Governance as Network: Contradictions and Dilemmas. A reflexive perspective.

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Abstract:

Governance is a term that has come into being recently. It usually indicates practices and procedures that challenge the states' competences and power. The interest in governance is growing across different social spheres: from economy to politics, crossing environment issues, civil society, and international contexts. Moreover governance seems to be more than a simple trend: actually, according with social sciences, it expresses the transition from a model based on the national and central government, with its forms of hierarchical control, to market and networks, deliberative and organizational processes based on the participation of stakeholders and private actors, as well as public ones. All of these processes arise in a virtual space: the network. Here relationships are horizontal and governed by informal rules; they are organized by cooperation and coordination: all the stakeholder rationally participate to the decision-making-processes, sharing knowledge, power, and means. Does it mean that a governance without government is possible and desirable? The theory of governance as network is fascinating because it gives the idea that in a shared place (the network) it is possible to solve problems through cooperation and coordination amongst actors. Notwithstanding its effectiveness and efficiency, the governance approach poses some problems and dilemmas concerning above all its asserted democratic nature. Can the theory of reflexivity manage these contradictions by developing a serious self-regulation and a responsible and rational metagovernance?

Keywords:
Governance, Government, Network, Reflexivity, Metagovernance.

1. INTRODUCTION

The word governance sounds as something of magic and ubiquitous. Politicians invoke better policies of governance in their speeches. It appears in the international debate across different specialized spheres, such as climatic issues, healthy system as well as global bankers and multinational corporations' behaviours or civil society (waste collection in neighbourhood, for example). It often has been indicated as a *panacea* for managing and solving the inefficiency of domestic law. However, despite this growing interest, it still remains an ambiguous term, a ghost, a shadow that is going around the world.

The use of the word governance in social sciences and legal theory generally indicates the crisis of a way of governing based on the national state with its public institutions (the so-

called government) and the transition to a new model based on the network regime (Palumbo & Vaccaro 2007). While the government model could count on vertical and hierarchical relations among state and citizens, the governance approach demands "to cut King's head" (Foucault 1980, p. 121).

However, this new governance approach has not been peacefully accepted. As I have already said, despite of its diffused use, this new style of governing that considers state only as a possible actor in the managing public affairs poses different problems. To presume a governance without a government means to undermine constitutions and central national government. As Rosenau and Czempiel point out: "Governments still operate and they are still sovereign in a number of ways; but (...) some of their authority has been relocated toward sub-national collectivities" (1992, p.: 3). In other words, some of the functions played by central governments are now being performed by new actors that do not originate and legitimate with government. These actors demand to govern without a central authority, re-locating authority, legitimacy, and compliance or re-examining roles, structures, and functions of the modern state. So doing governance poses a first and no-eliminable dilemma: where do these new stakeholders derive from their democratic legitimacy? Who legitimates governance procedures and decisions? Is the stakeholders' participation democratic and effective? Who decides in the network?

Even if the use of the national law seems to be more efficient because of its effectiveness in solving problems in times of uncertainty and social complexity, it must manage and solve the problem of legitimacy if it wants to fairly counterbalance the negative effects of neoliberal globalisation.

The aim of this paper is to verify if we can deal with these problems and dilemmas by using a specific model of governance, as it has been formulated by Bob Jessop (1998; 2003): the reflexive model.
Jessop defines governance:

> (...) as the reflexive self-organisation of independent actors involved in complex relations of reciprocal interdependence, with such self-organisation being based on continuing dialogue and resource-sharing to develop mutually beneficial joint projects and to manage the contradictions and dilemmas inevitably involved in such situations. Governance organized on this basis need not entail a complete symmetry in power relations or complete equality in the distribution of benefits: indeed, it is highly unlikely to do so almost regardless of the object of governance or the 'stakeholders' who actually participate in the governance process (2003, p. 142).

Put in other words, I intend to verify if the reflexive factor can improve this new way of governing.

The paper will be organized into three parts. In a first one I will present problems and dilemmas affecting governance (legitimacy, democratic participation). In a second one I will illustrate the governance model according to Jessop's perspective, i.e. a form of reflexive self-organisation governing social and economic relationships. Finally I will try to argue how this reflexive approach to the governance, strictly connected to metagovernance, can manage and eventually solve contradictions and dilemmas analyzed in the first part of the article.

2. GOVERNANCE AS NETWORK: DILEMMAS AND CONTRADICTIONS

By a broad perspective, the term governance is commonly used to denote the presence of public and private actors in the activities of government:

> We use the term governance to denote the command mechanism of a social system and its actions that endeavor to provide security, prosperity, coherence, order and continuity to the system (...). Taken broadly, the concept of governance should not be restricted to the national and international systems but should be used in relation to regional, provincial and local governments as well as to other social systems such as education and the military, to private enterprises and even to the microcosm of the family. (King & Schneider 1991, p. 181-182).

Until the Seventy of the past century, states could count on their political, economic, social, and judicial hegemony played within their geographical boundaries. States were able to answer to every social instance coming from the bottom of civil society. However the increasing of social complexity, caused in the last decades by global phenomena, has determined a consistent decline of states' hegemony in terms of new challenges to the central authority and to its capacity to govern society. Social movements, immigrants, market, agencies, multinational companies, consumers (only to mention but a few of these new actors) are now demanding new political, economic, and legal solutions: "In the absence of effective institutions of transnational governance, working conditions in global commodity chains are regulated through myriad public and private arrangements that constitute a legal kaleidoscope rather than a legal system" (Santos & Rodríguez-Garavito 2005, p.: 65). Global market, argues Ferrarese (2012), exists as a virtual space where actors, despite of geographical, cultural, and legal distances, can have potential exchanges of means, goods, services, and information.

> The process of governance represents the adaptations of political and administrative activities to those transformations experienced by contemporary As Rosenau has argued: "Governance, in other words, encompasses the activities of governments, but it also includes the many other channels through which "commands" flow in the form of goals framed, directives issued, and policies pursued" (Rosenau 1995, p. 14).

Notions of "sovereignty" or "hierarchical order" seem to be anachronistic in the sense that they can no longer be accepted as a way of describing or governing society. Solutions offered by state and until now accepted as fair, effective and politically popular, now seem ineffective and unpopular. They are replaced by new instruments and means coming from the bottom of society – from the network arrangements – that seem to be more effective and efficient.

Social sciences have pointed out how "the growth of global communications technologies, the rise of multinational corporate entities with no significant territorial centre of gravity, and the mobility of capital and people across borders" (Berman 2012, p. 5) mean that states cannot govern all these activities around the globe, recurring to their territorial sovereignty. It does not mean that state disappears, but only that it is no longer a necessary actor in the political scene. If state – meant as the post-Westphalian entity – was the centre of every political, economic, social, and legal decision with its mechanisms of command-and-control, now it loses a part of its sovereignty. It is transferred to other actors: international organizations, regional agencies, law firms, multinational companies (MNCs), non-governmental organizations (NGOs), global bankers, consumers

associations, collective bargaining unions, etc. All these actors operate on the global networked space through interdependent relationships. They operate invoking and applying *soft* and flexible forms of law, such as *lex mercatoria*, actions plans, codes of conduct, codes of practice, guidelines, agreements, etc.

Mark Bevir has developed a theory of policy network as a form of governance. First, he defines network as:

> (...) a common form of social coordination, and managing interorganizational linkages is as important for private-sector management as it is for public-sector management. Networks are a means of coordinating and allocating resources. They are an alternative to, not a hybrid of, markets and hierarchies, for they rely distinctively on trust, cooperation, and diplomacy (Bevir 2013, p. 93).

Then he explains how networks work:

> (...) issue networks involve only policy consultation and are characterized by many participants; fluctuating interactions and access for the various members; the absence of consensus and the presence of conflict; interaction based on consultation rather than negotiation or bargaining; an unequal power relationship in which many participants may have few resources and little or no access; and a concept of power as a zero-sum game. (Bevir 2013, p. 91-92).

One of the main feature of the network organization, and of governance in general, is its attitude to produce a consensus *ex post*. State's central authorities have a consensus *ex ante* because there are democratic procedures of election that give a formal authorization to them for playing their role and functions. On the contrary stakeholders are not elected; they have no formal authorization coming from democratic procedures of representation. There is no democratic procedure of election that gives a formal authorization to stakeholders to discuss and decide in the network. This loss of democratic and formal authorization to govern means that stakeholders can only get a consensus *ex post* coming from their capacity to solve social problems. It is not a democratic consensus *ex ante* to give legitimacy to stakeholders and their activities but their efficiency and efficacy (Bevir 2013; Ciaramelli 2013; Ruggiu 2012; Scamardella 2013). If the social issue discussed and ruled in the network is rapidly and efficiently solved, stakeholders' activity appears as legitimate.

However I argue that this feature is not only a point of force of the governance model but also an intrinsic dilemma and contradiction. Network as governance asserts its democratic and open nature thanks to shared procedures, the exchange of information and knowledge, the use of careful planning and bargaining mechanisms. But it still is not clear if these features are effective and how they can guarantee the democratic participation of all actors involved in the discussion and in the deliberative process.

In the network space the model of command-and-control inspired by government structures and based on hierarchical relationships – central authority selects substantial goals and at the same time it also establishes means to achieve them, surveilling and ruling the way in which individuals act – is replaced by three kind of relationships: a. relationships (or inter-connections) among individuals and groups; b. communication of information through language or other symbolic mediums; c. capacity to modify the action. However, this mechanisms still remain ambiguous. It is not clear, for example, how the processes of discussion and deliberation could be carried out in wider networks

in order to allow a democratic participation of all the potential addressees of the final decision. Nor it is clear who will be responsible for making the final decision. Who will make rules without government?

Could we have a governance without government? Who will control stakeholders and the final decision?

Some scholars (Bovaird 2005; Esmark 2003) have argued that networks can promote democracy because their capacity to extend the social basis with inclusive procedures would imply democratic practices; even if the state is no longer the absolute subject of the game. Other scholars have expressed many criticisms against the theory of the governance as a network. Santos and Rodríguez-Garavito claim that "the governance approach tends to bracket deep power asymmetries among actors (for instance, those between capital and labor in global code of conduct systems) and to view the public sphere as a rather depoliticized arena of collaboration among generic 'stakeholders'" (2005, p. 8). Bevir (2013) points out how the recall of the democratic procedures is only instrumental because the main aim of the governance is the social consensus on the policies decided by dominant groups.

I think that the main dilemma posed by governance is that markets can govern in networks in absence of government. I should admit that this danger is strong for the government model too because the perverse neoliberal effects of globalization are also affecting states with their structures and functions. However it would seem that markets' imperialism represents a bigger danger in governance than in government because governance goes *beyond* the states (Fiaschi 2008). If state becomes only a possible actor on the political scene and it renounces to its role of governing by indicating goals and giving means, markets with their logics and dynamics are facilitating in reducing the political public space of the debate and they can easily approve unpopular and neoliberal policies (Wolf 2000). This happens when government renounces to its functions of *inputs* (to govern with its democratic and representative institutions) and it is replaced by structures and organizations inspired by efficiency and efficacy. By this perspective, in fact, governance is not only "what governments do to their citizens. But it is also what corporations and other organizations do to their employees and members" (Bevir 2012: p.: 2). Even if it seems that network can govern by producing coordination and interaction, we must ask if these policies are democratic. Put in other words, we should ask if minority groups -- such as employees, children, refugees or minority cultural identities -- can effectively participate to the network's exchanges and deliberative activities.

Many questions arise from this last assertion.

First, are the participative procedures effective or does participation only mean a general consultation of groups, while final decision comes from dominant groups' will? In the second case, it would be clear that the top-drown processes, based on horizontal policies, are used only for ensuring a consensus to financial and global elites. This would happen because consultation does not imply a broader dialogue and participation to the deliberative process (meant as assumption of decisions).

Second, if the participation in the network is based especially on knowledge, information, power, and technology, only dominant groups, by having these instruments, would effectively participate to the governance multilevel policies (Ruggie 1993). Here the

analysis led by Manuel Castells (2013) can give a better understanding of how a network works by establishing relationships of communication that, at same time, are relationships of power.

According to Schiller (2007):

> "Communication is the sharing of meaning through the exchange of information. The process of communication is defined by the technology of communication, the characteristics of the senders and receivers of information, their cultural codes of reference and protocols of communication, and the scope of the communication process. Meaning can only be understood in the context of the social relationships in which information and communication are processed". (Schiller 2007, p.: 18).

So, the main question is as follows: which kind of information, technology, protocols of communication, and references minorities and weak individuals and groups (immigrants, ethnic minorities, etc.) have within a network? Even if we live in a *mass communication* society (Castells 2013, p.: 54) where every individual seems to be designated both sender and receiver of interactive communication, we should ask how much *weight* their communications have in terms of power (i.e. how a communication or an instance formulated by an immigrant or an employee counts in a deliberative and decisional process within a network). As Castells has pointed out,

> "Even with growing access to the Internet and to wireless communication, abysmal inequality in broadband access and educational gaps in the ability to operate a digital culture tend to reproduce and amplify the class, ethnic, race, age, and gender structures of social domination between countries and within countries". (Castells 2013, p.: 57).

The influence of multinational companies over media and technologies tends to transform and manipulate weakest individuals and groups and their participation within the network. It means that even if social actors and individuals around the world use their capacity of communication networking to assert their instances, to defend their rights, and advance their demands, their role within networks is very limited because they are surveilled by economic elites and neoliberal apparatuses.

Castells (2013) concludes his analysis arguing that minorities groups within a network, marginalized by those users having a high level of technological and economic power, can try to react by organizing a kind of resistance against this power. These network of resistance will consist in an attempt to modify relationships of power, re-programming network itself and communications around values and alternative interests (a good example can be represented by consumers' struggles against Nike, Benetton, Microsoft, etc. fought through online and web campaign).

The problem still rests stakeholders' legitimacy within the network. As I have argued earlier governance is fascinating because within a network institutional and organizational structures are re-defined and replaced by flexible dynamics aiming to be more efficient and effective than those of the government model. However negative and perverse risks, examined in terms of neoliberal powers and a different distribution of knowledge, power, information, and technology within the network, are still strong and dangerous.

Therefore they suggests to pay a better consideration to the issue of network's democratic legitimacy.

3. ON REFLEXIVITY OF GOVERNANCE: SHAPING BOB JESSOP'S MODEL WITH THE THEORY OF SYSTEMS

The issue of the democratic legitimacy that affects governance meant as a network represents the premise of my hypothesis: to verify if this problem could be managed and solved through a model elaborated by Bob Jessop (1998; 2003). As it was explained over the introduction, Jessop defines governance as a mechanism of reflexive self-organisation. The main relevant feature of this model is the understanding of "the commitment on the part of those involved to reflexive self-organisation in the face of complex reciprocal interdependence" (Jessop 2003, p. 142).

The reciprocal interdependence means that stakeholders are reflexively available to the dialogue and to the cooperation and coordination for solving problems. This does not automatically determinate symmetry and equal division of resources or power relationships, but only a general behaviour of parties in sharing knowledge and procedures for managing the social complexity within the network. In accordance with the sociological theory of systems (Luhmann 1980, 1995; Teubner 1996), by "social complexity" I mean the whole of possible (quantitative and qualitative) combinations, exchanges, and connections amongst agents within the network.

Why the reflexive element? Jessop argues that in his model:

> (...) governance can be distinguished from the 'invisible hand' of uncoordinated market exchange based on the formally rational pursuit of self-interest by isolated market agents; and from the 'iron fist' (perhaps in a 'velvet glove') of centralised, top-down imperative co-ordination in pursuit of substantive goals established from above (...) (2003, p. 143).

The reflexive element, meant as a self-organization of the governance, would allow to consider governance as an acceptable answer to the social complexity meant both as a specific feature of the network, as I have earlier argued, and that produced by global phenomena in terms of strong differentiations of social systems and subsystems. From a philosophical perspective governance as a reflexive self-regulation would work as a mechanism capable to solve the gap amongst state, global market, and social spheres, promoting reflexive coordination, dialogue and negotiations.

Which are the conditions that allow a reflexive self-regulation? For Jessop, there are four conditions for an effective reflexive self-regulation:

> (a) simplifying models and practices, which reduce the complexity of the world but are still congruent with real world processes and relevant to actors' objectives; (b) developing the capacity for dynamic, interactive social learning among autonomous but interdependent agencies about causal processes and forms of interdependence, attributions of responsibility and capacity for actions, and possibilities of co-ordination in a complex, turbulent environment; (c) building methods for co-ordinating actions across social forces with different identities, interest, and meaning systems, over different spatio-temporal horizons, and over different domains of action; and (d) establishing a common world view for individual action and a system of 'metagovernance' to stabilize key players' orientations, expectations, and rules of conduct (2003, p. 146-147).

What I want to stress here, in order to clarify the role of the reflexive element for an effective theory of governance, is the need to reduce the social complexity and the recourse to a system of metagovernance. I will try to show how the two issues are linked by using the reflexive element.

Therefore the idea is to connect the reflexive feature introduced by Jessop with the theory of social systems, developed by Luhmann and Teubner. As we know, Luhmann (1984) defines the social complexity as the total possibility of events and circumstances (how events can happen) in the external environment. If the number of possibilities increases, relations amongst elements grow and the complexity too. What systems and sub-systems can do is to survive to the external complexity, growing their own complexity (i.e. increasing their internal degree of specialization).

> The theory of self-referential systems maintains that systems can differentiate only by self-reference, which is to say, only insofar as systems refer to themselves (be this to elements of the same system, to operations of the same system, or to the unity of the same system) in constituting their elements and their elemental operations. To make this possible, systems must create and employ a description of themselves; they must at least be able to use the difference between system and environment within themselves, for orientation and as a principle for creating information (Luhmann 1995, p. 9).

Even if systems are asymmetric or hierarchical, no element of the system can control the others without being controlled itself. This means that all elements of a system are connected, and relationships amongst them determine a kind of interdependence.

The autopoietic systems constitute themselves using their self-regulation, selecting and reducing the complexity. For Luhmann the reflexive element allows to the system to survive to the external complexity, by maintaining its identity and structure, and solving internal problems. The reflexive element means self-reference: system is closed to the external space; it can intercept communicative flows coming from other systems or from the external environment but it will translate and use these communications only using its own self-organization, as own elements.

On the other hand, Teubner develops the reflexive element, and the concept of autopoiesis itself, as a way of openness to the external space. Through the gradual autopoiesis systems can communicate. The reflexivity does not mean only self-reference; it also indicates a regulated self-regulation (Callies 2001). Teubner gives three definition of the reflexivity (Teubner 1983; Callies 2001).

First, reflexivity means the capacity of a system, an object, an entity to come back to itself. In this sense reflexivity indicates a specific property of a system (or other). With respect to the legal system, reflexivity regards the Hartian secondary rules, more that the primary ones. Reflexivity deals with procedures rather than rules that recognize rights and duties.

Second, reflexivity indicates the capacity of reflection (rationality). In Teubner's theory of systems, reflexivity means the rational capacity of systems to regulate themselves, by recurring to coherence, participation to procedures, exchanges of knowledge and services facilities. Reflexivity can limit the external regulation with a rational internal regulation.

Third, reflexivity means self-reference (in the Luhmannian sense), that is the relation that a system has with itself. A system can survive to the external complexity by producing its

components (i.e. through its capacity of self- reproduction) and connecting them through communicative coherent flows.

If we consider these three meanings of the term reflexivity, given by Teubner, we can understand that the reflexive element indicates that a self-regulation (of every system) is possible. This allows the system to produce its own component by sharing procedures and competences, regulating its internal organization and solving its conflicts. The question now is the following: can we apply the reflexivity theory to governance?

A reflexive governance means that networks can be able to rule and organize themselves, recurring to secondary rules which give a kind of legal framework made of procedures and competences. The reflexive element would allow to reduce the gap between government and society without any direct regulation of social conflicts (as domestic law does) but giving only a frame for sharing knowledge, communications, procedures, powers.

The capacity of a reflexive governance to come back to itself, to be rational and self-referential means that in the network social issues and instances are regulated by forms of rational interdependence and connections amongst actors over their specificities, identities and interests. It also means that asymmetry in the relationships can be corrected with forms of responsibility assumed by actors and their actions. Finally the reflexive element stabilizes different stakeholders' orientations and expectations and so doing it realizes a system of metagovernance.

Jessop indicates four different meanings of metagovernance, corresponding to his basic ways of governance:

> First, there is 'meta-exchange'. This involves the reflexive redesign of individual market (...) and/or the reflexive reordering of relations among two or more markets by modifying their operation and articulation. (...)
> Second, there is 'meta-organisation'. This involves the reflexive redesign of organisations, the creation of intermediating organisations, the reordering of inter-organisational relations, and the management of organisational ecologies (...).
> Third, there is 'meta-heterarchy'. This involves the organisation of the conditions of self-organisation by redefining the framework for heterarchy or reflexive self-organisation. (...)
> Fourth, and finally, there is 'metagovernance'. This involves re-articulating and 'collibrating' the different modes of governance. The key issues for those involved in metagovernance are '(a) how to cope with other actors' self-referentiality; and (b) how to cope with their own self-referentiality'. Metagovernance involves managing the complexity, plurality, and tangled hierarchies found in prevailing modes of co-ordination" (2003, p. 153-154).

Finally, metagovernance can be defined as the sum of the conditions for governance. It can be considered as the rational frame of secondary rules, indicated by Teubner, that allows to systems to regulate themselves.

From this perspective the reflexive element and metagovernance are strictly linked each other. By coordinating different actors and make them responsible for their actions, by governing social instances with a rational cooperation rather than asymmetrical relationships, by sharing procedures and competences, networks pose the necessary conditions to organize themselves and, at the same time, to manage and solve the social

complexity. In accordance with Jessop, I call all these conditions metagovernance. It is the ineludible premise of a reflexive governance, which is the capacity of a network to realize a rational self-regulation.

4. RISK OF FAILURE AND THE RESPONSE OF METAGOVERNANCE

A reflexive governance that creates its own conditions with a metagovernance does not mean that governance cannot fail. Which are the main causes of these failures? I partially intend to recall those indicated by Jessop (1998; 2003).

First, market instability. Relationships on the global market are asymmetric: for example there are conflicts among employers and employees, capital and work, multinational companies' interests and workers rights. Even if we can image a reflexive governance capable to work as a self-reflexive organisation, it could fail in its attempt to eliminate the asymmetry amongst different parties and solving social complexity.

Second, the reflexive procedures of governance can fail because there is no synchrony amongst different levels of communication and action inside the network. If reflexivity means especially connecting to connect different levels, establishing forms of cooperation and coordination, it might happen that what is going on at one level, affects what is going on in another level. Moreover, connection amongst levels works in specific periods: communications and actions happening in a level should be connected with communications and actions of another level in a determinate time frame. If that period is missed, connection is lost, not useful or invalid.

Third, the reflexivity itself presents intrinsic limits. Sometimes it misunderstands (or misses) the nature of social problems, trying to easily approach them, while uncertainty and social complexity demand rigid procedures and a careful attention. Actually I dare say that there are internal and external factors that can affect governance, despite of its reflexivity (i.e. its capacity to realize a reflexive self-organization). However the governance failure should not raise too much worries. First, every relationship (private as well as public) manages continuous risk of failure and the more the factors of uncertainty and complexity increase, the more the risk of failure. Second, it also might happen that, despite failure, the involved stakeholders are satisfied with the governance procedures. Perhaps some of the expected goals have been achieved, or coordination and cooperation amongst actors produce a general satisfaction and trust for the future.

Jessop pays much attention to this general principle of *satisfaction* and he articulates it on three levels, trying to underline once again the reflexive aspect. On a first level, agents should develop a reflexive orientation capable to make acceptable an eventual failure. On a second level stakeholder should have flexible alternative options and resources to be used in case of increasing complexity, for avoiding a failure. Third, stakeholders should develop a self-reflexive irony, a kind of hopeful behaviour toward the governance policies, in order to accept both the risk of failure and the failure itself. Even though I recognize the importance of this principle of satisfaction and of the principles of 'irony' and 'variety', developed by Jessop, I would like to better stress the issue of metagovernance as the condition that makes governance model possible.

Actually I think governance needs to improve its reflexive capacity of self-organisation rather than the stakeholder's irony. This means that we need a better metagovernance, a

better self-re-organisation of governance, better structures of cooperation and coordination amongst different levels in network, better resources and alternative strategies and a better rational capacity of all stakeholders. As Bevir has argued: "To act responsibly was to act so as to promote the common good rather than to seek personal advantage" (Bevir 2013, p.141). Metagovernance would allow a reflexive redefinition of organizations inside the networks, such as the production of facilities services of mediation, the organization and management of relationships and, above all, the rational conditions for dialogue and deliberation. Thus metagovernance would aim to control boundaries that separate stakeholders' strategic behavior from their communicative behavior oriented toward the reciprocal recognition and dialogue.

Second, reflexivity and metagovernance mean that the stakeholders are open to dialogue and coordination. Dialogue produces exchange of information and mobilize consensus, promoting an equal and effective participation.

Third, metagovernance recognizes the role of governments in re-defining markets, governing goals and structures, determining conditions for the self-organization of governance within the network. In fact metagovernance does not eliminate states or other actors: as I have argued, its function is to give a context for negotiating, defining, and re-defining decisions.

In sum a reflexive metagovernance would realize a kind of reflexivity, already described by Teubner (Teubner 1996; Teubner 1987); a regulation capable of institutionalize public arenas where social actors can negotiate social conflicts and where law has the aim of ensuring a discursive consensus.

4. CONCLUSION

In this contribution I have tried to illustrate that a better idea of governance is possible, by recurring to a reflexive perspective and improving the role played by metagovernance.

The provocative idea, suggested by different parties (Rosenau 1995; Rosenau & Czempiel 1992), of a governance without government is fascinating but hard and inadvisable to follow for the reason I have illustrated in the earlier pages.

I don't want to reject the idea that national states and the government model are experiencing a strong crisis which over the past three decades had been caused by many and connected factors. First, globalisation with its transformations has determined a neoliberal economy that demands fast communication and exchanges. Multinational companies, global bankers, corporations require flexible regulation and demand to participate to decisional processes. Second, migratory flows are increased: conflicts are pluralistic and more complex because in a same geographical place different groups live and this forced cohabitation produces religious, linguistic, and social contrasts. Domestic law is not able to mediate amongst these different antagonisms.

I cannot reject all of these phenomena that social sciences have accurately described. What I have tried to stress is the idea that even if governance is functional to these transformations because networks seem to be able to connect and shape all these communicative flows, without the state's control, it is not suggestible nor acceptable that states with their authority disappear from the political scene. Governance has a great

fascination and success thanks to its idea to get intersubjective consensus based on shared procedures, exchange of information, power, and knowledge. However as I have tried to explain all these positive claims need to be verified, especially when we talk about minority groups. Governance must prove that exchanges of knowledge, use of technology do not mean manipulation, nor that agents' active and bargaining participation means compliance to dominants groups' decisions.

All these issues can be better managed with a reflexive approach and with metagovernance. Reflexivity, coming from the theory of systems, shows how important is to rationally regulate the self-regulation also with the state's mediation.

Thanks to metagovernance, rather than a governance without government, the state would play a different role: it would mediate amongst different instances and interest, promoting an equal exchange of information and social cohesion in networks.

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