Multilevel Governance and Federalism: New Theoretical Perspectives

Paper to be presented at the IPSA 23rd World Congress of Political Science in Montréal Panel on Analyzing Networks in Federal and Multilevel Systems

Paper presentation date: July 24, 2014

(This version submitted on July 2, 2014)

Michael Stein
Visiting Professor
michael.stein@utoronto.ca

and

Lisa Turkewitsch
PhD Candidate
lisa.turkewitsch@mail.utoronto.ca

Department of Political Science
University of Toronto, Canada
**Outline of the Paper**

In this paper, we set out to provide an overview of our previous work on the relationship between the concepts of federalism and multi-level governance. Our views have developed and changed over the years since our initial exploration of the concepts in 2008. This paper therefore provides an updated statement of our views on the two concepts in light of recent developments in the literature on federalism and multi-level governance (MLG). It also aims to provide a theoretical framework for our forthcoming book on this topic.

Section 1 is an introduction to the paper. Section 2 continues by providing an overview of the definition of multi-level governance and how it has evolved since the initial development of the concept. It also offers a statement of our own definition of the concept. Section 3 provides an overview of our previous work, and in doing so, incorporates an analysis of some of the existing theorizing on the concepts of federalism and multi-level governance by noted scholars in this field. Section 4 discusses more recent literature on the topics of federalism and MLG, with a view to considering how these new insights fit into our own theoretical framework. It also contains a discussion of how the concept of MLG is linked to the literature on public administration. This is followed by Section 5, which provides a final discussion and conclusions.

**Section 1: Introduction**

In an earlier IPSA Montreal Congress in April-May, 2008, we co-presented a paper on the relationship between the concepts of “federalism” and “multilevel governance” in political science which was entitled “The Concept of Multi-level Governance in Studies of Federalism.” In what we considered to be a preliminary and exploratory investigation, we argued that the distinction between these two concepts had become increasingly blurred in the political science literature, particularly as a result of recent institutional political changes that had been shaped by the expanding forces of international globalization. We proposed to explore the changing relationship between these concepts in that paper.

The concept of “multilevel governance” had first emerged in the literature in the early 1990s, in conjunction with the evolution of supranational regionalism in Europe that had marked the transition from the European Community to the European Union. This phenomenon manifested itself in much more closely linked patterns of intergovernmental relations among the different European nation-states; some observers even described these patterns as constituting a unique new “confederal-federal” regime political form.

Although the concept was defined and applied in somewhat different ways by different students of European governance, it nevertheless contained some common features. The most important of these, perhaps, was the extension of traditional patterns of intergovernmental decision-making vertically upwards and downwards and horizontally outwards to encompass new units of decision-making. Vertically this involved new global, supranational regional, subnational regional and local units and levels of public decision-making. Horizontally it included private sector or non-governmental organizations like corporations and labour unions, and third sector non-profit bodies such as voluntary or charitable organizations.
A second major trait identified with this “new” governance form was its non-hierarchical and non-systematic character. For example, some observers noted that this expanded form of intergovernmental decision-making in the European Union accorded a status of formal equality to the different units in the decision-making process, and this in turn encouraged them to adopt a more cooperative and sharing, and less value-maximizing and conflictual style in their interrelationships. But the process of intergovernmental decision-making among these multilevel and multi-sector entities was also largely unstructured, unsystematic, and spontaneous. These characteristics of negotiation and cooperative decision-making were generally viewed as more effective and appropriate to the increasingly globalized world of the 21st century.

There was little or no identification of this new MLG concept at first with the classical modern regime form of “federalism,” whose invention is generally attributed to the Fathers of the American Constitution of 1787 and the authors of the Federalist Papers of 1788 (Hamilton et al. 1788). The major components and characteristics of the concept of federalism were drawn initially from the political ideas of the French philosopher Montesquieu in his principal work The Spirit of Laws (1748). “Federalism” was defined by Montesquieu in constitutional legal terms as a form of government in which sovereignty is divided between two distinct but co-equal spheres of authority, national and regional. The government and principal authority in each sphere is sovereign legislator and policy-maker within that sphere, and is recognized as such by other actors and arbiters of authority in that polity. A principal objective and rationale for adopting this regime form was to ensure that power was not concentrated excessively in any one vertical unit or level of government, and maximized the freedom of individual citizens in opposition to the state, thereby avoiding authoritarianism and tyrannical governmental rule.

The American model of modern federalism spread subsequently in the 19th and 20th centuries to many other countries, including Switzerland, Canada, Australia, Germany, and several third world countries. However, in each of these countries it assumed a somewhat different form, and served a rather unique purpose. It also had varying degrees of success in its application to those countries. Not surprisingly, then, during this early phase of expansion of federalism, some European countries, notably the United Kingdom and Spain, became strong critics of “federalism”, particularly because many of their politicians and political experts considered that regime form to be prone to system paralysis and breakdown. They likewise warned against the European Union’s adopting federalism as its ultimate political regime objective (“finalité définitive”). And they discouraged their experts from involving themselves in what they considered to be the “semantic distraction” of a debate over the nature of the European polity, or what federalism actually meant (Lépine, 2012, p. 50).

Even those scholars who have been perceived widely as among the principal framers, proponents of and promoters of the concept of MLG in relation to the European Union (e.g. Gary Marks and Liesbet Hooghe) were slow to draw any parallels between federalism and multilevel governance in the first decade and a half of the evolution of the European Union.

In our IPSA Montreal 2008 Congress paper, however, we, in a direct challenge to this mainstream trend, argued that “our objective in this paper, as our title suggests, is to shed light on the linkages between recent scholarship on “federalism” and on “multi-level governance”,

2
and to assess the mutual influence that these scholars have exercised on each other” (Stein and Turkewitsch, 2008, p. 2).

We also argued that

“After an initial exploration of the relationship between the two concepts, we now believe that the causal arrow is [most aptly] viewed as a two way interaction process which operates in both directions [simultaneously]. In the initial phase of ‘multi-level governance’ studies in political science, from the mid-1980s until the mid-1990s, there was a strong historical and analytical influence that theories of federalism had on the definition and evolution of ‘multi-level governance.’ But in the more recent period from the 1990s to the present [2008], the insights of ‘multi-level governance’ theorists have begun to impact significantly on theories of federalism. We consider this mutual interaction process to be a positive intellectual trend…” (Stein and Turkewitsch, 2008, p. 3).

We conceded that despite the ambivalence about these links between “federalism” and “multilevel governance” expressed by some major figures in the definition and development of these concepts, they did recognize that the two ideas contained some common concerns. For example, in both of these governing entities there is a potentially stagnating condition, or “joint decision trap” (Scharpf 1988). Both are also “concerned with power sharing among governments operating at just a few levels” and “are chiefly concerned with the relationship between [a] central government and a tier of non-intersecting subcentral governments” (Marks and Hooghe, 2004, p. 17).

However they also warned that “there is an essential difference between the two concepts, namely that the EU is not patterned on any blueprint for a workable system of government, unlike the US Constitution or the German Basic Law. It did not try to settle questions of governance according to some overall plan based on principles such as protection of minorities, justice, equality or political stability” (Hooghe and Marks, 2001, p. 35).

Where did we stand in 2008 on these ambivalent views on the relationship and links between “federalism” and “multi-level governance”? We argued that there was “a need for a much closer in-depth analysis of this conceptual relationship” (Stein and Turkewitsch, 2008, p. 4). After comparing the respective origins, definitions, evolution and major academic criticisms of each concept (Parts I and II), we conducted a systematic comparison of the two (Part III). We noted that they shared a number of similar characteristics, such as: 1) a similar pattern of theoretical evolution involving an initial period of considerable intellectual achievement and refinement followed by a phase of stagnation and negative criticism; 2) common structural traits such as the capacity to divide power and sovereignty between the different levels and units of government in order to reduce authoritarianism and promote political pluralism; 3) a common primary political function of conflict management, protecting minority and territorial interests, and achieving a balance between unity and a territorial rather than an individual voter majoritarian basis of representation, 4) another common political function of serving as a social laboratory and locus of competition between orders and units of government; 5) promoting cooperation and joint action by its members in order to improve the quality and effectiveness of policy-making.
Section 2: Origin, Definition, Evolution and Criticisms of the Concept of Multi-Level Governance

i) MLG: Widely Accepted in Europe, but Controversial in the World Beyond

The term multi-level governance has become ubiquitous in academic writing about the European Union,\(^1\) to the extent that many scholars or policy practitioners consider it synonymous with European Union governance more broadly, and consider the term to be so commonly accepted that it need not be defined or disputed in everyday scholarly usage. Indeed, in his overview of the concept Stephenson (2013: 817) notes,  

“To permit a sartorial analogy, MLG has been thrown around by scholars like a favourite coat – a staple item in the European political science wardrobe, but perhaps one worn so often that it has now become threadbare” (Stephenson 2013: 817).

However, although the term MLG has been applied by scholars to federal and decentralized unitary systems in other areas of the world (e.g. Canada, Australia, and the U.K.) its utility in application to the U.S. and other federal systems is still viewed with skepticism by some federalism scholars.

Moreover, the application of the MLG concept beyond Europe is in its infancy. The usages of the term MLG and the application of the term in its European definition (to be discussed below) have been so few and far between that it is practically non-existent, and there is little or no debate on its usage. In the Latin American federations and unitary states, the Indian subcontinent, and in emerging federal systems in Africa and South-East Asia, federalism scholarship focuses primarily on interactions between the central government and the state governments. Separate research on local government or on specific policy areas may include research on interactions that show some similarities to the literature on MLG, but scholars themselves, (in particular in our analysis of the English-language literature) do not use the term MLG to describe this interaction.\(^2\)

We suggest that the concept of MLG can be useful in terms of a broader, worldwide comparison of federal systems. The concept may enable us to uncover some of the new forms of interactions between governments (state, sub-state, and local), in the emergent federations that, as a result of globalization, have produced major changes in the global environment and increased financial interdependence. They include new roles for larger national and multi-national corporations, cross-cultural movements, a broader reach of global NGOs, increased urbanization, economic development along with environmental degradation, and an increasing concern for environmental protection, mirroring the emergence of post-modern values (Inglehart 1990). The changes currently facing emergent federations mirror the changes that have been taking place in the established federations and decentralized unitary states over the last few decades, and these changes seem to be moving along at a faster pace in the emergent federations.

\(^1\) This point is also made by Schmitter (2004: 49), as cited by Piattoni (2010: 2).
\(^2\) Our ongoing research project examines the capacity of the term MLG to describe and understand changing forms of governance and intergovernmental relations in federations and unitary states in these regions of the world, in comparison to those in the North American and European contexts.
At the same time, the theories developed in the European context may now be more applicable than ever to these new emergent federations, however they have not yet been consistently, comparatively, and analytically applied. This may be because some scholars do not see the emergent federations as adequately comparable, or perhaps the MLG concept is considered to be too uniquely “European” in its origins, its capacity for describing and explaining the *sui generis* entity of the European Community (in particular its solidification as the European Union after the Maastricht Treaty of 1992), and more recently, greater economic and monetary integration.

We argue for the wider application of the MLG concept in federal and decentralized unitary systems in both established and emergent federations. Our empirical work applies the MLG concept to: first, the established federations of Canada and the United States; second, the emergent federations of India and Brazil; third, the European Union; and fourth, a centralized federal system (Germany) and a decentralized unitary system (the United Kingdom). In doing so, we expand the reach of the concept and make a case for its broader utility. We also consider how the concept may need to be refined or altered.

We likewise are conscious of the limitations that may arise in an effort to apply a concept initially framed for a newly established political entity to other, newer political forms. Should we, in any areas, consider that we have “stretched the concept too far”? We also consider what the MLG concept cannot do in situations in which traditional, centralized federal interactions remain in operation.

**ii) What is Multi-level Governance? Origins, Definitions and Evolution of the Concept**

As discussed above, in our first paper on the topic of multi-level governance (Stein and Turkewitsch 2008), we traced the theoretical origins of the concept of multi-level governance. This section draws in part on that earlier work, but also expands upon it. It also refers to other scholars’ recent overviews and analyses of the origins of the concept.


In our initial writing on the subject, we suggested that, “MLG was essentially a broadening of the concept of federalism to include more than two levels of government and more than autonomous policy-making structures” (Stein and Turkewitsch 2008).

We also noted that there were several political scientists who had been cited as originators of this concept. “Jachtenfuchs (2006:160), for example, attributes the “symbolic reference point” (but not the terminological origin) of multi-level governance to an article that Fritz Scharpf published in 1988 on “The Joint-Decision Trap” (Scharpf 1988)” (Stein and Turkewitsch 2008).

Bache and Flinders consider Gary Marks to be the originator of the concept of MLG. “According to these authors, ‘Gary Marks (1992) first used the phrase multi-level governance to capture developments in EU structural policy following its major reform in 1988. Subsequently Marks and others developed the concept of multi-level governance to apply more broadly to EU decision-making. In developing his approach, Marks drew on insights from both the study of

---

3 This section draws on Stein and Turkewitsch 2008.
domestic politics and of international politics’ (Bache and Flinders 2004: 2, as cited by Stein and Turkewitsch 2008).

In terms of definition Marks (1993) designated MLG institutionally to be “a new concept to encompass overlapping competences and interactions of actors across levels of government due to institutional creation and decisional reallocation upwards [to the supranational level] and downwards [to the subnational level].” Jachtenfuchs (1995) extended this institutional definition to encompass “the relationships between governance processes and different government levels” (Stein and Turkewitsch 2008).

Scharpf (1994) also applied the term MLG to the “policy-making capacity” of this new structure. He complained that with respect to public policy, nation-states had been weakened, but the supranational European Union had not been strengthened as much, despite the change in the Maastricht Treaty from unanimity to qualified majority voting. He later (1997) modified this argument in observing that “as economic integration deepens globally, especially within the European Union, national capacities to regulate and tax mobile capital and firms are reduced, but governance at European levels is constrained by conflicts of interest among governments involved. Therefore the effectiveness of the problem-solving capacity at these two levels of governance varies from one field [or policy sector] to another” (Scharpf 1997, as cited by Stein and Turkewitsch 2008).

Peters and Pierre (2001) have viewed the development of the multi-level governance phenomenon as a new form of the state. They maintain that “the emergence of MLG challenges much of our traditional understanding of how the state operates [today], what determines its capacities, what its contingencies are, and [what are its prospects for] democracy and accountable government…we are moving from a model of the state in a liberal-democratic perspective toward a state model characterized by complex patterns of contingencies and dependencies on external actors.” (Peters and Pierre 2001, as cited by Stein and Turkewitsch 2008).

In their definition of MLG Peters and Pierre (2001) noted that, “although we tend to think of these institutional levels as vertically ordered, they do not have to operate through intermediary levels, but negotiations can take place directly between, for example, transnational and regional levels, bypassing the state level” (Peters and Pierre 2001: 132).

**iv) Type I and Type II MLG**

A significant development in the definition of MLG was Hooghe and Marks’ (2003) delineation of Type I and Type II MLG. We noted that they subdivided the concept into two types, which they labeled Type I and Type II. Type I MLG has several distinctive characteristics: 1) the number of levels of governance is limited to no more than five, including the international, regional supranational, national, constituent subnational, and local. These are generally defined in territorial rather than functional terms, 2) each of these levels has general-purpose jurisdictions that “bundle together multiple functions, including a range of policy responsibilities, and in many cases, a court system and representative institutions” (Hooghe and Marks 2003). 3) the jurisdictions are non-intersecting in membership, and there is only one relevant jurisdiction at
each territorial scale. They note that although the jurisdictions tend to be stable, there is flexibility in the allocation of policy competences within them. 4) although the inspiration for these Type I systems of MLG is federalism, they are not limited to this governance form, or even to its identification with nation-states (Hooghe and Marks 2003) (Stein and Turkewitsch 2008).

Type II MLG is defined primarily in functional terms. It consists of special-purpose jurisdictions or policy structures that are highly fragmented and numerous. They also tend to be ephemeral, flexible and variable in nature (Hooghe and Marks 2003).

There has been debate about the utility of the division of MLG into these two separate spheres, which we will discuss in greater detail in Section 4, page 16 below.

v) Later Definitions of MLG (2004-2014)

We noted that Bache and Flinders (2004) admit that there is currently no one widely embraced definition of the concept of multi-level governance; however they identify four common strands in the research carried out under its aegis. These are: 1) the tendency over time to increased participation of non-state actors such as NGOs, corporations and unions in governance functions, 2) the proliferation of overlapping decision-making networks engaged in such functions, 3) the change in the role of the state from command and control to steering, coordination and networking, and 4) the challenges MLG confronts in assigning responsibility and in exercising democratic accountability in governance (Bache and Flinders 2004) (Stein and Turkewitsch 2008).

In 2004, Schmitter defined multi-level governance along similar lines:

“Multi-level governance can be defined as an arrangement for making binding decisions that engages a multiplicity of politically independent but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/implementation, and that does not assign exclusive policy competence or assert a stable hierarchy of political authority to any of these levels” (Schmitter 2004: 49, as cited by Piattoni 2009)

Initially, Brown (2002)’s definition of multi-level governance primarily focused on Type I processes. He defined MLG as:

“the condition of power and authority being shared in institutional relationships. These relationships are established in law (constitutional, international or other), in which the scope of public policy and the mechanisms of policy-making extend beyond the sovereignty of nation-states, and is shared within nation-states” (Brown 2002: 1).

In Brown’s later co-authored work with Bakvis and Baier, however his definition of MLG expanded to include Type II MLG processes:

“Multi-level governance may be defined as a situation in which power and authority are shared, sometimes in relationships established by constitutional law or treaty, sometimes in more informal working arrangements. In this shared governance, decision-making is effectively delegated, depending on the case, downwards to decentralized government agencies, upwards to
supranational agencies, or outwards to private or other civil-society agents – or to all or a combination of all the above!” (Bakvis et al. 2009: 20-21).

Piattoni (2009, 2010) discusses and builds on previous research on the concept of MLG and offers a new definition that is more nuanced. We will discuss her contribution to the literature on MLG and federalism in Section 4 below.

**vi) Our Definition of Multi-Level Governance**

Our definition does not make any major changes to the understanding of the concept, but we do wish to offer our own clear definition that can be cited and quoted. Often scholars do not specifically define MLG, and we feel that for the purposes of our work (specifically our forthcoming volume comparing the utility of the concept for different federal and unitary systems around the world) we need a clearly worded definition of the term MLG.

Our definition is distinct in the sense that it includes a reference to the application of the concept in both federal and unitary systems. It is an improvement on the earlier definitions we cited above, because it also takes into account some of the common criticisms and addresses these concerns by making specific reference to the limitations of the concept, both in terms of its application, and in terms of one of its underlying purposes – a focus on understanding, rather than explaining or predicting. In taking into account these different factors, the definition provides a clear statement of our position on the different points of contention within the literature on MLG.

We define multi-level governance as:

- A concept to understand and describe the relationship between levels of authority in federal and decentralized unitary political systems in which decision-making is dispersed from the central-state government along horizontal and vertical lines. Power may be dispersed vertically to supranational, cross-national, sub-national, sub-state regional, municipal or local government structures. Power may also be dispersed horizontally or outwardly to interest groups, corporate structures, non-governmental organizations or other such entities.

- Key to the MLG concept is the interaction across these levels, particularly with respect to public policy creation and implementation. Interaction may be horizontal, vertical, or both, diagonal, or in some contexts may entail a diverse mix of relations and collaboration.

- We also consider multi-level governance to be an empirical construct. As a construct it is amorphous, and may display different characteristics in different contexts or vary across time, location, and policy area.

- Multi-level governance is not intended to be an explanatory or predictive concept.

- Although some scholars include normative elements, we prefer to keep the normative elements distinct from the analytical/conceptual elements of the concept, and each of these elements distinct from the concept’s use as an empirical construct.

- We note that in some contexts, the emergence of MLG as an empirical construct may result in a behavioural reversion, with the central state government attempting to re-centralize power and
reduce open elements of public policy. In some policy areas, such as fiscal policy, MLG processes (in the empirical sense) may never have emerged, and the concept may not be useful or applicable.

**Section 3: MLG and Federalism**

*i) MLG and Federalism in our IPSA Montreal (2008) Paper*

In 2008 we viewed major differences between multi-level governance and federalism as including: 1) the term “federalism” is generally confined conceptually to a polity that operates in two territorial jurisdictions within a single nation-state, whereas “multi-level governance” is applied conceptually to all levels and units of governance in any polity or political system composed either of a single or several distinct nation-states, 2) federalism invests ultimate legal responsibility in governmental decision-making to only one level or unit of authority, as reflected in legal discourse by its use of the term “paramountcy” to describe the supremacy of one sovereign authority over another in a sector of federal-provincial policy-making. “Multi-level governance” on the other hand, does not invest ultimate legal responsibility in one political decision-making level or unit. Rather it allocates legal responsibility on a shared basis among several decisional units, 3) federalism encourages formalization of joint policy decisions and agreements between different levels and units of government by encouraging the parties to the agreement to sign a formal document describing the precise terms and conditions of the agreement. Multi-level governance, on the other hand, discourages formalization of agreements because of the fear that including so much detail in a formal agreement is likely to promote disagreements about the precise meaning of its content among its signatories, 4) whereas “federalism” tends to foster a climate of competition and conflict among its different vertical or horizontal units, the prevailing climate in MLG systems is one of cooperation, mutual accommodation, and shared responsibility, 5) federalism tends to be a less costly and time-consuming mode of governance than MLG because it has fewer actors, units and levels that it must accommodate in negotiations or problem-solving situations.

We then proceeded to apply both concepts to the current structure of the EU. With respect to the EU, we argued that, “scholarship on MLG has added significantly to our understanding of the EU” (Stein and Turkewitsch, 2008, p.16). The same is true for studies of federalism, which we viewed as both an end state (*finalité politique*) and a normative ideal for this new regional supranational political entity. We argued that “when applied to the EU, the concepts of federalism and MLG were not necessarily contradictory…[in fact] in many respects the two concepts are complementary, and, as in other areas of research, the lines between the two concepts are increasingly blurred” (Stein and Turkewitsch, 2008, p.17).

We recognized that “federalist thought had a major influence on the origins and evolution of the European Union.” (Stein and Turkewitsch, 2008, p. 19.) This included what Burgess described as “piecemeal incremental steps or federal elements added in cumulative fashion to produce a EU in which supranational, federal and intergovernmental features co-exist in an uneasy and incomplete union (Burgess 2000, p. 39). Börzel and Hosli listed these elements in greater detail as: sharing power between central decision-making institutions (i.e. the European Commission, Council and Parliament and regional decision-making institutions such as the governments of the member states); the nature of this division is specified in constitutional documents, and there is a
supreme judicial authority that adjudicates on their nature and scope; both levels of government are responsible for making public policy (Nugent 2003, p. 469); EU law has priority over national law; since most EU decisions are majoritarian-based, a minority of individual member states are forced to accept decisions that conflict with their priorities (Börzel and Hosli 2003, p. 187); despite this majoritarian principle of representation, the EU allows for minority representation by over-representing smaller states in their elective institutions (Börzel and Hosli 2003, p. 187). The EU system has been variously labelled by leading political observers as a confederation (Warleigh 1998, p. 15); a hybrid of federation and confederation that can be viewed on a continuum (Burgess 2000), a “confederal consociation” (Chryssochoou 1995, p.300), an “emerging federation” (Börzel and Risse 2000), and a combined “multi-level system of governance and federal system” (Börzel and Risse 2000).

The proponents of the EU as a form of MLG, on the other hand, emphasized the distinction between their concept and the approach adopted by “state-centric” or “liberal intergovernmental” theorists. For example, Hooghe and Marks argued that national governments in the EU no longer have ultimate or complete control over EU decision-making. Rather, they view the decision-making process in that intergovernmental system as one that is shared by actors at all levels, so that none is prevalent over the others (Hooghe and Marks 2003, pp. 3-4). They also consider regional actors and subnational polities as increasingly autonomous entities in European policy-making (Benz and Eberlein 1999, p. 343). Their view of the EU is often that of an emerging system of multi-level governance that is closely linked with changes in the domestic decision-making processes, such as decentralization in Central and Eastern Europe or devolution in the UK (Stein and Turkewitsch 2008, p. 24).

In the Conclusion of our 2008 paper, we contended that “With respect to definition, the MLG Type I concept of Hooghe and Marks 2003 (related to upward and downward extension of decision-making in the public or state sector) seemed to us to have greater promise analytically than the MLG Type II concept, [principally because] it has a more easily identifiable empirical referent” (Stein and Turkewitsch 2008, p. 30). But we changed our minds on this point soon after presenting this May 2008 paper, when we began to conduct our own empirical research on multi-level governance systems. We became aware then that the expansion of intergovernmental decision-making increasingly encompasses horizontal non-statist and non-governmental actors.

We also reasserted our contention in the Introduction of our 2008 paper that in the interaction process between the two concepts of “federalism” and “multi-level governance”, since the mid-1990s, “the ideas of MLG are now largely shaping current theories of federalism”. This can be seen in the extension of the term “federalism” to encompass decentralized regional and local governments (Stein and Turkewitsch 2008, p.30).

Thirdly, we called for broadening the concept of MLG to include both descriptive/empirical and normative characteristics, and “advocate[d] placing major jurisdictional and decision-making authority in whatever level of government or process of governance is deemed most appropriate in that policy sector,” regardless of size, resources, population, or traditional attitudes.” (Stein and Turkewitsch 2008, p.31)
Fourthly, we strongly endorsed the increasing use of MLG by both political scientists and politicians as an appropriate extension of federalism to the more complex and expanded intergovernmental decision-making processes of the twenty-first century. Its emphasis on cooperation rather than conflict in negotiation, and on flexibility rather than rigidity in adaptation of the process to changing policy needs, makes it an important new analytical instrument and policy-making tool in both domestic and international politics. But “there are benefits in keeping the two approaches of federalism and MLG conceptually distinct,” in order to avoid loose and indiscriminate use of the latter in political analysis, and also to promote continued research questions about the relationship between the two concepts by its respective proponents in politics and political analysis.

**ii) MLG and Federalism (US and Canada) in our IPSA RC 28 Berlin Paper**

Since that 2008 presentation, we have sought to broaden and deepen our analysis of the relationship between “federalism” and “multi-level governance” and of the applicability of MLG to the European Union by extending it beyond that geographic region. In a paper originally presented to the annual conference of IPSA Research Committee 28 on Comparative Federalism and Federation in Berlin, October 3, 2008, and later published in a co-edited book under the title “Multi-level governance in Canadian and American intergovernmental relations” (Enderlein et al, eds. 2010, chapter 11) we examined the applicability of the MLG concept to the internal intergovernmental relations of two mature federal systems, one presidential and one parliamentary, namely the United States and Canada. We concluded in it that “More recent approaches to intergovernmental relations in the USA and Canada share with MLG a shift from more hierarchical models to models emphasizing the more shared or cooperative aspects of decision-making. [Therefore] newer models and concepts of intergovernmental relations can and, we argue, should draw on aspects of MLG.” We also noted that, “Newer definitions of intergovernmental relations [in the United States and Canada] are closer to that of MLG, focusing on ‘networks’ and ‘webs’ of interaction” (Enderlein et al., eds., 2010, p. 196). In other words, we argued that, “in many respects, the ideas that flow from scholars working with the concept of MLG in the European context are complementary and consistent with many of the newer [non-hierarchical] modes and descriptions of intergovernmental relations in Canada and the USA.” (Ibid., p. 197). But “no one definition [of MLG] should have priority in the study of intergovernmental relations in Canada and the USA” (Ibid, p. 197).

**iii) MLG and Federalism (7 other mature and emergent federations) in our IPSA Santiago 2009 Paper**

In an IPSA conference held in Santiago, Chile in July 2009, we presented a paper entitled “Similarities and Differences in Patterns of Intergovernmental Relations in Parliamentary and Presidential Federations: A Comparative Analysis”. In it we expanded on our hypothesis regarding Canadian-American intergovernmental relations by investigating whether there is a prototypical pattern of internal intergovernmental relations associated more generally with each of two ideal-type federal regimes, “parliamentary federations” and “presidential federations”. We also considered whether the MLG concept, applied effectively to the analysis of intergovernmental relations in the European Union since the Maastricht Treaty of 1992, could be extended to “parliamentary” and “presidential” federations outside Europe. We selected three parliamentary federations, Australia, Germany and India, and four presidential federations,
Brazil, Mexico, Argentina, and Nigeria, for comparative analysis in these respects. We found some commonalities that were manifested exclusively in the parliamentary federations we analyzed. We also noted some shared features encompassing both parliamentary and presidential federations.

With respect to the commonalities that were manifested exclusively in parliamentary federations, we observed that intergovernmental interactions “have naturally assumed a form of increased executive and administrative interactions between the two major levels of government” (Stein and Turkewitsch, 2009, p. 25) as these systems have become more involved in their economic and social sectors during their post-World War II policy expansion. We also discovered that the scope and complexity of patterns of intergovernmental interactions and the degree of intergovernmental institutionalization have greatly expanded and become increasingly acceptable in these parliamentary federations. But this pattern may be mitigated somewhat when there is direct state or provincial representation in upper legislative chambers (Ibid., p. 25).

With respect to the commonalities manifested in both parliamentary and presidential federations, there appears to be an evolutionary causal linkage between their successive historical phases of intergovernmental relations. For example, parliamentary federations like Canada and Australia tend to have evolved from a pattern of “dualistic federalism” to “cooperative/administrative federalism”, and then successively to “executive federalism”, constitutional federalism” “collaborative federalism”, and finally to “multilevel governance federalism”. This seems to occur in all “parliamentary federations” as their intergovernmental relations systems develop in response to changing socioeconomic and political conditions. Ultimately, especially in the last two decades, it has the effect of pushing economic and political powers upward to the supranational regional and global levels, downward to the sub-national regional and local levels, and outward into partnerships with private and third sector economic structures. In this last phase, the new MLG structures in intergovernmental relations are increasingly attractive to both “parliamentary” and “presidential” federations.

In 2008 we noted that it may be difficult to use the concept of multi-level governance (MLG) to acquire greater understanding of patterns of intergovernmental relations in developing federations, especially during the early phases of their institutional evolution. These developing federations may not experience some of the more advanced or mature interactions that are perceived to constitute preconditions of the vertical and horizontal movements of powers upwards, downwards and outwards associated with MLG. The concept of MLG may be most appropriately applied to these developing states as either a model for their future patterns of intergovernmental relations or as a normative ideal. It may provide a more flexible mode of optimizing the policy-making process for them by allowing for multidirectional shifts in their decision-making authority and power (Stein and Turkewitsch 2008, p. 30).

iv) MLG and Federalism (India versus Brazil as emergent federations) in our IPSA Luxembourg 2010 Paper

In a more focused comparison of the internal patterns of intergovernmental relations of two “emergent federations”, India and Brazil, which we conducted in another IPSA paper in Luxembourg in March 2010 entitled “The European Model of Multi-Level Governance Beyond Europe: India and Brazil”, we concluded that “the structures and processes of intergovernmental
relations had an effect on the emerging multi-level governance processes in Brazil in three policy areas, participatory budgeting, participatory forums in water management policy, and in climate change policy. They “point to an openness of the Brazilian federal system and its existing pattern of intergovernmental relations towards the emergence of multi-level governance. [They] also point to increasing acceptance of the European concept of MLG by scholars in and of the global South.” (Stein and Turkewitsch, 2010, p. 22).

Regarding the applicability of the concept of MLG to India, however, there has been less existing research on this topic than in Brazil. This is particularly the case with respect to Type II MLG in Hooghe and Marks’ definitions, involving a horizontal or outward expansion of intergovernmental decision-making to include the private sector, NGOs or the non-profit voluntary sector. However, we also acknowledged that, “research on this area may become more abundant in [future] years as researchers take into account the moves to a market economy and the emphasis on the private sector that have occurred in India since the early 1990s (Stein and Turkewitsch 2010, p. 22). Regarding Type I MLG involving the vertical expansion of public sector decision-making, recent constitutional amendments have given local governments constitutional status and devolved some federal powers downwards to the sub-state [or panchayati raj] level. Scholars of Indian federalism have...been less open to applying the concept of multi-level governance than those studying Brazil. However, we suggest that given current domestic and global trends, ideas drawn from MLG [theory and practice] may become increasingly applicable to India” (Ibid., p. 22).

v) MLG and Federalism/Decentralized Unitary Systems (Germany vs. the UK) in our Reykjavik/Valencia 2011 Papers

In the following year (2012) we expanded our comparative analysis of the applicability of MLG to non-federal systems. In a paper delivered first to an ECPR Meeting in Reykjavik, Iceland in August 2011, and later (in revised form) to an IPSA Conference on New Regionalism and Multi-level Governance in Valencia, Spain in October, 2011, we presented “An Assessment of Multi-level Governance as an Analytical Concept Applied to Federations and Decentralized Unitary Systems: Germany versus the United Kingdom”. We proposed in it to compare the pattern of intergovernmental relations in a centralized federal system such as Germany (after the reunification of West and East Germany in 1991) with a decentralized unitary system like the United Kingdom (after the intergovernmental devolution of Scotland, Wales and Northern Ireland of 1998). We hypothesized that the changing pattern of internal intergovernmental relations in each of these countries in the twenty-first century would reflect more of the characteristics of multi-level governance (MLG) than either of these countries had exhibited prior to 1990. We hoped in this way to provide some evidence that MLG might become more applicable to both centralized federal and decentralized unitary systems as global socio-economic conditions evolved. We also sought to extend our earlier argument regarding new patterns of evolving intergovernmental relations in both mature and emergent parliamentary and presidential federations to non-federal systems, and ultimately perhaps to the internal intergovernmental relations of most contemporary nation-states. In this regard we sought to construct a typology of different MLG theories that exhibits MLG as an overarching concept applicable to both unitary and federal systems of different degrees of territorial diversity.
Prior to the UK devolution of 1998, the UK was considered by many observers to be a prototype of a centralized unitary state on the Westminster Model, due to its concentration of intergovernmental decision-making among the territorial regions in the Westminster cabinet and executive in London (Bache and Flinders 2004, *Multilevel Governance and the British State*). However after the devolution of decision-making powers to the regional legislatures of Scotland, Wales and Northern Ireland in 1998, intergovernmental relations in the UK began to be transformed so that, according to these authors, “MLG now works better as an analytical construct [than the Westminster centralized unitary state model] when it is applied to the intergovernmental relations of post-devolution UK” (Ibid.).

Germany, on the other hand, after its reunification in 1991, continued to be viewed by leading German political scientists as a polity exhibiting the characteristics of “co-operative federalism” or “inter-locking federalism” (Benz and Zimmer 2011: p. 149). It was also considered to operate in a somewhat dysfunctional intergovernmental process that had been described by Scharpf in 1988 as a “joint-decision trap” (Scharpf, 1988). The same was true, according to Scharpf, of the European Community as a whole, even though it later diluted its unanimity voting requirements in the European Commission to “near-unanimity” in some policy sectors after 1992. In a 2006 paper that was republished in 2009 as a chapter in an edited volume, Scharpf described internal intergovernmental relations in both Germany and the EU as “mixed modes of joint decision-making that include aspects of both intergovernmental negotiations, supranational centralisation and a hierarchical mode of political decision-making in which the concept of a “joint decision trap” may or may not apply (Scharpf, 2006/2009). With regard to the relevance of MLG to this polity, he warns that there is variation in its applicability from one policy sector to another, and cautions that observers should “avoid an overemphasis on the uniqueness of MLG objects of study that tend to over-isolate MLG excessively from general theory and the political science mainstream” (Scharpf 2009). We agree with Scharpf’s caution that MLG should not be isolated from the political science mainstream. Rather, it should be part of a continuing dialogue within comparative politics and international relations, both in terms of theoretical approaches and empirical research. We would go further to state that the MLG concept should also be linked to the mainstream literature in other relevant fields, including public administration, and environmental studies.

After UK devolution in 1998, according to Bache and Flinders (2004), three regional devolutionary acts were passed in the UK Parliament redefining intergovernmental relations in Scotland, Wales and Northern Ireland. They established separate elected legislative bodies and executive structures in these regional territories as well as civil service structures to devise and implement the legislation and regulations of these newly created regional bodies. According to Bache and Flinders (2004, p. 40), these acts “replaced a unitary system of government in Britain with a quasi-federal structure.” They concluded that, “Britain is moving closer to a multi-level polity.” (Bache and Flinders 2004, p. 47). They saw this development as a beneficial one in a number of ways, such as its capacity to illuminate and resolve evolving tensions within the government and administration. But they also point out that the Westminster centralized unitary model, while greatly modified in practice, “has not been destroyed”, and “despite this shift toward a multi-level polity, the erosion of central government power should not be assumed.” (Ibid., 2004, p. 47). Most other specialists in UK politics, despite some differences in approach or emphasis from that of Bache and Flinders, appeared to concur in their view of the
applicability of MLG in the post-devolutionary period. For example, Patricia Hogwood et al. (2000, p. 81), promised to “illustrate the nature of the new multi-level governance in the devolving UK [in which] the devolved authorities have a significant role to play.” Bulmer et al. (2006) note that the approach to managing intergovernmental affairs since 1998 has on the whole been a cooperative one, in contrast to the more consultative and hierarchical pattern that Whitehall has maintained with the English regions. They also point to the need to place the relationship between the devolved regions in the UK into a broader context involving interactions between European subnational authorities and EU decision-makers, [which is] generally termed multilevel governance” (Bulmer et al. 2006, p.76).

On the other hand, Gamble argues that devolution is best understood in terms of the pattern of political competition between the major parties in the UK. He therefore sides with “devolution skeptics” such as Ian Nairns, who consider devolution to be essentially a “clever [political] device used to appease pressure from nationalists who want full separation for the regional territories or from constitutional reformers who seek decentralization or greater decision-making democracy” (Gamble 2006), rather than an improved process of intergovernmental decision-making among the territorial regions in the UK that is associated with MLG. And Jeffery and Wincott see the relatively smooth and cooperative pattern of intergovernmental relationships in the UK after the 1998 reform as unlikely to continue into the future, with the defeat of the Labour Party and the assumption of power by the Conservatives. Rather, they consider the asymmetries of devolution as likely to generate future conflicts between the regions, since this policy “lacks a clear normative perspective on this issue”, and has an “ambiguous popular underpinning” (Jeffery and Wincott, 2006). Although these critical perspectives on devolution in the UK express some valid reservations concerning possible future detrimental effects that may arise from devolution and MLG, they also fail to consider some of the possible benefits in governance that may accompany the evolving patterns of MLG that devolution tends to foster.

Similarly, when applied to the German federal system, MLG is increasingly an important conceptual tool through which scholars can analyze recent political and institutional developments in that country. The federal constitution of Germany, the Basic Law, was first implemented in 1949, and on paper, it created a decentralized institutional system. However in practice the system is very centralized (Kramer 2005, p. 151). The major reason for this is that “there have never been strong boundaries between the federal and Land levels, and before the federal reforms of 2006, there was no strict overall delineation of federal and state competencies, such as exist in most federal systems. (Moore et al. 2008, p. 395). “Multilevel governance in Germany is built on the participation of [Länder] governments in policy formulation and decision-making [at] the federal level.” (Braun 2011, p. 172). However, despite the large degree of Länder autonomy in some fiscal policy areas such as borrowing and spending, the Länder governments must consult with the federal level on other important fiscal matters, such as taxation (Moore et al. 2008, p. 395). Similarly, federal framework laws require the Länder to implement legislation initiated at the federal level. Also the large numbers of joint political activities fostered by the broad areas of concurrent jurisdiction, in which the Länder must implement legislation created by the federal government, also contribute greatly to this pattern of federal centralisation. As a result, Germany has been described by some as a “unitary federalism” or “hidden unitary state”. It is also described as a tightly interlocked federal system that results in the centralisation of legislative responsibilities at the federal level (Auel 2008, p.
This highly cooperative, negotiation-style of federal decision-making, together with elements of a “joint –decision trap”, gave rise in the first decade of the twenty-first century to a strong movement in favour of federal system reform. However, when these reforms were enacted in 2006, most experts in German politics dismissed them as insufficient or too politically timid (2008 Special Issue of “German Politics”).

In our Conclusions of this 2011 paper, based on the preceding findings, we argued that the “MLG framework fits better and accounts more accurately for changing forms of governance and intergovernmental relations in both the UK and Germany. It is able to describe intergovernmental relations in these two states more accurately than a traditional federalism approach that places federal and unitary systems in separate ‘boxes.’ German scholars in particular seem increasingly open to studying their own federal system, as well as the EU, through the lens of MLG. MLG is also an approach that is gaining ground in the study of UK territorial intergovernmental relations, particularly since UK devolution. Overall we suggest that what might otherwise be seen as important constitutional and institutional differences between these two political systems are less significant when they are viewed through the lens of MLG (Stein and Turkewitsch 2011, p. 29).

**Section 4: Other Recent Work in the Literature on Federalism and MLG (2009-2014)**

**i) Piattoni (2009, 2010)**

There have been some other important theoretical contributions to an understanding of the relationship between federalism and multilevel governance that have been made since 2008. For example Simona Piattoni, in her 2009 historical and conceptual overview of multi-level governance, and in her 2010 full-length volume on the conceptual, empirical and normative challenges posed by the theory of multi-level governance, offered a broad and generally balanced perspective on MLG. She defined MLG in broad and abstract terms as a dynamic three-dimensional concept involving the relationship between centre and periphery, state and society, and domestic and international levels.

She listed a number of significant criticisms of MLG, which we will discuss in the section below, sub-section ii).

Piattoni also cites some major positive attributes and strengths in MLG, particularly in application to the European context. For example, 1) she lauds Gary Marks for “calling into question the dichotomous [and oversimplified] view of European integration presented by neo-functionalists and intergovernmentalists and for his insertion of a “conceptual wedge between their divergent theoretical poles”. She also attacks the neo-functionalists and intergovernmentalists for failing to give sufficient attention to ‘flesh and blood’ political actors in the European integration process. (Piattoni 2009, p. 2); 2) she notes that MLG “casts doubt on the contention [by the intergovernmentalists] that non-state interests could not successfully challenge the ‘gate-keeping’ capacity of the central state” (Piattoni 2009, p. 3); 3) she points out that MLG is increasingly recognized as an appropriate description of what is now recognized as a sui generis EU polity; 4) She acknowledges the utility of Marks and Hooghe’s analytical distinction between Type I and Type II MLG by noting that “Type II governance normally
coexists with Type I governance in the same overarching polity, and is generally embedded in Type I governance” (Piattoni 2009, citing Marks and Hooghe 2003, p. 238); 5) She sees MLG as a valuable ‘multi-level concept’ “that is capable of moving across and connecting different analytical planes”, and can be presented in different terms and perspectives, whether of politics, policy or polity. It can also encompass much of the current literature on regionalism, which postulates an apparent causal correlation between increasing political devolution and growing civil society involvement in governance (Piattoni 2009, p. 7). In short, we believe that Piattoni correctly sees MLG as a concept that has both strengths and weaknesses, but is still very much in the process of being theoretically developed and refined.

ii) Other Evaluations and Criticisms of MLG

In our 2008 paper we outlined what we identified as the major academic criticisms of the concept of MLG. We will repeat them here, and also discuss further evaluations that have arisen since that time.

First, we noted that the concept of multi-level governance is often attacked for being too descriptive. It is seen as unable to explain or predict governance policy outcomes. Thus Gualini (2004: 39) calls for new explanatory approaches accounting for the evolution of the institutional preconditions of a multi-level governance system (Stein and Turkewitsch 2008). We disagree with these criticisms, primarily because they miss the point that MLG was not intended to be an explanatory or predictive theory. Concepts that aim to describe or understand can also have utility and relevance for research and theorizing. However, we agree with Gualini’s broader assertion that the institutional preconditions of MLG systems is an area deserving of further research.

Second, we pointed out that Bache argues that the MLG concept tends to exaggerate the importance of subnational actors and to neglect the implementation and outcome stage of policy-making, in which national governments have a particularly important role, and in which the MLG pattern is most prevalent (Bache 1998: 153-4). Bache suggests, rather, that national governments continue to play a central “gatekeeping” role at all stages of policy-making and in all policy sectors, whereas actors from the supranational and subnational levels are merely participants, not actual decision-makers, in this process. Bache calls this role of national governments one of “flexible gate-keeping” (Bache 1998: 155-156). In this sense, he adopts a position among the competing perspectives on which particular governance actors are dominant in European policy-making somewhere in between that of the “intergovernmentalists” and the unqualified “multi-level governance” proponents. It is similar to that of federal theorists who also view the national governments as performing a steering function in what is both a joint and a dual system of governmental decision-making (Stein and Turkewitsch 2008). Overall, however Bache’s criticism is less relevant to Type II MLG processes. We agree with Bache’s assertion that national governments may continue to play a central role in MLG systems, and that its steering function, both in terms of its significance in comparison to other governmental functions, and in terms of its role in relation that of other non-governmental actors in horizontal networks, remains a primary analytical concern.

---

4 This section draws on Stein and Turkewitsch 2008.
Thirdly, we noted that Peters and Pierre argue that MLG theorists are prone to exaggerate the hierarchical and legal nature of intergovernmental relationships prior to the emergence of genuine multi-level governance. And they also are inclined to overemphasize what they call the “post-constitutional” and “extra-constitutional” nature of MLG. They see MLG, somewhat artificially, as “a model of governing that largely defies, or ignores, structure”, disregards or downplays institutions, and concentrates almost entirely on processes and outcomes. In that sense, they argue, it lacks a clear conceptual focus (Peters and Pierre 2004: 76). Others have developed concepts that incorporate a hierarchical element within MLG processes including “networking in the shadow of hierarchy” (Scharpf 1994), and “meta-governance or “governance of governance,” which consists of “steering” of informal governance processes without hierarchical control (Peters 2008, p. 6, as cited in Turkewitsch and Stein 2012). These more nuanced descriptions of hierarchical elements within networks or MLG processes are a reasonable response to the criticism that the MLG concept ignores structure. Furthermore, we would point out that federalism itself contains a hierarchical element, and incorporating an element of hierarchy within networks brings MLG closer to federalism approaches. The criticism that there is a tendency among MLG proponents to exaggerate the hierarchical nature of intergovernmental processes prior to the emergence of MLG processes is a valid methodological issue, and we acknowledge that researchers must be careful not to make the empirical facts fit the theory.

Fourthly, writers such as Peters and Pierre (2004) have criticized MLG on normative grounds. We noted that Peters and Pierre stated that MLG theorists tend to give priority to the objective of problem-solving capacity rather than democratic input and accountability. Peters and Pierre describe this as a “Faustian bargain” in which “the core values of democratic government are traded for accommodation, consensus and efficiency in governance,” and in which informal patterns of shared decision-making may disguise “a strategy for political interests to escape or bypass regulations intended to limit their freedom of action (Peters and Pierre 2004: 76, 85). This criticism may be linked to that of the more recent normative turn in MLG theorizing by Piattoni and others.

A fifth criticism is made by Jordan (2001) who expresses his skepticism about the “popular claim that the EU has evolved into a system of MLG as opposed to state-led government.” He concedes that although “the governance turn in European studies in the last ten years has opened up substantial new avenues of inquiry… the concept of MLG may only apply to particular policy sectors and/or levels, rather than being a general feature of the EU” (Jordan 2001, as cited by Stein and Turkewitsch 2008).

Piattoni’s criticisms of the MLC concept echo some of those listed above, and include: 1) the lack of clarity concerning which empirical phenomena MLG encompasses, and whether it can be distinguished from a similarly broad and ambiguous process such as “governance”, 2) uncertainty whether political decisions that are made in terms of MLG are better than those made through other processes (for example, in terms of their capacity to promote fuller participation by different individuals and groups), 3) whether the broad basis of political representation of the governing elites under MLG tends to aggravate or alleviate conflicts when that system of intergovernmental relations operates, 4) whether the idea of “network configuration” rather than
“hierarchy” associated with MLG has analytical and empirical utility, or is largely metaphorical in meaning (Piattoni 2009, p. 4).

A final, and very significant criticism is that MLG can describe indiscriminately “any complex and multifaceted political process.” The methodological issue of conceptual stretching (Sartori 1994: 21) is the key point. Gualini (2004), Bache and Flinders (2004), and Stubbs (2005) were among the first scholars to write about this issue in relation to MLG. This criticism is particularly important to consider given our proposal to apply the concept of MLG more broadly.

iii) Other theoretical points raised in the Télescope article

The Relationship between Type I and Type II MLG - Overlapping, Layered or Embedded?

Since the initial work by Hooghe and Marks on the topic, the distinction between Type I and Type II MLG has been generally accepted and applied in the literature. Yet, there remains some debate on the utility of the distinction, as well as over the issue of whether, when considered as substantive constructs, Type I and Type II MLG overlap. We suggest that there may be room for more theoretical refinement of these two types.

We quoted Piattoni (2010) on this subject in our earlier paper. She notes, “Bache (2008) and Conzelman and Smith (2007) understand these two Types in a rather straightforward way, as different ways of organizing the delivery of specific services in modern democracies. In this sense, Type II jurisdictions may also be territorial and get superimposed on Type I jurisdictions. Fairly common examples are national health care units, school districts, industrial consortia, and so on” (Piattoni, 2010, p. 25, as cited by Stein and Turkewitsch 2012).

We also noted that others question the need for the distinction between Type I and Type II MLG (for example, Leo and Enns, 2009, citing Blatter, 2004). They point out that in several studies in the Canadian context “simple [T]ype I—[T]ype II dichotomies were nowhere to be found” (Leo and Enns, 2009, p. 94; Young and Leuprecht, 2004, as cited by Stein and Turkewitsch 2012).

In 2012 we noted that the issue of overlap between Type I and Type II MLG processes is also a significant area for development of the MLG concept. We suggest that more research and theorizing on the relationship between Type I and Type II MLG is needed. An interesting debate already exists as to how the relationship between the two concepts should be described – overlapping, layered or embedded. Should Type I and Type II MLG remain analytically distinct or should the two Types of MLG be combined, as Leo and Enns (2009) suggest? We argued that the distinction between Type I and Type II is analytically useful, and provides a short-hand reference for the vertical (Type I) versus the horizontal (Type II) expansion of governance. The intersection of Type I and Type II MLG and the form of coexistence of the two Types are perhaps the most significant common area of research for scholars of federalism and intergovernmental relations and scholars of public administration and more specific policy areas. It is also the area in which these disciplines share the most common ground. It is here that the MLG concept can serve as a unifying concept to bridge disciplinary divides (Stein and Turkewitsch 2012).

5 This section draws on and elaborates on our 2012 Telescope article.
While we excluded a specific discussion of the two Types of MLG in our relatively streamlined definition of the concept above, we do find it theoretically useful to retain the distinction Type I and Type II MLG in more detailed discussion and analytical debate, and in our analysis of and application of the concept of MLG to federal and decentralized unitary systems. We previously noted that the overlap between Type I and Type II MLG provides some common ground for intergovernmental relations and federalism scholars and scholars of public administration as well as specialists in policy areas such as environmental policy and health policy (Stein and Turkewitsch 2012). We also noted that the question of how Type II MLG processes are embedded in Type I MLG systems (federal or decentralized unitary systems) is also a significant one for further empirical research and conceptual refinement (Stein and Turkewitsch 2012). It is an area that we hope to expand upon in our future research and writing.

**The New Public Management Literature and MLG**

In our 2012 article in the French-language public administration journal, Télescope, we set out to investigate some of the links between the literature on public administration, the New Public Management approach and the concept of MLG. We noted that, theorists of public administration and public policy have made some of the most significant advances in theoretical contributions to MLG, although their contributions are more indirect than direct. Moreover, they often use different theoretical labels to encompass the new governance phenomena that they are highlighting, such as “network governance”, “committee governance” or “new modes of governance”. One of the most prominent theorists in this respect is Donald Kettl (2000, 2009).

In that paper, we quoted Kettl that,

“at every level of government [in the United States] partnerships with both governmental and nongovernmental partners have proliferated at an accelerating rate [in recent years]. That has made government both horizontal – in search of service coordination and integration with nongovernmental partners in service provision – and vertical – through both traditional and hierarchical bureaucracies and multilayered federalism. It is not so much that the horizontal relationships have supplanted the vertical ones; rather the horizontal links have been layered on top of the vertical ones. That, in fact, was the implicit precept of the ‘reinventing government’ movement of the 1990s” (Kettl, 2000, p. 494).

Linked to the above discussion of the relationship between Type I and Type II MLG, we suggested that Kettl’s description of the layered horizontal and vertical relationships shares some similarities with Hooghe and Marks’ (2003) statement that Type II MLG processes are “embedded” in Type I MLG. Hooghe and Marks’s use of term “embedded” suggests the prior existence of Type I levels followed by horizontal expansion to Type II MLG. In the same way, Kettl’s description of the expansion of horizontal processes “layered on top of” existing vertical levels signifies that the horizontal expansion of governance (or Type II MLG) is a more recent development. Yet the term embedded also suggests that the two Types of MLG are “interlocked” whereas the term layered suggests that the interaction between the two types of relationship is more transient and less enduring (Turkewitsch and Stein 2012). We support the former “interlocked” or “embedded” term to characterize the interrelationship between Type I and Type
Lépine’s original contribution to the theory of federalism and multi-level governance is primarily contained in the final section of his essay entitled “A Journey through the History of Federalism: Is Multilevel Governance a Form of Federalism.” In it he analyzes MLG as a paradigmatic extension of the concept of modern federalism, and its particular relevance in the 21st century for the dual trends of globalization and international decentralization. He views MLG as a phenomenon in some respects very similar to “federalism”, and with many linkages to the modern form of governance that has been identified closely in the last two centuries with the creation of the US Constitution of 1787 and the Federalist Papers. However, Lépine is careful to disassociate his general definition of federalism and multi-level governance from any historical identification with either the American ideal of liberal democracy and opposition to absolutism, or its systemic empirical form or pattern of a vertical and horizontal “separation of powers system”. Rather, he calls for a radical shift in political perspective on federal thought, which he describes as “a new vision of federalism”.

According to Lépine, Daniel Elazar was the first to identify this new political paradigm of federalism in 1976, one which the prominent federalist theorist proposed to replace his earlier popular general definition of federalism as the simultaneous experience of self-rule and shared rule. Elazar argued that global developments at the end of the twentieth century represent “a radical shift in the global political paradigm from statism to federalism as one moves from the “modern epoch” to the “post-modern epoch”. But he (Elazar) did not identify this new vision of federalism explicitly with multi-level governance”. Nor did the principal framer of the idea of multi-level governance, Gary Marks, who was inclined initially to neglect the close relationship between federalism and MLG. Rather, it is Lépine himself who first drew a direct linear causal relationship between the two concepts. He argues that, “the only approach capable of reconciling the different dimensions of federal arrangements is that of multi-level governance, and [this concept] has the potential for renewal of federalist theory in the post-modern epoch (Lépine, 2012, p.49). He also states that, “the MLG approach appears as a potential synthesis of most of the approaches of federalism in this article, and most of the different schools of studies of the analytical approach…eventually it sets federalism free from the archetype American model and its inherited values” (Lépine 2012, p. 58).

A major issue that we have with Lépine’s argument in favour of viewing the MLG approach as a possible “overarching synthesis” or paradigm shift of federalism is that it stretches the concept even further than it has been stretched before. And the vision it provides of intergovernmental relations in the “post-modern” period, in which non-statist modes of cooperation and negotiation replace the conflict-management statist federal practices of the twentieth century, is a highly idealized one, in our opinion. The criticism of conceptual stretching has already been made by several authors, as noted above. Although in our theoretical and empirical work we argue for expansion in the application of MLG outside of the European Union, and even to emergent federations and developing countries, we believe that an analytical distinction between the two concepts remains useful for purposes of this broader application of MLG. This is primarily because the contrast between traditional federalism approaches and the MLG approach, as
applied in these contexts, helps to highlight the difference between less sweeping empirical changes in intergovernmental relations in federalism and the broader expansion in patterns of policymaking that are promoted by MLG.

v) *Stephenson 2013*

Stephenson (2013) provides a genealogy and a periodization of the MLG concept. The primary contribution of Stephenson’s overview and evaluation of MLG theorizing is his distinction between five different “uses” and ten “focal points” of this concept. According to Stephenson, the five major uses of the MLG are: original, functional, combined, normative and comparative (Stephenson 2013 p.832). A visual graphic is presented to illustrate “the evolution of scholarship over time.” We support the utility of Stephenson’s distinctions here, and, along with others such as Piattoni (2009, 2010), we also recognize and encourage normative usages of the concept.

We therefore concur with Stephenson’s general observation that “MLG has been embraced by a wide range of scholars and used in different ways over time, regardless of the original intentions of Gary Marks and Liesbet Hooghe…” (Stephenson 2013, p. 818). However, a major drawback of his article is that it does not engage specifically with the literature on the relationship between federalism and MLG.

**Section 5: Conclusions**

This paper discussed the evolution of the concept of multi-level governance in the context of the broader topic of the relationship between the concepts of MLG and federalism, and set out our theoretical viewpoints on the relationship between MLG and federalism.

Conceptual approaches evolve over time as scholarship and debates lead to further refinements. Such a debate is significant in terms of moving the literature forward. We are pleased that in the years since our initial work on federalism and MLG, such a broad and wide-ranging literature has continued to develop. Whether the relationship between the two concepts will remain as close in future research is yet to be seen. Changes in the theoretical approaches may follow empirical changes in federal and decentralized unitary systems.

In considering the broader applicability of the MLG concept, our work expands the reach of MLG. Based on our empirical application of the concept in different contexts, as well as our analysis of the theoretical insights of different scholars, and the various academic criticisms of MLG, we have also made some refinements to the definition and understanding of the concept and incorporated these insights into our theoretical framework.

In terms of areas of contention, we feel that our stand on the benefit of the concept should be clearly stated. Our positions over points of debate in the literature are as follows:

First, in contrast to Lépine (2012), we continue to advocate the argument we made in our 2008 paper of the benefit of keeping the concepts of federalism and MLG distinct. We suggest that our position on the relationship between federalism, the state and MLG in the “post-modern era” is more empirically nuanced than that of Lépine.
Second, we argue that the distinction between Type I and Type II MLG is necessary and relevant. Relatedly, we also take a more explicit position on the relationship between Type I and Type II MLG than do Kettl (2000) or Hooghe and Marks (2003). In terms of the relationship between the two Types, we suggest that Type II MLG as embedded in or interlocked with Type I MLG systems (rather than layered over them) may best reflect the current empirical reality in federal and decentralized unitary systems.

Third, in terms of the role of the central state and hierarchical “steering” within MLG processes, we agree that an intermediary approach between pure networks and strict hierarchy is necessary. Therefore, we agree with the positions and concepts of Sharpf (1994) and Peters (2008) incorporating the “shadow of hierarchy” within networks, and the idea of meta-governance (governance of governance). These concepts provide a good balance, and may be more useful and applicable to empirical cases. As such, we also agree with Bache’s assertion that national governments will likely continue to play a key role in MLG systems, and may, in particular, take on a steering function.

Fourth, like Piattoni (2009, 2010) we argue for a more balanced perspective between the pros and cons of MLG. By taking into account the criticisms, the concept can be further clarified. We also believe that the distinction between the normative and empirical aspects of the concept is an important aspect in refining MLG theorizing.

Finally, while we agree that work such as Stephenson’s (2013) is valuable in considering the different usages of the MLG concept, as well as its “focal points,” we argue that studies and evaluations of the concept of MLG and its origins should not overlook the links between federalism and MLG, past or present.

We are among the first to apply the concept of MLG more broadly and in comparison with federalism approaches, and will continue to do so as part of our book project, which focuses on the empirical application of the MLG concept to different federal and decentralized unitary systems. In doing so we hope to contribute to the future development of the MLG concept, and its further refinement.

Works Cited


Montesquieu, Charles de Secondat baron de (1748) [1751] *The Spirit of Laws* [De l'esprit des loix: ou du rapport que les loix doivent avoir la constitution de chaque gouvernement, les mœurs, le climat, la religion, le commerce, &c.] Noursse: London.


