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gLAWcal COMMENT #242

HOW DOES THE HIERARCHY WORK IN GOVERNANCE?

Based on

Margaret Stout and Jeannine M. Love
“Hierarchical Governance”



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Global Law Initiatives for Sustainable Development

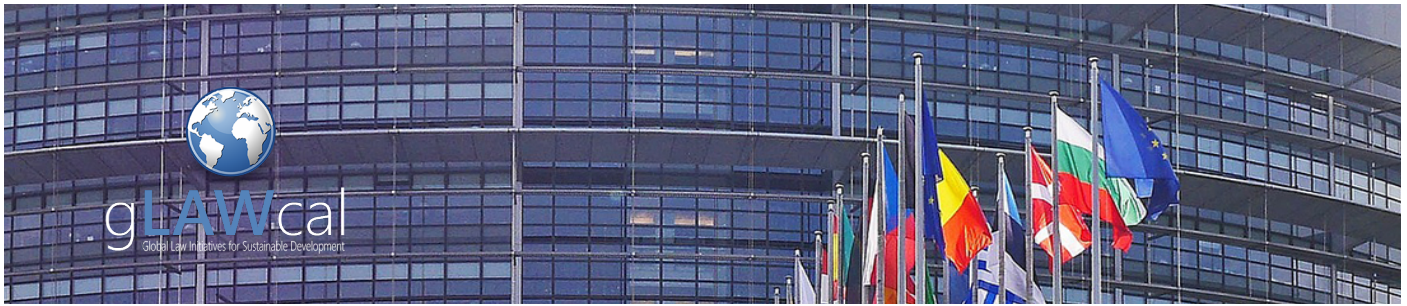


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A gLAWcal comment on "Hierarchical Governance" in Margaret STOUT and Jeanine M. LOVE "A Radically Democratic Response to Global Governance"

The authors explored the construction of a hierarchical governance, one where the top-level of government promulgates rules, responsibilities, and rights to citizens, and smaller jurisdictional governments. Interestingly they were able to distill down to two specific circumstances that gave legitimacy to the administrative state in this type of governance. First, is the use of incentives for individual citizens and entities to follow the direction and policy indications of the central government. This would be similar to instances where the United States federal government promulgated best practices for agrarian practices through the United States Department of Agriculture. The legitimacy of the agency was born through this voluntary participation. Yet, the citizens only partici-

pated in the direction of the agency because the USDA were seen as the experts in this arena. A secondary method by which cooperation of the citizens is less voluntary, but still legitimate, is to use the regulatory powers vested in the agencies by legislative action. The Environmental Protection Agency uses both of their expertise and regulatory powers to ensure that individuals and corporations within the United States adhere to rules and laws related to the purview of the EPA's domain. This chapter also weaves several theories through the discussion of the hierarchical governance through how it fits into political, economic, psychosocial, as well as other considerations which are made useful for when exploring the other structures of governance presented in other chapters in this book.



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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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