



<b>Title</b>	<b><u>Contemporary Challenges to Law and Governance</u></b>
<b>Lecturers:</b>	<b>Dr. Dorjana Bojanovska Popovska</b>  <a href="mailto:Bojanovska_Dorjana@alumni.ceu.edu">Bojanovska_Dorjana@alumni.ceu.edu</a>
<b>Brief description</b>	<b>Brief Introduction</b>  The aim of this course is to look at contemporary challenges to law and governance as traditionally understood. Apart from looking at governance beyond the nation-state into structures of regional, multi-level and global governance, the course will look at emergent forms of private power and their effects on the postulates of law and politics, as well as other contemporary challenges that alter the manner in which we conceptualize governance and public participation.  <b>Learning outcomes</b>  To be able to engage in debates on the notions of governance and good governance in a national and supra-national perspective. To be able to analyze the challenges to law and governance as traditionally understood in the context of existing supra-national structures. To be able to recognize and engage with the factors and contemporary challenges that test or reconceptualize governance. To be able to conduct independent research and construct arguments.
<b>Schedule</b>	Class 1 Starting Points: Law, Governance?  In the first class we will look at the overall goals of the class and answer the basic questions that would help us grasp the themes covered by the course: What is governance? What is good governance? What is good administration?  Assigned readings:  P. Zumbansen, ‘Governance: An Interdisciplinary Perspective’, in D. Levi-Faur ed., The Oxford Handbook of Governance, Oxford University Press, 2012.  European Commission for Democracy Through Law (Venice Commission), Stocktaking on the Notions of “Good Governance and

Good Administration”, Study no. 470 / 2008, Strasbourg, 9 March 2011.

Class 2.  
(Nation) States and Governance

In this class we will look at the birth of the nation state and the legitimacy of governance as well as contemporary debates on the reconceptualization and demise of the nation state.

Assigned readings:

J. Farr, Point: The Westphalia Legacy and the Modern Nation State, *International Social Science Review*, Vol. 80, No. 3/4 (2005), 156-159

S. Walby, ‘The Myth of the Nation-State: Theorizing Society and Politics in a Global Era’, *Sociology* Vol. 37, No. 3 (2003), pp. 529–546\*

R. Dasgupta, The demise of the nation state, *Guardian*, <https://www.theguardian.com/news/2018/apr/05/demise-of-the-nation-state-rana-dasgupta>

Class 3.  
Governance in Practice - Regime Types

The system of government does often not yet determine the democratic achievements of a political regime. The academic literature offers a vast variety of classifications. In this class, we will discuss and analyze one of them, classifying regimes as ‘Liberal Democracy’, ‘Electoral Democracy’, ‘Electoral Autocracy’, and ‘Closed Autocracy’.

Assigned readings:

Lürmann et al., *Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes*

Class 4.  
Governance in practice: The Illiberal Challenge

One of the most prominent issues of our times is the rise of illiberal democracies around the world. Here we will look at illiberal democracies, their elements and their modus operandi.

Assigned readings:

F Zakaria, “Illiberal Democracy”, *Foreign Affairs*, 76 (1997) 22.\*

Defending Democracy against Illiberal Challengers, V-Dem Institute at the University of Gothenburg, 6-23.

Class 5:  
Group Assignment on the Topic of Illiberal Democracy

\*Exercise given to students on the day of the class

Class 6.  
Governance Beyond the State: Regional and Global Governance

In this class we will look at the phenomenon of global and regional governance.

Readings:

Zürn, Global Governance as Multi-Level Governance, The Oxford Handbook of Governance.

Krahmann, Elke. "National, Regional, and Global Governance: One Phenomenon or Many?" *Global Governance*, vol. 9, no. 3, 2003, pp. 323–46

Krahmann, Elke. "National, Regional, and Global Governance: One Phenomenon or Many?" *Global Governance* 9, no. 3 (2003): 323–46.

Class 7.  
Governance in the EU

In this class we will look at governance beyond the nation state through the example of the European Union.

Carter, C. and Scott, A. (1998), *Legitimacy and Governance Beyond the European Nation State: Conceptualising Governance in the European Union*. *European Law Journal*, 4: 429-445.

Brack, Nathalie, Ramona Coman, et Amandine Crespy. « Sovereignty conflicts in the European Union », *Les Cahiers du Cevipol*, vol. 4, no. 4, 2019, pp. 3-30.\*

Class 8:  
Group Assignment on the Topic of Brexit

\*Exercise given to students on the day of the class

Class 9.  
Global Health Governance: WHO, Global Governance and COVAX

In this class we will look at issues surrounding global health governance looking at both international and private actors as main protagonists. We will answer the questions: What is global health governance? What is the role of the WHO? What is the role of private actors; are there any problems that might arise from their involvement? What was the response of these actors in the COVID-19 pandemic? What was problematic and are there possible solutions?

Assigned readings:

Kelley Lee & Adam Kamradt-Scott, The multiple meanings of global health governance: a call for conceptual clarity, *Globalization and Health* volume 10, Article number: 28 (2014) pp. 1-7

Anne-Emmanuelle Birn and Judith Richter, U.S. Philanthrocapitalism and the Global Health Agenda: The Rockefeller and Gates Foundations, Past and Present: <https://archive.globalpolicy.org/component/content/article/270-general/52947-us-philanthrocapitalism-and-the-global-health-agenda-the-rockefeller-and-gates-foundations-past-and-present.html>

Kelley Lee and Simon, Fraser The WHO and the COVID-19 Pandemic Less Reform, More Innovation, *Global Governance* 26 (2020) pp. 523–533.

Class 10.

A New Dimension of Corporate Governance: Facebook & Google

The development of the internet and social media has led to challenges in framing and application of certain traditional conceptions such as speech, privacy, democracy and the mere function of the state (especially considering that it is private (usually) multinational corporations that govern our virtual spaces). In this class we will look at two particular examples: the case of Google operations in China and the case of Facebook and its methods in tackling fake news due to its effects on the democratic processes.

Assigned Readings:

Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee and the Committee of Regions, Tackling online disinformation: A European approach COM(2018) 236 final , pp. 3-7\*

Matt Sheehan, How Google took on China—and lost, *MIT Technology Review*, <https://www.technologyreview.com/2018/12/19/138307/how-google-took-on-china-and-lost/>

	<p>Isaac Stanley-Becker and Elizabeth Dwoskin, “Trump allies, largely unconstrained by Facebook’s rules against repeated falsehoods, cement pre-election dominance, Washington Post.</p> <p>Class 11. Group Assignment on the Topic of Human Rights Challenges in Corporate Governance *Exercise given to students on the day of the class</p> <p>Class 12. Unfinished business: The Debates That Made us Think (harder)</p>
<p><b>Materials/ Recommended readings</b></p>	<p>(see above)</p>
<p><b>Assessment/Exam</b></p>	<p>The assessment and grading is tailored in a way to motivate students to read the assigned materials before class and to engage in in-class debates. Additionally, the course aims to encourage students to conduct independent and team-based research and construct and defend arguments. Thus, 80% of the grade will be formed based on in-class participation both in debates arising from the readings as well as the group exercises.</p> <p><b>30% class participation</b></p> <p>Awarded based on in-class participation in debates linked to the readings and beyond.</p> <p>Assessment criteria: Displayed comprehension of the readings; Critical assessment of the readings; Capability of linking the readings to other literature discussed in previous classes and beyond.</p> <p><b>20% in-class presentation (something to add?)</b></p> <p>Something to add? Every class we will have one or more assigned presenters (depending on the size of the class) that will have to provide a 10-15 min in-class presentation on certain aspects of the topic covered in the specific class that might not have been raised in the readings: It can be an opposing view or in support of the readings found in a work of another author, a podcast, or a blog-post etc; an alternative reading/explanation of a phenomenon; additional insight etc.</p> <p><b>30% group work - independent research and argumentation</b></p>

	<p>As you can see, several classes (3 to be exact) have no assigned readings! That is because these classes are assigned for in-class group research and presentations. You will not have to do any reading beforehand - these classes are designed to build on the knowledge and discussions from the readings assigned for the previous class and to develop your research skills.</p> <p><b>20% written assignment - response papers</b></p> <p>You will have to write 2 response papers by choice out of the 4 papers/readings marked with * in the syllabus - the choice of which 2 is up to you. The deadline for submission of the papers is on the day before the class for which the reading is assigned at 23:59.</p> <p>Response papers assessment criteria:</p> <ol style="list-style-type: none"><li>1) the capacity of the student to identify the main arguments in the paper;</li><li>2) to distinguish between crucial and less important points;</li><li>3) the ability to articulate them in a clear and concise manner (coherent stream of thought);</li><li>4) keeping to the established format (normal margins for example);</li><li>5) reflecting upon and pointing out important aspects; and linking them to contextual accounts/ or critiques (with proper references!).</li></ol> <p>Format: maximum 2 pages, Times New Roman, 2.0 line spacing, normal margins.</p>
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