

Multilevel governance or multilevel government?

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Abstract

The commentary returns to the beginning of the career of multilevel governance as a distinct perspective on the European Union and European integration. At the time, multilevel governance allowed a generation of students to overcome the stylised debates between Liberal Intergovernmentalism and Neofunctionalism on how to best capture the ‘nature of the beast’. At the same time, multilevel governance still privileged the role of public authorities over economic and societal actors. While subsequent studies broadened the focus to include the social partners or public interest groups, Hooghe and Marks have retained their public authority bias. The commentary argues that the focus on multilevel *government* rather than multilevel governance has increased the scope or applicability of Hooghe and Marks’ approach, both within the European Union and beyond. At the same time, the government bias has prevented the multilevel governance approach from unlocking its full explanatory potential.

Keywords

comparative regionalism, European integration, European Union, multilevel governance

Multilevel governance (MLG) emerged as a critique of state-centred perspectives on the European Union (EU), most prominently Liberal Intergovernmentalism (LIG). LIG had opened the black box of the state. While acknowledging the role of non-state actors, LIG insisted that domestic actors could not directly access EU decision-making. Member state governments act as the main gate-keepers for domestic interests to enter the European arena (Moravcsik, 1991, 1998). As such, MLG seemed an extension of Neofunctionalism (NF), and its variant, Supranationalism, which considers transnational alliances of domestic interest groups with supranational actors (particularly the European Commission and the European Court of Justice) as the main driver of European integration (Haas, 1958; Sandholtz and Sweet, 1998). However, MLG emphasised the role of subnational authorities (SNA) rather than transnationally organised interest groups. This is no coincidence since the concept of MLG was first developed in the field of EU structural and cohesion policy to

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capture the attempts of the European Commission to directly empower the regional level (Bauer and Börzel, 2010; Hooghe, 1996; Kohler-Koch, 1998; Marks, 1992, 1993).

Moreover, domestic actors, be they SNA or domestic interest groups, would not necessarily have to circumvent their national governments to get involved in EU affairs. This ontological openness as to how domestic actors influence EU policy-making has rendered MLG closer to an analytical framework than a proper theory of European integration. At the same time, this openness has allowed MLG to overcome the dichotomy of (Liberal) Intergovernmentalism and NF/Supranationalism, neither of which fully captures the ways in which the dynamics of European integration have been shifting. Finally, MLG has facilitated comparisons of the EU with other systems of MLG, helping EU studies move out of its parochialism towards comparative federalism and intergovernmental relations research, on the one hand, and, comparative regionalism, on the other.

With their pioneering work in the 1990s, Liesbet Hooghe and Gary Marks spearheaded the ‘governance turn’ (Kohler-Koch and Larat, 2009; Kohler-Koch and Rittberger, 2006) in EU studies. Unlike many authors who have contributed to this turn, Hooghe and Marks (2001: Chapter 4) subsequently developed their initial critique of state- or rather national government-centric approaches to European integration into what they refer to as a post-functionalist theory to explain ‘why national leaders diffuse authority’. By now, students of the EU discuss Postfunctionalism as an alternative approach to LIG, NF, or Social Constructivism. In their most recent book, Hooghe and Marks turn Postfunctionalism into a theory of international cooperation, which reaches beyond the EU (cf. Zürn, this issue).

As much as I appreciate the theoretical evolution of MLG, I would like to return to the beginning of its career as a distinct perspective on the EU and European integration. MLG allowed a generation of students, including myself, to overcome the stylised debates between LIG and NF on how to best capture the ‘nature of the beast’ (Risse-Kappen, 1996). At the same time, MLG still privileged the role of public authorities over economic and societal actors. While subsequent studies broadened the focus to include the social partners or public interest groups, Hooghe and Marks have retained their public authority bias. Somewhat ironically, their focus on multilevel *government* rather than MLG, so my argument, has increased the scope or applicability of their approach, both within the EU and beyond. At the same time, the government bias has prevented the MLG approach from unlocking its full explanatory potential.

The bias towards multilevel government

In the introduction to their seminal book, Hooghe and Marks (2001: 2) conceptualised European integration as a ‘polity-creating process in which authority and policy-making influence are shared across multiple levels of government – subnational, national, and supranational’. Their aim was to advance an alternative to state-centric, intergovernmentalist models of the EU, which presumed that European integration would, if at all, strengthen national sovereignty (Hoffmann, 1966; Milward, 1992; Moravcsik, 1998). Unlike early intergovernmentalist approaches to European integration (e.g. Hoffmann, 1966, 1982), LIG opened the black box of the state taking domestic interests as the starting point for theorising state interests. Yet, states represented by their governments remained the masters of European integration gate-keeping access to EU decision-making processes. They devolve some limited authority to supranational institutions to realise joint goals but ultimately states retain control over the exercise of authority in the EU. Unlike neofunctionalist and supranationalist approaches, MLG does not deny that national

governments are and remain important actors in an increasingly integrated EU. Yet, they cannot monopolise either EU policy-making or the representation of domestic interests at the EU level. MLG thereby seized the middle ground between the two major schools of European integration and helped overcome the theoretical warfare between LIG and NF that dominated EU studies in the 1990s (Caporaso, 1996).

The conceptualisation of the EU's political architecture as a system of MLG focused on 'continuous negotiation among nested *governments* at several territorial tiers' (Marks, 1993: 391; emphasis added). To recognise the role of business and civil society as EU policy actors and account for the proliferation of policy networks in the EU's multilevel system, some authors therefore coined the term 'network governance' (Ansell, 2000; Kohler-Koch, 1999; Schout and Jordan, 2005). While early works on EU governance had focused on the 'nature of the beast' (Risse-Kappen, 1996) as a whole (Jachtenfuchs, 1997; Kohler-Koch and Jachtenfuchs, 1996), the later literature on what is often referred to as 'new modes of governance' (cf. Eberlein and Kerwer, 2004; Héritier and Rhodes, 2010) explored to what extent the EU made use of networks to govern its affairs. Multiple analyses of EU policy-making have revealed that the EU features far less network governance than the literature would make us believe (cf. Börzel, 2010). EU policies have largely been formulated and implemented in multiple overlapping negotiation systems that can be described as multilevel policy networks. Despite being used as a way to capture the political architecture of the EU, proper network governance has been hard to find. EU institutions often provide for the consultation of economic and societal interests by the Commission, the Parliament and the representatives of the member states. Most prominently, the partnership principle in structural policy explicitly requires the involvement of the social and economic partners at the various stages of programming under the Social and the Regional Development Funds. A Regulation extended the partnership principle to include civil society in 2006. Yet, the extent to which non-state actors are actually involved in EU decision-making has been contested in the literature and varies significantly across the member states (Bauer and Börzel, 2010). It seems that the early MLG research, which emerged after all from studies of EU structural policy, was right to focus on the role of local and regional governments (Bache and Flinders, 2004; Bachtler and Mendez, 2007; Hooghe, 1996; Marks, 1992). Twenty years later, economic and social actors still have a marginal role in EU governance compared to national, regional and local governments. Nor have state actors seen their role reduced to 'a partner and mediator' (Kohler-Koch, 1996: 371) or 'broker' (Ansell, 2000: 310). Governmental actors have largely defended their position as the central policy-makers (Anderson, 1990; Bickerton et al., 2015; Rhodes, 1997). Even in structural policy as a most likely case, there is not enough empirical evidence to speak of network governance.

Somewhat paradoxically, the focus of Hooghe and Marks on multilevel *government* has helped overcome the parochialism of EU studies. The EU is and has always been more than an international organisation of states; but it is not and probably never will be a state (Wallace, 1983). Describing the EU as 'a *unique* set of multi-level, non-hierarchical and regulatory institutions, and a hybrid mix of state and non-state actors' (Hix, 1998: 39; emphasis added) or, in short, 'network governance' (Kohler-Koch, 1996) is just another attempt to declare the nature of the EU as *sui generis*. Yet, network relations that span across sectors and levels of government are not unique to the EU but constitute a core feature of the modern state (cf. Enderlein et al., 2010; Kooiman, 1993). Making the ways in which political authority is shared between different levels of government the main object of investigation has facilitated comparisons between the EU and other federal

systems opening the field of EU studies to comparative federalism and intergovernmental relations research (Bolleyer and Börzel, 2010; Börzel and Höfli, 2003; Kelemen, 2004; Sbragia, 1993; Scharpf, 1988; Zürn, this issue).

Likewise, Hooghe and Marks' focus on the sharing of political authority between different levels of government has contributed to decentring the EU as a regional organisation. The EU counts as an extreme if not singular case of regional integration due to its strong supranational institutions. As a result, students of regionalism outside Europe felt that European integration theories held little on offer that could help them understand regionalism in Africa or Asia (Hettne and Söderbaum, 2000; Schulz et al., 2001a: 2). Yet, classifying the EU as a unique or extreme case of regional integration implies a comparison. MLG takes the issue whether 'the EU represents an n of 1' (Caporaso, 1997) as an empirical question rather than an ontological assumption. In another seminal book, Hooghe et al. (2017) measured the EU's authority and compared it to 75 other international organisations. They find that the EU's level of delegation is indeed outstanding. No other international or regional organisation empowers independent bodies to take autonomous decisions more than the EU does, the European Commission, the European Court of Justice, and the European Central Bank being the most prominent examples of supranational authority. When it comes to pooling, however, the EU is only located in the bottom quartile. Somewhat surprisingly, the League of Arab States, the Council of Europe, the Common Market for Eastern and Southern Africa, the Organisation of American States, or the Caribbean Community constrain to a greater extent the national veto power of their member states than the EU does. Several studies in the field of comparative regionalism have forcefully demonstrated that the EU is not, and has probably never been, one of its kind. Nor does it have to be a model or yardstick for regional integration around the world (cf. Börzel and Risse, 2016, 2019).

Unlocking the potential of MLG

Its focus on multilevel government has allowed MLG as an analytical concept to travel beyond Europe. At the same time, the explanatory power of the theory which Hooghe et al. (2019) built upon their MLG concept remains limited, at least when applied to regional international organisation (RIOs). This is because MLG neglects empirical varieties of regional cooperation and integration that are more informal and society-based. This neglect, which MLG shares with other mainstream approaches to European integration, at least partly accounts for why MLG has difficulties explaining why RIOs have proliferated in Sub-Saharan Africa, while their numbers have remained much more limited in Northeast Asia (cf. Börzel and Risse, 2016).

RIOs correspond to type I multilevel governance. They are formal institutional arrangements fulfilling multiple tasks. According to Hooghe, Lenz, and Marks, the general purpose jurisdiction of RIOs results from a strong sense of community which is limited in scale. The tension between community and scale explains why type I governance is more likely to emerge at the regional than at the global level (but see Zürn, this issue). Moreover, the stronger the sense of community, the deeper regional integration becomes. The postfunctionalist theory advanced by Hooghe, Lenz, and Marks is a major contribution to research on European integration and comparative regionalism. It provides a compelling argument why substantial pooling and delegation of authority presupposes at least some sense of community among the contracting parties in order to be sustainable. Their claim puts Haas' neo-functionalism on its head. While Haas (1958)

defined regional integration as the transfer of loyalties to the supranational level, he saw this as the endpoint rather than the start of integration processes. Hooghe, Lenz, and Marks also debunk a widely held assumption that economic interdependence is a major driver of regional integration (see also Börzel and Risse, 2019). While community matters, it still leaves important dynamics of regional integration unexplained. These dynamics can be captured by accommodating the role of non-state actors, on the one hand, and by conceptualising informal institutions in a less functionalist way, on the other.

Unlike government, governance is not wedded to state authorities; it provides a framework for comparing institutional settings, in which state and non-state actors at the global, regional, national, and subnational level coordinate their actions in multilevel formal and informal networks. Governance thereby captures varieties of regionalism in areas where the capacity of the state to make and enforce binding decisions is limited, civil society is weakly institutionalised, and neither state nor market actors are constrained by effective rule of law (Börzel and Risse, 2020). The focus of Hooghe et al.'s (2019: 145) MLG is on 'rule-based cooperation among three or more states'. Arguably, this is the most frequent form of governance beyond the nation state. But is it always the most relevant? Which actors shape what kind of regional institutions to solve collective action problems should be an empirical question rather than an ontological assumption. Why should companies or non-governmental organisations seeking to foster free trade and curb environmental pollution at the regional level, respectively, only put their trust into formal institutions and turn to states to build them? This is particularly counter-intuitive in areas such as Sub-Saharan Africa, where states are weak and non-state actors have to rely on their own devices for effective governance solutions. MLG misses out on such processes of regionalisation in Sub-Saharan Africa, which are often more effective in facilitating cross-border collective action than state-driven regional institution-building (Hartmann, 2016; Schulz et al., 2001b). Strong networks of cooperation among business actors may provide an alternative to absence of a sufficiently strong sense of community as an explanation why type I governance has not emerged in Northeast Asia (Jetschke and Katada, 2016; Katzenstein and Shiraishi, 1997). At the same time, such forms of regionalisation are likely to be task-specific rather than general purpose while their scale remains limited. This raises some questions regarding whether the distinction between type I and type II MLG captures the outcomes of regionalisation as effectively as those of regionalism.

Likewise, multilevel governance is not only about formal structures and legalised procedures. Hooghe, Lenz, and Marks identify three ways, in which formal and informal institutions can connect: informal norms may underpin, substitute for, or replace formal organisation (Hooghe et al., 2019: 146–150). None of the three appears to fully capture certain dynamics the regionalism literature has uncovered. While the Association of Southeast Asian Nations (ASEAN), for instance, has explicitly designed its formal institutions to be informal, 'the formality of the institutions has been a cover for the informality or weak legalised way in which they have functioned' in other regions (Acharya and Johnston, 2007: 246). 'Shadow regionalism' (Söderbaum, 2012: 60) or 'trans-state regionalism' (Bach, 1999, 2003: 23) describe a similar link between formality and informality by which formal regional institutions provide a framework for informal practices that aim at rent-seeking rather than solving collective action problems. Formal institutions masking or shielding informal institutions provide a compelling explanation for the 'Spaghetti Bowl' of type I RIOs in Sub-Saharan Africa that involve high levels of pooling and delegation but which strongly overlap in membership and do not always involve a strong sense of community.

Conclusion

In the past 25 years, multilevel governance has made a long and amazing journey from EU structural policy to global politics. The concept as it was conceived and developed by Hooghe and Marks more than two decades ago has brought a breakthrough to several disciplines, including European integration, comparative regionalism, and international relations. While having evolved out of the particular context of EU structural policy, MLG is not EU-centric – quite on the contrary, its government-centred perspective has helped to overcome the parochialism of EU studies by enabling comparisons of rule-based cooperation among state actors around the globe, both within and beyond the nation state. A broader focus that moves beyond state-led formal institution-building and considers governance with or without the state, also at the informal level, promises to generate further innovations. MLG should have no problems in accommodating governance arrangements that (exclusively) involve non-state actors. Like informal institutions, they can underpin, substitute for, or replace international organisations. Accounting for formal governance arrangements that were officially tasked to solve collective action problems but primarily serve to mask informal practices of rent-seeking may require some more cutting of MLG's functionalist roots.

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