

Multi-level (Territorial) Governance: Three Criticisms

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Abstract

Since the mid-2000s, multi-level territorial governance has entered European spatial planning/territorial cohesion discourse. A reading of the more common concept of multi-level governance as referring to the interaction between layers of government, each responsible for a given territory within a hierarchy of nested units suggests that the specification 'territorial' is redundant, but the paper points out another, more fundamental problem. This is the contradiction between underscoring the positions of regional and local levels of government, as for instance in the Committee of the Region's 'White Paper on Multi-level Governance,' and the invocation of the concept of governance. The emphasis should be, either on giving each level of *government* its proper place in a hierarchical constitutional order, or on the fluidity of decision-making characteristic of *governance*, in which case governments are actors like others. Indeed, the apostles of multi-level governance, Lisbeth Hooghe and Gary Marks, now distinguish multi-level governance Type I and Type II. Focusing on the interaction between levels of government, Type I does not really qualify as 'governance' but is rather multi-level 'government.' This as against Type II which sheds the assumption of a hierarchical territorial order, Type II is thus no longer 'multi-level' but refers to more diffuse forms of the exercise of governance. To substantiate such claims, and after talking first about its derivative invoked by planners, multi-level territorial governance, the paper discusses the origins of the concept of multi-level governance. Then it elaborates on Type I and Type II. In exploring the implications of both for European spatial planning/territorial cohesion policy, the paper then focuses on what is rarely discussed in the relevant literature. These are the different notions of territory underlying. The contradictions inherent in multi-level (territorial) governance can be resolved by changing one's appreciation of territory from something that is a fixed given to one of territory as a social construct and as such malleable. This suggests a 'metageography' different from the conventional one.

Multi-level and geographically flexible territorial governance should be able to manage different functional territories and ensure the balanced and coordinated contribution of the local, regional, national, and European actors – such as authorities or governments – in compliance with the principle of subsidiarity through systematic integration of territorial aspects. (Territorial State and Perspectives 2011, 85)

[E]ven though many implementation networks are situated at the regional or local level, their boundaries often do not converge with administrative delineations. In addition, they are often of a more ephemeral nature... In that sense, functional need and not regional empowerment or federalism is the key concept. (Conzelmann 2008, 26)

Multi-level territorial governance has become part of the discourse on European spatial planning and territorial cohesion. The paragraph ‘Multi-level territorial governance and the ability to consider territorial aspects’ of the ‘Territorial State and Perspectives 2011’ from which the first quote above comes is a case in point, but at the same time that quote raises questions: Does the reference to ‘multi-level and geographically flexible territorial governance’ mean that territorial governance is multi-level *and* flexible? Or does it mean that there are *two* forms of territorial governance, one multi-level and one territorially flexible? A moment of reflection suffices to conclude that it must be the latter. The ‘authorities or governments’ referred to are after all by definition *not* flexible in their territorial reach. So, ‘geographically flexible territorial governance’ must be a *separate* form of governance. This is where the ‘functional territories’ in the second quote above from Conzelmann come in where it says such territories ‘...do not converge with administrative delineations.’ They rather cut across jurisdictions.

This leads to a further consideration. Authorities or governments are in the business of *governing*. So, where the reference is to them, why talk about multi-level *governance*? Is it because the sharing of responsibilities in a multi-level polity amounts to governance? This is how, for instance, ‘The White Paper on Multi-level Governance’ of the Committee of the Regions (CoR 2009) sees it. The White Paper

...considers multilevel governance to mean coordinated action by the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies. It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of democratic legitimacy and the representative

nature of the different players involved...

Coming from the Committee of the Regions, this must be meant to underscore the positions of regional and local levels of *government*. To bolster their positions is after all its business. There is nothing wrong with this, except that it seems incongruous to invoke the concept of *governance*. Without going into depth, it is clear that governance as a concept is broader than what the tiers of representative government as such do. With a view to analysing change in British government, Rhodes (1996, 660) claimed already in the mid-1990s that governance referred to self-organising, interorganisational networks. He described its characteristics as: interdependence between organisations; continuing interactions between network members; game-like interactions, rooted in trust and regulated by rules of the game negotiated and agreed by network participants; a significant degree of autonomy from the state.

Governance thus refers to all processes influencing societal decision-making. Naturally, this includes, but is wider than 'governing.' Healey (2006, 302) takes a similar view. Accordingly, governance '...encompasses all forms of collective action focused on the public realm... from those orchestrated by formal government agencies, to lobby groups, self-regulating groups and social campaigns and movements...'

It is in the sense of signalling a blurring of the demarcation between public and private spheres that the notion of governance is used in this paper. Governance is thus also and in particular about harnessing all relevant forces in producing integrated packages and coherent outcomes. This is whereupon the claim in this paper, which also applies to the invocation of the concept in the academic literature rests. It is that there is tension in the concept of multi-level governance, and thus also multi-level territorial governance. Either the emphasis should be, as under the principle of subsidiarity, on giving each level of *government* its proper place in a hierarchical constitutional order, or it should be on the fluidity characteristic of *governance*. In the first case what is really meant is to underline the existence of *multi-level polities*, naturally requiring interaction between the different levels. As against this, where governance is concerned, the emphasis on it being 'multi-level' courts the danger of restricting, as the Committee of the Regions does, 'governance' to the interaction between tiers of government.

Significantly, the apostles of multi-level governance, Lisbeth Hooghe and Gary Marks, now distinguish multi-level governance Type I and Type II. In line with what has been

said it will be argued that, focusing on the interaction between tiers of government in multi-level polities in its pure form, Type I does not really qualify as *governance*. It is, after all, about the interaction, as in federal systems or, indeed, in the EU, between levels of *government*. Shedding the assumption of a hierarchical order on which both federalism and the EU rest, Type II, as against this, is about *governance proper*, but as will become evident, it is not 'multi-level' but expressly refers to more diffuse patterns of interaction.

To substantiate the claims above, after talking first about its derivative multi-level territorial governance as invoked by spatial planners, the paper discusses the origins of the concept of multi-level governance as such. Then it elaborates upon its Types I and II, based on Hooghe and Marks. In exploring the implications of both types for the discourse on European spatial planning and on territorial cohesion, the paper then focuses on what is rarely discussed in the relevant literature, the notion of territory underlying. If one understands territory not as a given but as a social construct and as such malleable, then this opens the way for distinguishing functional and administrative territories alongside the appropriate governance and government processes. This is an additional criticism of the use of multi-level governance: the territories concerned, indeed the notion of territory underlying, are not problematised, certainly not in the more common understanding of multi-level governance. This more common understanding is limited to as Hooghe and Marks' Type I referring to a hierarchical order of mutually exclusive jurisdictions. Although common, this is not the only possible understanding of territory. To elucidate all this, it will be useful to refer to the work of Murphy (2008) on 'metageography' and 'territoriality.'

Spatial Planners Invoking Multi-level (Territorial) Governance

In the mid-2000s European spatial planners began to adapt the, by that time well-established concept of multi-level governance to suit their specific concerns. Since by that time the term territory, as in territorial cohesion, had entered the European planning discourse, they started referring to multi-level *territorial* governance. The idea seemed to do justice to the role of *all* levels of government in the emergent European spatial planning/territorial cohesion discourse.

An early example comes from the Flemish Region of Belgium, a rigorously decentralised EU Member State where planning is the exclusive responsibility of the three regions. The two authors, both at the time planners at the Flemish Administration, recounted the efforts of the Dutch and the subsequent Luxembourg Presidency of the EU to come to terms with territorial cohesion as an aim of the EU and as a shared competence in the proposed Treaty establishing a Constitution for Europe. The assumption at the time was, of course, that that treaty would come into operation on 1 November 2006. (Its, as far as territorial cohesion is concerned, functional equivalent, the Treaty of Lisbon, came into operation on 1 December 2009.) Only days before the French voters, closely followed by the Dutch, derailed the Constitution, the ministers of the Member States responsible for spatial planning and territorial cohesion identified three tracks for developing the concept of territorial cohesion: (1) the internalisation of the territorial dimension in EU policymaking; (2) catering to the demand for territorial knowledge and territorial observation; (3) a more active role for the responsible planning authorities with respect to EU policy *within* the Member States. The two Flemish authors explained:

The general thought behind this is that national and regional authorities are able to elaborate EU policy options in such a way that they are applicable to their own specific circumstances. Hence, this approach focuses on a positive dynamic that promotes using the territorial capital of every region, each according to its own needs, in order to create a more balanced development and add to the Lisbon strategy ... National and regional spatial policies also offer opportunities for the co-ordination and integration of EU policies, especially directives, based on an area-oriented approach. In this way territorial cohesion can be strengthened, also at a lower level. (Bynens, Van der Lecq 2005)

These two authors observed that up to then the debates had given much emphasis to the first two tracks as outlined above, but that to neglect possible contributions of ‘...bottom-up initiatives deriving from policy initiatives within the Member States’ was a mistake. Indeed, the ‘...aim to set up a multi-level territorial governance approach and hence giving a role to spatial planning authorities within the Member States has ... been somewhat underdeveloped until now.’ The authors regretted this because

...spatial policy instruments within the Member States can offer a great added value to a territorial cohesion policy. In many cases subnational entities are

endowed with important spatial planning competencies. They have a great potential in order to define territorial capital and establish policy integration, since they are characterised by a series of qualities that make them very suitable as frameworks for decision-making and fine-tuning of different demands regarding the development of a territory.

The concern for bolstering the position of subnational levels of government, in this case the Flemish regions, is evident. A study of the mid-2000s of cooperation in the Alpine Space pursued the same line:

As assigned by the Structural Funds regulations, the national authorities ... have to fulfil the task of promoting and coordinating transnational spatial policies in the EU policies framework. This task should be interpreted not only as the promotion of the respective national strategies, but especially as the enhancement of a concrete multi-level territorial governance process ... According to the analyses carried out, the regional authorities ... are the primary key actors of territorial governance in the Alpine area. Therefore, to assign them a strategic role ... would rather strengthen the effectiveness of a future programme.

That the active cooperation of regional and local authorities is needed in pursuing EU strategies, up to and including the recent 'Europe 2020' strategy, is a recurring theme. Indeed, embracing multi-level territorial governance the planning ministers of the Member States were willing to cater to the wishes of subnational authorities. Witness the First Action Programme adopted in the wake of the Territorial Agenda of the European Union (2007). Accordingly, strengthening multi-level territorial governance in the EU is '...a fundamental tool for a balanced spatial development of the European Union' (Presidency Portugal 2007, 2). Strengthening it is thus one of the 'Lines of Action' to which the planning ministers committed themselves.

The term multi-level territorial governance has been invoked at other occasions since, for instance by CEMAT. In 2008, the Committee of Senior Officials of this 'European Conference of Ministers responsible for Spatial/Regional Planning' of the Council of Europe – the acronym CEMAT being based on its designation in French – proposed promoting '...a common policy under which all spatial planning, development and management instruments would incorporate climate change into their "mitigation and adaptation" dimension, and the appropriate processes of "multi-level" territorial

governance.’ The concept subsequently found its way into the 2009 ‘Moscow Declaration’ of CEMAT where it said:

In the past four decades, the internal organisation of statutory powers within the Council of Europe member countries has changed considerably. The process of the democratisation and the subsequent change of polarisation resulted in the allocation of significant territorial development responsibilities to regions and municipalities in most countries. In central and eastern Europe too, the decentralisation process, which started later, has progressed significantly, generating, as in western Europe, structures of multi-level territorial governance.

The European Commission’s Green Paper on Territorial Cohesion (CEC 2008) eschewed the mention of multi-level governance, let alone multi-level territorial governance, but several of the reactions did not fail to refer to either one or the other. For instance in its reaction the European Parliament said that it:

...agrees with the view that different territorial scales are needed for different problems and that ... the establishment of real partnerships between all the parties involved in regional and local development at EU, national, regional and local level, is a precondition for the process of designing territorial cohesion and calls on the Commission and the Member States to make all efforts to develop such a multi-level territorial governance... (European Parliament 2009)

The 'Territorial Agenda of the European Union 2020' (Territorial Agenda 2011) speaks of multi-level governance rather than multi-level territorial governance, but it is clear that the ministers responsible for, as the meeting was then designated, territorial development interpreted multi-level governance very much in the same sense as CEMAT above. For instance, a passage of the Territorial Agenda 2020 drawing directly on the quote from the ‘Territorial State and Perspectives’ with which this paper started reads as follows:

We are aware that enhancing territorial cohesion calls for effective coordination of different policies, actors and planning mechanisms, and the creation and sharing of territorial knowledge. Implementation instruments and competences are in the hands of EU institutions, Member States, regional and local authorities and private actors. Multi-level governance formats are required to manage different functional territories and to ensure balanced and coordinated

contribution of local, regional, national and European actors in compliance with the principle of subsidiarity. This needs vertical and horizontal coordination between decision-making bodies at different levels and sector-related policies to secure consistency and synergy.

The latter part of the quote comes of course directly out of the ‘Territorial State and Perspectives,’ the expert document on which the ministers based themselves which was quoted at the beginning of this paper. There multi-level territorial governance was also invoked in the title of the relevant section.

However, the addition of ‘territorial’ adds nothing to the meaning of multi-level governance, so it is redundant. Anyhow, outside the world of planners nobody refers to multi-level territorial governance. Multi-level governance is perfectly adequate, indeed the only one to be found. So the next section discusses multi-level governance as such.

Multi-level Governance

What multi-level governance relates to is the existence of, as the Committee of the Regions has it, tiers of government in a hierarchy. However, researchers discussing the Structural Funds soon found relations between levels to be anything but hierarchical. They concluded that ‘...variable combinations of governments on multiple layers of authority – European, national, and subnational – form policy networks for collaboration. The relations are characterized by mutual interdependence...’ (Hooghe 1996, 18) To the extent that this is the case one can understand why the concept governance is invoked instead of that of government.

The reason for this new mode of operation as regards the Structural Funds was the paradigmatic shift in regional policy from finance for regional investments including infrastructure and the like, to regions themselves identifying clusters of industries, implementing strategies of flexible specialisation and fostering endogenous potentials of locations, including cultural and environmental assets. This made it essential for regions having their own input (Benz 2000). The EU absorbing this new paradigm led it to involve regional and local, public and private actors under what was called the partnership principle, a keystone of the European model of society of Commission President Jacques Delors (Faludi ed. 2007).

So the concept of multi-level governance arose in connection with efforts to understand the operations of the Structural Funds. Conzelmann (2008) credits Marks (1992) with having invoked it for the first time. Gary Marks is but one of a series of distinguished Euro-watchers who have contributed, and are continuing to contribute from across the Atlantic, to thinking about European integration. Of Belgian origin, another one, Lisbeth Hooghe, now Gary Marks' partner, like him hails from the University of North Carolina in the United States.

Marks wrote about the reform of the Structural Funds under Delors. Marks pointed out that this reform raised basic questions about decision making across the Community, Member States and regional governments. His concern was whether the EU was to be understood as a club of Member States (the intergovernmental, or state-centred perspective), or whether it was something above the Member States (the supranational perspective). It is important to note that his concern was thus not the involvement of non-state actors. Anyhow, the growth of funding for what is now better known as Cohesion policy could be explained from a state-centred perspective, but for the rest one needed to '...adopt a more open-textured, multilevel perspective,' was his conclusion (Marks 1993, 192). This was different from the alternative supranational perspective. Indeed, by paying particular attention to the roles of sub-national levels, multi-level governance as a concept transcended the distinction between the two. Thus, Marks pointed out that the, at that time still emergent procedural reforms, including the change in emphasis from projects to programmes pioneered during the previous Integrated Mediterranean Programmes, required direct dialogue of the European Commission with representatives of regional governments:

[T]he reforms have set in motion a process of institution building that strengthens the Commission; that attempts to technocratize – and in a narrow sense depoliticize – a key and growing policy area; and that, by creating direct links between the Funds and regional political institutions, challenges centralized decisionmaking with member states (op cit., 212).

Importantly, this was a far cry from what proponents at the time of a 'Europe of the regions' had in mind. Member States continued to play a key role. 'National governments have been adept at outflanking the reforms... and challenging the legitimacy of EC intervention at the regional level' (op cit., 214). So '...the reforms ... are creating a dynamic and indeterminate situation characterized by conflicting

conceptions of the scope and especially the locus of decisionmaking' (op cit.). However, despite '...the entrenched position of national governments... structural policy ... has given subnational governments a new arena for pressing their demands' (op cit., 218).

Concluding, Marks noted that the structural policy in the EC was in flux:

[N]ew conceptions of the role of the Commission are being pressed into institutional form, subnational governments are being mobilized in unconventional ways; and states are responding ... including the desire for control over relations between subnational governments and the Community.
...

Instead of the advent of some new political order; instead of a neat, two-sided process involving member states and Community institutions, one finds a complex, multilayered, decisionmaking process stretching beneath the state as well as above it; instead of a consistent pattern of policymaking across policy areas, one finds extremely wide and persistent variation. In short, the European Community seems to be part of a new political (dis)order that is multilayered, constitutionally open-ended, and programmatically diverse (op cit., 221).

Marks added that the reforms '...are the outcome of conscious institutional creativity, yet they are not modelled on a prior plan' (op cit., 222). His final comment related to the concept of the state:

The polar conception of a Europe of the regions versus a state-dominated Europe are unsatisfactory not because something in-between is emerging but because elements of both may coexist in a conceptually untidy, multilatered polity. The Weberian conception of the state, rooted in the monopolistic control of the legitimate means of coercion within some given territory, reveals less and less about the realities of political power and decisionmaking in Western Europe. Visions of a Europe of the regions have an air of unreality about them because they do not explain how existing states will wither away (op cit., 223).

It is clear that the main concern was not to enhance the position of the regions nor of course of spatial planning which nowhere figures. The concern was to understand the nature of the a new phenomenon in terms of what Marks more often called a 'multi-level polity' than 'multi-level governance.' Nevertheless, it is this last term that

has stuck, spawning a wealth of literature, with a first edited volume (Hooghe ed. 1996) coming out almost at the drop of a hat. Concurrently with this collection, a review essay in the highly respected 'Journal of Common Market Studies' reminding to this present day of the original shorthand expression for European integration as the creation of a 'Common Market' in its title. This paper (Marks, Hooghe, Blank 1996) made it clear that understanding the 'political architecture of Europe' rather than the articulation of the position of regions was what multi-level governance about. In fact, they reacted to a long controversy about whether European integration meant the emergence of a new, supranational entity, maybe even the United States of Europe, or whether, as many scholars had started arguing, far from challenging it, European integration in fact rather strengthened the position of Member States. This intergovernmentalist position was what our three authors criticised as 'state-centric governance.' Far from denying that states were important, arguably even '...the *most* important pieces in the European puzzle' (op cit., 346), they asserted that Member States did not monopolise European level policy making, and well for three reasons:

First, according to the multi-level governance model, decision-making competencies are shared by actors at different levels...

Second, collective decision-making among states involves significant loss of control for individual state executives...

Third, political arenas are interconnected rather than nested. While national arenas remain important..., the multi-level model rejects the view that subnational actors are nested exclusively within them. Instead, subnational actors operate in both national and supranational arenas, creating transnational associations in the process (op cit., 346).

The point about actors and the arenas in which they operate not being exclusively nested will be taken up below when discussing space or territory in relation to multi-level governance, amongst others in terms of the metageography underlying.

This first review paper on multi-level governance gave a detailed analysis of EU decision making substantiating the three assertions above. As in the earlier paper by Marks, the talk was more in terms of the EU as a multi-level polity than of multi-level governance. The conclusions stated, for instance, that '...states in the European Union are being melded gently into a multi-level polity by their leaders and the actions of

numerous subnational and supranational actors' (Marks, Hooghe, Blank 1996, 371). Governance as a concept was more implied than discussed. However, in putting the concept of the state into perspective, the paper of course did imply a shift from government to governance:

The institutional form of the state emerged because it proved a particularly effective means of systematically wielding violence, and it is difficult to imagine any generalized challenge along these lines. But this is not the only, nor even the most important, issue facing the state. One does not have to argue that states are on the verge of political extinction to believe that their control of those living in their territories has significantly weakened (op cit., 371).

Control over those living in territories is what the literature now sometimes discusses in terms of 'territoriality.' The reason for territoriality changing is that controls are being dispersed over actors in diverse arenas:

With its dispersed competences, contending but interlocking institutions, shifting agendas, multi-level governance opens multiple points of access for interests, while it privileges those interests with technical expertise that match the dominant style of EU policy-making. In this turbulent process... it is patently clear that states no longer serve as the exclusive nexus between domestic politics and international relations. Direct connections are forged among political actors in diverse political arenas (op cit., 372).

Clearly, this goes beyond the interpretation of multi-level governance as invoked by the Committee of the Regions and in the spatial planning/territorial cohesion discourse where the emphasis is on the positions of regional and local levels of government. In this sense it is correct to speak about multi-level *governance*. Nevertheless, in invoking multi-level governance, Marks, Hooghe and Blank's main concern was to understand the nature of the European Union as a polity and not multi-level governance as such. The involvement of non-governmental actors is as a hallmark of the concept of governance, and certainly of multi-level governance under the Structural Funds, is not a real topic. Hooghe and Marks do not really distinguish between governing and governance either. The paper 'Types of multi-level governance' to be discussed in the next section thus starts by pointing out the worldwide emergence of new, decentralised ways of governing, not governance. Under these ways, formal authority '...has been

dispersed from central states both up to supranational institutions and down to regional and local governments' (Hooghe, Marks 2010, 17). There is no hint here of the involvement of non-governmental actors. Even so, the authors happily talk about multi-level governance. However, they distinguish two types, and this gives further food for thought.

Types of Multi-level Governance

Indeed, in a series of works Hooghe and Marks (2001, 2003, 2010; Marks Hooghe 2004) have developed the concept of multi-level governance further by distinguishing two types. According to the latest paper by this prolific team, Hooghe and Marks (2010, 17-18), Type I:

... conceives of dispersion of authority to jurisdictions at a limited number of levels. These jurisdictions – international, national, regional, meso, local – are general purpose. ... The membership boundaries ... do not intersect. ... In this form of governance, every citizen is located in a Russian Doll set of nested jurisdictions, where there is one and only one relevant jurisdiction at any particular territorial scale. Territorial jurisdictions are intended to be, and usually are, stable for several decades or more, though the allocation of policy competencies across levels is flexible.

Mahon and Keil (2009, 14) invoke the same figure of speech of the 'Russian Doll' '...where each doll/scale is understood as largely capable of being considered on its own, even while located in its (fixed) position within a preordained hierarchy,' and they quote yet more sources doing the same. Hooghe and Marks make the obvious link with federal systems where of course this figure of speech applies. Type II multi-level governance is different:

It conceives of specialized jurisdictions that, for example, provide a particular local service, solve a common pool resource problem, select a product standard, monitor water quality in a particular river or adjudicate international trade disputes. The number of such jurisdictions is potentially huge, and the scales at which they operate vary finely. And there is no great fixity in their existence. They tend to be lean and flexible – they come and go as demands for governance change.

In terms frequently invoked by planners, Type II multi-level governance refers to sectors, like transport, education or health care, and the relevant arrangements, like a highway authority, a school district or a hospital administration. Following functional requirements, these arrangements cut across jurisdictions. Water catchment areas referred to by the two authors are good examples, and so are commuter sheds, but note that not all functional areas are covered by adequate arrangements.

Type II relates to the existence of specialised jurisdictions to meet the needs of functional areas. Their number is potentially huge and the scales vary. Jurisdictions tend to be lean and flexible and task-specific and their intersecting memberships criss-cross judicial boundaries. Hooghe and Marks invoke Rosenau (1999, 292) describing the outcome as *fragmegration*: public and private actors collaborating and competing in shifting coalitions. Sassen (2006) talks about *assemblages*: spaces where the local, regional, national and supra-national come together. Hooghe and Marks point out that in its totality Type II multi-level governance resembles pre-modern government. One is reminded of Anderson (1996) talking about 'New Medievalism.' This stands for overlapping authority structures, a far cry from the 'Russian Doll.' Referring to cross-border cooperation, Von Wedel (2010) conjures up the image of a 're-medievalisation' of the EU. Recently, the concept of new medievalism has been invoked in interpreting global governance. (Khanna 2010)

However, most of the time European multi-level governance is conceived in terms of Type I. This is evident in the case of the Committee of the Region's White Paper quoted above. Planners, too, tend to see it this way. Generally speaking, they are in the service of administrations responsible for fixed jurisdictions. However, there are also variable territorial jurisdictions and distinct governance systems, for instance in cross-border and transnational cooperation. Next to these, Van Wedel also refers to the new macro-regional strategies. They are Type-II examples with only a vague relation to geographic entities – the 'Baltic Sea Area,' the 'Danube Space,' in due course perhaps also the 'Alpine Space' and the 'Adriatic Space' – and with no territorial jurisdictions that have exclusive responsibility for them. They are examples of 'soft' spaces.

According to Hooghe and Marks (2010, 29), Type I is oriented to intrinsic communities whereas Type II is ubiquitous in organising spill overs in the absence of authoritative coordination. It is '...well suited to achieve pareto-optimality when redistribution is not salient.'

Advocating ‘place-based development policies,’ the Barca Report (2009, 41) refers to Hooghe and Marks. Under ‘place-based development policies,’ it argues that the issue is how to design governance arrangements under which levels of government share, rather than divide responsibilities. Hooghe and Marks’ Type II plays ‘...a decisive role in eliciting the knowledge and preferences of citizens of specific places. Since they are formed through the policy process, they often define what a “place” is.’ This relates to assumptions about territory, whether it refers to fixed jurisdictions or to more malleable configurations, assumptions that are discussed next. Such assumptions also go under the label of metageography.

Territory

Indeed, in a paper on ‘Rethinking multi-level governance’ Murphy (2008, 8) contends that the ‘institutional-cum-political-economic emphasis’ needs to be supplemented ‘...with a concern for the ways in which territorial understanding and arrangements are shaping how things are organized on the ground and how people conceptualise Europe as a geographical construct.’ More generally speaking he points out that there is a growing body of opinion holding that the EU ‘...challenges the territorial logic of the modern state system’ and more specifically that it ‘...can no longer be understood in terms of the sovereignty norms of the modern state system because governmental competencies are no longer concentrated in discrete political spaces organized at a single scale or level’ (op cit., 7).

In the above quote it is easy to discern Hooghe and Marks’ Type I and Type II multi-level governance. At the same time, this quote indicates what is missing in Hooghe and Parks: awareness of different notions of territory underlying their types. According to Murphy two concepts that have provided insights into past European geographical order can be of help here: metageography and territoriality.

Metageography is said to refer to spatial structures of thought underlying our perception of the world, more in particular the map of sovereign states. Murphy gives as examples continents being thought of as collections of states and religious realms typically being mapped by assigning states to one or the other of them. Such conceptions he says are important because they shape understandings and, by way of extension, actions. More in particular, as regards the EU, ‘...a metageography clearly

persists that casts states as the region's most important internal spaces and that treats political-territorial developments at other levels largely in terms of the ideological norms that underpin the modern state system.' (Op cit., 9) This is where territoriality comes in, according to the well-known definition which he quotes by Sack (1986, 1) '...a spatial strategy to affect, influence, or control resources and people, by controlling area.' This leads one to appreciate the European map '...not as a set of spaces to be discussed and analysed, but as the outcome of efforts to achieve particular ends with concrete implications for how things are organized and how people think about the world around them.' Beyond saying that the '...territoriality of the European state system helped to produce a geographical imagination that privileges the "nation-states" over river basins, vegetation zones, population concentrations, or other possible regionalizations,' the invocation of territoriality does not, however, add much to the argument of this important paper.

The existence of 'Westphalian blinders' (Mehon, Keil 2009, 10) has been castigated by others, amongst others, although in less vociferous terms, by Marks in his first paper on multi-level governance quoted above. But this has not been couched in terms of the metageography underlying multi-level governance, in particular where Type I is concerned. Territory is the area over which government formations exercise jurisdiction. It is their responsibility for such circumscribed areas where political and bureaucratic elites rest their case for exercising power on. In this way, space overall is seen as neatly divided, allocated, investigated and taxed. Land-use planning, of course, relates to this administered space, with every location in the jurisdiction having rights and obligations attached to it that can be read off an official map and attendant regulations. Coming from land-use planning, planners, alongside with others, unquestioningly assume a metageography based on such assumptions as a given.

Actors, be they individuals or corporate bodies, are thus seen as necessarily embedded in Hooghe and Marks' 'Russian Doll:' They have addresses that not only locate them in space but also in relation to various levels of government and administration. At the same time, however, these actors form networks cross-cutting administrative boundaries. These cannot be contained, so one very large box – at its most extreme the European superstate which some paint on the wall – is no answer. There are always links with a world outside. Haughton, Allmendinger, Counsell and Vigor have made a

name for themselves for identifying the 'soft' spaces created in this way. Faludi (2010) sees 'soft planning for soft spaces' as the future for European planning.

At this point it is relevant to look at other literature that, without mentioning the term, addresses boarder-spanning activities. Thus, in a special issue on Milan, Stuttgart, Portland, Vancouver and Amsterdam, Janssen-Jansen and Hutton (2011, 307) say:

[I]t is hard to find the right scale to address the many issues of strategic planning and public policy. 'Scale' is a dynamic concept, and varies by theme and time. The problem of scale dynamics and scale differentiation is difficult to solve. The urban region in any idealized sense does not exist. In a way, regions will always be constructs 'in the making', defined on the basis of a particular theme or subject around which the actors have formed a coalition. It is possible that several themes converge in the same region at one point in time and so do the coalitions.... More likely, however, is the existence of several different coalitions within one territorial framework, each configured by a different spatial scope, and some at least with conflicting agendas.

A sociologist writing in German, Dangschat (2006) argues likewise that our understanding of space – in Murphy's terms our metageography – needs to move from viewing it as contiguous jurisdictions to conceiving of it as a jumble of overlapping networks. The former view assumes that responsibility ends at the border. Statistics, and with them relevant information about spatial structure and processes, are collected by local, regional and ultimately national jurisdictions. Dangschat replaces the view of space as a container with one that, like the Barca Report, takes how people organise themselves in space within and beyond borders as its point of departure. This leads him to identify a discrepancy between the view of space in planning and more generally speaking in administration with the everyday view held by citizens.

Davoudi and Strange (2009) likewise point out that places are economically, socially and culturally produced. This relational conception views space as dependent on the processes and substances that make it up. The introduction to the volume which they edited starts with a quote from Thrift (2003, 95) saying that '...space is the outcome of a series of ... settlements that divide and connect things up into different kinds of collectives...' In the relational view, '...the process of place formation becomes a process of carving out 'permanences' from the flow of processes (that are) creating

spaces.’ In a passage reminiscent of Hooghe and Marks, Davoudi and Strange (2009, 38) say that scale might be

...conceived of in terms of interconnections with places seen as elements in a web of contingent boundaries, constantly territorialized and open to political contestation. The organising spatial principle here would be one of multiple overlapping networks with continuous flows of people, resources and knowledge. Such networks and flows would be represented and visualised through the use of 'scenarios' and 'fuzzy maps' showing untidy and complicated flows...

Thus, scale ‘...can be seen as both a nested hierarchy with fixed boundaries determined by movements, networks, nodes and hierarchies as well as an interconnected web with contingent boundaries, constantly territorialized, and a site of political contestation’ (op cit., 39). In terms of Type I and Type II multi-level governance one might say that both exist, and will continue to exist, alongside each other, a conclusion which Hooghe and Marks share.

Davoudi and Strange refer to Healey. Re-affirmed more recently, Healey’s concern is to promote place governance ‘with a planning orientation.’ Of particular interest is her concept of ‘place.’ Jessop (2009, 95) sees it as ‘...a more or less bounded site of fact-to-face relationships among individuals and/or of other forms of direct interaction among social forces... [It] is generally closely tied to everyday life... Place making is an important process that enframes social relations within spaces of everyday, more or less proximate interactions...’ Healy points out, however, that ‘...those with a 'stake' in what happens in a place are not only local residents, or citizens, of a specific administrative-political jurisdiction. “Stakeholders” may come from other places...’ (op cit., 32).

Place not only refers to material objects, nor is it coterminous with any particular administrative jurisdiction. Rather:

...people get to know not only about other places but about how what happens in other places may affect what happens where they are currently living. ... They see how the principle of the free migration of labour in a transnational polity such as the European Union creates a new flow of people working on nearby farms, shops and tourist venues. ...

So the meaning and experiences of places cannot be understood merely by looking at a standard two-dimensional map... Place qualities are generated and maintained by complex inter-relationships between people in diverse social worlds, which potentially connect them to all kinds of other places and times in dynamic and unpredictable ways....' (op cit., 34-35).

Healey also discusses government hierarchies and multi-level governance, stating that '...formal territorial jurisdictions may not be coterminous with the key relations that need to be mobilised to address particular place-management and development problems and potentialities' (op cit., 69). In the concluding chapter, she summarises what 'place-based governance with a planning orientation' should be about: improving the conditions of life for people in terms of their relations. In so doing, '...it is important to move away from conceiving such relations as a kind of nested hierarchy of systems... Instead, systems are better imagined as overlapping, loosely bounded and 'loosely coupled' sets of relations' (op cit., 226).

So here, too, the 'Russian Doll' view of space is being criticised. The point is, the conventional interpretation of multi-level governance assumes precisely a metageography in terms of a 'kind of nested hierarchy of systems,' a 'Russian Doll,' rather than a loosely bounded sets of relations. Accordingly, rights to take decisions are '...limited by some form of scope rules, including a legal system...'. (Zimmermann, Denters, Klok 2011, 27), for instance the principle of subsidiarity applying in the EU context. By way of contrast, where relations are loosely bounded as in governance networks, there '...the members of the network take the decision, based on some sort of collective agreement...'. (op cit., 27-28). In the terms of Murphy, the metageography is radically different.

Conclusions

The purpose of this paper has been to show that, where it is invoked to boost the roles of territorial governments at various levels, multi-level (territorial) governance as a concept is problematic. More in particular, the critique has been threefold:

1. The minor criticism has been that, invoked as a specification of multi-level governance by spatial planners and/or those concerned with territorial cohesion, 'territorial' is redundant. Multi-level governance is always 'territorial.'

2. The major criticism has been that the concept as such is ambiguous. Mostly, it refers to vertical relations within a multi-level polity and thus to relations between bodies of government, and not to the more comprehensive process called governance by which societal decision-making takes place in interaction between such bodies and private actors.
3. The criticism of the underlying concept of territory has been that it is one-sidedly oriented towards nested jurisdictions – ‘hard’ spaces arranged according to the ‘Russian Doll’ model – rather than the variety of ‘soft’ spaces that overgrow the fabric of any multi-level polity.

Thus, in particular where it is invoked in the European discourse on spatial planning and/or territorial governance, multi-level governance does not problematise the notion of territory, or the metageography underlying. In failing to do so, it is missing an important aspect of its very object. To invoke once more Murphy (2008, 16) it fails to pay attention to the opportunity which multi-level governance offers for appreciating ‘...that the EU cannot be grasped solely in terms of the territorial vocabulary associated with the modern state system.’ Rather, it should give an understanding of ‘...the types of territorial arrangements that are offering meaningful alternatives to the spatial imperatives of the state system.’ With special reference to programmes such as INTERREG, Murphy surmises more in particular that ‘...the EU offers the possibility of overcoming some of the territorial rigidities of the modern state system.’ He even invokes the prospect of ‘...a new phase in the evolution of the European political-territorial order.’ This is a tall order, but if there is one thing the current crisis shows, then it is that this order no longer reflects the real interdependence in Europe and beyond.

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