

Multi-level Governance

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Definition

The term multilevel governance holds great significance in the analysis of public policy. Simply put, multilevel governance is a concept that captures the dispersion of state powers across different levels of government, encompassing both general-purpose and task-specific jurisdictions. It involves the participation of various state actors, including governments, bureaucracies, parliaments, and non-state actors such as self-regulating private organizations that address specific policy issues. Multilevel governance can be understood as a coordination process aimed at achieving politically binding decisions within this intricate structure (Piattoni, 2010; Tortola, 2017). An essential aspect of multilevel governance is its structural flexibility, which necessitates the development of new structures, such as task-specific jurisdictions, to tackle complex problems like financial oversight or environmental protection. Moreover, multilevel policymaking often intersects with the politicization of the multilevel structure itself. The concept provides authors with a starting point for descriptive, causal, and normative analyses regarding the impact of multi-level governance on policy outcomes and democratic governance. However, it is crucial for authors to clarify how they use the concept of multi-level

governance in their research, whether descriptively focusing on different public actors, considering both public and private actors, or addressing normative concerns.

The European Union (EU) is a prominent example for a multilevel system because it is a supranational organization combining elements of intergovernmental organizations and states. For example, EU policies dealing with the financial and economic crisis sparked debates about the competencies and form of the EU (Jachtenfuchs & Kasack 2017). In addition, authors have used the term multilevel governance to understand policymaking and policy implementation in the context of federal states, international organizations as well as regarding the inclusion of non-state actors into policymaking (Piattoni, 2010). Recent contributions have called for conceptual clarifications, emphasizing the need for multilevel governance to function as an explanatory theory containing causal mechanisms to enhance our understanding of the policy process (Bache et al., 2016; Maggetti & Trein, 2019; Tortola, 2017; Trein and Maggetti 2023).

History and Purpose

The concept of multilevel governance finds its roots in the literature on European integration. Gary Marks, in his influential study on European structural policy, put forward the idea of a new political order emerging in Europe. He argued that the European political system can be characterized as a multi-level polity. Marks proposed that multilevel governance entails ongoing discussions and negotiations among various tiers of government that are nested at different territorial levels, including supranational, national, regional, and local levels. This phenomenon has arisen due to the process of institutional development and the transfer of decision-making authority, resulting in the decentralization of certain functions from the state level to either the supranational or regional/local levels. (Marks, 1993, p. 392). This definition

establishes multilevel governance as a concept that captures the dispersion of state power across different levels of government within the context of EU policymaking.

The concept of multilevel governance experienced a significant advancement through its application to empirical examples beyond the European Union. A pivotal contribution in this regard is the work of Hooghe and Marks, who introduced the notion of the "unraveling" of the nation-state by distinguishing between Type I (decision-making within general-purpose jurisdictions) and Type II (decision-making within task-specific jurisdictions) governance. In their seminal article, the authors presented two hypotheses. Firstly, they argued that multilevel governance enhances flexibility in governance arrangements but also leads to increased coordination costs and creates a coordination dilemma. The coordination challenge faced by multilevel governance can be easily explained. When policies implemented by one jurisdiction have external effects, whether positive or negative, on other jurisdictions, it becomes crucial to coordinate actions to avoid undesirable outcomes. This can be referred to as a second-order coordination issue since it necessitates coordination among institutions whose primary function is to facilitate human activity (Hooghe & Marks, 2003, p. 239). In other words, the integration and coordination of public policies across various general-purpose and task-specific jurisdictions give rise to additional coordination problems, which require further political intervention for resolution.

Hooghe and Marks presented a second hypothesis pertaining to the role of identities in the coordination of different jurisdictions. According to the authors, Type I jurisdictions (general-purpose jurisdictions) are often characterized by a sense of communal identity, such as nationalism. Consequently, these jurisdictions address conflicts through mechanisms of voice and inclusion, accommodating diverse needs and demands. In contrast, Type II jurisdictions

(task-specific jurisdictions) are held together primarily by their problem-solving capacity. Conflicts within these jurisdictions are typically resolved through exit, allowing members to leave the jurisdiction if they are dissatisfied. Therefore, the authors assert that this distinction between intrinsic and extrinsic community represents a significant theme within the framework of multilevel governance (Hooghe & Marks, 2003, p. 240).

In 2010, Simon Piattoni published a seminal book that provides a comprehensive overview of the current state of research on multilevel governance. The author begins by highlighting that multilevel governance is a term widely used in the fields of European integration and international relations, employed by students, practitioners, and commentators alike. It conveys the notion of increasingly complex mechanisms for making authoritative decisions within dense networks comprising both public and private actors, whether acting individually or collectively. The term accurately captures essential aspects of how binding decisions are reached within the European Union. However, multilevel governance is not merely a descriptive tool for understanding the political processes involved in European policymaking. It also implies significant changes occurring in contemporary systems of governance because of the European integration process. Moreover, multilevel governance prompts a reconsideration of what qualifies as legitimate rule, both within and beyond the state context. Consequently, it encourages reflection on the normative conditions necessary for widely accepted binding decisions and conferring legitimacy upon the institutions responsible for their creation (Piattoni, 2010, p. 1). This definition underscores that multilevel governance encompasses a range of interconnected issues. Building on previous contributions, Piattoni emphasizes the significance of private, non-state actors in multilevel governance. Furthermore, the author highlights the link between multilevel governance and the transformative process of governance within nation-states.

Significantly, the incorporation of private actors holds great importance and establishes a connection between multilevel governance and the broader governance literature, which highlights the increasing involvement of private and non-state actors in policy formulation and implementation (Thomann, Hupe, and Sager 2018; Trein and Tosun 2019). This can be observed in various domains, such as climate change (Jordan et al., 2015), pharmaceutical policy (Maggetti et al., 2017), and private governance regimes (Hsueh, 2019).

Research traditions

Authors employ the term "multilevel governance" in various ways, and within the literature, three types of research questions related to this topic can be identified. Firstly, there is a line of inquiry focused on the analysis of intergovernmental relations, drawing upon the tradition of federalism studies. These research questions explore multilevel governance in terms of power delegation from central authorities to lower levels of government, such as regional and municipal bodies. The primary objective of this research is to comprehend the "rise of political authority beyond the nation-state" (Bache et al., 2016, p. 487). Numerous empirical studies have extensively demonstrated how governments delegate competencies to different levels of government (Hooghe et al., 2016; Hooghe et al., 2017), as well as the implications of this power delegation for policy changes at the national level (Trein & Ansell, 2021; Trein & Maggetti, 2023).

The second category of research questions focuses on the differentiation between different types of multilevel governance. Hooghe and Marks, in their influential article on multilevel governance types, distinguish between Type I and Type II governance. Type I governance involves decision-making within general-purpose jurisdictions, such as power-sharing

arrangements in federal states. Conversely, Type II governance pertains to decision-making within task-specific jurisdictions, such as institutionalized cooperation between municipalities for firefighting or public transportation purposes (Hooghe & Marks, 2003, pp. 236–239). Bache et al. further highlight that the second set of research questions related to multilevel governance examines the relationship between general-purpose jurisdictions (such as states or subnational regions) and task-specific jurisdictions (for example international agreements), with a particular emphasis on the European Union (EU). The objective of this research is to analyze the "lack of stateness," regarding policymaking (Bache et al., 2016, p. 488). An example is the implementation of international conventions in countries where it requires cooperation with subnational governments (Miaz et al. 2023).

A third set of research questions focuses on the normative implications of multi-level governance. Within this domain, authors explore the normative assumption that the decentralization of powers from the nation-state to subnational and international levels of government, as well as to private or non-state actors, enhances the quality of governance. This perspective suggests that lower levels of government are better equipped to devise policy solutions that address the specific needs of the local population (Bache et al., 2016, p. 488). Moreover, proponents argue that a greater involvement of private and non-state actors in decision-making and implementation leads to more efficient policies (Börzel & Heard-Lauréote, 2009). Additionally, multi-level policy arrangements, such as those observed in the EU, are perceived as economically, administratively, and politically efficient (Piattoni, 2010; Scharpf, 1999).

The literature identifies two key factors that drive dynamics in multi-level governance. The first factor relates to functional and distributional pressures. For instance, the emergence of new

markets often necessitates the establishment of regulations that extend across multiple countries and regions. These pressures arise from the need to address functional requirements and ensure equitable distribution of resources. The second factor driving multi-level governance is identity. Collective identities, such as national, regional, or municipal identities, can serve as political arguments against delegating competencies to supranational jurisdictions. Decision-makers often leverage these sentiments, particularly during election campaigns or referendums concerning membership in supranational organizations (Hooghe & Marks, 2009; Risse, 2014). For example, referenda about memberships in international organizations might be opposed by political parties that champion national self-determination such as the Swiss People's Party (SVP/UDC), especially if it comes with reducing the power to act of the state in specific areas.

These two drivers might turn into consequences for multilevel governance. Firstly, more multilevel governance might enhance the capacity to address complex policy issues. Scholars argue that multi-level governance arrangements possess the ability to tackle intricate policy problems that extend across different jurisdictions, necessitating a coordinated approach (Thomann, Trein, and Maggetti, 2019; Tosun, Francesco, and Peters, 2019; Trein, Thomann, and Maggetti, 2019). For instance, tobacco control policy exemplifies problem-solving through multi-level governance, involving coordination among various levels of government. Notably, the activity of international organizations and involvement of non-state actors contributed to diffusing knowledge regarding the necessity and practice to intervene against tobacco consumption (Cairney et al., 2011).

Secondly, multilevel governance might pose challenges for democracy. Researchers have argued that delegating competencies to actors outside the nation-state raises concerns regarding democratic accountability (Papadopoulos, 2003) and may give rise to the risk of an

authoritarian backlash (Zürn, 2021). Decision-makers involved in intergovernmental negotiations, for example, may lack democratic legitimacy in the eyes of those affected by the policies, such as the population of all EU member states (Papadopoulos, 2003; Scharpf, 1999; Zürn, 2021). Furthermore, researchers have argued that multi-level governance arrangements grant more power to governments at the expense of parliamentary institutions, potentially undermining democratic processes (Benz, 2017; Mair, 2014). Additionally, policy implementation in multi-level contexts can be problematic, as implementing agents may exhibit agency behavior, leading to partial or non-compliant implementation, or implementation that diverges from the intended policy goals set by decision-makers (Thomann et al., 2018).

Criticism of current scholarship and ways forward

In her book, Piattoni highlights that multi-level governance has evolved into "an umbrella under which many disparate phenomena are subsumed, to the point that it may lose all denotative precision and become 'over-stretched'" (Piattoni, 2010, p. 2). Similarly, Tortola, in a recent article, explores the various uses of multi-level governance by authors and reveals ambiguities in its application. After examining the literature on multi-level governance over the past two decades, three primary areas of ambiguity emerge: the applicability of multi-level governance beyond the EU, the role of non-state actors, and the emphasis on policy-making processes versus structures (Tortola, 2017, p. 236). Future research should continue to advance this conceptual development, which can contribute to a better understanding of the opportunities and challenges associated with public policies in multi-level contexts.

Cross-references

Coordination

Policymaking

Policy diffusion

Delegation

Regulation

References

- Bache, Ian, Ian Bartle, and Matthew Flinders. 2016. "Multi-Level Governance." In *Handbook on Theories of Governance*, eds. Ansell Ansell Christopher and Jakob Torfing. Edward Elgar Publishing, 486–98. <https://www.elgaronline.com/view/edcoll/9781782548492/9781782548492.00052.xml> (June 9, 2021).
- Benz, Arthur. 2017. "Patterns of Multilevel Parliamentary Relations. Varieties and Dynamics in the EU and Other Federations." *Journal of European Public Policy* 24(4): 499–519.
- Börzel, Tanja A., and Karen Heard-Lauréote. 2009. "Networks in EU Multi-Level Governance: Concepts and Contributions." *Journal of Public Policy* 29(2): 135–51.
- Cairney, Paul, Donley Studlar, and Hadi M. Mamudu. 2011. *Global Tobacco Control: Power, Policy, Governance and Transfer*. Houndsmills, Basingstoke: Palgrave Macmillan.
- Hooghe, Liesbet et al. 2016. *Measuring Regional Authority: A Postfunctionalist Theory of Governance, Volume I*. Oxford: Oxford University Press.
- . 2017. *Measuring International Authority: A Postfunctional Theory of Governance Volume III*. Oxford: Oxford University Press.
- Hooghe, Liesbet, and Gary Marks. 2003. "Unraveling the Central State, but How? Types of Multi-Level Governance." *American Political Science Review* 97(2): 233–43.
- . 2009. "A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus." *British Journal of Political Science* 39(1): 1–23.
- Hsueh, Lily. 2019. "Corporations at a Crossroads: How Multilevel Governance Interactions Shape Participation and Effort in Private Governance Regimes." *Governance* 32(4): 715–60.
- Jachtenfuchs, Markus, and Christiane Kasack. 2017. "Balancing Sub-Unit Autonomy and Collective Problem-Solving by Varying Exit and Voice. An Analytical Framework." *Journal of European Public Policy* 24(4): 598–614.
- Jordan, Andrew J. et al. 2015. "Emergence of Polycentric Climate Governance and Its Future Prospects." *Nature Climate Change* 5(11): 977–82.
- Leuffen, Dirk, Berthold Rittberger, and Frank Schimmelfennig. 2012. *Differentiated Integration: Explaining Variation in the European Union*. Macmillan International Higher Education.
- Maggetti, Martino, Christian Ewert, and Philipp Trein. 2017. "Not Quite the Same: Regulatory Intermediaries in the Governance of Pharmaceuticals and Medical Devices." *The ANNALS of the American Academy of Political and Social Science* 670(1): 152–69.
- Maggetti, Martino, and Philipp Trein. 2019. "Multilevel Governance and Problem-Solving: Towards a Dynamic Theory of Multilevel Policy-Making?" *Public Administration* 97(2): 355–69.
- Mair, Peter. 2014. *Ruling the Void: The Hollowing of Western Democracy*. London, New York: Verso.
- <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=729878> (April 28, 2020).

- Marks, Gary. 1993. "Structural Policy and Multilevel Governance in the EC." In *The Maastricht Debates and Beyond*, eds. Alain W. Cafruny and Glenda G. Rosenthal. Boulder: Lynne Rienner, 391–409. <https://ci.nii.ac.jp/naid/10026888003/> (June 11, 2021).
- Miaz, J., Niederhauser, M., & Maggetti, M. (2023). From international law to subnational practices: How intermediaries translate the Istanbul Convention. *Regulation & Governance*. forthcoming.
- Papadopoulos, Yannis. 2003. "Cooperative Forms of Governance: Problems of Democratic Accountability in Complex Environments." *European Journal of Political Research* 42(4): 473–501.
- Piattoni, Simona. 2010. *The Theory of Multilevel Governance. Conceptual, Empirical, and Normative Challenges*. Oxford: Oxford University Press.
- Risse, Thomas. 2014. "No Demos? Identities and Public Spheres in the Euro Crisis." *JCMS: Journal of Common Market Studies* 52(6): 1207–15.
- Scharpf, Fritz W. 1999. *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press. <http://dx.doi.org/10.1093/acprof:oso/9780198295457.001.0001> (June 9, 2021).
- Thomann, Eva, Peter Hupe, and Fritz Sager. 2018. "Serving Many Masters: Public Accountability in Private Policy Implementation." *Governance* 31(2): 299–319.
- Thomann, Eva, Philipp Trein, and Martino Maggetti. 2019. "What's the Problem? Multilevel Governance and Problem-Solving." *European Policy Analysis* 5(1): 37–57.
- Tortola, Pier Domenico. 2017. "Clarifying Multilevel Governance: CLARIFYING MULTILEVEL GOVERNANCE." *European Journal of Political Research* 56(2): 234–50.
- Tosun, Jale, Fabrizio De Francesco, and B. Guy Peters. 2019. "From Environmental Policy Concepts to Practicable Tools: Knowledge Creation and Delegation in Multilevel Systems." *Public Administration* 97(2): 399–412.
- Trein, Philipp, and Christopher K. Ansell. 2021. "Countering Fragmentation, Taking Back the State, or Partisan Agenda-Setting? Explaining Policy Integration and Administrative Coordination Reforms." *Governance* n/a. <https://onlinelibrary.wiley.com/doi/abs/10.1111/gove.12550> (March 23, 2021).
- Trein, Philipp, Eva Thomann, and Martino Maggetti. 2019. "Integration, Functional Differentiation and Problem-Solving in Multilevel Governance." *Public Administration* 97(2): 339–54.
- Trein, Philipp, and Jale Tosun. 2019. "Varieties of Public–Private Policy Coordination: How the Political Economy Affects Multi-Actor Implementation." *Public Policy and Administration*. <https://journals.sagepub.com/doi/metrics/10.1177/0952076719889099> (October 21, 2020).
- Trein, Philipp, and Martino Maggetti. 2023. "Denationalization and the recentring of political authority in multilevel governance." *European Journal of Political Research*. forthcoming.
- Zürn, Michael. 2021. "How Non-Majoritarian Institutions Make Silent Majorities Vocal: A Political Explanation of Authoritarian Populism." *Perspectives on Politics*: 1–20.