of governance. This is of course done in full knowledge of the fact that the problem of legitimacy of regulation structures or

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which private or social actors are involved. Although *the* buzzword in the literature is "governance without government", the participation in governance of state actors is not necessarily ruled out. What is ruled out is simply their dominance. Governance is effected in a non-hierarchical way, and at least with the inclusion of non-state actors (Héritier 2002: 3; Peters/Pierre 1998: 230-231; Rhodes 1996: 652-653, 660; Stoker 1998: 17).<sup>5</sup>

A second group of authors describes as governance all intended regulations with an orientation towards the common good. These can be shaped by social and/or state actors. So in the case of cooperative forms of governance, subject and object of control are identical. In the case of cooperative forms of governance the subject of control is a hybrid of state and private actors, and in the case of classic hierarchy there is a clear line between the state as subject of control and society as object of control (Benz 2004: 20-21; Jessop 1998: 29-30, 33; Kooiman 2002: 73, 81-84; Mayntz 1996: 152, 2004: 66-67, 69-71; Schuppert 2005: 375-382).

Additional analytical definitions of governance can be found amongst academics not concerned with political science. Economists include in their analyses the market - which produces non-intended regulations - as a form of governance (SFB/Transregio 15 2006). Sociologists regard all "patterns of overcoming interdependence" (Lange/Schimank 2004: 19) - that is to say all social structures of order - as governance. Such wide definitions will however be excluded henceforth in favour of a political definition of governance in line with the first two groups of authors.

### 3. Bringing the State Back In

If one asks how well the western concept of governance can be applied to areas of limited statehood then there is one aspect of the relevant literature that appears to be particularly problematic - the reintroduction of the state as the centre of governing.

This focus becomes particularly clear in the following line of argument which has developed in the context of the welfare state in continental Europe. Initially, governance research distances itself from the state and places private actors alongside the state with regard to the function of governing or regulation. Thus the paradigm change from steering to governance includes an observation of and a call for self-restraint of the state (Mayntz 1996:

153). In line with the principle of subsidiarity, social rules should, wherever possible, be shaped by the actors affected. The state hands over the relevant formal competences to private actors (Benz 2004: 18, 20; Jann 2005: 27, 29-30). This self-restraint does not, however, according to the western debate, imply any marginalisation of the state. Empirical evidence instead suggests that we are concerned with a transformation of the state's function "from centre of steering to coordination body" (Mayntz 2004: 75; cf. Kooiman 1999: 16-17; Peters/Pierre 1998: 226-227). The resulting hybrid forms of governance demand a balance of asymmetric power constellations, the lifting of decision blockades and a guarantee of the binding nature of decisions made. State authority is necessary for this. Non-hierarchical regulation processes require the "shadow of [state] hierarchy" (Scharpf; cf. Jessop 1998: 43; Mayntz 2004: 72; 1996: 156, 162; Rhodes 1996: 659-660, 666; Schuppert 2005: 377-378, 413-415; Stoker 1998: 19, 24).<sup>6</sup>

To sum up, this kind of argument leads the state - after an apparent withdrawal - back to its position as central actor in the governance debate. And it does this explicitly by maintaining the need for a "shadow of hierarchy".

The state is also at the centre of the western governance discussion in an implicit sense. As has already been mentioned, the concept of governance is based on conventional political theories of regulation which contrast the state as the subject of control and society as the object of control. The governance theory criticizes this genuinely Euro-American dichotomy of state and social actors, or public and private actors, and it strives to overcome it (Rhodes 1996: 659; Peters/Pierre 1998: 229). This project fails, however, as the discourse returns to the old types of actor (e.g. Kooiman 2002: 81-84; Peters/Pierre 1998: 223-224, 231). The dichotomy is simply extended: If conventional theories of political regulation had - of the "two-sides-form" *state/society* - concentrated on the side of the *state*, and if the side of *society* had simply been a "negative correlate" (society as being all that is non-state), then the progress being made in the governance debate is the fact that it observes both sides as equals. In view of the function of governing, it tries to define the negative side of the "code" and thus sees possibilities that people had previously been blind to - the importance of public-private cooperations or the potential for private self-regulation. The fact that the main achievement of the western governance discussion is the typification of purely state,

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processes is of key importance in areas of limited statehood (Schmelzle 2006 and Risse 2006: 6-9 deal with this problem in the context of the Research Centre 700).

<sup>5</sup> An implicit "anti-state bias" (Blumenthal 2005: 1165), that is to say the normative preference for cooperative forms of governance (Dose 2003: 26; Jessop 1998: 35,38), is inherent in this limited concept of governance. Good examples of this are Jan Kooiman's early texts, in which an additional governance definition is limited by a real focus on "new" forms of governance (cf. e.g. Kooiman 1999: 6, 15).

<sup>6</sup> US Americans deviate from this line of argument insofar as they do not problematise the "shadow of hierarchy". They are more logically consistent than the Europeans as they maintain that the different governance actors are equal (Peters/Pierre 1998: 226). This does not mean, however, that a minimum of state productivity is not implicitly required. Even the liberal tradition is not unfamiliar with ideas such as the guarantee of distribution of wealth or security as prerequisites of functioning government. This kind of minimum state activity is of course not dealt with as a central theme in governance literature.

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cooperative and purely private forms of governance shows that this discussion is continuing to work with the "code" *state/society*, despite all progress made (Luhmann 1998: 750; cf also Görlitz/Bergmann 2001: 32). In other words, the governance theory finds itself, despite discriminate observations, in Europe's "matrix" (Derrida 1976: 423) of ideas, in which there is an essential differentiation between state and society, public and private (Foucault 1991: 12-14; 1983: 184; cf. in connection with Foucault Butler 1991: 38-39, 46-47).

The explicit focus on the role of the state in regulation processes, as well as the implicit presence of the state in the observation pattern *state/society* become a problem by definition when attempts are made to apply governance theory to *other* cultural areas of *limited* statehood. For if the state is weak and the regulation of societal matters cannot be guaranteed by the state, it is more promising to search for *other* forms of governance than to question the state's role in governance. Besides, there is now the assumption that the ideal of dividing public and private spheres in the areas of interest to us does not exist (or is at least only superficially copied). Public and private can therefore only be observed in hybrid forms. Various examples from research into corruption and clientelism demonstrate this (Christophe 2005: 23, 26; Engel/Olsen 2005: 7-8; Hein 1998: 94-95). In view of this information one can ask whether the observation pattern *state/society* is even suitable for areas of limited statehood. Does it not perhaps make us blind to *other* possibly existent forms or typifications of governance?

#### 4. The Eurocentrism Debate

When looking for methods that make these *other forms* visible, or that make governance without the *state/society* dichotomy conceivable, we stumble across the dilemma of Eurocentrism. Every observation works on the basis of socially or culturally determined categories which give a structure to what is being observed and make it possible for it to be observed in the first place. In other words, every observation is distorted by the context of the observer.

This is the core message of constructivism. It is based on the following assumption: humans are reliant upon a cultural "matrix" in order that they can reduce the frightening mass of possible events to an amount that they can cope with in a given constellation of time and space (Derrida 1976: 422-424; Foucault 1991: 19-24, 33; 1983: 186; Luhmann 1998: 29, 62-69, 813). It is this "matrix" that gives order to our world. It is a system of interdependent elements that have grown historically. In the case of the modern humanities and social sciences, specialist terms or theory traditions could be identified as elements of a cultural "matrix", but so could the structure of language or signs. They mark the boundary of what is thinkable and sayable. They are nonetheless highly contingent in terms of time and space, that is to say that the elements of a cultural "matrix" emerged in a given context, and they could have denoted something else or

been categorised differently. For instance, the modern humanities and social sciences emerged in Europe (and not somewhere in Africa for example). Thus they also transport the European "social construction of reality" (Berger/Luckmann) (and not the African one). This is why it is so difficult for us to get away from the ideal of the western nation state when observing governance in areas of limited statehood. The constructivist theory of the cultural "matrix" points on the whole therefore to the fact that people can experience reality in very different ways – according to the historical and regional context in which they find themselves. Reality is therefore never objective, it is almost always observed through a pair of socially constructed spectacles that has been handed down to us and that gives order to our world. These cultural spectacles can never be taken off because without them we do not have the ability to see.

Observers of this phenomenon also maintain that culturally determined categories of comprehending the world cannot be exchanged at will. They are preconscious and must first be uncovered in a laborious process (Geertz 1987: 14, 22; Derrida 1976: 424, 428-429; 432; Foucault 1991: 34-35, 38; Luhmann 1998: 23-24, 28, 54-55). Only then can one begin to play with one's own presumptions. Observation patterns are exchanged, language is deconstructed, discourses are historicised etc. The ways in which things have emerged and transformed appear to be contingent events - they could have occurred in a different way. This game always holds new Eurocentrism traps. One gets caught up, as before, in other elements of the cultural "matrix". But perhaps it is possible to reach a more complex view of things and to achieve new understanding in this way (Derrida 1976: 427, 440-442, 432-442, 432-433, 437; Foucault 1983: 190; Luhmann 1970: 86, 1095).

What does this Eurocentrism dilemma mean for the observation of governance in areas of limited statehood? It means that there will always be some kind of association with western society (our own cultural context) when we observe areas of limited statehood. And perhaps governance in terms of an intentional regulation structure has until now only ever inferred the *state/society* code. If we believe in constructivism then we cannot observe *other forms* in a non-distorted manner. But we can control the amount of distortion depending on how aware we are of our explicit and implicit cultural presumptions, and according to how creative we are in playing with them, reflecting them against and exchanging them with others. It is therefore a question of level of reflection and method how distorted our perception is.

#### 5. One Way Out: Equivalence Functionalism

In view of empiric research, one can ask, as a follow-on from these epistemological ideas, where research should place its blind spots (its Eurocentric premises) with regard to certain issues. There are always several different ways of methodically approaching a problem. Every method, every academic representation has its blind

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spot. This blind spot conceals what another method may have revealed. One must therefore think about which plane of reality should be observed as impartially as possible, and consider the extent to which it is possible to keep Eurocentric presumptions out of this plane.

In the wide field of development and transformation studies, there is one method that has proved to be particularly fruitful: equivalence functionalism. As a method of comparison it is completely different to conventional causal analysis. Causal analysis sees the complexity and the special nature of each individual case within the set of laws that govern the relationship between certain causes and certain effects. Equivalence functionalism actually expresses doubts about this set of laws when it looks for "the functional equivalence of several possible causes seen from the point of view of a problematic effect" (Luhmann 1991: 14; printed in italics in the original). The equivalence functionalist method also differs from Malinowski's or Parsons' explanatory functionalism in which, in terms of causal explanations, effects are identified as (sufficient) causes for certain phenomena (Luhmann 1991: 9-10, 13). In contrast, equivalence functionalism opens up the possibility of seeing *other aspects* with the help of a function that organises the observer's view. It is the function that determines the observer's perspective. It transports his or her cultural background – the background before which it seemed like a sensible decision to observe this very function as opposed to any other function. So the function itself is the part of the research process that was pre-defined before its actual observation in the "matrix" of European research. Within this function lies the blind spot of the equivalence functionalist approach.

## 6. Equivalence Functionalist Governance Research in Areas of Limited Statehood

The aim of the Research Centre (SFB) 700's concept of governance is not simply to observe imitations of the European modern age (e.g. public-private partnerships), or to observe the non-westernness of non-western areas (e.g. failing states). Instead, it aims to uncover individual, possibly *other*, non-western, non-modern solutions to problems in view of certain governance tasks. And it aims to look primarily for those actors or constellations of actors that solve the problem of "governance" with the help of intended regulations (SFB 700: 20-22, 29, 34-35). Investigations into state and governance in areas of limited statehood suggest that western actor typifications are highly problematic in the areas investigated. As has already been mentioned, there is at the most only a superficial separation of public and private or state and society actors in developing nations or transformation nations. Immediately beneath the formal surface, borders between the different spheres of action do not seem to exist (from a Eurocentric viewpoint).<sup>7</sup> Neopatrimonialism,

but also clientelism, and corruption discourse have done a thorough job in drawing attention to this difference. If research does not wish to stop at the stage where it simply points to the existence of hybrids, but instead wishes to cast light on this field with its alternative constellations of actors and spheres of action, then it could be interesting to toy with the idea of not feeding the European dichotomies and the actor typifications that have developed as a result into the investigation as presumptions. The equivalence functionalist comparison method allows for avoiding this. If one concentrates on a function relevant to governance (instead of on a certain type of actor) then a whole area of comparison for the most varied actors fulfilling equal functions opens up.

In this way, actors that might not fit into the pattern of *state/society* or *public/private* suddenly move into the observer's line of vision. In addition to this, a functionalist approach has the advantage over the *ex ante*-dichotomy *state/society* of not placing the state at the centre of the governance process from the outset. A sharper focus may be directed at forms of so-called self-regulation where there can, after all, be central and less central actors. This definition of equivalence functionalism also enables one to view the field without any certain actor typifications, and thus it opens up an area of comparison where there is space for *other* constellations and not just the well-known western ones. If one were to gather together all of the different kinds of actors that fulfil a certain function relevant to governance, this would be a wide basis for toying with different classifications and typifications. Perhaps the European divisions of private and public or state and society governance actors would suddenly appear less profitable; perhaps one would see alternatives at this early stage.

## 7. Constructing the Blind Spot

In order to actually be able to apply the equivalence functionalist method being propagated here to governance research, one has to give a closer definition of the function of governance, that is to say one has to give precise distinctions. In view of the Eurocentrism dilemma that has been explained, it would be a good idea for pragmatic reasons to derive governance functions (partial functions of governance) from the western debate about state tasks or functions. In the "matrix" of European (social) science, the function is constructed as the blind spot of the intended comparison. Our starting point is the western modern age, or to be more precise, the western ideal type, the state. The state's involvement in the most varied areas should be abstracted in the form of reference problems only to the extent that the specific

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spheres were presumably never divided according to the European ideal (not even closely, as is the case in the European real states). It therefore does not make sense to assume there has been a mixing of two things that do not even exist independently.

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<sup>7</sup> The relevant literature speaks of a mixing or an interweaving of the spheres of action. This does not seem appropriate as the

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western understanding of state appears only as *one possible* solution to the governance problem, and not *the only* solution.

In this sense, the following governance functions can be constructed (they are of course highly contingent and need not be permanent<sup>8</sup>):

**(1) Security.** Political science stresses two state tasks in particular as being the precondition of all further state activities - maintaining internal order and protecting independence from external threats (e.g. Benz 2001: 97-99; Schuppert 2003: 158, 220; Sommermann 1997: 239-242). Both tasks serve the problem of *security*, whereas the specifically western solution to this problem is based on the distinction between external and internal security. In the OECD world there are concrete governance institutions that are linked to the distinction, like the police and the military.

**(2) Power.** Several different state tasks can be summed up under this function. When people speak of the separation of powers, of human rights or of parliamentary democracy, these are western solutions to different reference problems from the area power. The rule of law, especially the judicature, form the core of the specifically western solution to the governance function of creating *planning security*. The legislature, in the form of democratically elected parliaments, serves the *establishment of collectively binding decisions*, and it is the executive of the modern western ideal, the state, that sees to their *implementation*. Human and civil rights are supposed to guarantee the *limitation of power*, and in the OECD world the principle of democracy regulates *participation in power* (Benz 2001: 97; Gil 2003: 19-34; Rotberg 2004: 3; Sommermann 1997: 210, 268-288).

**(3) Welfare/Environment.** Which functions the state should assume in the area of welfare/environment is a contentious issue in the OECD world. The object and the extent of state involvement are determined differently in different political communities. At a very abstract level, however, the different viewpoints can be brought down to one common denominator consisting of six functions: *economic stability, infrastructure, basic social insurance, public health, education and securing natural living conditions* (a clean environment). How these functions are attended to depends, within the OECD world alone, to a very large extent on the viewpoint of the observer. In the area of economic stability the different degrees of regulation are discussed. There is a relative consensus

about categorising things like communication (telephone, postal service, internet), transport (road and rail networks, ports and airports), water, gas and electricity under the sub-heading infrastructure. There are on the other hand large differences in the extent of state involvement in areas such as Basic Social Insurance and Public Health. The sub-heading Education encompasses i.a. schooling as well as the promotion of technology and culture - these are also tasks that demand more or less state involvement in different OECD member countries, or that are the subject of controversial discussion in these countries. The sub-heading Securing Natural Living Conditions suggests keeping air and water clean, looking after forests, organising the development of housing schemes and protecting open spaces. There is huge disagreement over the importance of this group of functions compared to other state tasks (Benz 2001: 97-102, 184-188, 194-198; Gil 2003: 46-48; Rotberg 2004: 3-4; Schuppert 2003: 220, 235; Sommermann 1997: 225-236, 272-287).

## 8. Summing up

The ideas presented here were inspired by the question as to how the western concept of *governance* can be applied to areas of limited statehood. It seemed problematic that the western debate focuses on the state as *the* central governance actor. In view of the Research Centre (SFB) 700's area of interest, this kind of focus involves the risk of neglecting or even overseeing in *other* areas *other* actors that may have developed a *different* solution to the problem of governing in those areas. But constructivism teaches us, with regard to this observation, that it is not easy to just direct one's own view towards *other* aspects. This is partly because the language we use in social science has been developed in our analysis of the Euro-American modern age, and it thus always implicitly carries this reference with it in its contingent dichotomies. This is the dilemma of a Eurocentrism that is inescapable. However, the blind spot of Eurocentrism can, according to the constructivist position of this essay, be methodically minimised. In the case of the *governance* research being carried out by the Research Centre (SFB) 700 - which is looking for alternatives to typically western forms of governance - an equivalence functionalist method (which sees private actors as equal to state actors when fulfilling governance functions) seems appropriate. This kind of method opens up an area of comparison for functionally equal phenomena which are nonetheless fundamentally different. Equivalence functionalism offers therefore the possibility of discovering *other* forms of governance in areas of limited statehood than western (or similar) forms. Of course this method also has a blind spot. It lies in the function which, ahead of the observation itself, has to be defined in the West's "matrix" of ideas, in order to enable

<sup>8</sup> Claiming that governance functions need to be permanent, as e.g. Rosenau does (1992:3), implies the question about a (possibly anthropological) justification for this necessity. This justification would be a comprehensive research topic in itself - but an equivalence functionalist approach is not dependent on this topic being dealt with. For contingencies are possible with this method of comparison - the failure of a function to be fulfilled in a particular context under investigation is equally conceivable as the discovery of *other* government functions that are not relevant in the OECD world (e.g. a function to establish meaning, which religion could fulfil).

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us to look at the empirical world in the first place. In order to achieve a more pragmatic approach, it is a good idea to use the literature on state functions and tasks as a basis for the definition of *governance* functions. The result of this approach are the following *governance* functions:

**(1) Security:** Establishing security.

**(2) Power:** Planning security, establishment of collectively binding decisions, implementation of collectively binding decisions, limitation of power, participation in power.

**(3) Welfare/Environment:** Economic stability, infrastructure, basic social insurance, public health, education, securing natural living conditions.

For each individual region one would have to ask who fulfils a certain function and thus makes a contribution to governance. Within the Research Centre (SFB) 700 there are the different empiric branch projects that will selectively take on this specific task. As a follow-on from this, the regions, actors, or institutions could be compared, and possible sets of laws and deficits in performance or legitimacy could be identified. This is the task of the Research Centre's theoretical branch projects, in particular A1. In this way we can see the emergence of a wide area of equivalence functionalist *governance* research.

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