Beyond Devolution: From Subsidiarily to Mutuality
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in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

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In this chapter, Landy and Teles take a strong normative stance in favour of decentralization. They echo a point made on economic grounds by Scharpf in Ch. 13, namely, that the role at the federal level should be to allow states to function better as a democracy; this they call ‘the principle of mutuality’. Accordingly, ‘It should be the obligation of each level of government as it participates in joint decision-making to foster the legitimacy and capacity of the other. Local government contributes to central government by taking the brunt of the burden of citizen-demands and of providing a coherent and properly constrained voice for citizen grievances. To do so adequately, it must be both responsive and capable. Central government has the responsibility to facilitate and encourage the ability of lower-level governments to act as sites for deliberation and administration’. This leads Landy and Teles to stress the ways in which European Union powers need to be increased precisely and only to the extent to which this facilitative role is called for. In the end, they can see only classic indirect accountability as the way of enhancing the democratic legitimacy of the EU: ‘The EU needs democratic legitimacy, but that legitimacy should derive from its ability to protect the possibility for democratic government in its Member States, not from the largely fruitless mission of democratizing itself’.
Fleshes out some of the common horizontal themes emerging from the book, and presents the broad elements of federal vision that have been discussed. The vision calls for five concurrent shifts in understanding what matters about federal contracts, each central to fashioning a ‘federal’ response to the challenge of legitimacy. In particular, it is suggested how the notion of ‘subsidiarity’ as commonly understood—that political decisions should be made and policies conducted at the lowest, or most appropriate, level—should be fine-tuned, reinterpreted, or even relabelled. The five shifts that are discussed in the different sections of the conclusion are: from allocative outcomes to the process of change—legitimacy and flexibility; from distributed to shared competences—networked cooperation, proportionality, and changing forms of governance; from separation of powers to power checks—governance structures, procedural subsidiarity, and the safeguards of federalism; from power containment to empowerment—proactive subsidiarity, managed competition, and mutuality; and from multi-level (hierarchical) to multi-centred governance and horizontal subsidiarity. The concluding section looks towards a model of global subsidiarity.