SYMPOSIUM OVERVIEW: CONCEPTUALIZING NEW GOVERNANCE ARRANGEMENTS

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This symposium, 'Conceptualizing New Governance Arrangements', takes up the challenge of refining governance theory to better integrate work in several disciplines, most notably politics, public administration and law. To this end, we argue for a theoretical framework that profiles three key dimensions of governance: institutional, political and regulatory. This framework, in our view, offers new insights into the nature and operation of various governance arrangements, and offers the potential to assess and measure change within such arrangements over time. After describing our methodology for selecting and analysing the case studies profiled in the symposium, we introduce each of the articles that apply our three-dimensional governance framework. These articles employ the framework to consider a variety of contemporary governance scenarios that vary widely by sector (environmental, climate change, forestry and education policy) and level of analysis (sub-national, national, and bi-national).

INTRODUCTION

Across a range of academic disciplines, the concept of 'governance' has secured remarkable currency and durability (Williamson 1985; Rosenau 1992; Rhodes 1996; Blair and Roe 1999; de Burca and Scott 2006). This is perhaps not surprising in an era where the traditionally conceived hierarchical models of government, heavily reliant on centralized command and control regulation, have come under sustained critique and challenge from academics and practitioners alike. While their core business remains 'governing', in discharging this role governments have displayed an unprecedented appetite for experimenting with new modes of governance that blur the lines between public and private, state and market, and hard and soft law. These developments, some claim, are indicative of the erosion of territorial, nation-state-centred political rule and constitutionalism (Gatto 2006). Indeed, this transformation has significance beyond conventional state-based politics: the European Union (EU), for instance, has seen a proliferation of 'soft law' instruments, which lack formal legal force yet have a range of highly salient practical effects (Senden 2004, p. 5).

Environmental protection and resource management have both been crucial venues for real-life experimentation with new governance arrangements and the focus of a growing governance literature. One key reason for this is the predominance in these policy domains of uncertainty and complexity, making it difficult to predict the costs and benefits of policy choices, define regulatory payoffs, and maintain interest coalitions (Sprinz and Vaahtoranta 1994; Zito 2007). These are also policy arenas in which it is becoming increasingly evident that states can no longer 'govern alone'. This is especially the case in the environmental policy arena where the prevalence of 'wicked problems' requires wholesale behavioural change at multiple levels from the individual to the corporation to the state (Rittel and Webber 1973; Gale 2009). Indeed, two of the policy domains profiled in this symposium (climate change and environmental assessment) are particularly compelling illustrations of this wicked problem archetype.

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This symposium engages with these archetypal and other policy problems, as well as the governance literature more generally, in order to test and refine governance theory. The symposium contributors are primarily political scientists and legal scholars who share an interest in exploring the potential for 'governance' to function as a bridge between disciplines (van Kersbergen and van Waarden 2004); an aspiration that to date, as discussed below, remains largely unrealized.

Symposium authors have agreed to employ a common framework for analysing new governance arrangements in the realms of environmental and resource management that integrates insights from law and political science. This approach recognizes the broad scope of the concepts in both disciplines, and the strong resonance between the two (Mörth 2004). This framework analyses new governance arrangements and dynamics along three distinct dimensions of governance: institutions, politics, and regulation. In so doing, we are mindful of the need for, and the benefits that accrue from, an approach that is both empirically grounded and comparative in nature. Drawing on ongoing research, our authors – from Canada, the US, Europe and Australia – explore and critique these three dimensions of governance using a variety of international, national and regional case studies selected to illuminate the potential as well as the limits of our shared analytic framework.

THE EMERGENCE OF 'NEW' GOVERNANCE

The notion that there is a distinction between 'governance' and 'government' is of fairly recent vintage. Indeed, well into the 1960s, governance was regarded as being largely synonymous with what governments did. The 1955 Oxford English Dictionary is indicative of this orthodoxy, defining 'governance' as 'the action or manner of governing' and 'the state of being governed'. The academic concept of governance began to metamorphose as a result of scholarly work in the realms of international relations (IR) and public administration in the late 1980s. This period witnessed a growing interest in how international cooperation was possible in the absence of an authoritative, coercive global government. IR theorist James Rosenau offered an early articulation of the role of governance as an explanation of this phenomenon in 1987 (Rosenau 1992). At around the same time, a sea change of comparable magnitude was also occurring within the discipline of public administration. In the late 1980s and early 1990s, Rhodes challenged the traditional paradigm of top-down hierarchical state control and argued for a model of public sector management that reflected the reality that governments were increasingly governing through networks, often dominated by business interests (Rhodes 1997). Rhodes' early work helped set the stage for the development of 'new public sector management' literature, which documented and explored a range of new modes of governance, including public-private partnerships and privatized governance (Rhodes 1997; Borzel 2011).

During this period, governance also played an increasingly prominent role in other disciplines. In legal scholarship, this manifested itself in an increasing interest in the role and significance of 'soft law' at the national, regional and international levels (for example, Chinkin 1989). A similar pattern was played out in the realms of economics and business studies, which witnessed the emergence of growing literatures on 'good governance' and 'corporate governance' (van Kersbergen and van Waarden 2004) and network management (Klijn *et al*. 2010).

Often, both within the disciplines noted above and beyond, discussions of the conceptual ascendancy of 'governance' have appended to this term the adjective 'new'. The appending of this adjective has been somewhat controversial. Critics argued that

it overstated the recentness (both temporally and substantively) of the developments it purports to describe (de Burca and Scott 2006; Howlett *et al*. 2009). Perhaps what is most 'new' about 'new governance' is its clustering of a range of values that depart from how governments have governed in the past; values which governance proponents advocate should be deeply embedded in new governance arrangements. These values, which are perhaps more aspirational than practised, include a commitment to policy learning, adaptability, and integrative solutions that transcend the traditional silos of government. Also prominently featured in new governance literature are values such as diversity, competition and pluralism; provisionality and experimentation; transparency, deliberation and participation; and decentralization and subsidiarity (Lobel 2005; de Burca and Scott 2006).

NEW GOVERNANCE IN POLITICAL SCIENCE AND LEGAL SCHOLARSHIP

Both in political science and legal scholarship, new governance has arguably become the dominant analytic vehicle being deployed to explain the destabilization of traditional governing forms and modalities in the 'private, semi-private and public spheres and at (and in-between) the local, regional, national, transnational and global levels' (van Kersbergen and van Waarden 2004, p. 143). However, despite the striking commonalities of interest they share, mutual engagement and synthesis across these two disciplines has been lacking (Mörth 2004; Slominski 2008) with, perhaps, a few notable exceptions (for example, the EU's NEWGOV project). This is especially true in the realms of environmental and resource management.

Within political science, research on 'new governance' has tended to focus on several key themes: most notably instrument choice, multi-level governance, and policy network analysis. The instrument choice literature dates back over half a century to pioneering work by Dahl and Lindblom (1953). With emerging interest in new governance, instrument choice has seen something of a revival fuelled by proponents such as Salamon who have argued that we are seeing a policy instruments revolution that is reflected in 'a massive proliferation. . .in the *tools* of public action' (Salamon 2002, p. 1; original italics).

Environmental protection has generated a particularly robust governance literature. Intriguingly, however, a leading recent analysis of the new environmental policy instruments (NEPIs) reaches a cautionary conclusion on whether their deployment represents a broader transition from 'government to governance' (Jordan *et al*. 2005). Based on a study of nine jurisdictions where new NEPIs have become commonplace, Jordan *et al*. conclude that there is no correlation between their rise and a diminution of the role of government. They argue that many NEPIs are highly dependent on government involvement; far from eclipsing government, in their view governance complements and is often closely integrated with more traditional government initiatives (Jordan *et al*. 2005).

A second strand of the political science literature on governance focuses on the multi-level nature of many new governance arrangements. This literature builds on earlier studies of federalism, intergovernmentalism and European integration studies (for example, Elazar 1972). A key theme of this literature is the diffusion of governing power away from central state institutions. In this regard, Hooghe and Marks (2003, pp. 236–9) distinguish between two ideal-type governance forms: in their terminology, 'Type I' and 'Type II' governance. Under Type I governance, which has historically dominated national polities, state authority is allocated to a relatively small number of stable, multi-functional bodies with territorial, spatial and policy jurisdictions that are 'horizontally mutually

exclusive' (Skelcher 2005, p. 94). In contrast, Type II governance arrangements feature a fluid array of multi-tiered bodies with overlapping and crosscutting jurisdictions, which are typically organized around specific functional tasks that Type I bodies have proven ill-equipped to address for a variety of reasons, including competency constraints (Hooghe and Marks 2003, pp. 236–40; Skelcher 2005, p. 94).

Policy networks, a defining feature of Type II governance, are also a stand-alone analytic approach of considerable significance within the broader political science literature on governance. Proponents of this approach argue that networks offer a persuasive explanation of the distribution of political power within modern Western liberal democracies, and likewise can assist in predicting how agendas will be set and decisions made (Kohler-Koch 2002). There are several different variants within the policy network governance literature.

Scholars of public administration have tended to focus on the use and management of such networks to advance state policy goals. Meanwhile, political scientists have considered how policy networks can operate to fetter or facilitate access to public decision making and affect the distribution of resources within society (Klijn 2008). Moreover, within political science there are various schools of thought that consider the meaning and significance of policy networks from a governance perspective. Perhaps the most provocative and far-reaching is one that champions the view that policy networks must be regarded as a *sui generis* form of governance, offering an alternative to its main governance competitors, namely hierarchy and markets (Scharpf 1991). According to this view, policy networks (unlike markets) can offer a means to control against negative externalities while, at the same time, and unlike hierarchy, providing solutions that avoid producing political 'losers' who are often compelled to bear the costs of decisions that emerge through majoritarian politics (Börzel 1998).

Within the network governance literatures, law and regulation play a minor, if not invisible, role. While this is perhaps understandable, critics have contended that the same is largely true 'when it comes to policy instruments' (Slominski 2008, p. 4). While Slominski argues that political scientists have engaged with the legal issues surrounding European integration, most notably in the realm of EU treaty law and the role of the European Court of Justice, he contends, '. . .law is much more than the ECJ and other courts . . . . Or as Kenneth A. Armstrong. . . has put it: ''Political science has discovered the European Court of Justice. . . . But has it discovered law?''' (Slominski 2008, p. 4).

Simultaneously, there are also opportunities for legal scholarship to integrate with, and build on, governance research undertaken by political scientists with the goal of embedding law within a broader notion of governance. To date, within legal academe, an opposite tendency has arguably dominated. Indeed, much of the legal scholarship on governance – particularly within the positivist tradition – has counterposed 'law' against 'new governance'. Within this view, law is equated with 'hard law', a legal form often associated with command and control regulation and portrayed as rigid, inflexible, prescriptive and hierarchical (de Burca and Scott 2006, p. 2). In contrast, new governance is envisaged as existing largely apart from and beyond law, as an amorphous cluster of new processes, instruments and values. As such, for leading legal scholars who adopt this approach, the overarching challenge is to define and predict how 'law' in this conception will interact with new governance.

In an influential article, Trubek and Trubek posit three trajectories for the interaction between governance and law: rivalry, complementarity and transformation (Trubek and Trubek 2007). Drawing on a range of case studies from the EU and United States, they

contend that in some policy domains, law and new governance are bitter rivals, pitted in a competition in which one is destined to prevail over the other. More commonly, however, while law and new governance exist in tension, the two find ways to co-exist. Most intriguingly of all, in rare cases, 'new governance . . .is transforming law by advancing the creation of new forms of legal regulation that differ from traditional top-down, command and control systems' (Trubek and Trubek 2007, p. 564). In this situation, traditional law and new governance 'are yoked together in a hybrid form' creating a 'real transformation in the law' (Trubek and Trubek 2007, p. 541).

These issues also lie at the centre of recent work by de Burca and Scott (2006). Like Trubek and Trubek, they concede that in some contexts, most notably constitutional law, new governance and law are likely to be rivals pitted against one another. But in some settings they view the relationship in more harmonious terms. Here they envisage the relationship as being one of hybridity in which both law and new governance forms co-habit in relative equilibrium. This co-existence can take the form of what they call 'baseline hybridity', which 'represents a regulatory bottom line below which experiments in new governance may not be permitted to take us' (de Burca and Scott 2006, p. 7). They also see potential for what they call 'developmental hybridity', which would entail new governance arrangements being integrated into legal regulation to enhance flexibility and effectiveness. Finally, 'default hybridity' sees the role of law as providing default sanctions for actors who do not respond appropriately to the incentives and autonomy associated with new governance arrangements.

Perhaps the most sustained attempt to grapple with the complexities of the relationship between law and new governance in the environmental context has been offered by Gunningham, an Australian legal scholar known for his work on 'smart regulation' (Gunningham 2009). In an ambitious article exploring how the 'architectures of environmental law, regulation and governance' have evolved from the 1970s to date, he portrays each of these three architectural edifices as distinct, representing points on a continuum. Gunningham conceives of governance as conceptually distinct and discrete from both law *and* regulation. In his model, 'environmental law' is defined narrowly as 'highly specific, state-based law. . .promulgated by parliament and interpreted by courts' (Gunningham 2009, p. 181). In contrast, 'environmental regulation' is conceived of as a 'broader category. . .[that] includes much more flexible, imaginative and innovative forms of social control which seek to harness not just governments, but also markets (as with economic instruments), business and third parties' (Gunningham 2009, p. 181). 'Environmental governance', at the far end of his continuum, is 'a world of diffused power and responsibility' in which 'the state and state law is but one node amongst many'; a 'centreless society' in which 'regulatory mechanisms do not need to be endowed with formal authority to function effectively' (Gunningham 2009, p. 181). Exemplars of initiatives that would fall into this last category, in his view, are the EU Water Framework Directive (enacted under the Open Method of Cooperation), Habitat Conservation Plans under the US Endangered Species Act, as well as eco-certification schemes such as the Forest Stewardship Council.

TOWARDS A UNIFIED THEORY OF GOVERNANCE: INTEGRATING INSTITUTIONS, POLITICS AND REGULATION

A key goal of this symposium is to draw upon insights from ongoing governance research in both political science and legal scholarship. Ultimately, through this engagement, it is

hoped that a more elaborated and integrated account of new governance will begin to emerge. Treib *et al.* (2007) have made a promising start in this direction. They contend that an integrated theory must attend to the three key dimensions of governance: politics, policy and polity. By analysing governance along these three dimensions, they argue, a more nuanced picture of its true nature and significance comes into focus.

Within each of these dimensions, Treib *et al.* propose the use of several metrics. Thus within the *political* dimension attention is directed to the identity and influence of key actors and policy networks. For the *policy* dimension, key factors include legal bindingness, modes of implementation, the presence or absence of sanctions, and whether the regulations under scrutiny are procedural or substantive in nature. And finally, within the *polity* dimension the focus is on the nature of the institutional architecture employed; specifically, whether institutions are organized on a hierarchical or market basis, and where, within this architecture, the locus of authority lies. Once the modes of governance within each dimension have been specified, Treib *et al.* contend that it becomes possible, in a second stage of the analysis, to explore interactions between the various dimensions as a means of understanding governance change.

A key benefit of the Treib *et al.* framework is its potential to bring together diverse disciplinary strands of governance research in a manner that has been lacking to date. As noted above, within political science the governance literature has tended to pay relatively little attention to the role of law and institutional forms. Likewise, as we have noted, within some legal scholarship there has been a tendency to conceive of law and governance as distinct entities that often exist in tension if not direct opposition to one another. As such, the Treib *et al.* framework offers the possibility of better describing and understanding the many permutations and combinations of governance arrangements by embedding within the analysis a capacity to attend to the political, legal and institutional dimensions of governance.

Not surprisingly, given the ambition of this synthesis, a number of questions about the approach arise (Gale 2009). In the politics dimension, Treib *et al.'s* classification of non-state actors tends to conflate the range of private actors. Within the realm of civil society there are certainly many organizations (for example, business firms) that operate on self-interested market logic; however, there is a range of other organizations, including environmental non-governmental organizations, with varying complex motivations. Perhaps more fundamentally, by conceiving of governance as being framed in public versus private terms, Treib *et al.* understate the significance of hybridity within governance structures. Indeed, we argue that hybridized public-private governance forms may well constitute the norm, rather than the exception. Treib *et al.'s* deployment of the hierarchy-market continuum, posited as a metric in their analysis of institutional forms, is also problematic. This continuum fails to give sufficient scope for the independent dimensions of networks (Thompson *et al.* 1991); it also obscures the importance of 'hard law' in creating and supervising markets established to advance public policy goals.

Tollefson *et al.* (2008), in a book on the rise of the Forest Stewardship Council (FSC), a much discussed icon of 'new governance', critique and elaborate the Treib *et al.* approach. In it, they explore the meaning and significance of the FSC, a civil society led, voluntary, global system of forest certification, for governance theory. To this end, they analyse governance within the FSC along three dimensions similar to those proposed by Treib *et al.*: political, regulatory and institutional. Based on their analysis of political networks within the FSC, the legal framework the FSC has created for regulating the conduct of its members in the global marketplace, and its complex internal institutional architecture, the

authors conclude that the FSC represents a new *sui generis* governance form, which they term 'global democratic corporatism'. One particularly instructive feature is the authors' in-depth exploration of the dense and hard law-like regulatory arrangements embedded within the FSC as a governance form; a form that exists, by design, almost entirely beyond the state.

Another attempt to elaborate and apply the Treib *et al.* approach is an article by Howlett *et al.* (2009) that explores governance developments in a high profile land use planning exercise that protects British Columbia's Great Bear Rainforest. In this article the authors contend that the overarching metric of new governance is the extent to which tightly controlled, state-centric hierarchies are being superseded by more informal, flexible 'plurilateral' arrangements (the latter a term borrowed from Zielonka 2007). They also underscore the need to attend closely to and correlate shifts along the 'hierarchical-plurilateral' axis to patterns that emerge along other dimensions of governance: institutional, political and regulatory.

Howlett *et al.* argue that these 'three dimensions are related in a nested fashion': with each dimension constraining and influencing outcomes in their counterparts. This has important implications for understanding the real life hybridity and 'messiness' of governance as a social phenomenon:

> While many early proponents of the new governance simply expected new governance arrangements to shift evenly *away from* formal institutions, coercive power relations and substantive regulatory tools in hierarchical systems *towards* the informal institutions, non-coercive relationships of power and a marked preference for procedural instruments characteristic of plurilateral systems, [the discussion above] shows that the possible variations of governance types and outcomes are a good deal more complicated. (Howlett *et al.* 2009, p. 4)

THE ANALYTICAL FRAMEWORK EMPLOYED IN THIS SYMPOSIUM

Our point of departure in collaborating in this symposium is a shared interest in testing and elaborating the threefold governance model as postulated in various iterations by Treib *et al.* (2007), Tollefson *et al.* (2008) and Howlett *et al.* (2009). We have asked our authors to assess the explanatory power and value of the framework, and to consider ways it might be enhanced or elaborated. One assumption of the framework offered below is that the three dimensions it sets out to measure, while inter-related, are conceptually distinct; in other words, commensurability between these three dimensions is not assumed. As such, a key challenge is to grapple with understanding the dynamics *between* the three dimensions with a view to ascertaining, at least in a preliminary way, their inter-relationship (see Howlett *et al.* 2009).

In embarking on this joint research project, we explicitly place institutions as the first dimension, followed by the political and finally the regulatory dimensions. This sequencing of the dimensions reflects a desire to explore the degree to which institutions have the ability to shape and constrain the behaviour of actors and the regulatory choices actors make over time. The political institutionalists within our symposium posit that social structures (for example, constitutions, treaties, transnational agreements and regimes) exert behavioural effects via their role in defining the political/legal rules of the game. According to this view, it is expected that institutions will be less mutable and susceptible to change than politics and regulation. This is in keeping with what is arguably an underlying premise in the work of Howlett *et al.*: namely, that these three

dimensions are nested within each other, with institutions configuring political power which, in turn, constrains instrument choice and regulatory form.

However, it must be borne in mind that the hypothesis that institutions constrain the degree of change in the other dimensions is simply that. Through the research we are about to undertake, other dynamics and complexities may become evident. For instance, it may become apparent that policy network configurations may overwhelm institutional arrangements and/or play a role in constraining instrument choice. Or it may become apparent, following Streeck and Thelen (2005), that conventional wisdom underestimates the fluidity and mutability of institutional forms. Governments, business and civil society coalitions may be able to convert extant institutions to new rules and purposes. Equally, there may be instances where instruments predate and even shape structures (Kingdon 1995). The rising popularity of tradable permits, for instance, may well drive significant institutional changes, both formal and informal, at the national and transnational levels. Likewise, changes in the design and use of instruments can, in turn, drive changes the administrative practices of the state (Héritier *et al*. 1996).

Operationalizing governance

Each of our author teams has selected a variety of case studies for in-depth examination. A threshold question for each team was to define the governance arrangement under scrutiny. In order to systematically explore the potential of the framework, the project design emphasized differences in units and levels of analysis in order to probe the complex interactions in various policy sectors. Our first case study (see Craik *et al*.) focuses on a single policy instrument (environment assessment) as deployed in the review of permitting decisions for major projects in three comparator jurisdictions. The second article (see Doelle *et al*.) analyses forest-related climate change adaptation and mitigation initiatives in four comparator settings with a view to assessing the explanatory value of the three dimensional model in a range of political and legal venues. The final article in the symposium (see Capano *et al*.) applies the model to explore policy development and implementation across three jurisdictions (Canada, England and Germany) and three distinct policy sectors (environment, forestry and education/higher education).

As indicated above, a key goal of this symposium is to explore the potential for enhancing an understanding of governance arrangements and dynamics by attending to three overarching dimensions of governance: institutions, political power and regulatory forms. All of the articles that follow adopt a common methodology that involves plotting the governance arrangements being studied along two axes. The horizontal axis, common to all three dimensions, measures the governance arrangement in terms of the monocentric-polycentric continuum. The nature of the vertical axis varies according to the dimension of governance under consideration. The locations derived by the authors for each of the governance arrangements along these two axes are depicted diagrammatically (the templates employed are reproduced below). Each article contains a detailed discussion of the plottings derived for each dimension, as well as some observations on emerging patterns and theoretical lessons.

The horizontal axis: monocentric versus polycentric governance

Each of the three dimensions we explore in this project shares a common horizontal axis that seeks to identify where the governance phenomenon being studied belongs on a continuum that ranges between two posited ideal types: monocentric and polycentric governance. The monocentric-polycentric distinction was pioneered in early work by

Polanyi (1951) as elaborated by Ostrom *et al.* (1961) and developed through the institutional analysis and development scholarship of the Bloomington School under the leadership of Vincent and Elinor Ostrom (Aligica and Boettke 2009). A central thesis of much of the Bloomington scholarship is that the provision of public goods, particularly in complex, advanced economies, is often better achieved through polycentric systems rather than by means of more traditional monocentric hierarchies (Ostrom 2009).

Monocentric governance arrangements bear many of the hallmarks of what Hooghe and Marks describe as Type I governance. Under this state centric model, problem-solving is vested in hierarchically organized governmental bodies with legally prescribed and typically mutually exclusive jurisdictional mandates. In its purest form, monocentric policy-making occurs 'at the apex' as formally approved by the legislature and executed by a professional bureaucracy (Shivakumar 2003, pp. 10–11). In contrast, *polycentric governance* arrangements – in Hooghe and Marks' terminology 'Type II' governance – are characterized by more decentralized, multi-level decisional and implementation arrangements that feature more prominent roles for firms, business associations, and civil society organizations. Some polycentric bodies are organized along private 'club-like' lines; others as agencies of the state; and yet others as hybrid 'polity-forming' bodies designed explicitly to harness public participation to tackle social problems (Skelcher 2005, pp. 97–101). Because polycentric governance arrangements often emerge to address a specific purpose, they tend to be more ephemeral than their monocentric counterparts. Moreover, their adaptive character also means that they tend to operate in a variety of spatial realms with mandates that overlap those of their state and non-state counterparts.

Though for the purposes of this symposium we present monocentric-polycentric governance as a continuum of forms, we note several qualifications. First, even within predominantly monocentric governance models, there can be significant interaction between the state and societal actors. This is evident, for example, in Germany where important regulatory decisions are made beyond public scrutiny, albeit with the close co-operation of the various relevant societal associations (Héritier *et al.* 1996, pp. 135–6). As such, we are mindful of the potential that the development and enforcement of regulations in a monocentric governance setting can involve substantial degrees of intra-systemic negotiation and bargaining.

Second, within a single polity both types of governance commonly co-exist and indeed are often closely interlinked. Thus, as Skelcher expresses it, polycentric governance often manifests itself as 'an environment of organizational multiplication' in which traditional and emerging forms of governance combine to give birth to new 'multi-organizational forms' and 'interorganizational relationships' forged through a range of means, including hierarchy, networking, contractual relationships and joint action (Skelcher 2005, p. 95).

It should also be underscored that, in keeping with the critique of Treib *et al.* discussed above, within our model, market-based governance arrangements are conceived of as potentially being located at varying points along the monocentric-polycentric continuum depending on the nature and diversity of state and non-state actors involved in the regime. A good illustration is tradable permitting schemes, widely considered to be an archetypal market governance instrument. Commonly viewed as the key instrument for controlling climate emissions and enshrined in international treaties such as Kyoto, such schemes can, as governance arrangements, vary dramatically depending on various factors including international obligations and domestic policy preferences. In the monocentric governance model, the regime is tightly regulated by the state under legal mandates that closely prescribe and monitor emissions caps and trading rules. The proposed
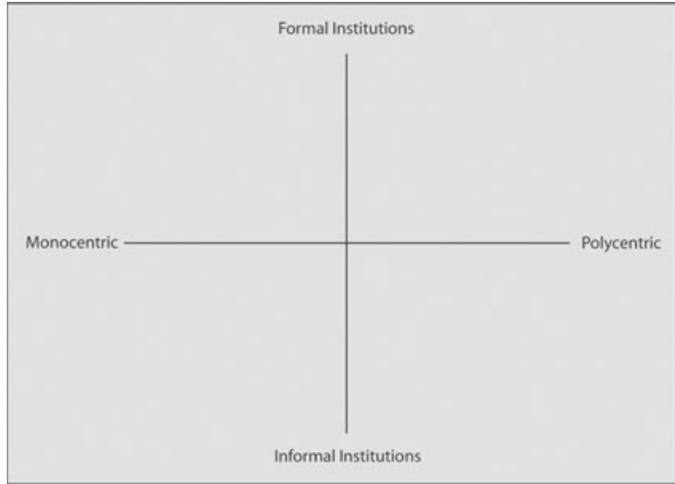
FIGURE 1 *The institutional dimension*

Australian emissions trading scheme (the Carbon Pollution Reduction Scheme), now deferred and replaced by a carbon tax, was a good example of this approach. In contrast, a more polycentric approach involves various constellations of private and public actors interacting through trading brokerages such as the Chicago Climate Exchange.

Depicting governance arrangements in the three dimensions
Before discussing the details of the methodology employed, we underscore that the diagrams below are being used to depict the relative not absolute locus of governance arrangements. Bearing this in mind, our approach provides a means of conveniently illustrating, spatially and conceptually, the variety and complexity of governance arrangements that exist within the institutional, political and regulatory dimensions.

The figures below re-appear in the subsequent articles in this symposium to graphically represent the data from our research. The institutional dimension (figure 1) focuses on the level of formality exhibited by the various institutions that comprise specific governance arrangements. The political dimension (figure 2) seeks to assess the balance of power and influence of state/central actors versus societal actors within a given governance arrangement. Finally, the regulatory dimension (figure 3) differentiates between the nature and form of the relevant instruments deployed in support of varying governance forms.

Figure 1 illustrates the relationship between monocentric versus polycentric governance juxtaposed against the institutional dimension. In this dimension, the horizontal axis depicts the quantity and diversity of the state and non-state actors engaged in the institutional process being studied. In contrast, the vertical axis measures the level of formality exhibited by relevant institutional forms, structures or practices being studied. Key considerations relevant to determining an arrangement's location along this vertical axis include the nature and breadth of the institutional mandate, the formalities associated with the process of consultation, and the extent to which outcomes are subject to formal monitoring and review. Institutional arrangements which would be found towards the northern pole in figure 1 would typically be endowed with clearly prescribed
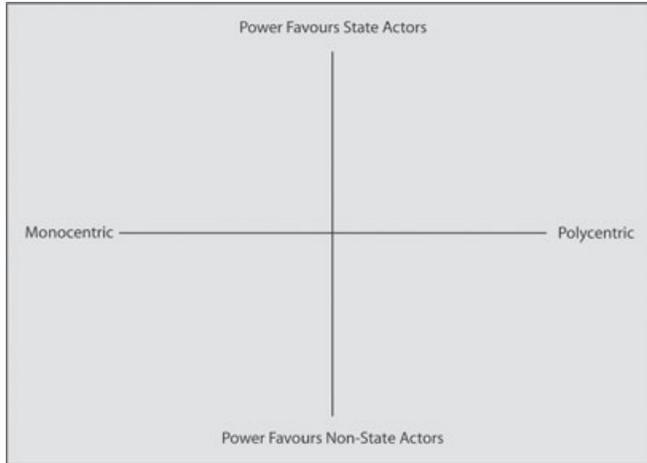
FIGURE 2 *The political dimension*

legal foundations and mandates, and deploy a well-established rule-based approach to decision-making and policy implementation. In contrast, towards the informal pole of this continuum, and particularly in the bottom-left quadrant, would be positioned institutions that are less formal, more experimental, and that cross multiple jurisdictions and levels.

Figure 2 explores the relationship between monocentric and polycentric governance, and political power. In this dimension, the horizontal axis assesses the number and diversity of actors (state and non-state) that exert some degree of power or influence over the outputs of the governance arrangement being studied. The vertical axis then seeks to calibrate that relative balance of power/influence as between state and non-state actors. In this regard, its concern is to identify where political power lies in relation to society and the state, reflecting longstanding corporatist, pluralist and Marxist literatures concerned with this subject (Lukes 1974; Lindblom 1977; Katzenstein 1978). In this dimension, the
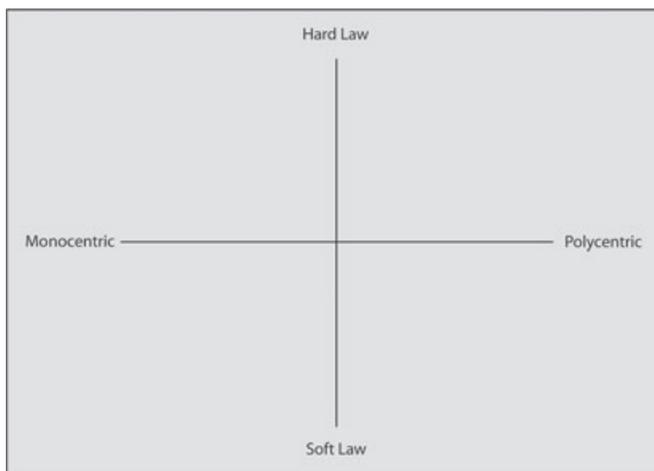

FIGURE 3 *The regulatory dimension*

TABLE 1 *Operationalizing the governance dimensions*

	Institutional dimension (formal–informal)	Political dimension (state–non-state actors)	Regulatory dimension (hard law–soft law)
Horizontal	Quantity and diversity of actors engaged in the institutionalized process in question	Quantity and diversity of actors with some degree of power or influence over decision/output	Quantity and diversity of actors engaged in the regulatory arrangement
Vertical	Origin and nature of mandate Nature and extent of consultation with affected interests Outcome: formal decision or 'rolling' supervisory power Monitoring and implementation	Actual formal decision-making power Actual not formal ability to influence decisions and outcomes	*Precision* (how closely does the output prescribe and constrain private action?) *Obligation* (how legally binding is the obligation?) *Delegation* (is the duty of adjudicating and enforcing the obligation vested in an independent third party or retained by the regulator?)

interpretive challenge is to determine whether, and to what extent, the state or its agents are directly dictating the outcomes that emerge from the governance arrangement, more loosely 'steering' the arrangement or, alternatively, whether ultimate power or overriding influence lies with non-state actors (for example, corporations, unions, environmental civil society organizations and so forth).

Figure 3 considers the regulatory arrangements employed to achieve governance objectives employing the familiar hard law/soft law distinction. Regulatory arrangements may be considered holistically or, alternatively, analysed more narrowly in terms of the legal or policy outputs of that arrangement; both approaches have been employed by authors in this collection. Within our approach, regulatory arrangements typically encompass a range of policy tools including command-and-control regulation, voluntary and self-regulation models, education and informational instruments, and market-based instruments of various kinds (Gunningham *et al*. 1998; Salamon 2002). In this dimension, the horizontal axis assesses the quantity and diversity of actors (state and non-state) engaged in the regulatory arrangement being studied. In the vertical axis, the regulatory aspect of the governance arrangement being studied is assessed in terms of: (1) its precision (how closely it constrains private action); (2) obligation (the 'bindingness' of its commands); and (3) delegation (the extent to which the power to adjudicate and enforce these obligations is retained by a regulator or delegated to an independent third party). This assessment, in turn, forms the basis for its placement along the vertical hard-soft law axis, with the hard law end of the spectrum displaying all three of these characteristics. Table 1 summarizes the methodology we have adopted for the purposes of this symposium to locate governance arrangements along the horizontal and vertical axes in the three dimensions employed in our research.

Research questions
Each of our author teams has undertaken to assess the data generated through their case studies as plotted according to the conceptual metrics set out in table 1, mindful of three distinct sets of analytic questions.

A first cluster of questions concerns the patterns that emerge from the various plottings of governance arrangements located across the three dimensions. If some of the more enthusiastic proponents of the 'government to governance' thesis are correct, it would follow that governance changes in each of our three dimensions would occur in a relatively linear manner: from the top left quadrant to the lower right quadrant of our various diagrams. In other words, accompanying an overarching movement from monocentric governance to polycentric governance, we would expect to see a similar movement from formal to informal institutions, from centralized to decentralized political power relations, and from hard to soft law. As previously noted, Howlett *et al*. (2009) suggest that the reality of modern governance is much messier and more complex than this simple government to governance hypothesis would suggest (Howlett *et al*. 2009, p. 4). With this in mind, our authors have been asked to consider what types of patterns emerge from the data. Are polycentric governance arrangements typically associated with plottings in the lower right quadrants of our three dimensions? If the reality of modern governance is indeed messier, is this due to an interpenetration of monocentric and polycentric forms as Skelcher suggests (Skelcher 2005, p. 95)? Or are there other explanations of the apparent symmetries and asymmetries observed?

A second cluster of questions concerns the inter-relationship between governance arrangements in our three dimensions. One proposition that we interrogate is whether or not institutions shape or constrain the outcomes and patterns observed in the political and regulatory dimensions. A related set of questions concerns the dynamics and mechanisms that drive change in the various dimensions. Are the dimensions mutually nested and constrained? Or do these dimensions function in a more relatively autonomous fashion? Put another way, what is the respective contribution of agency versus structure in explaining the outcomes or patterns in the dimensions observed?

A final set of questions concerns the relationship between governance arrangements and law. Many leading legal scholars conceive of law as existing separate and apart from governance (Trubek and Trubek 2007; Gunningham 2009). For these scholars, a key question therefore is how 'law' and what we term 'polycentric governance' will interact when tethered together. In keeping with our aspiration to explore how governance might serve as a bridge between disciplines, the model we have employed in this project seeks to avoid a bifurcation of law and new governance by adopting what arguably is a more synthetic model of governance. With this in mind, our authors have been asked to consider whether the analytic model we have deployed is helpful in illuminating whether a more binary or more integrative approach to conceiving of the relationship between law and governance is more persuasive. More specifically, how useful are Trubek and Trubek's concepts of rivalry, complementarity and transformation in understanding the role of law in new governance? The answer to this question is likely intertwined in complex ways with the answers to many of the other questions posed above.

THE PLAN OF THE SYMPOSIUM

The three articles that follow all apply the governance framework set out above to a variety of contemporary case studies that have been selected to test the theoretical and practical utility of its integrated approach to governance analysis. The sequence of their presentation has been designed to test the symposium framework with increasingly complex and higher-level case scenarios.

The first article focuses is on what is typically considered to be a regulatory instrument: environmental assessment (EA). Craik *et al.* contend that viewing EA in this narrow fashion obscures the broader implications and significance of EA as a distinct form of governance. Conceived of as a mode of governance, this article highlights the hybridity of EA types; ranging from the formal to the informal, the monocentric to the polycentric, and those where power significantly favours state actors to those where non-state actors have significantly more influence. In the three EA governance cases Craik *et al.* scrutinize, there is little evidence of a 'government to governance' trajectory. Moreover, while in some instances institutions appear to exert a constraining influence on political power, in others formal institutions are abandoned in favour of alternative institutional arrangements with a view to securing predetermined desired outcomes. The article also highlights the importance of distinguishing between regulating outcomes and regulating processes. Conventional hard law is typically directed towards the former, whereas EA is largely about the latter. To that extent, there appears to be a certain complementarity between hard law and governance, with the former providing precise but not necessarily binding rules for moving from one EA process to another; and with such moves varying significantly in the degree to which decision-making authority may be delegated from state to non-state actors.

The second article tackles a somewhat broader and more inchoate set of governance arrangements that are now emerging at the intersection of forest management and climate change. To this end, the symposium's three-dimensional framework is deployed to describe and evaluate developments within two distinct but related policy sectors (climate change adaptation and mitigation) at several levels of governance (sub-national, national and bi-national). While recognizing the highly fluid and evolving nature of these governance arrangements, Doelle *et al.* discern little evidence to suggest that developments in either policy realm are on a trajectory that is suggestive of a movement towards pure governance as reflected in a generalized movement towards or clustering in the bottom right quadrant. Instead, across the institutional, political and regulatory dimensions of governance, a more variegated and diverse picture emerges. While within these arrangements soft law currently predominates, the authors contend that this is a temporal phenomenon reflecting the relatively inchoate nature of cases being studied. Their analysis also lends support for the Trubek and Trubek hypothesis that emerging governance arrangements will typically interact with extant arrangements through modalities of rivalry, complementarity and, potentially, transformation.

The final article in this symposium is arguably the most speculative and ambitious. It examines how the three dimensional framework can illuminate simultaneous governance developments across multiple policy sectors (environment, education/higher education and forestry) and multiple political systems (Canada, England and Germany). Employing this broad macro/comparative methodology, Capano *et al.* offer a pioneering survey of the presence and sweep of governance arrangements across policy sectors and states with a view to assessing the degree of convergence around particular governance practices. Like its counterparts, this article finds little or no evidence to support the existence of a generalized trajectory from government to governance. However, these authors find a surprisingly high degree of convergence in governance arrangements across both sectors and states; this finding is suggestive of a 'nesting' relationship between the dimensions of governance in which institutions constrain or, at the very least, influence governance arrangements in the political and regulatory dimensions.

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