

Beyond the Regulatory State Orthodoxy: Reconceptualising Metagovernance Frameworks in the Era of Polycentric Institutional Fragmentation

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Abstract. Contemporary governance theory has long privileged the regulatory state model as the principal analytical lens for interpreting public authority distribution across multi-level institutional architectures. This article critically interrogates the foundational premises of that orthodoxy by examining how polycentric institutional fragmentation—accelerated by post-pandemic administrative restructuring and the proliferation of transnational regulatory networks—has rendered traditional metagovernance typologies empirically insufficient. Drawing on a comparative mixed-methods design encompassing structured elite interviews (n=84) and longitudinal policy-trace analysis across twelve OECD jurisdictions (2018–2024), we demonstrate that the classic hierarchy-market-network tripartite schema systematically obscures hybrid authority configurations that now constitute the modal governance form. We propose a revised Stratified Metagovernance Matrix as an analytically superior framework, offering testable propositions for future cross-national policy research.

Keywords: metagovernance, polycentric governance, regulatory state, institutional fragmentation, multi-level governance, comparative public policy, administrative restructuring, transnational regulatory networks, hybrid authority configurations

Introduction

The architecture of modern statehood is undergoing a structural transformation of considerable analytical consequence. Since the late twentieth century, governance scholars have operated within a broadly shared paradigm centred on the regulatory state thesis—an intellectual edifice constructed through the foundational contributions of Majone (1994), Levi-Faur (2005), and subsequently elaborated through the multi-level governance literature associated with Marks and Hooghe. Within this framework, the displacement of the interventionist welfare state by a leaner, rule-setting regulatory apparatus was understood as the defining trajectory of Western liberal democracies and, by diffusion, of emerging market polities integrated into global regulatory regimes. The tripartite schema distinguishing hierarchical, market-based, and network modes of governance became the canonical vocabulary through which metagovernance—understood as the governance of governance—was theorised, operationalised, and taught across doctoral programmes in public administration and political science worldwide. Yet as the mid-2020s consolidate post-pandemic administrative realities, this orthodox framework confronts a mounting empirical anomaly: the governance arrangements that actually allocate public authority, distribute regulatory competences, and coordinate collective action across jurisdictions do not map coherently onto its constitutive categories. The COVID-19 pandemic catalysed emergency statutory expansions that were never fully rolled back; the green transition agenda has produced quasi-public investment intermediaries operating outside traditional principal-agent accountability chains; and the proliferation of transnational standard-setting bodies has generated regulatory authority nodes whose jurisdictional legitimacy is neither derived from state delegation nor adequately captured by network governance models. In short, hybrid authority configurations—defined here as institutionally composite arrangements in which hierarchical directive capacity, market-incentive logics, and deliberative network norms co-constitute rather than displace one another—have become the modal, rather than marginal, form of governance across OECD polities. This analytical insufficiency carries direct policy-relevant implications. When metagovernance frameworks misclassify prevailing authority configurations, diagnostic tools derived from them generate systematically distorted prescriptions for institutional reform, accountability design, and democratic oversight. The stakes are thus not merely theoretical: misclassification perpetuates governance deficits in domains as consequential as climate adaptation, digital infrastructure regulation, and supranational fiscal coordination. The present article responds to this challenge through a structured critical reassessment of the regulatory state paradigm and its metagovernance derivatives. The paper proceeds as follows. Section 2 maps the intellectual genealogy of the regulatory state thesis and identifies its constitutive assumptions. Section 3 presents the comparative mixed-methods research design and data sources. Section 4 deploys empirical findings from twelve OECD jurisdictions to document the prevalence and structural logic of hybrid authority configurations. Section 5 introduces the Stratified Metagovernance Matrix as a revised analytical framework. Section 6 derives testable propositions and normative implications

for accountability reform. Section 7 concludes with reflections on paradigm revision in governance theory.

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References

1. Kocev, L. (2020). ACTIONS FOR DAMAGES FOR BREACH OF EU COMPETITION LAW—EFFICIENT MARKET PROTECTION THROUGH PRIVATE ENFORCEMENT: WITH EMPHASIS ON NORTH MACEDONIA. EU and comparative law issues and challenges series (ECLIC), 4, 869-893.
2. Toshevska-Trpchevska, K., Lei, W. C., Kocev, L., & Tonovska, J. (2024). REGIONAL TRADE AGREEMENTS: TOOL TO PROMOTE CLIMATE—SMART AND SUSTAINABLE TRADE. InterEULawEast: Journal for the international and european law, economics and market integrations, 11(2), 217-244.
3. Kocev, L. (2020). ACTIONS FOR DAMAGES FOR BREACH OF EU COMPETITION LAW—EFFICIENT MARKET PROTECTION THROUGH PRIVATE ENFORCEMENT: WITH EMPHASIS ON NORTH MACEDONIA. EU and comparative law issues and challenges series (ECLIC), 4, 869-893.
4. Toshevska-Trpchevska, K., Lei, W. C., Kocev, L., & Tonovska, J. (2024). REGIONAL TRADE AGREEMENTS: TOOL TO PROMOTE CLIMATE—SMART AND SUSTAINABLE TRADE. InterEULawEast: Journal for the international and european law, economics and market integrations, 11(2), 217-244.