

Authority Migration in Systems of Multi-Level Governance: North America and Europe in Historical-Institutionalist Perspective

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Abstract

Institutionalized authority relationships between territorial political units are subject to change on a more or less ongoing basis due to exogenous pressures or endogenous tensions. Such dynamical adjustments in systems of multi-level governance surface, for example, as processes of centralization or decentralization in federal states, as devolution in unitary states or supranationalization. So far, these developments have been addressed in rather separate strands of scholarship, most notably the literatures on regionalization, federalism or Europeanization. The purpose of this paper is to stimulate exchange between these pockets of research, all of which are devoted to various facets of territorial politics, by introducing an analytical framework inspired by historical institutionalism. It introduces a typology that categorizes processes of authority migration by their direction (bottom up versus top down), pace (abrupt versus incremental) and intensity (strong versus weak). The paper discusses mechanisms that may be responsible for diverging pathways of authority migration in systems of multi-level governance. Drawing on cases from North America and Europe, it illustrates the value of this analytical framework for the comparative investigation of the dynamics of territorial politics.

Work in progress – comments welcome!

Modern nation state formation has been a centralizing and hierarchical process. Modernization theory (Flora et al. 1999) has described this historical development as a process of external and internal boundary redrawing. The creation of external boundaries delimiting the space within which authority is exercised went hand in hand with the removal of pre-existing internal boundaries that had established centre-periphery relationships. Through the sequence of external closure and internal political structuring, modern state builders attempted to develop a congruent relationship between territorial (or physical-geographical) borders and socio-political (or functional) boundaries. According to Rokkan, this process can basically be traced on three dimensions: centre-formation through the foreclosure of exit-options for actors and resources within a territory, system maintenance through the mobilization of loyalty in order to stabilize authority relationships and political structuring through institutions destined to channel internal voice.

On the one hand, democratization of political authority clearly reflected the centralizing imperative of modern nation state development. Territorial cleavages became increasingly superimposed by functional cleavages through the nationalization of politics (Caramani 2004). On the other hand, however, the mutual relationship between the consolidation of external boundaries and the internal development of concentrated structures of authority has never been following a standardized unidirectional path. Rather, this process has always been mutable, dynamic and contingent. Where territorially defined cleavages remained salient, political structuring had not only be responsive to functional interest representation and socio-political cleavages, but also to the needs and claims of peripheral political elites. Moreover, despite the prevalence of functional cleavages especially in Western Europe, territorial cleavages have never disappeared completely. Since the second half of the twentieth century, shifting cleavage structures and boundary redrawing in the wake of European integration have triggered processes of political restructuring that open up new opportunities for the institutionalization of territorial representation and autonomy.

Therefore, political authority relationships are never fixed once and for all, but subject to change on a more or less ongoing basis. The stabilization of authority is dependent on the capacities of political leaders to elicit “contingent consent” (Levi 1997) on how authority is exercised. The notion of authority migration, originally coined by Elisabeth Gerber and Ken Kollman (2004), nicely captures the notoriously dynamic character of political authority relationships. Authority migration indicates an ubiquitous phenomenon the political science literature tends to tackle in rather isolated pockets of scholarship. The literatures on comparative state theory, Europeanization, multi-level governance, regionalization or federalism share a common concern about shifting relationships between vertically differentiated governing authorities.

Rather than directly tackling the question of the implications of these developments for democratic legitimacy, the main purpose of this paper is to explore the variety of patterns found in shifting authority relationships between and among territorially defined entities across time and space. The resurgence of territorial politics in the context of the so called post-Westphalian era has to be reconciled with different conceptions of democratic governance. However, since we lack universal yardsticks that would allow us generally to assess whether such processes of authority migration are good or bad for democracy, an adequate answer to questions of democratic legitimacy and effectiveness needs to take seriously the contextual conditions of each case. This paper, therefore, offers a typology of authority migration in systems of multi-level governance. In doing so, it attempts to further our understanding of both the peculiarities and more generalizable features of individual cases where such integrative or disintegrative forces are at work. A more straightforward

comparative approach is not only necessary to foster cross-fertilization among different political science literatures and to grips with the often alleged idiosyncrasies of particular cases, such as the European Union and the United States (for the EU see Fossum 2006). From a comparative point of view, explanations emphasizing “American Exceptionalism” or the *suis generis* character of the EU are rather dissatisfying. Moreover, I suggest that systematically discovering and comparing divergent or convergent patterns of shifting authority relationship is an important prerequisite to also assess their distinct democratic implications in a way that acknowledges contextual differences.

The paper is divided into four sections. I begin with some conceptual clarifications. The second section discusses different sources and mechanisms that drive processes of authority migration and might be responsible for pushing them in different directions over time. The third section introduces a typology that makes varieties of authority migration discernible by distinguishing their direction, pace and intensity. In the final section, I discuss in a very cursory way and by drawing on secondary literature how the interaction of ideational and institutional mechanisms can account for diverging developmental trajectories in selected cases from Europe and North America.

1. Vertical Authority Migration – Conceptual Clarifications

Following Gerber and Kollman (2004: 397), authority migration can be defined as “...the movement of power within a political system – both upwards (i.e. centralization) and downwards (i.e. decentralization or provincialization).” An important assumption underlying this take on political dynamics is that authority is never fixed once and for all. Rather, authority relationships among political power holders are always assumed to be precarious, uncertain and potentially in flux. The concept of authority migration largely corresponds with what Karen Orren and Stephen Skowronek have called “political development”. Similar to Gerber and Kollman, Orren and Skowronek underscore the contingency of political order in any given historical situation. Political development, then, is defined as a “...durable shift in governing authority” (Orren and Skowronek 2004: 123). Unlike Gerber and Kollman, however, Orren and Skowronek’s concept of political development is not confined to the vertical movement of power resources between territorially defined political authorities. It therefore acknowledges that authority migration also affects the horizontal structure of political authority, most notably the power relationship between the executive, legislative and judicial branches within a political system.

While it is important to appreciate the ubiquity of authority migration as a process that occurs on the horizontal and vertical dimension of political systems as well as to consider possible interaction effects between both dimensions, for the purpose of this paper I focus on the movement of power in systems of multi-level governance. A growing number of scholars has emphasized the resurgence of territorial politics in the context of the so called “post-Westphalian” order (Ansell and Di Palma 2004; Bartolini 2005; Beland and Lecours 2008; Caporaso 2000; Fabbrini 2005; 2007; Ferrera 2005; Hepburn 2010; Hooghe, Marks and Schakel 2010; Jeffrey and Wincott 2010; Keating 2008; McEwen and Moreno 2005; Swenden and Maddens 2009). Most notably, the growing salience of territoriality has been traced as processes of institutional change or institution-building (e.g. devolution, federalization, decentralization or supranationalization) and within the realm of politics (e.g. rise of regionalist or non state-wide parties). Examining these processes through the conceptual lens of authority migration holds much promise for a more encompassing investigation of patterns of change in multi-level systems and the causal mechanisms behind them.

Authority migration is a dynamical process operating through political institutions. Most generally, dynamics indicate the time-dependent behaviour of institutional arrangements. Institutional dynamics have a dual nature as they always comprise both continuity and change (Behnke and Benz 2009; Benz and Colino 2011; Benz and Broschek 2012). Political order is established and maintained through a set of institutional elements that cling together in a more or less coherent way (Olsen 2007; 2009; Orren and Skowronek 2004). Aside from the rather unlikely event of a complete institutional breakdown, institutionalized authority relationships move through and in time by simultaneously exhibiting patterns of stability and patterns of change. Whereas some elements might become subject to change from time to time, others remain unaffected.

Institutional stability is often a consequence of path dependence. Path dependent reproduction is a consequence of contingent past choices that “...feed back unintentionally to alter constraints and incentives for later decisions” (Parsons 2007: 72). There has been disagreement on how prevalent path dependence exactly is in the political world. Some scholars assume that path dependence is a rare phenomenon (e.g. Mahoney 2000), while others stress its salience (e.g. Pierson 2004). If we understand institutional change as a dual process always combining stability and change, however, the question of whether path dependence is a rare or ubiquitous phenomenon appears in a slightly different light. Path dependence is likely to be an important driving force for reinforcing the basic institutional pillars underpinning a political order. Hence, when it comes to the basic parameters that define how authority is distributed among territorial entities, it can be assumed that path dependence is an important stabilizing factor. Within this institutional baseline, however, we usually observe various degrees of change that occur on a more or less ongoing basis. The more we move from the general principles that inform an institutional architecture downwards to the institutionalized routines that shape its actual operation, the more we are likely to observe significant – “within path” and non path-dependent – variation over time.

The concept of institutional dynamics, therefore, moves beyond a too narrow focus on continuity often found in the historical institutionalist literature on path dependence. Institutional dynamics, by their very nature, always simultaneously consist of path dependent and non-path dependent patterns. What differs is the degree to which stability and change relate to one another within institutionalized authority relationships across time and spatial units. At times, such relationships are subject to far reaching processes of reconfiguration and yield a large amount of change within a short period while stable patterns move to the background. At other times, continuity predominates while only a closer, more fine-grained perspective reveals the inherently changing nature of authority relationships.

Overall, authority migration surfaces as processes of institutionalization, de-institutionalization and re-institutionalization of relationships among governing authorities (Olsen 2009: 10). In systems of multi-level governance, it is possible to trace such dynamical adjustments over time on at least three institutional linkages that basically constitute power relationships among territorially defined public authorities. First, authority relationships are constituted through the *distribution of competencies*. The distribution of competencies delimits the territorial scope within which political authorities are allowed to exercise control in certain areas of public policy. In systems of multi-level governance, institutional orders variously assign powers to decide, to act, to levy and to spend, thereby establishing asymmetrical relationships of power between and among territorial entities. Second, we also encounter authority relationships in the *intergovernmental arena*. Even federal systems seeking to exclusively allocate jurisdictions by creating “watertight compartments” have soon experienced the inevitability of institutionalizing a system of intergovernmental relations dedicated to cope with externalities. Third, authority relationships are created through *formal*

rules that ensure mutual participation in legislation among vertically differentiated governmental tiers. Usually, such rules appear as institutional provisions allowing lower levels to participate in the decision-making process on the higher level, for example via the representation of regional interests in the cabinet or a second chamber.

Vertical authority migration through institutionalization, then, refers to the process that generates relationships among territorially defined public authorities by linking them institutionally through the three channels (or at least some of them) mentioned above. De-institutionalization, in contrast, refers to the process that leads to the deconstruction of authority relationships. In the event that all three linkages are affected by de-institutionalization, the established order ultimately becomes subject to breakdown rather than change (see also Streeck and Thelen 2005: 29). Finally, re-institutionalization refers to dynamics that alter the functioning principle and institutional logic of established authority relationships. Through various patterns of change, existing institutional arrangements among public authorities shift over time. This implies rearrangements concerning the way how territorial entities are institutionally connected with each other or changes applying to the direction and locus of control of institutions.

2. Sources and Mechanisms of Authority Migration

Historical-institutionalist scholarship appears to be divided when it comes to the question of what causes institutional change. The literature on path dependence tends to see change induced by rather exogenous events that open up critical junctures from time to time (Capoccia and Kelemen 2007; Slater and Simmons 2009; Pierson 2004; Mahoney 2000). Others have stressed the necessity to endogenize the factors that drive institutional dynamics (Harty 2005; Mahoney and Thelen 2010; Lieberman 2002; March and Olsen 1998; Olsen 2009; Orren and Skowronek 2004; Thelen 1999). A more encompassing understanding of institutional dynamics in settings of multi-level governance, however, should be capable of acknowledging both, pressures from outside as well as from within institutional configurations in order to account for stability and change. Not only can both types of factors be relevant for authority migration. Moreover, it seems reasonable to assume that in most cases it is their interaction that prompts dynamical processes.

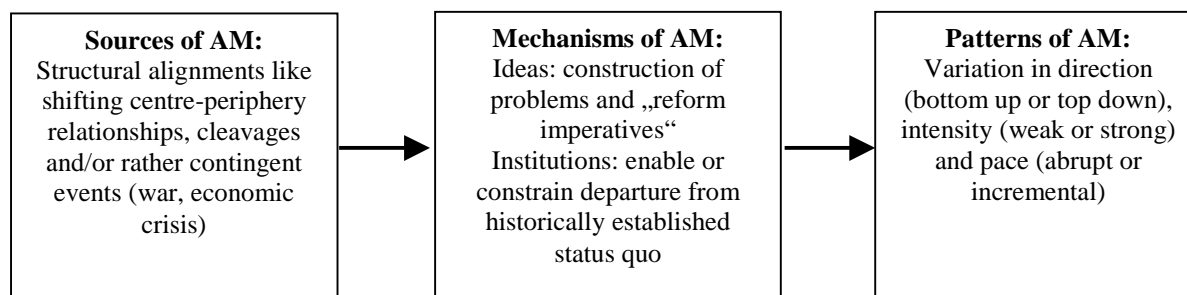
Gerber and Kollman (2004: 398) therefore suggest to distinguish between sources and mechanisms of authority migration. Sources are the more basic and foundational factors that build up pressure for change in systems of multi-level governance. Institutionalized authority relationships, most basically, are created as a response to collective problems emanating from the rather external realm of society and the international system. Historically, the dispersed structure of authority became increasingly concentrated within the institutional framework of the modern state. In Europe, this transformative process provided that the locus of control shifted from multiple sites of authority within the highly fragmented pre- and early modern feudal order to the newly emerging state (Ertman 1997; Rokkan 1999; Spruyt 1996; Tilly 1990). The centralizing impetus of modern state building fostered the emergence of a unitary organization as the norm. However, in those cases where the salience of centre-periphery relations tempered the process of centre-formation, federalism provided for an alternative, but nevertheless contingent institutional pathway. A federal organization of the state almost inevitably emerged as an institutional solution from the state-building processes in the North American colonies. The geographical extension of the frontier societies, alongside prevailing social diversity, perpetuated the weight of territorial cleavages, which were never superimposed by functional cleavages like in most parts of continental Europe. As a

consequence, several waves of so called “national policies” dedicated to foster national integration in the United States and Canada throughout the nineteenth and twentieth century had to be reconciled with the fact of federalism (Bensel 1984; 2000; Fowke 1957; Johnson 2007; King and Lieberman 2009; Leslie 1987; Skowronek 1982; Smiley 1975).

In many parts of Western Europe territorial politics have regained significance during the last decades (Jeffrey and Wincott 2010; Keating 2008). The reconfiguration of economic, socio-cultural or political-administrative centres constitutes an important contemporary source of change, unleashing pressure for processes of political re-structuring. European integration has been described as a new centre formation process, accompanied by boundary redrawing, new opportunities for actors to articulate voice or to take advantage from exit and, finally, new patterns of cultural integration. Territorial actors thus face new incentives to enhance their capabilities for autonomous action, which in turn has lead to a resurgence of “dormant” regional cleavages or the emergence of new territorial cleavages, new forms of competition among territorial entities or even patterns of competitive state building (Bartolini 2005; Fabbrini 2007; Ferrera 2005; Pierson and Leibfried 1995).

Yet sources of change per se cannot account for the varieties of institutional dynamics at work in systems of multi-level governance. As rather exogenous structural impulses, sources of change might open up new critical junctures or gradually cumulate to become a trigger for slow moving processes of institutional change. Even the same exogenous impulse for change, however, can have quite different effects in individual cases. In order to fully understand how such triggers translate into different patterns of authority migration we thus need to uncover the more proximate mechanisms of change that explain how pressure is causally connected with distinct outcomes. The interaction between two types of mechanisms is of particular importance here: ideational and institutional mechanisms (Figure 1).

Figure 1: Sources and Mechanisms of Authority Migration



Pressure for change manifests itself in ideas. Ideas contribute to explain how actors interpret their world in different contexts. This type of mechanism reveals how a “meaning context” is created (Schmidt 2010: 8). As an interpretative framework, a meaning context is largely responsible for the translation of structural forces into a contingent set of perceptions, preferences and solutions. Ideational mechanisms are thus pivotal for constructing a demand for authority migration. Due to their distributive consequences, institutionalized authority relationships depend on corresponding ideas that provide for support and legitimation.

There are several ways in which ideational processes can become a proximate cause for authority migration (Béland 2009; Blyth 2002; Schmidt 2010). For example, ideas influence human action through framing. Changing structural conditions need to be translated into (often) conflicting rhetorical frames that contribute to stabilize or challenge the established institutional configuration of authority relationships. Through rhetorical frames, political

actors attempt to influence the construction of a reform agenda, indicating pressing issues, problems and possible solutions. Ideas, furthermore, generate what has been called “frictions”, that is tensions between the way institutions reallocate material and immaterial resources among actors or groups on the one hand, competing understandings about whether or not the resulting power distribution is just and appropriate (Lieberman 2002). Entrepreneurial agents thus employ normative ideas seeking to mobilize support for discrediting an existing institutional order. Since institutions are inevitably vague, ambiguous and subject to multiple interpretations, ideas are further engaged to make alternative claims over their meaning and scope. Finally, depending on how certain ideas resonate within the larger context of society, they might become self-reinforcing and subject to “value amplification” (Béland 2009: 706). Value amplification captures an important ideational dynamic that reinforces and consolidates certain frames while it renders competing claims meaningless over time. Under certain circumstances, this logic can also provide that hidden or dormant ideas might become reactivated and increasingly regain significance. For example, especially in multi-national democracies like Great Britain, Spain or Belgium substate nationalism has survived the centralizing impetus of modern nation state formation. Within the framework of the nation state, substate territorial identities and solidarity ties might have temporarily become superimposed by overarching concepts of citizenship. However, resurgent regionalism and sub-state nationalism shows that such alternative claims over the primary political community have never been abandoned. Rather, framing and value amplification contributed to reactivate latent ideational scripts in order to initiate a substantial reconfiguration of vertical authority relationships.

While ideational mechanisms create a demand for authority migration, they cannot account for institutional change per se. Entrepreneurial agents employing ideas to challenge the status quo always confront an institutional setting that can either impede or promote their activities. Depending on how this historically established, path-dependent institutional configuration juxtaposes constraining and enabling elements, it shapes the prospects of entrepreneurial agents to effectively reallocate power resources among territorially defined entities. The pre-existing institutional order thus creates incentives that are more or less conducive to entrepreneurial politics. In systems of multi-level governance, institutionalized authority relationships between status quo defending and status quo challenging actors can basically be of two types (Broschek 2011; 2012). Inter-institutional mechanisms loosely couple different types of territorial actors through allocating power resources rather independently from each other. They provide for self rule and diffusion of power by assigning jurisdictions dualistically, empowering territorial authorities to decide and to act without (or only minor) mutual interference. Political actors might create a system of intergovernmental relations in order to co-operate bi- or multilaterally, but in case they do not come to an agreement they are still free to change the status quo unilaterally within the scope of their respective jurisdictions. Moreover, a dual allocation of competencies is usually fraught with considerable ambiguity, allowing entrepreneurial actors to engage alternative claims about the meaning and scope of constitutional provisions. It is notoriously difficult to determine exactly where the boundaries of subjects and matters begin, and where they end. Entrepreneurial agents can exploit this institutional ambivalence for a strategic redeployment of a given set of rules, especially when jurisdictions are not clearly specified like in the area of concurrent legislation. Inversely, intra-institutional mechanisms severely limit the ability of territorial actors to act independently from each other. Power resources are shared among and between them, and they jointly participate in the exercise of power. Intra-institutional mechanisms tend to constrain authority migration as they favour the position of status quo defending actors. Institutional exit options are non-existent. Instead, political actors are tightly coupled through a functional allocation of competencies, assigning the competence to one level of government

while leaving the other level with the authority to implement. Furthermore, in the intergovernmental arena, territorial power holders are embedded into systems of joint-decision making, institutionally enforcing actors to negotiate the conditions for changing the status quo. Finally, intra-institutional mechanisms firmly entrench veto-points, most notably through rules that provide for mutual participation in legislation.

3. Patterns of Authority Migration

Processes of vertical authority migration can take very different forms across time and space. It is therefore necessary to specify criteria for systematically exploring the vast range of patterns found in systems of multi-level governance. A typology of vertical authority migration needs to capture at least three facets of institutional dynamics: The direction of change, the intensity of change and the pace of change.

3.1 *The Direction of Change: Authority Migration Bottom up versus Authority Migration Top down*

Historical institutionalism highlights that at any given point in time, the political world is already institutionalized. Institutions are the man-made consequences of earlier “resolved contingencies” (Parsons 2007: 14). They shape the way how actors perceive and interpret existing problems and challenges at later points in time (Mahoney and Thelen 2010; Orren and Skowronek 2004; Thelen 1999; Thelen and Steinmo 1992). Departing from the historically established status quo in systems of multi-level governance, patterns of vertical authority migration differ, first of all, in terms of the *direction of change*. Depending on how power resources among territorial power holders shift on the vertical axis of multi-tiered systems, patterns of authority migration can be divided into two main types: bottom up or top down.

Authority migration bottom up is characterized through a centripetal dynamic in which institutional change yields a strengthening of territorial power holders residing on a higher tier. Given the centralizing impetus of modern state-building, this type has been particularly prevalent in the Westphalian context. External territorial consolidation of the modern state went hand in hand with the creation of an internal hierarchical political order. As a consequence, the development of modern nation states in Europe and North America has led to a migration of power resources from lower level tiers such as colonies, smaller kingdoms and principalities, cities or constituent units upwards. As a consequence, authority became more firmly entrenched at the level of the central (or federal) state.

Drawing on Stein Rokkan’s modernization theory, this process has been described as consisting of three components (Bartolini 2005; Ferrera 2005; Flora et al. 1999). First, the concept of centre-formation depicts the creation of an institutionalized political-administrative centre, vested with the authority to control transactions within and across the territory. Second, the concept of system-building captures corresponding attempts to foster loyalty and cultural integration within the boundaries of the state through standardization, collective identities and solidarity ties. Third, political structuring refers to the development and internal differentiation of political institutions dedicated to channel protest resulting from these processes through participation and representation via inter- or intra-institutional mechanisms.

According to the standard model of Continental European state formation, all three dimensions have displayed a centripetal dynamic which fostered the creation of concentrated structures of authority. War mobilization and welfare state development provided that the centralizing impetus has continuously been felt as an important driving force of state development until the 1970s. Yet in many cases initial conditions proved to be an important obstacle to the establishment of concentrated authority structures. Depending on the distinct relationships between economic, cultural and military-administrative centres within a geographical area where integrative dynamics have been at work, such initial conditions opened up opportunities for diverging developmental pathways of authority migration.

The salience of centre-periphery conflicts thus left its imprint on the process of political structuring. Accordingly, varieties of political structuring display different institutional solutions to accommodate peripheral voice. Within the framework of a unitary state, some cases such as the United Kingdom provided for a (formal or informal) intra-institutional incorporation of peripheries at the centre, most notably through the Welsh and Scottish Office. In other cases, federalization occurred as a viable alternative to the creation of a unitary state. Once a federal system had been established, the scope for further centralization of authority was variously constrained or enabled through the distinct configuration of inter- and intra-institutional mechanisms.

Arguably, the case of the United States represents the first important deviation from the Continental European pathway of state development in the Westphalian context. Over the course of more than 200 years, American political development reveals an ongoing migration of authority from the constituent units to the federal level. While the authority structure has always remained fragmented, it was possible to establish a federal system characterized by a comparatively high degree of centralization over time. As the literature on American political development has demonstrated, the United States have never been a stateless country. The nature and strength of the American state, however, does not become immediately obvious when viewed through the lens of the Weberian framework that stresses highly centralized bureaucratic structures as its essential defining feature (Skowronek 1982; King and Lieberman 2008; King and Stears 2011). Rather, the state in the US has developed different, yet functionally equivalent institutionalized routines that furnish the federal bureaucracy with considerable capacities to actively formulate policy goals and exercise a broad range of coercive, regulatory and distributive functions.

More recently, European integration has been described as a new state-building process characterized through weak centre formation on the supranational scale (Bartolini 2005; Ferrera 2005). Most basically, the EU's limited capacity to exercise authority primarily results from the polycephalic nature of the integration process. There are multiple political-administrative, cultural and economic centres spread all over the territory. European institutions have been layered on top of historically developed nation states that had already pre-empted the full array of state functions. Initial conditions, therefore, proved to be rather unfavorable for the newly emerging centre to effectively control the transcendence of systemic boundaries and to foster loyalty through the creation of a collective identity and solidarity ties.

Authority migration top down takes the other direction. It is accompanied by a centrifugal dynamic, transferring power resources from higher to lower sites of authority. Instances of authority migration top down can be found in both the Westphalian and post-Westphalian context. As for the former, this type of authority migration often preceded modern nation state formation. The United States and Canada both emerged from processes of decolonialization that entailed a gradual shift of authority from the British motherland downwards to the

colonies. In Continental Europe, the dissolution of supranational orders like the Holy Roman Empire or the German Confederation involved a similar vertical shift in the locus of control. Moreover, in Canada the highly centralized constitutional scheme of the British North America Act (BNA Act) became increasingly decentralized through two larger waves of authority migration top down. The first wave of decentralization began shortly after Confederation in the 1870s and 1880s and was succeeded by a second and even more lasting wave that had its roots in new forms of province-building during the 1960s and 1970s (Broschek 2009).

In the post-Westphalian context, the top down modus resurfaces primarily through decentralization in federal systems (e.g. in Canada and, to some extent, in Germany), devolution (like in the UK or Italy) or even the federalization of unitary states (e.g. Spain or Belgium). Several factors have been identified as sources behind these centrifugal dynamics, most notably the crisis of the Keynesian paradigm, new forms of territorial mobilization and the impact of negative integration on the member states of the EU (Jeffrey and Wincott 2010; Keating 2008). Table 1 gives an illustrative overview of historical examples for bottom up and top down authority migration in Europe and North America.

Table 1: Authority Migration Bottom up and Top down: Examples

	<i>Bottom up-Type</i>	<i>Top down-Type</i>
- supranational	European Union	-
- national	Modern state-building in Continental Europe (16-19th century), either unitary (UK, Italy, Belgium) or federal (Switzerland, Germany) USA (18/19th century) + Canada (19th century)	Decolonialization within the British Empire: USA (18th century, revolutionary) and Canada (19th century, incremental) Dissolution of confederal structures with weak centre in Continental Europe (19th century, Holy Roman Empire, German Confederation)
- subnational	-	Secession (USA) Decentralization in federal states (Canada, Germany), Devolution (Italy, UK) and Federalization of unitary states (Belgium, Spain)

3.2 *The Pace of Change: Abrupt versus Gradual*

While the direction of change provides a foundational typological element to distinguish two basic forms of vertical authority migration, such patterns vary also with respect to the *pace of change*. Most basically, it is possible to distinguish between abrupt and gradual processes of authority migration. During critical junctures, “history’s heavy hand” (Ikenberry 1994) is felt less strong, leaving considerable leeway for entrepreneurial agents to alter the established status quo within a comparatively short time interval. While antecedent conditions still confine the aims to which political actors aspire and the repertoire of strategies they might employ in order to challenge or defend the status quo, structural constraints are significantly relaxed, allowing for contingent alignments and path-breaking changes that might usher in a substantial reconfiguration of institutionalized authority relationships within a rather brief time interval (Capoccia and Kelemen 2007; Slater and Simmons 2010).

Critical junctures often triggered processes of state-formation in the Westphalian context. Federations such as the United States, Canada, Switzerland or Germany evolved as contingent outcomes of revolutions, wars or perceived threats that, for a brief moment in time, had opened up a broad range of different developmental trajectories. Such critical junctures can, however, generate quite distinct outcomes. In the German case, for example, Prussia's victory in the Prussia-Austrian war of 1866 pushed the historical trajectory into the direction of an increasingly centralized federation with strong intra-institutional features, whereas in Canada the centralizing outcome of the BNA Act was soon reversed (Broschek 2012). In the United States, the foundational constitutional scheme emerged during the critical juncture between 1776 and 1789. On the one hand, the replacement of the Articles of Confederation with the Constitution of 1787 implied a significant departure from the historically established status quo. The federalization process in the United States created a political union out of thirteen distinct colonies that had still monopolized authority under the confederal framework of the Articles of Confederation. The Constitution of 1787 broke with the confederal principle through combining federal and confederal elements to form a compound democracy (Fabbrini 2007; Ostrom 1987). On the other hand, despite this important institutional achievement, federalization provided for only a limited expansion of federal authority. Initial conditions proved highly unfavorable for the creation of a strong territorial centre. Centre formation in the United States evolved within a polycephalic structure which bore some resemblance to the European trading belt (Fabbrini 2007: 33). The consolidation of a strong centre was thus impeded through the salience of centre-periphery cleavages firmly grounded in distinct regional economies as well as socio-cultural and political differences between these sections (Bensel 1984). These unfavorable conditions were further complicated through the new polity's geographical extension and the open frontier, which severely hampered the capacity of the federal state to effectively control exit options for individuals, groups or territorial units.

The foundational institutional framework of the EU too emerged from a critical juncture triggered by the Second World War. This exogenous shock opened up several contingent pathways for the reorganization of the European state system. As the foundational scheme emerged during the 1950s through the Treaties of Paris (1951) and Rome (1957), it reflected a contingent alignment of different ideas that had been associated with the project (Parsons 2002; Rittberger 2009). Accordingly, confederal (or intergovernmental) institutional elements were combined with federal (or supranational) elements to form another compound democracy (Benz 2003; Fabbrini 2007). Similarities with the historical configuration in the United States thus not only pertain to the weak political-administrative centre, but also in terms of political structuring more generally. The political system of the EU resembles that of the United States with respect to the clear separation of powers horizontally (between the European Commission, the European Parliament and the Council of Ministers, and the European Court of Justice) and the institutionalization of a double majority within its legislative body, representing "the people" and the constituent units. Moreover, both political systems have a powerful and independent judicial branch and strong regulatory agencies (Majone 2005; Scharpf 1999).

Finally, it is important to note that abrupt change in systems of multi-level governance is not necessarily limited to far sweeping critical junctures triggered by war and revolutions. Especially if institutional constraints are low, like in the case of devolution in the UK, the pace of change within a rather limited time interval can be comparatively high. Due to the principle of parliamentary supremacy, the institutional threshold for conducting potentially far reaching reforms is only a majority in Parliament. This enabled the Labour government in

1997 to initiate abrupt change through the re-institutionalization of authority relationships between Westminster on the one, Scotland and Wales on the other hand (Gamble 2006).

More frequently, however, authority migration appears to follow an incremental, “within path” pattern. As a consequence, the time horizon within which change plays out is considerably longer. Patterns of authority migration, then, only become discernable when viewed as a “moving picture” rather than a “snapshot” (Pierson 2004). The historical-institutionalist literature has suggested to distinguish patterns of incremental change like layering, drift, conversion or displacement (Streeck and Thelen 2005; Mahoney and Thelen 2010), which bear considerable potential to systematically analyze how institutional linkages between territorial power holders slowly change over time (Broschek 2011; 2012). Patterns of incremental change typically occur when authority migrates within an established institutional path. Centralization or decentralization, then, results from the changed enactment of existing rules (conversion), the gradual removal and substitution of established rules (displacement), the changing impact of existing rules due to contextual shifts (drift) or the introduction of new rules on top of existing ones (layering).

Through *conversion* entrepreneurial agents exploit the ambiguities often entailed within institutional provisions in order to incrementally expand the scope of control within their jurisdictions. In systems of multi-level governance, a dual allocation of competencies is particularly vulnerable to conversion as the boundaries of matters often remain unclear and contested. In addition, residual competencies contain within themselves a considerable potential for conversion. In Canada, for example, the federal government was temporarily able to reverse the decentralizing path during the first half of the twentieth century through actively cultivating the federal spending power doctrine. The spending power doctrine enabled Ottawa to initiate fiscal transfers even in areas of exclusive provincial jurisdiction. Drawing on a number of sections in the BNA Act, the federal government thus used conversion to reactivate latent institutional resources, thereby gradually shifting authority relationships within the federation. Similarly, in the European Community (EC), Art. 308 (EC) (ex Art. 235 EC) established a residual power for the Community to legislate in all areas of the common market that are not specified through existing treaties. Until the late 1980s, this constitutional provision turned out to become an important source of legislative expansion (Schütze 2003). Through conversion, therefore, the EC was able to redirect existing institutions to new purposes (for example in environmental policy) without formal change.

Displacement occurs when new institutions are introduced and compete with pre-existing ones until they are eventually suspended (Mahoney and Thelen 2010). The creation of a common market through negative integration often displays this mode of incremental change. In the EC/EU, treaty provisions furnished both the Commission and the ECJ with the authority to compel member states to replace existing national regulations whenever they are incompatible with the common market. A similar pattern can be found in the United States in the late nineteenth century. As Kimberley Johnson (2007: 48) has shown, Congress was able to unilaterally replace existing state regulations by invoking constitutional provisions such as the commerce clause, the spending clause and the necessary and proper clause. Displacement was thus an important strategy to yield gradual authority migration bottom up through negative integration.

In case of *drift*, authority migration emerges in a rather passive mode when shifting contextual conditions lead to an gradual change in the impact of existing institutions. For example, drift contributed to authority migration top down in Canada because competencies that had appeared to be of minor importance at the time of Confederation, most notably those related to welfare state development, turned out become an important resource for province-building at later points in time (Banting 1987; Pierson 2004). Finally, in case of *layering*, new

elements are added to existing institutions so as to incrementally alter their function or impact. Layering, therefore, is a type of bypassing strategy: Because entrepreneurial agents are unable to directly dismantle a targeted institution, they try to shift authority relationships by way of a detour. A newly introduced layer is expected, for example, to skim off support for the old layer or is presumed to destabilize the established institutional configuration (Streeck and Thelen 2005, 31). A good example for authority migration bottom up through layering is the introduction of vertical fiscal transfers. Grants-in-aid in the United States or conditional grants in Canada have frequently been used by federal governments in order to bypass policy-preemption through constituent units.

3.3 *The Intensity of Authority Migration: Strong versus weak*

The pace of change involved in processes of authority migration is not identical with its impact. Even though the notion of a critical juncture suggests some form of encompassing change, it is not necessarily the case that it brings about a major re-institutionalization of authority relationships. As Capoccia and Kelemen (2007: 352) point out, change is not an inevitable outcome of a critical juncture: “If an institution enters a critical juncture, in which several options are possible, the outcome may involve the restoration of the pre-critical juncture status quo.” Inversely, over the long term gradual change can accumulate and substantially alter the logic of an existing pathway (Thelen and Streeck 2005; Mahoney and Thelen 2010). It is therefore important to further distinguish the intensity of authority migration in order to arrive at an adequate understanding of the variety of patterns found in systems of multi-level governance. For example, in a recent study on the historical evolution of the German Federal Council, Kathleen Thelen and Sebastian Karcher (2012) demonstrate the resilience of this institution through two critical junctures following after the First and Second World Wars. While the two critical junctures did not affect the basic organizing principles of Germany’s Second Chamber, the authors hint at slow-moving, but substantial patterns of authority migration as a consequence of the changing operation of the Bundesrat in the post World War period.

The extent to which jurisdictions are reallocated among territorial power holders is an important indicator for the intensity of authority migration. In some cases, only jurisdictions of minor significance are transferred bottom up or top down, while in others we observe more substantial shifts. The “right to act” and the “right to decide” (Braun 2000) might be reshuffled in only very narrowly circumscribed classes of subjects, limiting the capacities of territorial entities to independently shape the living conditions of their citizens. Alternatively, the transfer of competencies can span important matters such as social policy, taxing and spending powers or natural resources which are of great importance for democratic self-determination. In addition, an indicator for the intensity of authority migration is the transformative logic entailed in processes of institutional change. It is rather strong when inter-institutional linkages are substituted with intra-institutional arrangements or vice versa. For example, instead of claiming exclusive authority over certain jurisdictions, territorial power holders can seek to strengthen their position by obtaining the right to participate in legislation within the institutions of the other governmental tier. Legislative power then migrates to intergovernmental bodies dedicated to foster cooperation or even joint-decision-making within certain policy domains. Alternatively, the capacity of governmental tiers to act autonomously is strengthened if existing co-decision rights are relaxed. For example, the shift from unanimity to qualified majority voting in the Council of Ministers has weakened the veto-rights of individual member states in the European Union over time and, therefore, implied a rather indirect loss of authority.

More generally, the intensity of authority migration refers to the extent to which institutional change produces a departure from the historically established status quo. Cases from both the bottom up and top down categories vary substantially in terms of how much change is involved in individual episodes of authority migration. As noted above, the federalization of the United States and Europe lead to a comparatively low transfer of authority upwards. In contrast, in Canada and Germany federalization brought about a more significant departure from the status quo. Whereas in Germany this trajectory became self-reinforcing and reproduced over time, in Canada the provincial rights movement successfully challenged and, to some extent, reversed the original outcome during the 1870s and 1880s. Provincial governments effectively tapped into dormant power resources built into the constitutional arrangement of the BNA Act, developed state capacities and, in doing so, initiated a period of incremental, but comparatively encompassing authority migration top down shortly after the critical juncture of 1867 (Broschek 2009).

Considering more recent examples of authority migration top down, there is a similar variety of patterns in terms of their intensity. Sources of change such as negative integration or territorial mobilization obviously translate into distinct trajectories of institutional change. In Italy and the UK, authority migration emerged as devolution within the established framework of a unitary state. On the one hand, in both cases the intensity of authority migration was apparently too weak to develop a more transformative dynamic that would have ushered in a process of federalization. On the other hand, a closer comparison of both processes reveals important differences. In Italy authority migration was far less substantial as the regionalization process that had been initiated in the early 1990s soon became stuck. After some initial efforts had been made with the introduction of the *Leges Bassanini* in 1997 and the constitutional reforms of 1999 and 2001, further attempts to reinforce this reform pattern – most notably the constitutional reform of 2005 – largely failed. Authority migration between the mid 1990s and 2005 brought about a modest transfer of competencies downwards (including fiscal resources) and reduced existing asymmetries through an upgrading of the constitutional status of the 15 ordinary regions. Since then, however, the processes appears to be caught within an erratic and cyclical sequence that displays further steps towards modest decentralization as well as attempts to re-centralize and curtail the competencies of the regions (Amoretti 2011; Behnke 2010; Grasse 2005). Devolution in the UK, in contrast, seems to have followed a more straightforward pattern of authority migration top down. Political re-structuring reveals a more substantial transformative potential as established authority relationships between the centre and the periphery became both de- and re-institutionalized. While the historical trajectory basically followed a logic of building peripheries “in” at the centre through intra-institutional mechanisms, this pattern shifted to a logic of building peripheries “out”.¹ Existing institutional linkages between Westminster were either weakened or, as in the case of the Scottish Office, even abolished and authority transferred to the newly created National Assembly of Wales and the Scottish Parliament (Gamble 2006; Keating 2007; Mitchell 2009; Trench 2007). At the same time, intergovernmental relations are still comparatively weakly developed and institutionalized. In the case of Scotland, devolved jurisdictions comprise highly sensitive areas such as social policy, which are well suited to foster loyalty and solidarity ties on the substate scale (Béland and Lecours 2008). While authority migration has unfolded in an asymmetrical pattern displaying different degrees of intensity in Scotland and Wales, recent developments such as the Government of Wales Act of 2006 and the Welsh devolution referendum of 2011 suggest that Wales is catching up. Unlike in Italy, the devolution process in the UK appears to have become ratcheted in, yielding a large amount of change within a comparatively brief period in time.

¹ The notion of “building in” and “building out” was introduced by Richard Simeon (2009: 247f.).

Finally, the case of Belgium provides an interesting example of authority migration top down. The federalization process moved gradually, covering a time span of 23 years from 1970 to 1993, but brought about a substantial shift of authority downwards. The basic pattern reveals some similarities with devolution in the UK. It has been straightforward and unidirectional, even if it unfolded significantly slower, and also operates through a logic of “building out”. Institutional change has involved the creation of new institutions, most notably the Communities and Regions in 1970, which then emerged as the main focus for future reforms. In an ongoing process entailing four more constitutional reforms (1980, 1988, 1993 and 2001), a remarkable scope of jurisdictions (including fiscal powers) has been continuously transferred top down and the legislative capacities of substate institutions enhanced correspondingly (Deschouwer 2009; Hooghe 2002; Petersohn 2011; Swenden et al. 2006).

4. Conclusion: Towards an Explanation of Varieties of Authority Migration

Shifting centre-periphery relationships and cleavage configurations create foundational sources of authority migration in systems of multi-level governance. However, such rather exogenous pressures translate into quite distinct patterns of change. As noted above, both the pace and intensity of authority migration is highly contingent on the interplay of two more proximate mechanisms. First, ideas and frictions indicate the demand for change, which can be either high or low. Depending on how entrepreneurial agents are able to create an environment of reform by employing ideas to mobilize support for a reallocation of power resources, the pressure for change might increase correspondingly. Second, depending on how inter- and intra-institutional mechanisms create an institutional environment more or less conducive to entrepreneurial politics, the demand for authority migration is further filtered and channeled. Whereas intra-institutional mechanisms establish veto points that enable status quo defending actors to put a brake on institutional change, inter-institutional mechanisms make a departure from the status quo easier to achieve. They tend to empower entrepreneurial agents as they avoid joint-decision traps, provide for flexible modes of cooperation and furnish individual power holders with resources to act rather independently from each other.

Table 2 attempts to locate the cases that have been touched upon in order to illustrate the analytical value of the analytical framework sketched above for the comparative exploration of the dynamics of territorial politics in Europe and North America. As can be seen, instances of authority migration are divided into two broad categories depending on the direction of institutional change (bottom up and top down). Individual cases assigned to one of the two categories can then be further distinguished by the intensity and pace of authority migration involved in each process. Table 2, therefore, displays the varieties of patterns of authority migration and considers individual cases that, by and large, match differently combined criteria. In a very cursory way, the following section discusses how ideational and institutional mechanisms can account for the distinct patterns of authority migration.

Table 2: Patterns of Authority Migration: Selected Cases from Europe and North America

	<i>BOTTOM-UP TYPE</i>	
	Abrupt	Gradual
Intensity weak	(1) USA 1780s (Federalization) EC 1950s (Federalization)	(2) EC/EU since 1970s (Centralization) USA 1877-1920 (Centralization)
Intensity strong	(3) Canada 1860s (Federalization) USA 1865-1877 (Centralization)	(4) Canada 1930s-1960s (Centralization) USA 1950s-early 1970s (Centralization)
	<i>TOP-DOWN TYPE</i>	
Intensity weak	(5) Italy since the 1990s	(6) Germany since 1990s (Decentralization)
Intensity strong	(7) UK since late 1990s (Devolution)	(8) Canada (1870s-1920 and 1960-1995) (Decentralization) Belgium since 1970 (Federalization)

In the United States, authority migration bottom up occurred both through patterns of abrupt and gradual change, and with different degrees of intensity. Even though a more centralized – or Hamiltonian – conception of the American state has always been an important ideational frame introduced into the political discourse by entrepreneurial agents in order to mobilize support for authority migration bottom up, institutional constraints built into the foundational constitutional scheme allowed peripheral actors to put a brake on such attempts. Political structuring in the United States put a strong emphasis on entrenching channels for participation and representation of the periphery within federal institutions through intra-institutional mechanisms. In addition to the highly rigid amendment formula, provisions channeling interests within the electoral college, the Senate and even the House created an institutional environment rather uncondusive to entrepreneurial politics. As a consequence, in order to overcome the highly fragmented and incoherent state of “courts and parties” (Skowronek 1982) that emerged during the nineteenth century, the developmental trajectory in the United States depended on two succeeding critical junctures that had been generated by the outcome of the Civil War between 1861 and 1865 and the Great Depression in the late 1920s.

Both order-shattering developments contributed to relax institutional constraints on authority migration for a brief moment in time and contributed to a reconfiguration of the conditions the original foundational scheme had been build on (Ackerman 1991). Secession of the southern Confederacy, the outbreak of the Civil War and the highly contingent victory of the North paved the way for a new phase of state-building as progressive forces of the North were able to capture the institutions of the federal state and impose their economic and political agenda on the defeated South without any constraints (Bensel 1990). When the Reconstruction era came to an end in 1877, intra-institutional constraints were reactivated as the South was reintegrated into the political system based on its acknowledgment of loyalty to the Union. Even though the end of Reconstruction slowed down the pace of authority migration to the federal level correspondingly, modernization of the American state continued to proceed in a

more gradual way. This process comprised patterns such as displacement (substitution of patronage-based system with a merit-based system for civil service appointment through the Pendleton Civil Service Reform Act of 1883 and creation of United States Civil Service Commission), conversion (more broad and expansive interpretation of federal jurisdictions, most notably the Interstate Commerce Clause and Necessary and Proper Clause, beginning with the Interstate Commerce Act of 1887) and layering (introduction of new intergovernmental policies, most notably conditional grants to states, beginning with the Hatch Act in 1887) (see Johnson 2007; Skowronek 1982). While these reforms incrementally fueled federal authority with sufficient power resources to build and enforce a national economy through negative integration, this new American state proved inadequate to effectively cope with the social and economic challenges of the early twentieth century. Again, intra-institutional checks provided status quo defending coalition, most notably white Democrats from the South, with an important institutional resource to thwart entrepreneurial agents' efforts to further expand the role of the federal government as an agent of positive integration, particularly in the area of social policy (Finegold 2005). The incremental extension of federal authority during the second half of the twentieth century was rendered possible through the critical juncture of the 1930s, which Bruce Ackerman (1991) has described as the third constitutional "moment" in US history (Ackerman 1991). Again, it required the order-shattering event of a deep crisis to absorb institutional constraints on authority migration for a comparatively brief episode in order to reset the constitutional trajectory on which federal authority is exercised in the long term.

Dynamics of authority migration in the United States and the EU reveal striking similarities (Fabbrini 2007). Most basically, authority migration in the European Union has been incremental and occurred on two levels. First, since the ratification of the Single European Act in 1986, authority has been migrating upwards through an ongoing (and open-ended) process of constitutional politics. Through several stages of treaty reforms from Maastricht to Lisbon, constituent units gradually transferred more competencies to the EU. While the this proceduralization of constitutional politics has much in common with the Canadian experience (Fossum and Menéndez 2011; Hueglin and Fenna 2006), authority migration in the EU has never been exclusively an outcome of big summit decisions. At least equally important has always been the second and more subtle dynamic driven by the ECJ's expansive interpretation of the *acquis communautaire*. Like the early American state, the EC/EU had to rely on its strong and independent judicial and regulatory authorities as functional equivalents to substitute lacking substantial administrative capacities and fiscal resources. On this level, authority migration usually followed the logic of conversion since existing rules were unilaterally enacted in new ways that ultimately strengthened the position of the European level vis-à-vis the member states.

Considering the comparative brief historical sequence that spans the process of European integration, there has been a remarkable shift of authority upwards over the last 60 years. However, it is equally true that there is a widespread perception that the EU is poorly equipped to cope with increasing internal and external challenges. Quite similar to the situation in the United States during the late nineteenth and early twentieth century, the EU has been able to acquire sufficient authority to foster negative integration, but its capacity to play a pivotal role in positive integration remains limited. The demand for change, in other words, has been continuously high. However, intra-institutional mechanisms provide status quo defending member states with an crucial institutional device to thwart more ambitious efforts to tackle what Trechsel (2005: 397) has aptly called the "federal deficit". Whether or not the current crisis is deep enough to ultimately create another "constitutional moment" remains to be seen.

Finally, the prevalence of intra-institutional mechanisms in Belgium and Germany has curbed the pace and intensity of authority migration top down. In Germany, the majority of fiscally weak Länder (often in alliance with the federal government) were able to make use of their veto power in order to avert several efforts of fiscally strong Länder such as Bavaria and Baden-Württemberg to decentralize taxing powers, the social insurance scheme or regional policy. The foundational source of change primarily originated from European integration. Especially rich Länder discovered a growing appetite for extending their scope of autonomous action in order to become more competitive. On the ideational level, they attempted to frame a reform imperative. Employing the paradigm of competitive federalism (Wettbewerbsföderalismus), they tried to discredit the established idea of unitarianism and horizontal solidarity. Institutional constraints, however, provided that the intensity of authority migration remained weak. Through a sequence of different reform attempts between 1992 and 2006, only rather narrowly circumscribed jurisdictions have eventually been transferred to the Länder level (Scharpf 2009; Ziblatt 2002). In the case of Belgium, the high demand for change emerging from the fundamental disputes between Flanders and Wallonia and the increasing incompatibility between Flemish and Belgian nationalism did not prevent the substantial shift of authority downwards. However, intra-institutional mechanisms are responsible for reducing the speed of authority migration and for directing this process into an incremental pattern. Temporarily, this institutional setting has even created a joint-decision trap (Benz 2011). As Béland and Lecours (2008) have shown, the impact of intra-institutional constraints has been felt particularly in the area of social policy. Francophone parties, alongside the social partners (labour unions and business associations) have successfully protected major pillars of the Belgian welfare state from decentralization efforts launched by entrepreneurial agents from Flanders.

This leaves us with two cases which display a comparatively high degree of congruence between the demand for change and resulting patterns of authority migration: Canada and the UK. In both cases, institutional mechanisms seem to filter frictions in a rather undistorted way. The UK is well known for its flexible constitution. Due to the doctrine of parliamentary supremacy, far reaching institutional change is only contingent on a majority in Parliament. Theoretically, this low institutional threshold makes it equally easy to introduce and to reverse substantial change. In practice, however, and unlike in the case of Italy, devolution in the UK has become self-reinforcing. This makes any immediate reversal of this trend rather unlikely. In Canada, it is the combination of Westminster-style democracy with a federal system that ties territorial entities together almost entirely through inter-institutional mechanisms that can account for the strong intensity of authority migration. Given the highly contested nature of the Canadian state, the demand for change has always been high. Frictions resulted from the collision of province-centred compact theories on the one, a pan-Canadian conception of federalism on the other hand. The concentration of authority in the hands of both, the federal and provincial governments ultimately ushered in a dynamic of Keith Banting has aptly coined “competitive state building”, yielding several substantial shifts in authority both upwards and downwards over time.

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