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*Concept, Causes, Consequences*

Sean Mueller

# Shared Rule in Federal Theory and Practice

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*Für Mariam*



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*Lausanne and Bern*

*November 2023*

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# List of Abbreviations

AUS	Australia
AUT	Austria
BEL	Belgium
BiH	Bosnia and Herzegovina
BNAA	British North America Act
CAN	Canada
CiU	<i>Convergència i Unió</i>
CDU	<i>Christlich Demokratische Union Deutschlands</i> (Christian Democratic Union of Germany)
CHE	Switzerland
COAG	Council of Australian Governments
CodeCo	<i>Comité de concertation</i> (Concertation Committee)
CSG	Council of State Governments
CSU	<i>Christlich-Soziale Union in Bayern</i> (Christian-Social Union in Bavaria)
DEU	Germany
DUP	Democratic Unionist Party
ECPR	European Consortium of Political Research
EEA	European Economic Area
ERC	<i>Esquerra Republicana de Catalunya</i> (Republican Left of Catalonia)
ESP	Spain
EU	European Union
ITA	Italy
KdK	<i>Konferenz der Kantonsregierungen</i> (Conference of Cantonal Governments)
MP	Member of Parliament
NCSL	National Conference of State Legislatures
NGA	National Governors Association
N-VA	<i>Nieuw-Vlaamse Alliantie</i> (New Flemish Alliance)
OECD	Organisation for Economic Co-operation and Development
PM	Prime Minister
PP	<i>Partido Popular</i> (People's Party)
PSOE	<i>Partido Socialista Obrero Español</i> (Spanish Socialist Workers' Party)
PNV	<i>Partido Nacionalista Vasco</i> (Basque Nationalist Party)
RAI	Regional Authority Index
RGI	regional government influence
SNP	Scottish National Party
SPD	<i>Sozialdemokratische Partei Deutschlands</i> (Social Democratic Party of Germany)
SVP	<i>Schweizerische Volkspartei</i> (Swiss People's Party)

## xvi List of Abbreviations

UK	United Kingdom of Great Britain and Northern Ireland
USA	United States of America
VB	<i>Vlaams Belang</i> (Flemish Interest)
VAT	value added tax
VIF	variance inflation factor

# 1

## Introduction

### Why Shared Rule?

Sharing is caring.

**English proverb**

Sharing is very much *en vogue* these days. We encounter it and practise it in our daily lives, from the ‘sharing economy’—in the form of couch-surfing and Airbnb, car- and bike-sharing, co-working spaces and shared flats, job-sharing, and file-sharing—through market shares and shareholders, all the way to shared values and memories in national communities and, finally, ‘governmental power sharing’ (Keil and McCulloch 2021; Cederman et al. 2022, 15). Even political parties, those crucial organizations without which modern democracy could hardly function, have been linked to sharing by Sartori (2005 [1976], 4), who notes their ‘association with taking part, and thereby with sharing’.

Indeed, it is difficult to think of a social activity that does *not* involve sharing something with somebody in one way or another: news is shared with friends and family, public transport is shared by locals and visitors, deliberative democracy is defined through the exchange and sharing of arguments in favour and against a given position, ‘the commons’ amounts to a shared resource accessible to all, and even companies competing for customers share the same market.

But sharing is deeply ambiguous. Some goods diminish in quantity or quality when shared; others increase. Sharing involves both giving and taking, growing and maintaining, creating and depleting, and it can be driven by selfish motivations or altruistic ones—or both at the same time. Take, for instance, nationalism, which consists of ‘shared memories, myths, symbols and traditions, including foundation myths’ (Smith 2005, 39; also Kymlicka 1995, 76): the more items that are shared and the more numerous the sharers, the more intense the ensuing feeling of belonging to the same community. Yet when it comes to market shares, the fewer companies there are that have a share, the better it is for individual shareholders. Thus, depending on the

## 2 Shared Rule in Federal Theory and Practice

object shared and the nature of the sharers, sharing has radically different effects.

The same ambiguity applies to sharing in the political sphere, which is what this book is concerned with. As an umbrella term, ‘power-sharing’ refers to four main institutional arrangements which, although they share(!) certain basic characteristics and often appear together, could not be more dissimilar in their underlying mechanisms. On the one hand, ‘power-sharing’ is used to describe *consociational* arrangements in which power is shared between social groups (e.g. [Lijphart 1969, 1977, 2012, 2018](#); [Hartzell and Hoddie 2003](#); [Bormann et al. 2019](#); [Juon and Bochsler 2021](#)). Widely known instances of such forms of power-sharing include grand coalitions, in which the two biggest parties agree to share the sum total of executive power by dividing up ministerial portfolios between them, and the more general inclusion of ethno-cultural minorities in government ([Sisk 1996](#); [Cederman et al. 2022](#)). [Strom et al. \(2015, 171–2\)](#) call this the ‘inclusive’ dimension of (consociational) power-sharing, as diverse actors come together in one place—usually the executive<sup>1</sup>—to share power.

On the other hand, ‘power-sharing’ is also used for—and sometimes even treated as synonymous with—*federalism* (e.g. [Pallaver and Karlhofer 2017](#); [Dardanelli et al. 2019a](#)). Here, the term refers to the division of power across at least two different levels of governance, usually a single federal government and several regional governments. [Strom et al. \(2015, 172–3\)](#) label this the ‘dispersive’ dimension of power-sharing, since rather than having the actors come together in one place, authority is distributed across several locations, namely the federal and regional capitals.

These different definitions also give rise to a second distinction concerning how and by whom power is shared: for federalism scholars, territories are the primary unit of analysis, whilst for consociationalists, it is rather groups as ethno-national communities, or at least the political parties claiming to represent them. Although it is, in principle, possible for the two dimensions to overlap perfectly—such as when a group is found exclusively on a single territory that it dominates completely—there will always be group members living outside their ‘homeland’ and any given territory will always contain at least some members of other groups.

Nor is it merely a question of semantics, since territories and groups also bring with them different mechanisms of internal legitimation and possibilities of inclusion/exclusion. Reflecting the divide between ‘corporate’ and ‘liberal consociationalism’ ([McCulloch 2014](#); [Mueller et al. 2019](#); [Juon and](#)

<sup>1</sup> I will use ‘government’ and ‘executive’ as synonyms unless otherwise specified.

Bochsler 2021), a territory can be inhabited—and thereby ‘filled’—by anyone, whereas groups remain groups. Thus, only a territory can change its predominant cultural identity. At the same time, a territory provides greater security and ‘fixity’, in that it promises to remain in place(!) forever (e.g. Delaney 2005). Moreover, whereas group boundaries may be easy to define in theory but difficult to police in practice, when it comes to territory the matter is much simpler—and, indeed, maybe even *too* simple, as the numerous straight lines drawn by European colonizers attest. In sum, whilst power-sharing as consociationalism is primarily a technique for including different groups at the centre, power-sharing as federalism is predominantly regarded as the dispersal of authority on a territorial basis.

Cross-tabulating the locus of sharing and the character of the sharers, as in Table 1.1, reveals that there are two further dimensions of power-sharing, broadly understood. As will be explained shortly, this book is primarily concerned with regional influence at the central level. Table 1.1 also clarifies how we can make sense of some of the ambiguity that underpins the notion of sharing. For only when sharing is done at the centre (top row) is there actual contact between actors: ‘Jointness is inherent and critical to the way that we think about sharing ...you do not share unless you are actually there and engage in the togetherness’ (Strom et al. 2015, 169). By contrast, sharing in the sense of dividing, dispersing, and fragmenting power (bottom row) entails different dynamics altogether, namely a lack of contact, mutual isolation, and the collective separateness of groups or regions. Non-central power-sharing is thus much closer to the idea of a separation of powers than it is to sharing in the sense of having a share in joint bodies, such as the national government or parliament, or in a common public sphere.

A first contention advanced in this book is that scholars of federal and territorial politics have paid too little attention to this second dimension of

**Table 1.1** Dimensions of power-sharing

Locus (and modus) of sharing	Character of sharers	
	Territorial entities/regions	(Non-territorial) groups
Central (inclusion)	Regional influence	<b>Consociationalism as group inclusion</b>
Non-central (dispersion)	<b>Federalism as regional autonomy</b>	Group autonomy

*Note:* Shaded cell = focus of this book; bold text = dominant approach or understanding.

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federalism (i.e. sharing as togetherness) because of an excessive focus on sharing as dividing power (i.e. sharing as separateness). The same holds true for regionalist-nationalist parties pushing for a greater say over their own affairs in places such as Catalonia and Scotland (cf. [Lecours 2021](#)): by insisting on regional autonomy above all else, they have largely neglected the importance of influence over state-wide decisions. The last decade has shown that this oversight has come back to haunt them, even if the case can be made that the perpetuation of exclusion is a perfect instrument for mobilization: if the ‘recruitment of radicalized rebels is generally harder the more accommodative the government’s approach becomes’ ([Cederman et al. 2022](#), 41), then radicalization is more likely to occur when groups or territories lack influence at the centre.

But whilst consociationalists should inspire scholars of federalism to pay heed to the dimension of ‘inclusion at the centre’, federalists could in turn show consociationalists how to take territory seriously. Even the pathbreaking study by [Cederman et al. \(2022\)](#) focuses—like so many others in the field of conflict and peace research—exclusively on group inclusion and territorial autonomy, thereby neglecting *regional* inclusion.<sup>2</sup> This would not be a problem were it not for the fact that the benefits of group inclusion and power-sharing more generally *also* manifest themselves through territory. This is precisely where the second contention of this book—the core hypothesis, so to speak—comes in: *providing regional governments with influence over state-wide decisions (= shared rule) can lead to a more efficient and legitimate exercise of authority*. I write ‘can’ because there are, as always, certain conditions that need to be fulfilled for the institution of shared rule to have the desired overall positive effect. However, before we discuss the details of design, let us take a closer look at the dichotomy of self-rule versus shared rule, which has traditionally been postulated but never really investigated in a comprehensive manner.

### 1.1 Federalism as self-rule and shared rule

Federalists, regionalists, and other scholars of multilevel governance are keen to insist on the normative and empirical explanatory value of territorial

<sup>2</sup> The fourth aspect of [Table 1.1](#), group autonomy, is taken into consideration by operationalizing regional autonomy only insofar as ‘group representatives ... exert actual influence on the decisions of this entity, acting in line with the group’s local interests’ ([Cederman et al. 2022](#), 47).

power-sharing—by which they mainly mean, as we just saw, regional autonomy; that is, de- or non-centralization. They emphasize the spatial proximity of decision-making to citizens; greater responsiveness to their needs; greater accountability; policy variation, experimentation, and learning; and, ultimately, the increased legitimacy of collectively binding decisions. However, in this appraisal they confine themselves to highlighting the value of regional autonomy (i.e. ‘self-rule’), paying much less attention to regional influence—although both elements are usually contained in definitions of federalism. Elazar (1987, 12) famously put it as follows:

It is useful to reiterate what is meant by federalism in this context. The simplest possible definition is self-rule plus shared rule. Federalism thus defined involves some kind of contractual linkage of a presumably permanent character that (1) provides for power sharing, (2) cuts around the issue of sovereignty, and (3) supplements but does not seek to replace or diminish prior organic ties where they exist.

The problem is that Elazar never properly defines what he means by ‘shared rule’ (see Chapter 2). In fact, the literature on federalism largely neglected this side of territorial power-sharing, as compared to self-rule, at least until the Regional Authority Index was devised in the late 2000s (Hooghe et al. 2008, 2016). Yet both regional autonomy and influence at the centre are necessary ingredients for reconciling diversity with unity and freedom with order (e.g. Proudhon 1979 [1863]; Popelier 2021a). A proper understanding of both dimensions of territorial power-sharing (see the first column in Table 1.1), as well as their interaction, is thus needed if we are to harness the full potential of territorial power-sharing. Or so this book claims.

Dardanelli et al. (2019a, 1; emphasis added), for example, base their entire work on the following premise: ‘At its heart, federalism is a constitutional device to *share* power between at least two orders of government. The *division* of responsibilities and resources between the central government and the constituent units is thus crucial to the operation of federal systems.’ They accordingly measure to what extent legislative and administrative responsibilities in twenty-two policy areas, in addition to fiscal capacities, lie more with the central government *or* more with regional governments. Yet this ignores the following issues: whether the latter continue to have a say even in policy areas that have been formally centralized, as in Germany through the Bundesrat<sup>3</sup>; whether they informally influence federal legislation before,

<sup>3</sup> This was mentioned during the project discussions in which I took part. The ‘solution’ was to acknowledge this as a limitation: ‘Taking into account only its legislative, administrative or fiscal autonomy [= self-rule] means underestimating *Land* power because we need to consider the influence of a *Land* in

during, and after the federal parliament has had its say, as in Switzerland; whether they lobby the federal authorities in the capital and on the ground with or in opposition to other civil society organizations and businesses, as in the USA; and whether they occasionally rely on political parties to gain access and influence at the centre, as in Spain or Belgium. In short, the (de-)centralization continuum is great at capturing the dispersion dimension of federalism, yet it is blind to inclusion.

Moreover, focusing on self-rule alone teaches us nothing about situations in which shared rule is largely absent, as in Canada, and how this arrangement compares to that of federations with equally strong autonomy but accompanied by extensive formal or informal shared rule, as in Switzerland. There is thus a whole other half of the federal world just begging to be explored, which is why this book focuses on shared rule as ‘the energetic pursuit of common ends’ (Elazar 1987, 5; also Watts 1996; Behnke 2018, 36). Of course, as concepts, both self-rule and shared rule operate according to territorial principles and relate to political power in describing how public authorities take collectively binding decisions (see the first column in Table 1.1). However, just as the territorial scope of each concept is radically different—that is, regional versus state-wide—so too is the mode of decision-making: each region for itself under self-rule versus one region, or several regions jointly, with or against the federal government under shared rule.

At the same time, these two concepts are obviously interconnected, since they both take regional governments as their point of departure. There are two broad ways in which we can think of the relationship between them. On the one hand, self-rule and shared rule can operate in a *complementary* manner. Regional self-rule corresponds to decentralization and freedom from central interference (e.g. Dardanelli et al. 2019a, 8), whereas the currently dominant understanding of shared rule is as a mechanism through which regions can participate in national decisions (Mueller 2014; Hooghe et al. 2016). Hence, shared rule can be used to fend off central encroachment on regional self-rule (cf. Bednar 2009)—the former is the shield, the latter the sword for getting things done on the ground, and a knight needs both. Eaton (2020), for instance, convincingly shows how the lack of shared rule in post-1991 Colombia made it harder to hold onto newly acquired self-rule.

participating in federal legislation through voting in the *Bundesrat* and in joint policy-making with the federal government [= shared rule] (Kaiser and Vogel 2019, 89; emphasis in the original).

A related point is that shared rule enables regions to (continue to) have a say even in centralized policy areas; that is, domains that are in principle removed from and outside the scope of their self-rule. This gives them additional power, on top of what they have preserved for themselves in the domain of self-rule. Here, it is self-rule that amounts to a stable defence (the shield), whilst shared rule provides effective offensive power (the sword). This complementarity explains why a key measure of federalism adds together the observed scores for self-rule and shared rule, as each captures a different dimension of the same underlying phenomenon: regional authority (Hooghe et al. 2016, 23). Accordingly, most federal countries *sensu stricto*—that is, which label themselves as such, notably via constitutional language—are characterized by high levels of both self-rule and shared rule, as measured by Hooghe et al. (2016). It was in this vein that Hamilton defended the transition to a federation back in 1787:

The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the national sovereignty by allowing them a direct representation in the Senate [= shared rule], and leaves in their possession certain elusive and very important portions of sovereign power [= self-rule]. (*Federalist Papers* no. 9; emphasis added)

But self-rule and shared rule can also be thought of as *compensatory*. In this reading, when few powers are centralized—that is, where regional self-rule is strong in (institutional) depth and broad in (policy) scope—there is less need for shared rule: if the centre is weak and unimportant, why bother trying to influence it? That was the story of much of nineteenth-century American and Swiss federalism, with each level of governance living fairly well in splendid isolation from the other. Only with the growth of the central state after World War II did regional governments begin to look ‘upwards’ for funds and (de)regulation. Conversely, when centralization is high (= low regional self-rule), being able to influence central decision-making becomes much more imperative: a seat at the table is all the more interesting the bigger and fuller the table. It is thus hardly a coincidence that the first experts to study the lobbying efforts of local government in their state capitals were French (Goldsmith 1990; Page 1991).<sup>4</sup> In other words, greater regional autonomy and central influence could cancel each other out, as it suffices to have one or the other. Yet the connections between self-rule and shared rule in federal

<sup>4</sup> Ladner and Keuffer (2021, 220) later conceptualized this as the ‘access dimension’ of local autonomy, defined as ‘[t]he extent to which local authorities are consulted to influence higher level governments’ policy-making’.

political systems have not yet been systematically investigated (see, however, [Eaton 2020](#) for Colombia).

A brief look at a specific example should clarify this point further. With devolution leading to the gradual extension of self-rule to Scotland, Wales, and, albeit to a lesser extent, Northern Ireland, the paradox that MPs from these regions could vote on English matters in Westminster but English MPs could not vote on devolved matters grew in salience. Scotland in particular, as the largest and most vocal of the three peripheries, was seen to have both self-rule (for itself) and *too much* shared rule (over others). Known as the ‘West Lothian question’, a solution was devised in 2015 so that only English (or English and Welsh) MPs get to debate matters affecting only England (or England and Wales) ([Kelly 2017](#)). In other words, the influence of MPs from the devolved areas over state-wide affairs (shared rule) was *reduced* in reaction to the growth of peripheral self-rule, especially in Scotland.<sup>5</sup>

Kymlicka (2005, 282; emphasis added), using the example of Puerto Rico, draws a more general and normative conclusion: ‘The less that a group is governed by the federal government [= high self-rule], the less of a right it has to representation *in* that government [= low shared rule].’ It would seem to follow that the *more* a group is governed by the federal government (i.e. the lower its own cultural or territorial autonomy), the more of a right it has to representation (or, by implication, influence; cf. [Palermo 2018](#)) *in* that government. This is, of course, the exact opposite of what US states and Swiss cantons desire when they seek to shape central decisions in their favour *and* boost their regional autonomy at the same time.

Are self-rule and shared rule then really two sides of the same coin respectively called ‘regional authority’ and ‘federalism’? Or do we have to think of them as alternative conceptions of a political system’s territorial organization—one built on centrifugal ‘dispersion’ through regional autonomy, the other on centripetal ‘inclusion’ through shared rule? Or are matters more complex still, with the effects of shared rule conditional on the specific parties, purpose, and mode of sharing? Whilst the relationship between these two concepts forms the background and motivation for this book, the main

<sup>5</sup> The specific issue in this example is that such ‘state-wide’ matters do not directly relate to Scotland, Northern Ireland, and Wales, and thus are not technically state-wide, and the equation of what is left with England (or England and Wales) is due to England not having its own devolved parliament. Yet the broader point remains: *less* influence at the central level for some MPs from some regions (shared rule) in reaction to *increased* self-rule. Note, too, that as of 2005 the number of MPs from Scotland was reduced from 72 (of 659, i.e. 11 per cent) to 59 (of 646, i.e. 9 per cent) in reaction to devolution ([Bennie 2016](#), 37; [Audickas et al. 2017](#), data annex), anticipating that pattern. A further particularity of the UK case is that MPs from the (pan-)Irish nationalist party Sinn Féin regularly win seats at Westminster, but never occupy them: parliamentary shared rule is regarded as legitimizing British authority over Northern Ireland and *obstructing* true self-rule; that is, unification with the Republic of Ireland (e.g. [Maskey 2018](#)).

focus will be on shared rule as the neglected twin sister. Nevertheless, the type and degree of self-rule matters for understanding the cause, purpose, and effect of shared rule, as we shall attempt to do in this book.

One final question to be answered here concerns agency: *who* is exercising shared rule? Finding a satisfactory answer to this becomes particularly important in cases where there is *no* government to act on anybody's behalf, or when a given group is not territorially concentrated, with the result that influence must be sought using different channels. Nevertheless, for the sake of parsimony and in keeping with the focus of much of the literature on federalism, the present study remains confined to *regional governments*. They are the ones who speak most often and most authoritatively on behalf of the areas and peoples they represent.

## 1.2 Exit, voice, and loyalty

Compared to self-rule, shared rule is conceptually messier, harder to obtain, more varied in form, often subtler in its exercise, and yet potentially more effective when it comes to safeguarding federal diversity and unity. At this point, we can no longer avoid talking about [Hirschman's \(1970\)](#) 'exit, voice, and loyalty' (EVL) framework, as there are simply too many conceptual parallels with the self-rule versus shared-rule dichotomy.

[Hirschman's \(1970\)](#) famous study was, by his own account (pp. vii and 44–5), motivated by a series of assumptions related to the failure of the Nigerian railway to run efficiently and retain its customers. In essence, the choice of every customer or member of an organization or polity boils down to two choices: *exit*, which means no longer buying the product or leaving the organization, and *voice*, which Hirschman conceptualized exclusively in terms of communicating a grievance (i.e. complaining about 'an objectionable state of affairs', p. 30) and not in terms of offering praise and encouragement ([Dowding et al. 2000](#), 476). Both exit and voice serve to signal dissatisfaction with the declining quality of a product or performance of an organization, which in turn provides the management or power-holders with an opportunity to improve before it is too late and all goes bust.

Only totalitarian regimes, terrorist groups, and criminal gangs provide for neither voice nor exit ([Hirschman 1970](#), 121). Leaving these exceptions aside, the timing and form of both voice and exit depend to a great extent on a third variable, *loyalty*, by which is meant one's 'special [personal] attachment to an organization' (p. 77). In line with [Dowding et al. \(2000, 476–7\)](#), we can distinguish 'brand loyalty' from 'group loyalty': the former denotes attachment

to a specific product or policy, the latter attachment to the entity or organization to which one belongs. Group loyalty encourages voice and discourages exit, as it pushes members to try and change things from within. Brand loyalty further delays the onset of voice by producing greater attachment to products. Translated into political terms, group loyalty can be equated conceptually with attachment to the polity or overall state, whereas brand loyalty symbolizes identification with the government of the day.

Exit and voice are both complementary and compensatory, just like self-rule and shared rule. On the one hand, exit and voice can be thought of as *alternatives*: either grievances are voiced or the product is abandoned by making an exit. Moreover, whilst some organizations provide only for exit, others only foresee voice. Exit is also possible after grievances have been voiced but ignored or only insufficiently addressed (Dowding et al. 2000, 473). On the other hand, exit and voice can also be *combined*, notably by threatening exit when voicing one's concerns, or by protesting whilst exiting (ibid.). Equating voice with shared rule as regional influence over central decisions and exit with self-rule or regional autonomy (see also McEwen and Lecours 2008; Jachtenfuchs and Kasack 2017; Broschek 2020a) lets us first postulate that it is the presence of both that defines the ideal-type federation (cf. Smiley and Watts 1985, 4). The ideal combination of these aspects would thus seem to represent a key contribution to a federation's optimal performance, but—to the best of my knowledge—this claim has not yet been articulated in these terms or in such an explicit way,<sup>6</sup> let alone tested empirically.

A second reason to mention the EVL framework is its usefulness in pointing out the wider effects of both voice and exit, or self-rule and shared rule as we refer to them here. For not only do the type and degree of loyalty affect the timing and choice of exit and/or voice but possibilities for voice and (partial) exit also in turn affect loyalty. Whilst responding adequately to voice, so as to avoid regions making an exit, is a prudent strategy for central governments, regional governments will, in turn, see their (group) loyalty to the overall system heightened if they are provided with channels to voice their concerns (Lecours 2021). Seen from 'below', shared rule thus signals a certain commitment by the central government to uphold the (metaphorical or real) federal bargain that has been entered into, whilst also giving regional governments a stake in the overall system (Shair-Rosenfield 2021; Cederman et al. 2022, 27).

<sup>6</sup> In the next section, I address arguments that institutional 'safeguards' (Bednar et al. 2001; Bednar 2009), a specific type of political party system (Filippov et al. 2004), or 'dynamic autonomy' (Lecours 2021) stabilize federalism.

A third reason is that, seen from the centre, shared rule as regional influence provides for additional inputs (i.e. voice) in central decision-making. These might help sustain or even improve current performance and thus prevent others from exiting—for example, businesses or highly educated citizens (brain drain)—thereby ultimately fostering *their* sense of loyalty. Such is, in essence, the promise and record of consensus democracy or power-sharing writ large (e.g. Lijphart 2018; Bernauer and Vatter 2019; Freiburghaus et al. 2023): the inclusion of all relevant segments results in better policies for all, not just for those included. Hence, when Hooghe and Marks (2013) ask, ‘How does the functional pressure of population and the demand for soft information get translated into the political pressures that shape decision-making?’, the answer might be shared rule: regional governments as ‘decentralized’ or ‘non-centralized’ (Elazar 1984, 2) agents are closer to their people and can share(!) their expertise with central decision-makers to the benefit of all.

Learning from the EVL framework thus allows us to concisely state the three main expected benefits of shared rule, conceived of as regional voice:

1. To improve the performance of the political system, or at least to maintain its high current levels, to the benefit of both those who used voice and others who remained silent.
2. To foster (group) loyalty; that is, to increase the regional sense of belonging to the overall polity.
3. To avoid exit; that is, the break-up of the state.

This book is an attempt to theorize about and empirically assess these promises. Has this not been done before? Not really, as I argue next.

### 1.3 Federalism as cooperation

At heart, federalism is about cooperation. It is about bringing people and polities together to jointly achieve what they could not have achieved by themselves. It involves coordination and mutual aid, on a minimal conception, and common institutions and rules, on a maximal one. Such is the traditionally confederal view of territorial politics which, this book argues, has been largely lost in both academic research and political discourse (cf. e.g. Elazar 1967). A focus on shared rule is also an attempt at resuscitating that tradition and, indeed, worldview.

Politically, the dominant view is that voters want politicians to fight for them, even if it is often unclear against whom, that voting merely serves

to designate a winner and that the majority is always right, that the others are enemies rather than opponents (Ignatieff 2015), and that cooperation and compromises signify weakness, at best, and betrayal, at worst. But human beings are social creatures, born into and embedded in certain social and territorial spaces. What is a political community if not an attempt to live together peacefully and prosperously? The antagonistic view of politics as a market of free-floating individuals and, by extension, adversarial parties and governments contrasts starkly with a more communitarian approach that pays heed to arguments, emotions, and symbols alongside interests, rationality, and raw power (e.g. Mansbridge 1983; Ostrom 1990; Stone 2012, 12).

On the theoretical level, the two main paradigms to have replaced (con)federalism as cooperation are federalism as (i) competition and (ii) separation of powers. Economists are particularly keen to emphasize the benefits that flow from fiscal federalism—by which they essentially mean fiscal decentralization—whilst comparative politics has insisted on *The Federalists Papers*' famous dictum that '[a]mbition must be made to counteract ambition' (no. 51). Of course, federalism is *also* about competition and keeping rulers in check, but this was never its primary purpose. Rather, ensuring that polities can continue to compete and safeguarding against abuse of power at the central and regional levels are both mere afterthoughts to that initial motivation to cooperate: now that we have created something new, how can we ensure that it continues to deliver what it is supposed to? What is the best way to institutionally structure the new system?

Two dilemmas thus emerge, dilemmas to which every federal political system has had to find at least a temporary solution (Filippov et al. 2004; Bednar 2009). The first involves the power balance between the federal and regional levels (Riker 1964): the new centre needs to be given powers and resources of its own to achieve its goals, but if it becomes too strong, the regions will wither away. Conversely, if these regions remain or become too strong, either individually or collectively, the centre will be reduced to little more than their agent, deprived of autonomous decision-making powers and hampered by anything short of unanimity. Consequently, something or rather *somebody* has to police the vertical balance of powers and sanction transgressions that go too far in either direction.

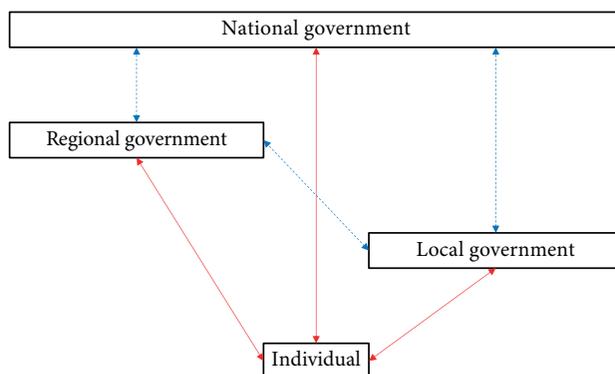
The second dilemma involves the fixity of the rules governing this relationship: they need to be flexible enough so that they can be amended, for the entire political system or selected policy areas or functions, when such a need arises (Benz 2018, 9). At the same time, the rules governing the vertical

distribution of power need to be rigid enough to guarantee a reasonably predictable future and instil confidence in the continuation of federal relations (Filippov et al. 2004, 32). Translated into cost–benefit language, exiting must appear costlier than staying and complying, and regional actors must know that others know that too (Bednar 2009, ch. 3). In sum, there must be mechanisms and procedures that simultaneously guarantee the status quo and leave room for change.

The core thesis of this book is that providing regional governments with the means to influence state-wide decision-making (i.e. shared rule) helps resolve both of these dilemmas as well as, if not better than, mere division and restriction. *Shared rule, when properly designed, contributes to overall stability, efficiency, and legitimacy.* It does so by ensuring that regions cooperate both among themselves (horizontally) and with the federal government (vertically) if and when necessary, thereby fostering trust and empathy. Outsiders are able to hold those involved in decision-making accountable and the governments at both levels are put in place by democratic processes for which the success of shared rule is, in turn, a key element.

By contrast, the prescription that we should neatly (and exclusively) divide and disperse power stems from an assumption that one level of government, whether federal or regional, is necessarily superior at solving problems or delivering services. In today's complex environment, it is even more urgent to question that assumption than it was after World War II (Elazar 1984; Mueller and Fenna 2022). In turn, the idea that we should merely restrict the federal government through strong regional governments or, alternatively, keep regional governments in line through a strong federal government is based on the premise that politicians everywhere are self-centred power maximizers. But that is hardly a healthy foundation for a system of government that requires voters to trust their representatives at both levels of government. Instead, we should let the rule of law, a robust media, healthy civil society organizations, and free and fair party competition take care of holding elected officials accountable—whilst simultaneously making sure that governments at both levels can bring their cooperative efforts (which are happening anyway, out of the sheer necessity of tackling current challenges) out into the open, where success is rewarded and failure punished.

Figure 1.1 depicts this enlarged understanding of democratic federalism in terms of the multiple relations that ensue from it. Individuals vote for and hold their governments accountable at three (or more) levels (Papadopoulos 2023), and these governments interact with each other across different levels. Governments can compete *or* cooperate; they control *and* coordinate. What is more, democratic and federal interactions at times clash, whilst at other



**Figure 1.1** A relational perspective on federal political systems.

*Note: Solid lines = democratic relations between individual and governments; dashed lines = federal relations between governments situated at different levels.*

times they reinforce each other (see, more generally, [Benz and Sonnicksen 2021](#)). The claim advanced here is indeed the latter: that acknowledging and strengthening territorial interactions contributes not only to federal but also to democratic stability.<sup>7</sup>

Cooperation is not something that governments intent on controlling each other should be ashamed of, as the dual model of federalism is often mistakenly understood to claim (e.g. [Elazar 1967](#), 83), nor is it an aspect of politics that we should necessarily deride as a deviation from the competitive ideal. In fact, cooperation works very well with both these other paradigms: for instance, regional governments can band together to better hold the central government accountable, pooling their resources in the process and agreeing on a common battle strategy. Alternatively, they can agree on identical standards or even form joint institutions to police their implementation, so as to better compete and survive in what are now global markets.

Take climate change, a particularly pressing and complex policy field. It has two main dimensions: *adaptation* policies minimize the harmful effects on nature, infrastructure, and the economy; *mitigation* reduces environmentally harmful emissions and helps society transition towards renewable energy (e.g. [Kammerer et al. 2023](#)). At this stage, there is hardly any area that is not somehow touched by climate policy in the broad sense. Clearly, then, there

<sup>7</sup> The same is true, by implication, for local–national as well as local–regional interactions, which are, however, not the focus of this book. For more on this, see [Page \(1991\)](#), [Mueller \(2014\)](#), [Ladner and Keuffer \(2021\)](#), and the literature on and debate about ‘sanctuary cities’ (e.g. [Collingwood and O’Brien 2019](#)).

is little sense in a single state or province pursuing its own CO<sub>2</sub>-reduction programme or a nation-state shifting completely to renewables on its own. Various cooperative efforts at the international level attest to the accepted insight that going it alone is simply not possible. What is more, there is evidence of first-mover disadvantages in climate policy because of the significant costs involved (e.g. [Fisher 2013](#); [Casado-Asensio and Steurer 2016](#)), so the normal rules of experimentation vaunted by advocates of federalism as competition do not apply. Federalism as ‘ambition to counteract ambition’ similarly leads to problems if one level of government constantly prevents progress elsewhere. If cooperation is what gets us out of a mess, we should wish for institutions that facilitate and reward such endeavours—which is precisely what consociational theory has pushed for with regards to groups and their representatives (e.g. [Lijphart 2012](#); [Strom et al. 2015](#)).

That said, institutions of shared rule, when properly designed, achieve more than simply encouraging cooperation across and along levels of government. Not only do they recognize and take seriously the need for governments to occasionally cooperate in relation to certain tasks, rather than constantly competing or keeping jealous watch over the other’s achievements and celebrating their failures. Not only do they regulate the otherwise unregulated influence of (some) regional governments over state-wide decisions, helping actors to solve collective-action problems in a good, old-fashioned cooperative way ([Ostrom 1990](#)). Properly designed shared-rule channels also give regional governments an actual stake—quite literally ‘a share’—in the overall state. Influence-seeking always entails a certain ownership, and perceived ownership, in turn, entails a desire to change things for the better (however one defines ‘better’). This runs counter to the centrifugal tendencies that have come to characterize multinational contexts, in particular, where only self-rule (regional autonomy) is present, but not shared rule as defined here, as is notably the case in Spain, the UK, and Canada (e.g. [Lecours 2021](#)).

What is more, the ownership mechanism works at both ends of the spectrum: shared rule incentivizes regional governments to think and act in state-wide terms, on the one hand, and it confronts central governments with varying regional realities, interests, and value systems, on the other. Repeated contact then fosters trust and empathy, which in turn makes contact and cooperation more likely (e.g. [Bolleyer 2009](#); [Mueller and Hechter 2021](#)). Finally, in forcing central governments ‘to explain and justify their conduct’ to regional governments in forums with ‘a dialogical component’ and ‘face positive or negative consequences’, all three stages of accountability are present ([Papadopoulos 2023](#), 2; also p. 16). Hence, just like strong

bicameralism, independent courts, and other institutional ‘checks on power wielders’, shared rule too could better ‘constrain governmental choices than [mere] accountability to voters because institutional forums have the capacity to directly oversee governments continuously and apply direct sanctions’ (ibid., 21).<sup>8</sup>

## 1.4 Design recommendations

Such is, in essence, the main argument of this book: shared rule, when properly designed, helps solve collective-action problems in multilevel systems. However, just as in democratic elections, the design of shared-rule institutions should fulfil certain conditions in order to achieve this goal. Elections must be free, fair, competitive, regular, and secret (e.g. [Bühlmann et al. 2012](#); [V-Dem 2022](#)) in order to be counted as democratic. Similarly, for shared rule, the conditions for that institution to work as intended are dictated by the premises of effectiveness, democracy, and fairness. In short, the power to influence state-wide decisions should be optional rather than mandatory, substantial but not decisive, and multilateral rather than bilateral. These three principles form the contours of properly designed shared rule:

1. *Optional rather than mandatory influence.* There must be channels—for example, procedures, forums, specific dates, or even places—that can, in principle, serve to connect regional demands with representatives of the central government. In other words, the latter must have access to what regional governments say and want, whilst regional governments must be able to present their demands somewhere. Absent such channels, the two levels are disconnected from each other. At the same time, however, lest the central government simply become the agent of (a majority of) regional actors, the federal government should retain the ability to ignore or reinterpret regional demands. All that properly designed shared rule asks is that regional governments be provided with the opportunity to be heard and reasonably realistic chances of success: the competition for influence should be open but without prejudice to the actual outcome, just like democratic elections are agnostic as to the actual winner.

<sup>8</sup> Holding regional (and national) governments accountable for their behaviour *within* such common forums, for instance inter-governmental meetings, remains challenging, of course, but is often hampered by the secrecy of their proceedings ([Papadopoulos 2010](#), 1039; [Schnabel 2020](#), 272). Hence the design recommendations in Section 1.4.

2. *Substantial but not decisive input.* The input provided by regional governments should be important and substantial, meaning that it should provide unique information that cannot be delivered by other actors, or at least not with the same credibility. Insights into implementation problems, for instance, belong to this category. But even this kind of information should be validated through information provided and demands voiced by other actors—or by similar (regional) actors but with different interests. This characterizes the pluralist side of shared rule: regional governments should not be the only actors who have the ear of the central government, but they should be given a place next to other actors, such as parties, civil society groups, and other organizations. As we are dealing with state-wide decisions, the final decision should pass the democratic threshold at the national level and be *that* level's responsibility.
3. *Multilateral rather than bilateral interactions.* Shared-rule institutions should incentivize regions to collaborate with each other in seeking to influence the central government. This adds a horizontal dimension to an otherwise vertically orientated process. Special treatment afforded only to some regions creates inter-regional jealousy. To be sure, the special status of some regions, or rather the predominant groups within them, should not simply be ignored—this could, for instance, be acknowledged in language or cultural policy. But shared rule as a channel for vertical collaboration in matters of concern to all should remain open to all: first, so that all territorial units are treated equally and, second, so that the federal framework can be taken seriously. In other words, regional units should have an equal chance to influence the federal government, regardless of size or wealth, just as citizens count equally in democratic elections regardless of place of residence or age.<sup>9</sup>

These design recommendations and the elaborations on them in the rest of this book rest on two main assumptions that are spelled out next. But perhaps an example is in order first to illustrate these three principles governing the sound design of shared rule: the Swiss cantonal referendum allows eight cantons (out of twenty-six) to demand any act of parliament be submitted to a state-wide referendum, in which a simple popular majority is decisive (Art. 141 Federal Constitution of Switzerland). This provision thus requires

<sup>9</sup> That both rules are often violated in practice, through actual bargaining power in the first case and gerrymandering in the second, does not undermine their normative character.

coordination among at least one-third of the constituent units, regardless of their character, in order to be activated (multilateralism: third principle); it allows cantons to voice their concerns publicly, alongside other actors, such as parties and civil society organizations (second principle); and although the use of the provision by the cantons is optional, it offers a reasonably realistic chance to thwart the demands of the federal authorities (first principle). In fact, the mere existence of this instrument—that is, the possibility for cantons to *voice* their discontent—suffices to compel the federal government to take the viewpoint of the cantons into account and *listen* (cf. also Papadopoulos 2023, 16). Being listened to, in turn, fosters *loyalty* and diminishes the desire for *exit* (see Section 1.2).

## 1.5 Ontological and methodological priors

The conceptual, theoretical, and empirical work presented in this book rests on two main priors. The first is that institutions matter. To some extent forgotten about during the ‘behavioural revolution’ following World War II (Pye 2006), institutions were discovered to potentially exert an influence on behaviour by the 1980s (e.g. Skocpol 1985; Hall 1986). Suddenly it mattered (again) what kind of democracy or regime you lived in (e.g. Lijphart 1969, 1977; Shugart and Carey 1992) or what historical precedent had ‘pathed’ your current options (Pierson 1996; Thelen 1999; Peters et al. 2005; Steinmo 2008). In looking at the roots, functioning, and effects of shared rule, a similar template is followed here in that it is assumed that the rules governing the interaction between regional and national governments matter for a range of political phenomena.

Whilst the twin questions about the extent to which these rules matter and how exactly they impinge on the political behaviour of actors at both levels of government call for precisely the kind of empirical investigation undertaken in this book, the notion of the institution should be exhaustively defined here to avoid misunderstandings. An institution is a collection of both formal and informal rules that confer certain rights and place certain limits upon individuals or collective actors. *Political institutions*, then, comprise rules enabling and restricting collectively binding behaviour: ‘prescriptions that forbid, permit, or require some action or outcome’ (Ostrom 1990, 51). In that sense, nation-states, for instance, ‘matter because [they] affect political culture, encourage some kinds of group formation and collective political actions (but not others), and make possible the raising of certain

political issues (but not others)’ (Skocpol 1985, 21). The debate about the ratification of the US Constitution, which created the first modern federation, was accordingly fought largely in terms of giving too much, too little, or just enough enabling power to the ‘general government’ as compared to the then thirteen states.

The premise that institutions matter should be understood to mean neither that *only* such rules matter nor that they matter *equally* everywhere and all the time. Rules can develop and solidify over time, and the same rules can be applied differently in different contexts. This claim merely requires us to look more closely at the institutional scenery of political choices and to investigate whether one set of rules is better able to solve collective-action problems than another. At the same time, when our interest shifts to explaining the emergence of certain institutions rather than others, the interests and values of individuals take centre stage (Thelen 1999, 379). The notion that best sums up this approach is ‘actor-centred historical institutionalism’ (cf. Levi-Faur 2003; De la Porte and Natali 2018; Massala and Pearce 2022), in that analytic attention is divided equally among historical context and precedent, political institutions and actors, and the multiple interactions among them. In focusing on political institutions and their impact on behaviour, we should thus not forget that they themselves were engineered by humans—and that they can be re-engineered if need be (see Section 1.4).

The second assumption this book makes is that by making comparisons both across and within countries, we gain a better understanding of the causes, functioning, and effects of institutions. Comparative politics has come a long way since the days when it only made comparisons between countries, having discovered the analytical leeway afforded by sub-national comparisons (Snyder 2001; Sellers 2019; Giraudy and Niedzwiecki 2022). When studying the impact of national institutions, such as formal and informal rules, on the influence of regional governments over state-wide decisions, subnational comparisons promise two particular insights into: (i) how the same national framework plays out for different regional units and (ii) how different frameworks induce the governments of structurally similar units (e.g. regions with cultural minorities or relatively richer regions) to behave differently. Together, these insights allow us to unseal the national ‘container’ and better understand the impact of regional attributes.

At the same time, why choose either quantitative or qualitative methods—and, by implication, large-N or small-N research designs—if the benefits of both can be fruitfully combined to compensate for their respective deficits (Lieberman 2005)? As Boix and Stokes (2007, 4) summarize the situation:

Where case studies are good for building theory and developing insights ... large-N research is good for confirming or refuting theory. Where case studies offer internal validity, large-N studies offer external validity. Where case studies allow scholars to explore causal mechanisms, large-N comparisons allow them to identify causal effects.

Wherever possible, I will thus rely on *both* methodologies and corresponding data at the national *and* the regional level. This choice is also driven by the elusive notion of influence, which is hard to pin down using quantitative measures alone, in combination with the object that is pursued most often by regional attempts to influence state-wide decisions, namely money, that archetype of readily quantified power. In other words, to understand how influence is exercised, within-case investigations that pay attention to surrounding institutional structures will often be necessary. For instance, regional influence is exercised differently in Switzerland, with its strong tradition of direct and consensus democracy, than in the majoritarian, winner-takes-all United States. However, we can rely on a cross-case research design to compare what the various regions within the same state have received from the central government, if money really is all they are after—assessing whether the extent to which they availed themselves of shared rule has an impact. The comparative method in its various forms—across states and within them, using both quantitative and qualitative techniques—thus furnishes the methodological roadmap of this book.

### 1.6 Structure of the book

This book has three parts. Part A lays the conceptual groundwork. Chapter 2 traces the history of the notion of ‘shared rule’ in federal theory and practice. Three distinct understandings are distilled and stacked together: first, shared rule as cooperation between independent and sovereign units (horizontal dimension); second, shared rule as centralization and the creation of a new unit over and above existing ones (vertical dimension); and third, shared rule as regional influence over the decisions of the centre (bottom-up dimension). Although the focus of this book lies on the third type of shared rule, the first two are key to understanding its origin, functioning, and effects.

Chapter 3 turns to measuring shared rule as regional government influence. Next to the Regional Authority Index ([Hooghe et al. 2016](#)), which

**Table 1.2** Analytical framework for Parts B and C

Level	Causes	Consequences
National	What explains the extent of shared rule across countries? (Chapter 4)	What is the effect of shared rule on nation-states? (Chapter 7)
Regional	Why do regions exercise influence at the central level? (Chapter 5)	What is the effect of shared rule on regional units? (Chapter 6)

captures the formal side of shared rule, several informal instruments are introduced. Two such informal manifestations of shared rule are discussed in greater detail, drawing on evidence from the USA, Switzerland, and Spain, namely territorial lobbying and influence via regionalist parties. Whilst the former is present mainly in non-parliamentary federations, the latter works particularly well in parliamentary regimes where the need for party discipline is high because the executive and legislative are fused. Drawing on a unique expert survey of thirty-eight scholars, a new measurement scheme is then applied to eleven Western federal political systems. This allows me to assign values for *actual* regional government influence to each country assessed in this way.

Parts B and C respectively address the causes and consequences of shared rule as regional government influence over national decisions. Each dimension is analysed at both the national and regional level. Table 1.2 lists the resulting four research questions that a complete theory of shared rule should be able to address. The term ‘causes’ comprises the *reasons* for which shared-rule channels exist and are utilized. What explains the extent of shared rule across countries and the different patterns of regional government influence within them? Consequences relate to *effects*. Just as with causes, two analytical dimensions are distinguished, namely the country level and individual regions. Hence, the overall theory developed here provides answers to questions about region-specific integration, alienation, or demands for separation, as well as the contribution of (types and degrees of) shared rule to overall legitimacy, efficiency, stability, and prosperity.



**PART A**  
**CONCEPT**



## 2

# History

Geteiltes Leid ist halbes Leid,  
Geteilte Freud' ist doppelte Freud'.

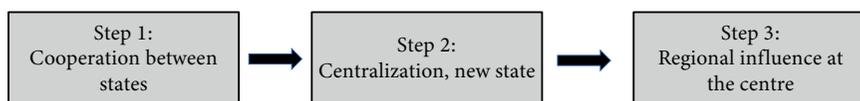
**German proverb<sup>1</sup>**

The actor-centred historical institutionalism defined in Chapter 1 requires us to 'take history seriously' for reasons relating to timing, context, and path dependencies (e.g. [Steinmo 2008](#), 127–8). This is not to say that understanding where a phenomenon comes from allows us to grasp its every complexity in the contemporary world. But tracing the *idea* of the notion of shared rule over time, following its suggested or observed empirical manifestations, permits us to delimit its current conceptual contours more clearly. The goal of this chapter is to help avoid misunderstandings by distinguishing between three very different meanings of 'shared rule', all of which have their own historical pedigree.

The evolution of the notion of shared rule throughout the history of federal political thought is reflected in the threefold contemporary understanding of it. To read this history backwards is to say that for regions to be able to influence the centre, there needs to *be* such a thing as a 'general' or federal government in the first place. This government must, in turn, be in possession of at least some powers that regions want to see exercised in a certain way—in other words, regional attempts at influence are conditioned upon prior *centralization*. Finally, from the perspective of the constituent units of a federation, such centralization is nothing other than inter-regional *cooperation* made permanent and thus institutionalized more robustly ([Bolleyer 2009](#)). This is, at the most abstract level, the path along which 'traditional' federal thought ([Popelier 2021a](#), 15) has travelled for centuries when talking about shared rule ([Figure 2.1](#)).

The idea that different polities can come together and 'share' some of their power is, of course, premised on their prior independence: they can only give what they have, and they can only give voluntarily if they are autonomous

<sup>1</sup> 'A sorrow shared is a sorrow halved, a joy shared is a joy doubled' (my translation).



**Figure 2.1** The three steps of shared rule.

(Stepan 1999). Territorial cooperation is then adopted to varying degrees. The first stage comprises mere communication and coordination: what is shared is information, nothing more. A second stage entails coming together physically, perhaps in a conference, convention, or council. Here, polities share the house (or castle) in which they meet, the floor from which they speak, the declaration of intent they all sign. The third stage of shared rule as cooperation entails that such conferences take decisions that are applicable to all its members. Classic federal thought has reached this stage, as we shall see in Section 2.1.

## 2.1 Step 1: shared rule as inter-state cooperation

If federal scholars today overwhelmingly focus on self-rule, or regional autonomy, classic federal thinkers were much more concerned with how to organize and structure cooperation; that is, ‘shared rule’ in its original meaning. As a result of comparing different forms of the territorial organization of political power, the twin goals of safeguarding diversity whilst creating unity of action were ever-present. This is the (con)federal approach to securing social order, in which the individual constituents remain as autonomous as possible and even compete with one another whilst still cooperating and thus sharing rule to achieve ends that are of concern to all.

However, the dominant form of federalism today, the federation (a nation-state), is of much more recent origin than the now almost forgotten confederation (a union of states). Only with the creation of the United States in 1787 did the first federation see the light of day. Moreover, if federalism has often been neglected by contemporary political theorists and decision-makers alike (e.g. Tierney 2022), *confederalism* has been all but ignored (Bulpitt 2008 [1983], 15; Hueglin 1999). But just as confederations represent a distinct form of political organization that differs from both unitary states and federations (Forsyth 1981), so too can *confederalism* be considered to represent a distinct way of thinking about and prescribing territorial cooperation (cf. King 1982)—and, indeed, one in which sharing occupies a prominent place.

The first confederal thinker to propose a systematic theory of territorial political cooperation was Johannes Althusius. His *Politica methodice digesta atque exemplis sacris et profanis illustrata* (1995 [1614], 17) begins by defining ‘association’ (*consociatio*) as a process through which ‘the symbiotes pledge themselves each to the other, by explicit or tacit agreement, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life’. Such reciprocal communication occurs out of pure necessity, since, on his own, ‘man ... is unable to help himself without the intervention and assistance of another’ (*ibid.*). In Althusius’ opinion, ‘mixed and public’ associations ‘are able neither to arise nor to endure [without] simple and private’ ones, such as, at the very bottom of his pyramid, the family’ (*ibid.*, 27). On this basis, the ‘collegium [as] a spontaneous and merely voluntary society’ is built in which ‘three or more men of the same trade, training, or profession are united for the purpose of holding in common such things they jointly profess as duty, way of life, or craft’ (*ibid.*, 34), followed by the city as a ‘public association [that] exists when many private associations are linked together for the purpose of establishing an inclusive political order’ (*ibid.*, 39), the province (*ibid.*, 51), and finally ‘the realm’ or commonwealth (*ibid.*, 66). Each higher-order entity thus comprises several lower-order ones: ‘[t]he members of a community are private and diverse associations of families and collegia, not the individual members of private associations’ (*ibid.*, 40) and ‘members [of the realm] are many cities, provinces, and regions agreeing among themselves on a single body constituted by mutual union and communication’ (*ibid.*, 67).

Althusius also became the first modern thinker to formulate the principle of shared rule, stating:

in matters common to all one by one, or pertaining to colleagues as individuals ... ‘what touches all ought also to be approved by all’. Even one person is able to object. The reason is that in this case what is common to everyone is also my private concern. In these things that are merely voluntary nothing ought to be done unless all consent, not separately and at different times, but corporately and unanimously. (*Politica* ch. IV, §20)

In other words, because the cooperating units remain to a large extent autonomous, decisions affecting them all can only be taken by consensus, endowing each with the maximum amount of influence and thus with equal influence. Consensus goes hand in hand with trust, that basic prerequisite for and consequence of cooperation among equals (*ibid.*, ch. IX, §7).

Half a century later, Samuel von Pufendorf (1729 [1672], 678) proposed the first ever definition of confederation as a distinct political arrangement:

the parts of the Sovereignty reside separately and independently in different Persons, or Bodies of the same Commonwealth, so that each Person or Body hold their respective Parts by their own proper Right, and administer it according to their own Judgment, whilst in respect of the other parts they are altogether in the Nature of Subjects. ... such a Body ... is held together, not by the Bond of one supreme Authority, but barely by Compact; and which therefore is to be ranked, not amongst the regular, but amongst the irregular States.

We thus encounter two key attributes of confederalism: the ‘compact’ (or contract), which specifies what exactly is shared between the units that are now cooperating, and the dual status of parties to the compact, who are simultaneously both super- and supra-ordinate, depending on the issue or, in modern terminology, policy area at hand. In other words, they are free only to the extent that they do not cooperate or share their authority—but once the decision to do so has been taken, they are bound by it.

Subsequent thinkers departed from this definition in two ways: first, by stretching the notion of a compact to include any type of contract; second, by restricting it to constitutional arrangements in the form of republican government. Among the former, we find the Abbé de St Pierre, Jean-Jacques Rousseau, and Immanuel Kant, who all thought that only inter-state alliances of a confederal nature could provide for European or even world peace. Hence, [Rousseau \(1917 \[1761\], 45\)](#) underlines the importance of cultural, historical, and topographical factors as a basis for international cooperation. Yet a ‘bond’ for him can be as slight as ‘a perpetual and irrevocable alliance’ (*ibid.*, 61) for the sole purpose of guaranteeing the existing possessions of European states, arbitrating, and ensuring the absence of war between them. His ‘Commonwealth of Europe’, then, is nothing more than a military alliance—a shared command and control structure, in today’s parlance—with a territorial dispute-settlement mechanism. Crucially, though, because the benefits of lasting peace outweigh the costs of anarchy, entering the commonwealth corresponds to the self-interest of each and every sovereign prince (*ibid.*, 91). Self-interest is explicitly conceptualized as eventually leading to social order writ large: the purpose of ‘a covenant of peace (*foedus pacificum*)’, as shared rule over international law and order, is not to end merely one war but ‘to put an end to war forever’ ([Kant 1917 \[1795\], 134](#); original emphasis).

As for the second group of republicans working with a narrower conception, [Montesquieu \(1777 \[1748\]\)](#), for example, argued that the confederal principle of coming together through inter-state cooperation would only make sense if the resulting alliance were transformed into a state in its

own right. From this argument and the adoption of the US Constitution of 1787 was born the distinction between a federation and a confederation, although it would take another eighty years and a civil war before the United States could be spoken of in the singular. Elsewhere, the Swiss Constitution to this day employs the term *Eidgenossenschaft*, in German, and *Confédération*, in French, even though Switzerland became a federation in 1848 (e.g. [Vatter 2018](#), 17). This medieval ‘oath cooperative’—the literal meaning of the German expression—perfectly illustrates the nature of shared rule understood in a confederal manner, which presupposes explicit communication (the oath) and agreement on mutually binding terms (the cooperative).

Two further theorists of confederation are John C. [Calhoun \(1851\)](#) and Pierre J. [Proudhon \(1979 \[1863\]\)](#), the former of whom famously defended the institution of slavery. Calhoun insisted on the confederal character of the US Constitution of 1787:

‘Between’ necessarily excludes ‘over’—as that which is between States cannot be over them. ... For it was the several States, or, what is the same thing, their people, in their sovereign capacity, who ordained and established the constitution. But the authority which ordains and establishes is higher than that which is ordained and established; and, of course, the latter must be subordinate to the former—and cannot, therefore, be over it. ([Calhoun 1851](#), 7)

Shared rule thus springs to life, in Calhoun’s understanding, as ‘the joint and united authority of the States ratifying’ the compact, which in turn becomes ‘binding on them—but only as such.’ Although Calhoun (*ibid.*, 67) agreed that this contract could be subsequently modified, he warned that ‘there should not be more closeness of union than three-fourths should agree to.’ In other words, the extension of the scope of shared rule as horizontal cooperation required yet another round of explicit communication and reaffirmation of the collective will. Whilst still falling short of unanimous consensus, three-fourths is nevertheless a very high threshold and thus formally places the ‘state[s] above the nation’ ([Slonim 2017](#), ch. 2).<sup>2</sup>

Unlike federations, in which citizens are involved or at least represented directly, confederations also place a much heavier burden on their constituent units as polities, for ‘if the States still retain their sovereignty as separate and independent communities, the allegiance and obedience of the citizens of each would be due to their respective States’ ([Calhoun 1851](#), 4).

<sup>2</sup> Note that Calhoun was neither the first nor the last to invoke first principles, such as (con)federalism, to defend substantive interests (e.g. [Sonnicksen 2022](#), 123–4 and 179).

Again, then, what is contracted away is merely ‘a share’ of the sovereignty of the separate parties to the compact. What needs to be conceptualized, then, is the compact—the embodiment of how much rule is shared and over what—and not self-rule or autonomy, which is given by the state of nature (cf. also [Arendt 1990 \[1963\]](#), 19–20).

Finally, although he approaches matters from a different angle altogether, [Proudhon \(1979 \[1863\]\)](#) arrives at surprisingly similar conclusions. Like Calhoun and others before him, he too regards a contract as the only means to reconcile liberty with authority (*ibid.*, 22). He does not stop at national borders, however, but travels—like Rousseau and Kant—well beyond them, because a ‘federation’ for him is coterminous with ‘an agreement by which one or more heads of family, one or more towns, one or more groups of towns or states, assume reciprocal and equal commitments to perform one or more specific tasks’ (*Ibid.*, 24).

Conceptually, [Figure 2.2](#) shows what shared rule as inter-state—or, later, inter-regional—cooperation looks like in practice between three fictive polities. Whilst certain powers, such as regarding the management of a specific river, are ‘shared’ between polities 1 and 2, others, such as in the domain of currency, are ‘shared’ between polities 2 and 3. A third domain, such as defence, is in turn ‘shared’ by all three, meaning that each is under an obligation to come to the rescue if one of the others is attacked. Shared rule as horizontal cooperation is, therefore, potentially asymmetric and highly adaptable to specific policies, leaving polities with a maximum of autonomy that is restricted only by the (fairly recent) maxim of *pacta sunt servanda* ([Hooghe and Marks 2001](#); [Palermo and Kössler 2017](#), 256).

Federal-type contracts thus always fulfil two criteria:

1. They are struck between equals.
2. They provide benefits to all their parties.

Chief among these benefits are ‘guaranteeing to the federated states their sovereignty, their territory, the liberty of their subjects ... settling their disputes; [and] providing by common means for all matters of security and mutual prosperity’ ([Proudhon 1979 \[1863\]](#), 25). Nevertheless, a confederation remains limited in scope: its constitution is not ‘an abridged statement of public law’ but ‘a pact [that] contains the conditions of association, that is, the rights and reciprocal obligations of the states’; and its chief executive is not a government but merely ‘an agency created by the states for the *joint* execution of certain functions which the states abandon, and which thus become federal powers’ (*ibid.*, 26; emphasis added).

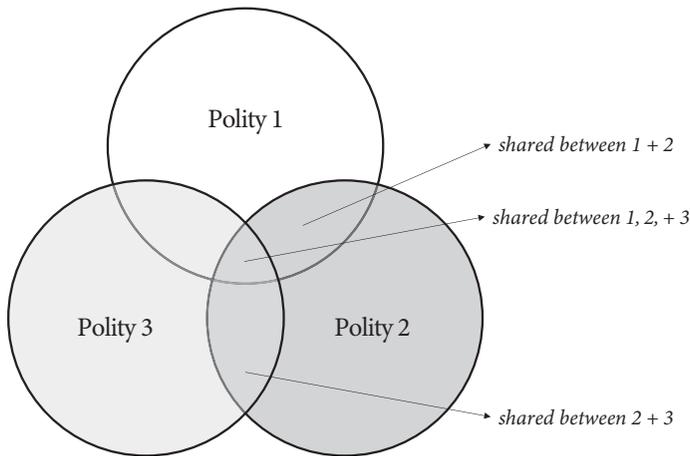


Figure 2.2 Shared rule as horizontal cooperation.

Among contemporary scholars who have remained faithful to this vision of shared rule, we find first and foremost Carl Friedrich (1968, 7), for whom federalism describes ‘the process by which a number of separate political communities enter into arrangements for working out solutions, adopting joint policies, and making joint decisions on joint problems’. In keeping with the anarchic-confederal tradition expounded by Proudhon and Calhoun, Hueglin (1985, 106), too, insists that ‘organised mutualism’ and ‘horizontal cooperation’ are key to federalism. This view also includes territorial opt-outs; that is, decisions *not* to share rule over certain matters with others, for ‘only the guaranteed possibility of dissociation creates the solidarity of true association’ (p. 107). Needless to say, the gap between policy-specific opt-outs and outright secession is as slight as that between changing the terms of a contract and simply cancelling it. A related application of ‘shared rule’ to inter-governmental relations is that of Csehi (2017, 565), who compares ‘informal, non-legally regulated horizontal coordination mechanisms’ in Canada and the European Union. In all these instances, the regional sharers remain masters of the treaty or compact.

## 2.2 Step 2: shared rule as centralization

Cooperation between territorial entities can be more or less institutionalized. Bolleyer (2009, 19), for example, lists four different patterns: ‘unilateral adaptation’, which implies no or only one-sided communication; ‘ad hoc coordination’ and ‘co-decision’, which respectively refer to ‘sporadic’ and

‘regular joint decision-making’; and ‘supragovernmentalism’, defined as ‘the voluntary creation of collective authority by some or all governments in a federal system which—as long as this authority is in place, thus, governments do not formally exit—supersedes the authority of the individual governments in the sphere of responsibility assigned to it’ (Ibid.).

The idea of delegating specific tasks to a common institution is almost as old as the idea of federalism itself. In fact, it arises after the initial agreement to share rule horizontally, since the management of common rules and regulations can be undertaken either by each contracting party individually, by one of them on behalf of all (rotating principle), or by a new agency (cf. also Proudhon 1979 [1863], 26). Logic dictates that independent polities must first exist before they are able to delegate anything. The second step of extensive inter-state cooperation is, therefore, shared rule as *centralization*. It is in this way that most twentieth-century scholars have conceptualized shared rule—in stark contrast to earlier confederalists such as Althusius or Pufendorf, who saw no need to provide for a ‘centre’ at all.

The authoritative section from Elazar (1987, 7) reads as follows: ‘A federation is a polity compounded of strong constituent entities and a strong general government, each possessing powers delegated to it by the people and empowered to deal directly with the citizenry in the exercise of those powers.’

Elazar (ibid., 12) then famously equates federalism with ‘self-rule plus shared rule’, adding: ‘Federalism thus defined involves some kind of contractual linkage of a presumably permanent character that (1) provides for power sharing, (2) cuts around the issue of sovereignty, and (3) supplements but does not seek to replace or diminish prior organic ties where they exist.’

However, for all its subsequent prominence and fame, the term ‘shared rule’ is never properly defined by Elazar. One way to remedy this shortcoming is to employ the method of exclusion. Does shared rule refer to cooperation between autonomous units? It does not, since inter-governmental relations are given their own section (pp. 14–18) and the passage just quoted speaks of supplementing, rather than replacing, ‘prior organic ties’. Does shared rule then amount to the influence of regional units over state-wide decisions? Once again, the answer is no, as the following excerpt (p. 166; emphasis added) shows:

Noncentralization ensures that no matter how certain powers may be *shared* by the general and constituent governments at any particular time, the authority to participate in exercising them cannot be taken away from either without their mutual

consent. Constituent polities in federal systems are able to *participate* as partners in national governmental activities and to act unilaterally with a high degree of autonomy in areas constitutionally open to them, even on crucial questions and even, to varying degrees, in opposition to national policies, because they possess effectively irrevocable powers.

Thus, whereas regional influence is subsumed under ‘participation’ in national affairs, the term ‘sharing’ is reserved for the vertical division of power between the ‘general’ and regional governments. Sharing thus essentially means dividing—each level of government possesses ‘a share’ of the overall public authority (cf. also [Maass 1959](#)). Or, from the perspective of constituent governments, they agree to let the national government have its *own* share. Note that unlike in the case of shared rule as horizontal cooperation (step 1), there is now a new, superordinate instance, even if—at least initially—it remains attached to a leash held by its regional principals. Elazar’s understanding of sharing as vertical cooperation came even more clearly to the fore in his earlier book *The American Partnership* (1967, 337):

the success of American federalism in the nineteenth century was due to the ability of the several levels of government to adjust to new problems together, so that in each case all governments shared responsibility, each in its own way, and each gained new responsibilities as the need arose, thus preserving the system’s balance through this sharing process rather than through separation into ‘independent spheres’.

And as a preview of the main conclusion put forth in this book, he forcefully defended ‘a federalism based on the sharing principle’:

paradoxically, the development of intergovernmental co-operation has come to be a way to ‘have one’s cake and eat it too’ by enabling the society to change materially while maintaining its basic political institutions and values. . . . the Constitution actually provided a framework that encouraged co-operative federalism by making it possible for the states and localities to *make demands* on the general government *without* abdicating their own roles. (Ibid., 324; emphasis added)

It is this reference to ‘making demands’ that has allowed subsequent scholars to read his use of shared rule in two different ways: (i) as cooperation between federal and regional governments or (ii) as regional influence over state-wide affairs. Yet nowhere does Elazar conceive of shared rule as an attempt to influence rules governing the *entire* country solely for one’s own benefit—for instance, when he mentions that states had ‘found

it necessary to have expert presentation in Washington to oversee *their* interests in claims against the federal government' (ibid., 107; emphasis added).

Watts (1996, 7) uses 'shared rule' even more clearly to describe centralization, as for him federal political systems are characterized by 'two (or more) levels of government which combine elements of shared-rule *through common institutions* and regional self-rule for the governments of the constituent units' (Original emphasis shifted).

Furthermore, federalism itself amounts to 'the advocacy of multi-tiered government combining elements of shared-rule and regional self-rule. ... The essence of federalism as a normative principle is the perpetuation of both *union* and noncentralization at the same time' (p. 6). Thus, 'the combination within a single political system of shared-rule and self-rule' results in a '*constitutional distribution of powers* between the federal and regional governments' (p. 31), and the goal is 'to combine elements of autonomous self-rule for the constituent units in certain matters and an *overarching shared-rule* in other matters in order to reconcile the desires for both distinctive diversity and *united action*' (p. 113, all emphasis added). Hence, for Watts shared rule *is* the union. This is more than just a semantic leap with regard to the positions of earlier confederal scholars, for whom sharing took place only *between* units at the same level.

Whilst these and other federal authors at least acknowledge the possibility for regions to participate in what are now federal affairs as a separate question (alternatively termed 'participation' or 'inter-governmental relations'), others explicitly reduce federalism to a single dimension, ranging from full centralization to complete decentralization. Riker (1964, 5) is probably the best-known advocate of this collapsed view of federalism, defining it along 'a continuum according to the degree of independence one kind of the pair of governments has from the other kind'. Already earlier, Riker (1955, 453) had stated that

we can distinguish two major types of federalism: one in which federal decisions are made exclusively through the machinery of the central government (this type we can describe as centrally-directed or centralized), and the other in which federal decisions are made, partially at least, through the machinery of local governments (this type we can describe as peripherally-directed or peripheralized).

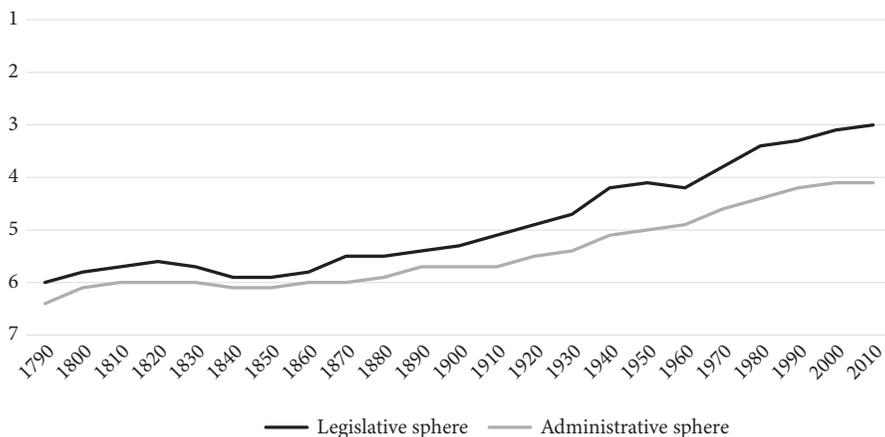
Whereas in the former type, the central government has become 'formally independent of the states', in the latter 'local governments by constitutional right take part in central decisions, direct the voting of their delegates to the

center, form suballiances to control its policy, confirm federal decisions, and *influence* federal policy as much as does the federal government itself' (ibid.; emphasis added). Of course, a key difference between the two extremes is which government is allowed to deal with citizens directly—that is, who is to tax, recruit, police, judge, educate, provide care for, or otherwise be in touch with citizens and residents (ibid.)—which is, however, also a question of whether a federation is dual or administrative (Hueglin and Fenna 2015, 136; Mueller and Fenna 2022).

However, the ever-increasing centralization of the US federation perceived by Riker mainly took place in the legislative sphere, and less so in the administrative one. By way of illustration, Figure 2.3 plots the development of shared rule, understood as vertical power-sharing or centralization, in the USA across the entire lifespan of that federation in twenty-two policy areas,<sup>3</sup> distinguishing between the legislative and administrative spheres (Dardanelli et al. 2019a, 2019b; Kincaid 2019). In other words, the 'machinery' of state governments continues to play an important role in implementing decisions, but less so in making them—at least within the framework of this conceptualization and operationalization.

Turning back to Riker, he claims that the new system created in Philadelphia in 1787 had two consequences: a general one, namely 'that state officials had to use the political party, not state governments, to make their influence felt in Washington', and a particular one, namely 'the failure of the Senate to represent state governments' (Riker 1955, 454–5). This failure was due to the initial loss of the states' power to instruct and, even more importantly, recall their senators, the gradual development of public canvassing, pledging, and senatorial primaries, and finally the popular election of senators from 1919 onwards, which constitutionally sanctioned the loss of this great 'peripheralizing' (legislative) institution (ibid., 468). We thus see how Riker conceives of federalism as operating along only one dimension: if constituent units are able to at least play a role in decisions at the national level, for example through a senate, then the system is peripheralized. If they are not (or not anymore), it is centralized. The four main scenarios outlined in his 1964 book (p. 86) make this point even clearer:

<sup>3</sup> These are: agriculture; citizenship and immigration; culture; currency and money supply; defence; economic activity; pre-tertiary education; tertiary education; elections and voting; employment relations; environmental protection; external affairs; finance and securities; health care; language; civil law; criminal law; law enforcement; media; natural resources; social welfare; and transport. Note that these policy areas not weighted by financial or symbolic importance, so as to facilitate cross-country comparisons (Figure 2.5).



**Figure 2.3** Centralization in the USA, 1790–2010.

Note: 1 = full centralization, 7 = full de- or non-centralization. Shown are mean values across twenty-two different policy fields.

Source: Author based on data from [Dardanelli et al. \(2019a, 2019b\)](#).

- A) The central government can completely overawe the constituent governments.
- B) The central government cannot completely overawe the constituents, but it can keep them from overruling its own decisions.
- C) The constituent governments cannot completely overawe the rulers of the center, but they can significantly vary the behavior of officials of the center, though central officials cannot overawe them.
- D) The constituent governments can unilaterally completely overawe the rulers of the center.

Understood in this way, shared rule is thus not only equivalent to union, as it was for Elazar and especially Watts, but it also becomes a key measure of the *strength* of this union vis-à-vis its constituent parts. For [Riker \(1964, 101\)](#), in turn, the main reason why the US federation did not become even more centralized over time was its decentralized (or better: non-centralized) party system.<sup>4</sup>

[Figure 2.4](#) shows how, conceptually, this understanding introduces a new, vertical dimension to the notion of shared rule: powers are now ‘shared’ between the federal government, situated at a new and somewhat higher level, and regional governments, which occupy what is now the lower level. As mentioned earlier, this idea of ‘sharing’ powers by dividing them vertically comes in two main forms: dual and administrative federalism ([Mueller and](#)

<sup>4</sup> This has, of course, changed in the interim. For more on this, see Section 2.5.

Fenna 2022; also Swenden 2006, 49–50; Bulpitt 2008 [1983], 29–30; Hueglin and Fenna 2015, 136–7; Palermo and Kössler 2017, 146).

In a dual federation, the universe of public powers is divided according to entire policy areas. Typically, the federal government legislates, finances, administrates, and adjudicates in areas such as defence, the currency, and external affairs, whilst the constituent units usually have tertiary education and law enforcement all to themselves (Dardanelli et al. 2019b). In administrative federations, the centre primarily legislates and the lower level administrates in the same policy area, so what is divided vertically are functions.

These two ideal types—dual and administrative federalism—apply as much to the form of territorial power-sharing across countries as to policy areas within them. Thus, according to Dardanelli et al. (2019a, 2019b), of the six ‘classic’ federations assessed, Canada most closely corresponds to the dual type and Germany and Switzerland to the administrative type (Figure 2.5). However, even in Canada, criminal law, for instance, is vertically shared (legislative score for 2010 = 1 (i.e. fully centralized); administrative score = 4 (i.e. parity between central and regional governments)). By contrast, in Germany and Switzerland, defence, the currency, and external affairs are (almost) fully centralized in both dimensions, whilst tertiary education lies predominantly (Switzerland) or almost exclusively (Germany) with the regional government, in line with the dual conception (Dardanelli et al. 2019a, 2019b).

Understood in this vertical way, it is only logical to place (full) shared rule at one end of the spectrum and (full) self-rule at the other, as Riker and others have done. Thus, either almost all power is kept at the regional level or some of it—pertaining to uniform laws or to the uniform application of laws throughout the country—is delegated to (i.e. ‘shared with’ and indeed located *at*) a higher level of government. But the more delegation there is,

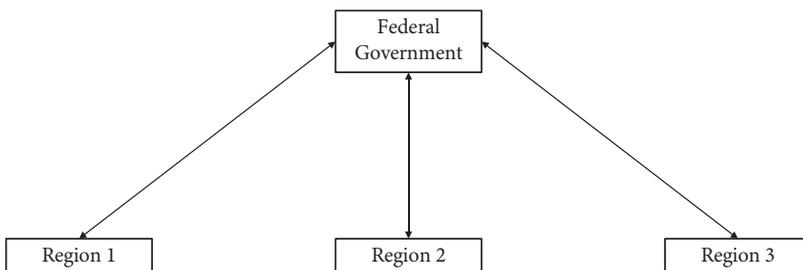
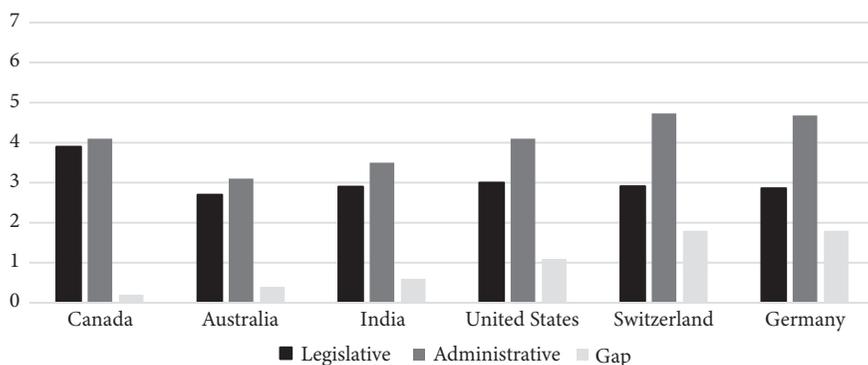


Figure 2.4 Shared rule as centralization.



**Figure 2.5** Mean levels of decentralization and gap in six federations, 2010.

*Note:* 1 = full centralization, 7 = full de- or non-centralization. Shown are mean values across twenty-two different policy fields per country and for 2010 (unweighted).

Gap = administrative minus legislative decentralization.

*Source:* Author based on data from [Dardanelli et al. \(2019a, 2019b\)](#).

the more centralization there is: power shared in this way is power lost, from the perspective of the regions. Contrast this with the historically earlier understanding of shared rule as horizontal cooperation (step 1) and the difference could not be starker: there, we said that power shared is power *gained*, since regions collaborate to achieve economies of scale, pool their resources, and act as one vis-à-vis third parties. To complicate things even further, yet another understanding of shared rule, with different implications, is brought about by the third step in the evolutionary chain of shared rule, as we will discuss in Section 2.3.

### 2.3 Step 3: shared rule as regional influence

The third and final understanding of shared rule, which corresponds to the meaning ascribed to it in this book, defines it as *the influence of a regional government over national decisions*. This influence can materialize only after a national or central government has come into existence, in contrast to the first type of shared rule (cooperation). Moreover, unlike the second type of shared rule (centralization), regional actors remain in charge—or at least attempt to do so—by influencing central decisions; that is, decisions which, in principle, are not theirs to take, since they have already been delegated ‘upwards’.

This definition of the third type of shared rule amounts to a slightly modified version of the conception defended by Hooghe et al. (2016, 23).<sup>5</sup> I modify their definition on three main points (cf. also Mueller 2014), using *influence* in lieu of ‘authority’, *regional* in lieu of ‘subnational’, and *national* or central decisions in lieu of ‘the country as a whole’. I retain from their definition the elements of bottom-up verticality, regional ownership and activity, and the goal of targeting the central, federal, or general government in the exercise of *its* powers.

The reason for these modifications is that I also conceive of shared rule as a dyadic relationship between regional and national authorities. However, I focus on the former in adopting ‘a view from the States’ (Elazar 1984) and on their interactions with the central government. In turn, ‘country-wide decisions’ are of interest only if they are taken by the *central* government loosely understood; that is, the national executive, parliament, the supreme court, or related central-state bodies (the central bank, separate social-insurance systems, state-owned companies, etc.). By contrast, when regions coordinate horizontally and comprehensively to agree on common rules or standards, I do not consider this to amount to the third type of shared rule, but rather to the first one (see Section 2.1).

The Swiss education sector, for example, is replete with treaties signed by all twenty-six cantons (Mueller 2022). Accordingly, the rules they contain are perfectly valid ‘in the country as a whole’ (Hooghe et al. 2016, 23), since every part of the country is also a cantonal territory. However, they do not amount to the third type of shared rule, since they do not involve the federal government. In fact, such omnilateral treaties are often struck in order to *avoid* the federal government taking over (Mueller 2021b; also Nugent 2009, ch. 3). Nor do such rules amount to the second type of shared rule (centralization), since a canton is, in principle, free to renege at any time. Thus, whilst all national decisions apply in the country as a whole, not all rules that apply in the country as a whole are ‘national decisions’ as defined by Hooghe et al. (2016). Since the goal of the third type of shared rule is to influence the central government, it seems more prudent to define it accordingly.

Finally, *influence* is necessary to distinguish the third type of shared rule from mere centralization, which by definition escapes regional authority (see Section 2.2). In fact, if centralization describes the degree to which, in

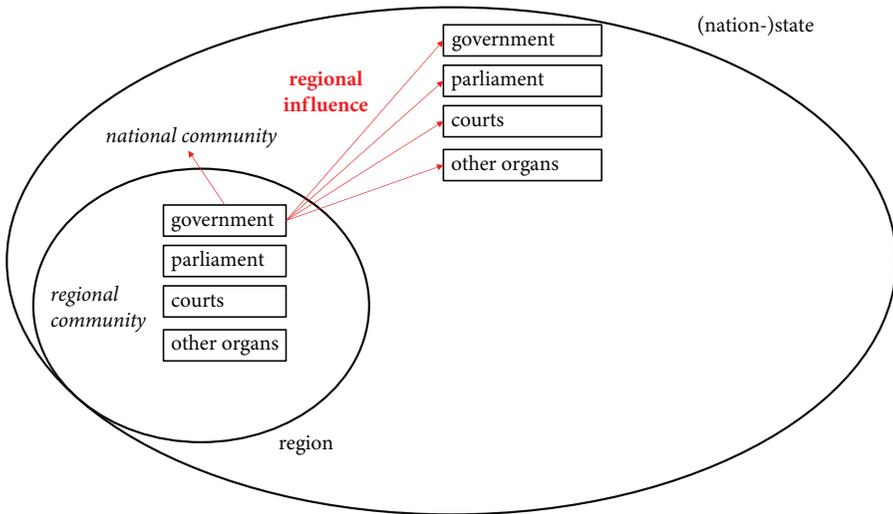
<sup>5</sup> Their definition reads thus: ‘Shared rule is the authority that a subnational government co-exercises in the country as a whole’ (emphasis omitted). I use ‘national’ to mark an opposition to the regional/subnational, without reference to the character of said nation (e.g. ethnic, civic, or plurinational).

any given policy area, decisions are taken by the central authorities and *not* (separately) by the regions, the third type of shared rule captures the extent to which regions (separately *or* collectively) remain involved in decision-making processes even *after* a certain capacity has been delegated to or newly acquired by the centre. In other words, the third type of shared rule is not simply the endpoint of a centralization–decentralization continuum ranging from zero to maximum regional self-rule, but represents a different continuum altogether.

This second continuum ranges from maximum (i.e. comprehensive, regular, and binding) regional influence over the central government’s decisions to none at all. However, these decisions formally remain those of the centre. Regional governments—to which the analysis in this book is confined—may be able to initiate or veto central government action. They may be required to act collectively, even unanimously, or individual regions might each be given a different share in national decisions. Some regions could also have more influence than others (asymmetry), or the exercise of different types of regional influence might require different constellations and majorities, such as a two-thirds majority for consenting to constitutional change, as in Germany (Art. 79.2 Basic Law 1949). Whilst all these are empirical questions to be addressed later on, a final definitional aspect to consider is why we should confine ourselves to regional *governments* and what implications this has.

Figure 2.6 is a stylized example of a region located within a state. Political institutions are represented by the regional government, parliament, and courts, as well as other regional organs (e.g. an ombudsman or attorney general) and their national equivalents. The arrows indicate the type of *attempted* governmental influence studied here—for it is one thing to have the ability to try and influence central decisions, another to make use of that possibility, and yet another to do so successfully. A regional government may thus seek to influence its direct counterpart at the state-wide level or have direct representation in the federal parliament, for instance through the Bundesrat in Germany. But it may also have or claim a say over the composition of the supreme court and other organs, such as administrative, quasi-governmental, or other bodies with the capacity to take decisions at the national level. A regional government may also try to influence the national community as such, for instance by engaging in political campaigning before or after an important election or referendum or by trying to influence public opinion more generally.

In all these cases, the subject of political action is the regional government, either directly and in person, for example in inter-ministerial talks, or



**Figure 2.6** Forms of regional influence within a (nation-)state, stylized.

through its representatives and agents, in expert committees, or by lobbying MPs (e.g. Massachusetts’ ‘man in Washington’; see [Elazar 1984](#), 97). It is, of course, also conceivable for other regional actors to engage in such bottom-up influencing. In the USA, for example, there are different nation-wide organizations for its different regional bodies, from governors and legislatures to attorney generals and agriculture commissioners, most of which are even directly elected ([Bowman 2017](#), 628). However, for the sake of simplicity and comparability, and because the task of external relations usually lies with the executive organ, I will focus exclusively on regional governments.

This does not mean that other actors, such as regional parties or parliaments or even sub-regional (e.g. county, urban, metropolitan, etc.) and civil society organizations, will be ignored. In reality, regional governments are probably at their most effective at the national level when operating as part of a broad alliance, both horizontally (i.e. number of regions) and functionally (i.e. type of actors: governmental, non-governmental, urban, rural, etc.; cf. [Gollob and Leckrone. 2012](#)). Yet in order to fall within the scope of our definition, at least one regional government must be present, or the motivation for and origin of a given initiative must be traceable to one such actor. In other words, shared rule, as defined here, amounts to acting *for* the people (in the region), possibly *through* the people (at the national level), but not necessarily *by* the people themselves. Only direct regional government actions or at least initiatives are considered.

## 2.4 The how: political parties and regime types

Inherent in the evolution described in this chapter, and important for the following analyses, are two further aspects: (i) political parties are at times alternative actors and, at others, complementary ones from the perspective of regional governments and (ii) differences exist in the characters of these same regional governments according to regime type. These two aspects are discussed here insofar as they conceptually relate to the third type of shared rule.

Political parties are associations created to win democratic elections, so as to transpose their private ideas into public policy (e.g. [Chhibber and Kollman 2004](#), 19; [Sartori 2005 \[1976\]](#), 24; [Boix 2007](#), 508; [Caramani 2017](#), 57). Their activities thus resemble regional governments' attempts to influence central decisions in that parties, too, compete in the bazaar of political voice, loyalty, and exit (see Section 1.2)—except that their tools are firmly situated at the functional-democratic end of the spectrum rather than the territorial-federal pole ([Duchacek 1970](#), 48–9; [Caramani 2004](#), ch. 1). Hence, whereas parties campaign as widely across the state as possible to form the national government, regions act to sway it; whereas parties appeal to voters everywhere to choose them or their coalition over their competitors, regional governments ally and/or compete with other functional or territorial actors; finally, whereas parties defend their ideology and its adherents regardless of their location, regions fend for the interests of their specific territory and its inhabitants.

At the same time, democratic governments at both levels are usually composed of parties, so much so that, in some cases, the same party rules both at the same time. Such instances of vertical congruence facilitate communication considerably ([Detterbeck 2012](#), 130; [Thorlakson 2020](#), ch. 2), but the question of the direction in which influence then flows is an empirical one. Organizationally, [Detterbeck and Hepburn \(2018, 123\)](#) rely on 'shared rule' to conceptualize two dimensions, of which the first refers precisely to 'regular meetings between leaders, joint committees, mechanisms for regional input into statewide decision-making and the inclusion of regional officials in the state executive', and the second to regional party autonomy.

In the resulting typology, the only difference between 'federalist' and 'confederalist' parties concerns the degree of regional party autonomy, which is higher in the latter, with moderate degrees of shared rule in both (*ibid.*, 123–4). So-called 'consensualist' parties, in turn, are the only ones to

demonstrate high degrees of shared rule: ‘sub-state branches have limited autonomy but possess considerable access to central party decision-making’ (ibid., 123). They ascribe these features to German political parties ‘with strong vertical party integration’ (ibid., 126)—Germany is, not coincidentally, also the country with the highest degrees of both formal and actual shared rule (see Chapter 3), which for Thorlakson (2020, 10) is *the* main reason for party structures.

The clearest complementarity between parties and regional governments trying to influence their national counterpart comes in the form of territorial exclusivity: so-called ‘regionalist parties’ capture a type of actor that stands exclusively *in* and *for* a given area (e.g. Mazzoleni and Mueller 2016, 4; also De Winter and Türsan 1998; De Winter et al. 2006; Elias and Tronconi 2011). In Europe, the most successful parties striving for further regional autonomy have been the Scottish National Party, the Basque *Partido Nacionalista Vasco* (PNV), and the Catalan *Convergència i Unió* (CiU) (Mazzoleni et al. 2016, 173). The *Südtiroler Volkspartei* (SVP) in Italy has at least managed to broaden the region’s autonomy statute, if not to deepen it (Lecours 2021, ch. 6). Such parties most effectively pursue their strategies if they form the regional government, making them the territory’s unofficial *and* official spokesperson on the back of a democratic mandate.

At the receiving end of regional(ist) influence (i.e. in the centre), a further condition for the likelihood of success is dependence by the national government on the regionalist party, the regional government, or both. This dependence is, in turn, a function of both institutional and compositional variables:

1. In terms of *institutions*, the literature on regime types has long since established that some constellations of electoral, governmental, and parliamentary rules concentrate power in the hands of a single party and its leader, whereas others separate, divide, or ‘diffuse’ power within the executive, between the executive and the legislative, within the legislative, and between those elected and voters (Lijphart 2012; Bernauer and Vatter 2019; Ganghof 2021, ch. 2; Mueller 2023). It would seem that the greater the potential to concentrate power, the less likely the central government is to depend on regional(ist) actors for support.
2. In terms of *composition*, too, a central government is less dependent on other actors the greater its dominance of veto points. Hence, even a second chamber with substantial co-decision-making and investiture

powers or a directly elected president do not make the national executive more vulnerable if they are controlled by the governing party (Duverger 1980, 184; Tsebelis 2002; Mueller et al. 2023). The formally powerful Italian and Romanian senates, for instance, are highly congruent with their respective first chambers (Vercesi 2017, 615) and so do not really act as a check on them or the executive.

As the Spanish case, which is discussed in greater detail in Chapter 3, will show, institutions and composition interact to open up or close off opportunities for regional(ist) influence. Minority governments in parliamentary regimes are probably the most dependent on, and thus susceptible to be swayed by, regional interests in exchange for party support, as the institutional architecture demands legislative majorities at key moments (e.g. investiture votes or budget approval; cf. Field 2016). In turn, MPs in presidential or otherwise ‘assembly independent’ regimes, such as Switzerland (Ganghof 2021, 23, following Shugart and Carey 1992), are (in principle) freer to vote in line with personal or territorial interests as compared to pure party loyalty, as the government’s survival does not formally depend on them. The independence of government and parliament in the latter type of regime is thus likely to bifurcate the influence of regional governments, so that it targets members of both branches of government and both houses of parliament, if they are equally powerful. Shared rule in parliamentary systems is, in turn, more likely to take the form of inter-party negotiations, if different parties are in power nationally and regionally, or within-party negotiations, through arrangements as per Detterbeck and Hepburn (2018, 123), if the same party dominates at both levels (panels A and B in Figure 2.7).

Figure 2.7 summarizes the discussion of parties and regimes with regards to regional influence. The relative simplicity of parliamentary regimes, which concentrate power in the governing party or coalition (panels A and B), is contrasted with presidential and other non-parliamentary systems. In the latter, the influence of regional governments is bifurcated, as the executive and legislative ‘survive’ independently (panel C). Both are thus free to deviate from the other without incurring sanctions such as non-confidence or dissolution, making each an attractive target for regional influence. The number of channels potentially used for influence-seeking further increases: (a) with the number of additional veto players who are not (fully) dominated by the governing party and/or the legislative majority at national level and (b) if the same separation-of-powers regime persists at the regional level (panel D).

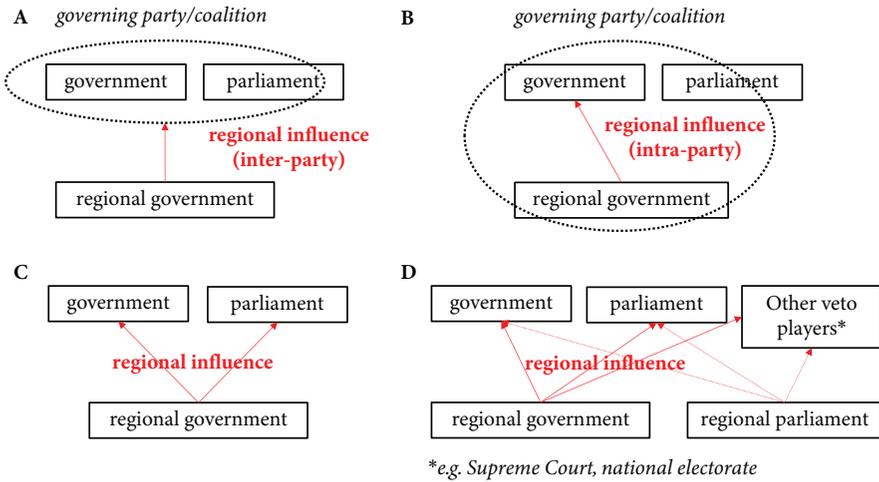


Figure 2.7 Regional influence by regime type and vertical party constellation.

## 2.5 Summary

We have thus arrived at the end of our journey through the history of shared rule. Three main types of shared rule were identified as having emerged at different points in time, with each new one building on its predecessor(s). Told chronologically, *shared rule as horizontal cooperation* came first: independent polities agreeing to share some of their powers by pooling resources and thus availing themselves of economies of scale. Confederations with their typically minimal to non-existent (often simply rotating) ‘centre’ were real-world manifestations of this type of shared rule—indeed, the root of the word ‘federalism’ itself, *foedus*, can be traced to ‘a compact between equals to act *jointly* on specific issues of general policy’ (Friedrich 1968, 6; emphasis added).

Over time, horizontal cooperation became increasingly routinized, extended to other areas, legally fortified, and thus institutionalized (cf. Bolleyer 2009). The creation of the US republic in 1788 marked the decisive step towards *shared rule as centralization*, with some powers now ‘shared’ between the (old) states and the (new) state (e.g. Kincaid 2019). The same occurred in the transformation of the medieval Swiss *Eidgenossenschaft* into a modern federation in 1848. However, centralization, as a process of delegating legislative, administrative, and/or fiscal powers to a new ‘general’ or central government, has occurred in all of the six federations studied by

Dardanelli et al. (2019a, 2019b), albeit in different forms, policy areas, and periods.

The third and final step in the conceptual evolution of shared rule, which will be studied in-depth in the remainder of this book, is marked by a particular combination of regional ownership (as in step 1) and centralization (as in step 2). For under *shared rule as regional influence over national decisions*, regional governments attempt to have a say in policy areas or over public functions which by definition are no longer theirs (if ever they were). When a regional government tries to sway the national government into constructing a new highway here rather than there, this has nothing to do with self-rule or regional cooperation. Even when several regional governments coordinate to successfully challenge a tax reform proposed by the national parliament, the goal of such inter-regional cooperation is not to create a new, higher order but to thwart the actions of the already-existing one.

The final section of this chapter has looked at the potential interaction of the third type of shared rule with different regime types and political parties. These jointly impact the path regional government influence can (or should) take, and thus play a key role in establishing the diversity of instruments available, as well as in their actual deployment, as will be discussed in greater detail in Chapter 3.

# 3

## Epistemology

What's ours is our own and  
what's yours is ours [too].

**Smiley and Watts (1985, 125)**

Research on shared rule as the second pillar of federalism alongside self-rule is surprisingly underdeveloped, despite the importance it is assigned by several classic and contemporary scholars (e.g. Elazar 1987; Kymlicka 1995, 2005; Watts 1996; Hooghe et al. 2016; Thorlakson 2020, 55). One reason for this might be disagreement about what shared rule actually means (see Chapter 2), another the elusive nature of influence as such. At best, scholars speak of and analyse regional *representation* at the central level (e.g. Swenden 2006), but this does not really tell us much about whether or even how they can get things done, especially when acting against the will of the central government. Palermo (2018, 55) similarly observes that regions seek ‘primarily participation and coordination rather than mere representation’.

Of course, if one is to exercise influence, it is often helpful to be present, but (a) this must not always be so, as influence can also materialize at a distance and indirectly, and (b) presence alone does not automatically translate into influence—especially when other actors with rival interests are present too (cf. also Klüver 2013, 2; Dionigi 2017, 7). At the same time, if the goals of shared rule are ownership and expansion, as the opening epigraph suggests, then we cannot avoid reflecting about it in much greater detail than has been the case so far.

The point of departure of this chapter is that *influence*—in general, the ‘ability to get others to act, think, or feel as one intends’ (Banfield 1961, 3) and, more specifically, ‘the ability of an actor to shape a political decision in line with his [or her] preferences’ (Klüver 2013, 7)—rests on authority, power, or both. *Authority* is the sum of formalized rights and privileges; that is, legal entitlements and capabilities to act upon others or otherwise intervene in the political decision-making process, as defined by a constitution, statute, convention, or other collectively binding set of (mostly written)

rules. Authority is usually attached to an institution, such as the right of a supreme court to review the constitutionality of acts of parliament. *Power*, for its part, denotes actor-specific resources and favourable circumstances for their deployment with a view to establishing control over others (Banfield 1961, 348). For instance, an individual judge is largely powerless if they are overruled by their colleagues and a majority suffices, yet has as much or even more power than other judges if their vote is decisive because of a tie or the need for unanimity.

Given the fluidity and unpredictability of the qualifier ‘favourable circumstances’, it is impossible to specify *ex ante* when influence will be at its highest. It may be when both rights and resources are at their maximum. For example, a president has the most influence over the direction of their country if they possess extensive formal rights, such as the right to nominate the prime minister, as well as control over parliament via a disciplined majority party that they direct. In this case, the presidency entails specific rights, whilst control over the party and its majority position are circumstantial resources in the hands of the president (cf. Duverger 1980).

However, authority and power may also be diametrically opposed, and the influence they confer may be equivalent. For example, all twenty-six Swiss cantons (including the six former half-cantons) formally possess the same degree of self-rule. Moreover, when it comes to constitutional referendums, the decisions of each canton’s electorate matter equally for the final result, regardless of size, turnout, or closeness. However, in actual practice, the cantons of Zurich, Basel-City, and Vaud, which together account for 29 per cent of the country’s population and 35 per cent of its GDP (BFS 2021), certainly have more power than the others. Thus, whilst they do not have greater influence when it comes to constitutional amendments (and, in fact, the electorate of Basel-City counts for half as much as the others), informally these cantons are more influential.

By defining shared rule as *the influence of a regional government over national decisions*, the need thus arises to first specify the formal (authority) and informal (power) bases of this influence separately and then speculate on their possible interactions, as enhancements or substitutions. Luckily, the *formal* side of shared rule as regional bottom-up influence has already been extensively discussed and exhaustively measured in the form of the Regional Authority Index (RAI; Hooghe et al. 2008, 2016; Shair-Rosenfield et al. 2021), which will be presented in Section 3.1.

To assess the *informal* or power dimension of shared rule, I proceed deductively by outlining a general categorization of possible national–regional governmental relations in terms of the latter wanting to influence the former.

I then provide examples of each possibility so defined. Two specific avenues through which regional governments attempt—often with success—to influence national decision-makers are then discussed in greater detail:

1. *Territorial lobbying*; that is, engaging in activities commonly subsumed under the heading of lobbying but with a view to defending territorial-public (as opposed to functional-private) interests.
2. *Regionalist or other non-state-wide parties* heading a regional government and operating as crucial parliamentary allies at the centre, making it possible to extract concessions.

We shall see that whilst the first has become a key feature of the presidential USA and non-parliamentary Switzerland, the second is typical of parliamentary systems, such as Spain or the UK. Neither avenue is explicitly provided for by constitutions or other formal legislation and both grant certain regions more power, and hence influence, than others.

What is more, in culturally divided societies, both mechanisms potentially enhance non-territorial forms of power-sharing, such as mandatory executive inclusion or veto rights given to minority groups (see [Chapter 1](#)). However, consociationalism does not typically grant a share of central power to sub-state *governments* (otherwise it would be federalism) but instead directly to a group's representatives or members (as voters)—which is why this dimension is considered merely subsidiary, rather than constitutive, of the informal side of shared rule.<sup>1</sup> Yet to the extent that cultural identities are deployed when mobilizing for the defence of territorial interests—or, indeed, are the proclaimed target of regional voice—they clearly deserve to be included in any study of shared rule (see [Chapter 5](#)). Thus, the main question guiding this chapter is the following: how is the influence of regional governments over national decisions actually exercised—that is, what are the most important instruments?

### 3.1 The Regional Authority Index

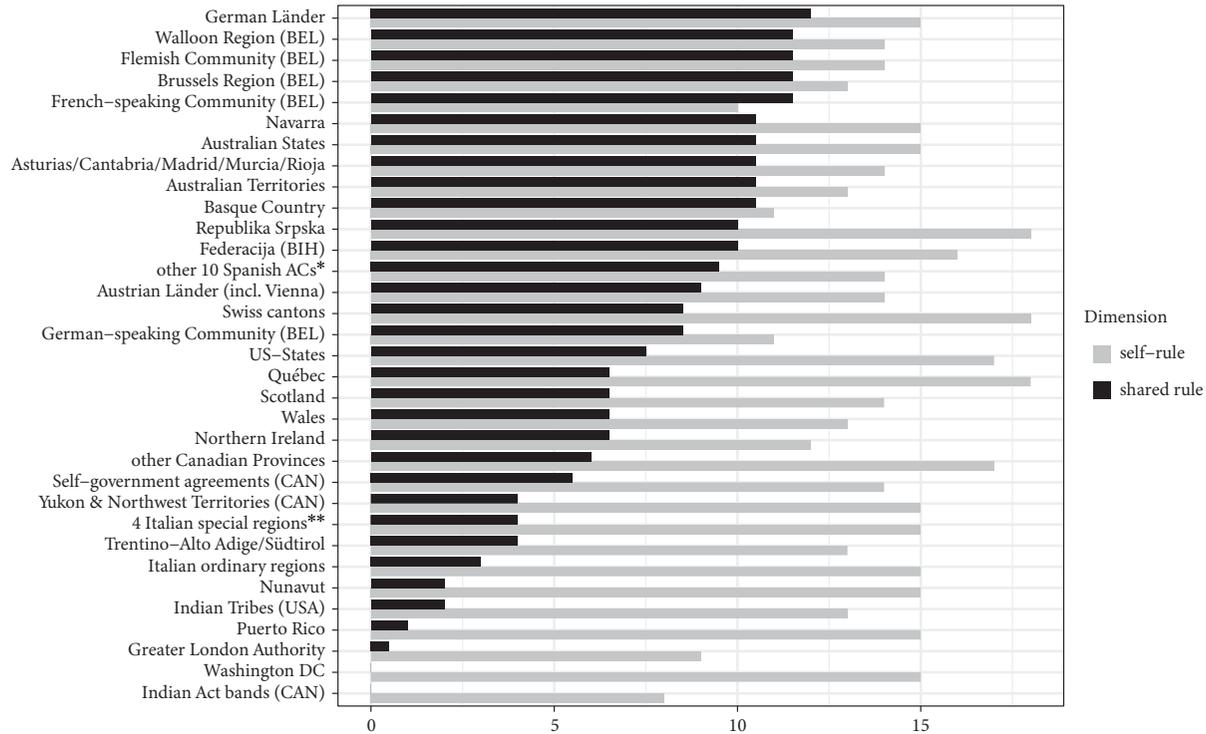
The most thorough and comprehensive measure of shared rule to date is undoubtedly the RAI ([Hooghe et al. 2008, 2016](#); [Shair-Rosenfield et al. 2021](#)). Its creators specifically focused on *formal* shared rule as well as *potentialities* for regional influence. Thus, the country with the highest level of shared

<sup>1</sup> In both Canada and Belgium, for instance, a specific number of supreme court judges must, respectively, come from Quebec and be French-speaking ([Aroney and Kincaid 2017, 20](#)).

rule as of 2018, as captured by the RAI, is Spain (13), followed by Germany (12), Belgium (11.5), and Australia (10.5) (Shair-Rosenfield et al. 2021). However, Spain, Germany, and Belgium all possess *multiple* subnational tiers, and to calculate a country's values the RAI adds together the scores for each level. Spain also has an asymmetric position among regions of the *same* tier, with seven Autonomous Communities scoring 10.5 and ten 9.5. In Belgium, the French- and Dutch-speaking Communities achieve shared-rule scores of 11.5, three more than the *Deutschsprachige Gemeinschaft*. In turn, all sixteen German *Länder* obtained the same score of 12, and although there are different types of subnational governments in Australia—six states and two territories—they all score 10.5 on the shared-rule dimension of the RAI.

As we are concerned here with *regional* governments, defined as the uppermost tier of a state, the RAI needs to be disaggregated in order to look at that level only. For the sake of illustration, Figure 3.1 shows all the (types of) tier-1 regions from eleven European and North American federal political systems, plus Australia, ranked by degree of shared rule for the year 2018, as measured via the RAI. The reason for restricting the sample in this way is to ensure comparability. On the one hand, federal political systems regulate, in a (quasi-)constitutional way, the vertical division of powers across at least two levels (e.g. Stein 1968; Burgess 2006, 136). Both formal federations, such as Germany and the USA, and de facto federations or regionalized systems, such as the UK and Spain, are thereby included. On the other hand, focusing on liberal democracies with reasonable levels of economic development and the rule of law entails the exclusion of violence, one-party rule, corruption, and clientelism as alternative practices used to attain political goals. These scope conditions—liberal-democratic, reasonably developed, peaceful, and with an entrenched federal division of power—thus constitute the limits of this study. Bosnia, whilst not as democratic as the other cases, is included to increase the number of multinational systems (McEwen and Lecours 2008; Keil 2015; Basta 2021).

Returning to Figure 3.1, whilst one might have expected the German *Länder* to come out on top, there are some surprises in the form of the Australian states and territories or Spanish regions, which are ahead even of the US states and Swiss cantons—two sets of entities usually said to have ‘come together’ (Stepan 1999) to found paradigmatic federations. By way of comparison, the grey bars in Figure 3.1 indicate degrees of self-rule, once again as measured by the RAI. Interestingly, levels of self-rule barely decrease as we descend the shared-rule scale.



**Figure 3.1** Regional shared rule and self-rule in eleven federal political systems, 2018.

*Note:* Omitted are the Autonomous Cities of Ceuta and Melilla (ESP). \*Andalucía, Aragón, Canarias, Castilla-La Mancha, Castilla y León, Catalunya, Valencia, Extremadura, Galicia, Islas Baleares; \*\*Friuli-Venezia Giulia, Sardegna, Sicilia, Valle d’Aosta.

*Source:* Author using data from [Shair-Rosenfield et al. \(2021\)](#).

But why exactly do the German *Länder* come out on top, achieving the maximum possible score on this measure of formal regional influence? Of the twelve points accorded to them on the RAI's shared-rule dimension, the first two are due to the Bundesrat (Hooghe et al. 2016, 383–4). This second chamber of the German parliament is composed entirely of delegates appointed by and representing the will of *Länder* governments, weighted slightly according to the size of the *Länder* but on the whole adhering to a territorial logic. No single *Land* can, on its own, dominate proceedings—even North-Rhine Westphalia, the largest region with 22 per cent of the German population, commands just six votes out of sixty-nine; that is, some 9 per cent. Coupled with extensive legislative powers, which notably extend to an absolute veto over proposals by the first chamber that directly affect the *Länder*, the regions thus strongly influence national law-making through their executives. Yet they can do so only collectively: the smallest number of *Länder* capable of obtaining an absolute majority is seven (out of sixteen).

Two further points are awarded in line with indicators of executive, borrowing, and fiscal control (Hooghe et al. 2016, 384–5). These measure, respectively, whether routine meetings between national and regional governments have legally binding authority, whether regions have a veto over the distribution of the national tax yield, and whether regions are routinely involved in taking decisions about national and subnational borrowing constraints (ibid., 87–96). The German *Länder* exercise their influence over national decisions in these areas not only through the Bundesrat (for taxation) but also through a dense web of inter-governmental councils, to which the Stability Council created in 2010 is merely the latest addition (Hooghe et al. 2016, 385).

The final four points awarded by the RAI, reflecting the extent of regional government influence over national constitutional change, are once again due to the Bundesrat, since a two-thirds majority of seats is needed in both houses of parliament (ibid.). To obtain the necessary forty-six votes in the second chamber, at least ten *Länder* must vote in favour, because abstentions count as no-votes and delegates from the same *Land* must vote *en bloc* (Art. 52.3 Basic Law 1949; also Palermo 2018). In sum, formal shared rule in Germany is in large part due to the Bundesrat (eight out of twelve points), whilst the other third derives from Intergovernmental Councils (IGCs) that bring together federal and regional ministers (Behnke and Mueller 2017; Hegele and Behnke 2017; Schnabel 2020).

This particular (i.e. highly formalized) manifestation of shared rule has much to do with the importance of *Mitsprache* (e.g. Kaiser and Vogel 2019),

a term only inadequately translated as ‘participation’ or ‘co-determination’. If we use the even stronger *Mitbestimmung* (‘co-decision’) instead, the complementary nature of shared rule and self-rule (also called *Selbstbestimmung*, i.e. ‘self-determination’, in German) becomes obvious. In fact, the history of German federalism since World War II is often read as one of trading *Selbstbestimmung* for *Mitbestimmung*, especially when it comes to the relatively poorer *Länder* (Weichlein 2019). It comes as no surprise, then, that regional ‘embassies’ (*Landesvertretungen*) in Berlin, with some thirty-five members of staff on average, play a crucial role (Schrenk 2010, 361).

Zooming in even further, the unique situation of the German Bundesrat becomes obvious. No other country, federal or otherwise, possesses a national-level institution where regional governments directly, exclusively, and bindingly take joint decisions. As of 2010, the only other subnational entities to have similar legislative *Mitsprache* at the central level were the three Belgian communities, the ‘subjects’ of the Russian federation, and the two ‘entities’ that compose Bosnia-Herzegovina (Hooghe et al. 2016, 358–9, 443–4, and 459). Disregarding Russia because of its lack of liberal democracy, in both Belgium and Bosnia that situation came about via (negotiated or imposed) confederalization (cf. also Section 3.5). However, only in Germany are representatives instructed by regional *governments*; everywhere else they are either directly or indirectly elected by regional electorates or parliaments and can therefore vote freely (Russell 2001, 108), if they are not in the thrall of party and/or ethnic discipline.

Yet there are other ways for regional governments to influence national decision-making beyond both second chambers and binding inter-governmentalism, and, indeed, beyond even this formal realm of authority. In fact, the very reason for replacing ‘authority’ with ‘influence’ in the definition of shared rule adopted here is to broaden our scope and include the informal side of territorial power politics. Whilst much more difficult to measure and fluid in nature across space, time, and issues, regional influence nevertheless plays a key role in the operation of multilevel systems. The RAI can thus be most usefully extended and complemented in three regards:

1. Looking at the *informal* side of regional influence, alongside the formal dimension of authority.
2. Allowing for *differences* across regions of the same formal status and for alliances and rivalries between a few, some, or all of them.
3. Trying to understand *cause and effect*; that is, tracing both the reasons for shared rule and its consequence(s) at both the regional and the national level.

Section 3.2 addresses the first point in a general way before discussing two especially influential but largely informal channels, territorial lobbying and political parties, in greater detail (Sections 3.3–4). The second and third points are then addressed in Parts B and C.

### 3.2 Informal shared rule: an expert survey

From the perspective of regional governments, it matters little *how* they influence national decisions, as long as they actually do so in a way that corresponds to their interests. What general options exist, then, for regional governments to ‘vary the behavior of officials of the center’ (Riker 1964, 86)? Since influence is closely related to human nature or ‘ambition’ (*Federalist Papers* no. 51), there are an infinite number of ways to exercise it. In order to understand how different regional governments go about trying to influence ‘their’ national governments, I carried out a brief expert survey in spring 2019. Scholars were asked the following seven questions:

1. What do regional governments usually want from the central government? Why?
2. Do different regions want different things? Who and why?
3. Can you think of a policy area that best illustrates such (different) regional demands, for example transport/infrastructure, health, or economic development?
4. How do regional governments go about expressing their demands: what is their preferred strategy, instrument, and/or forum?
5. How often do regions address the central government/parliament/other actors at the central level?
6. When regional governments lobby the central level, who acts with whom? Who usually acts alone?
7. How important is shared rule for regions in your country? Are there significant differences between the various regions and, if so, which ones and why?

Expert surveys are a useful instrument for measuring real-world phenomena that are only insufficiently captured by objective data (Lowande and Shipan 2022, 1880) or when such data are unavailable or suspicious (TI 2021, 1). One of the most prominent databases compiled in consultation with country experts is the Varieties of Democracy project (V-Dem 2022, 9). V-Dem’s

main argument for relying on experts is the latency of variables, such as (precisely) democracy (Pemstein et al. 2022, 2). This is especially challenging in a cross-national setting, where different understandings of the same overall phenomenon exist (e.g. electoral vs. participatory democracy) or where different mechanisms may lead to the same outcome (e.g. competitive elections vs. frequent referendums). The same latency and multidimensionality applies to regional influence, which, as we just saw, can take place through both formal mechanisms (e.g. the German Bundesrat) and informal ones (e.g. political parties).

In this particular case, experts were selected based on their publication record with regard to at least one of the eleven national federal systems and their membership in European and global federalism networks,<sup>2</sup> as well as using snowballing. Of the fifty political scientists and lawyers contacted, thirty-eight (i.e. 76 per cent) completed the survey either in writing or via an oral interview. The advantages of this method are that it provides deep and up-to-date insights into the actual workings of several multilevel systems with reference to the same phenomenon, namely regional government influence. Country experts are ideally placed to link their observations with other attributes of ‘their’ system, such as the general dominance of political parties in Belgium and Spain, the uniqueness of the German Bundesrat, or Swiss direct democracy.

The main disadvantage of an expert survey such as this is the dependence of the results on the actual experts chosen, which, if they are systematically biased in their assessment, could distort the picture. Relying on several experts for the same country whenever possible alleviates this concern. However, even those same three, four, or (in the case of the USA) six experts could be biased or plainly wrong in their understanding of ‘influence’, ‘demands’, or ‘lobbying’. Whenever possible, expert statements were thus corroborated using secondary data and official statements, and disagreements among experts are discussed transparently in the following. The information gained from this exercise relates to the following dimensions and use of shared rule:

1. Channels: how do regional governments go about trying to influence national decisions? Some use indirect channels such as the media and public relations (PR) activities, others rely on more or less professional

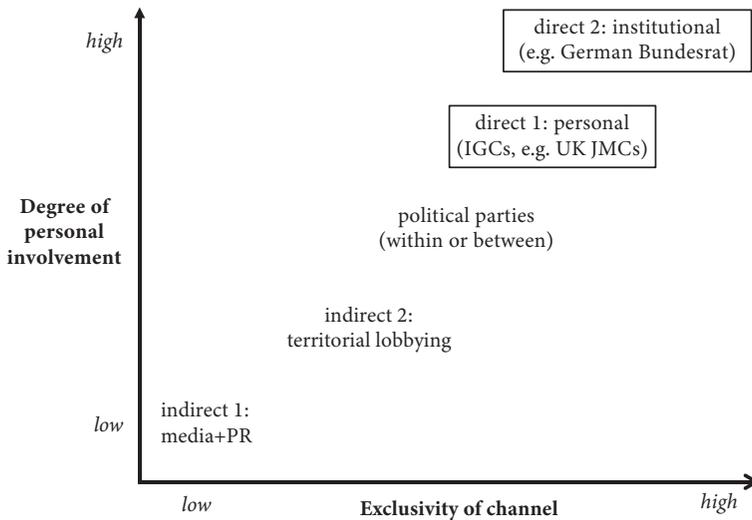
<sup>2</sup> Notably the *European Consortium for Political Research* (ECPR) Standing Group on ‘Federalism and Regionalism’ (<https://standinggroups.ecpr.eu/fr>) and the *International Political Science Association* (IPSA) Research Committee 28 on ‘Comparative Federalism and Multilevel Governance’ (<https://comparative-federalism.org>). Annex 1 lists all the experts who participated; citations are attributed using the country codes and numbers listed there.

lobbying or political parties (within or between parties, as detailed in Section 2.4), whilst among the direct channels we find personal contact in inter-governmental councils (e.g. the UK Joint Ministerial Council) or joint institutions (the German Bundesrat).

2. Instruments: regional governments use whatever they can in their attempts to sway the national authorities. Their resources range from expertise and arguments through quid-pro-quo bargaining (e.g. trading votes in the national parliament for policy concessions) to threats and obstruction (e.g. when appealing to a supreme court or using direct democracy, if available).
3. Goals: what regional governments typically want from the national level are autonomy, money, and (de-/re-)regulation.
4. Alliances: regions act alone, in coalitions, or all of them band together. The degree to which partisanship and other similarities (e.g. political economy or cultural identity) matter for inter-regional alliances varies across regions, countries, and issues.
5. Stages: influence-seeking can be attempted in the pre-parliamentary (agenda-setting), parliamentary (committees and plenary), or post-parliamentary phase of rule-making (implementation and administration). To the latter phase also belong challenges raised via direct democracy or lawsuits, if these are directed against legislative acts. Threats to have recourse to such vetoes occur in the pre-parliamentary and parliamentary phases.
6. Frequency: across countries and regions of the same country, bottom-up influence-seeking is rare when regions are already fairly autonomous, as in Canada and Bosnia, but constitutes a more or less permanent feature of all the other systems assessed here.

Whilst there may be other dimensions beyond these six, I regard these as the most interesting conceptually and the most important practically and politically. Let us briefly discuss each in turn.

**Channels.** The way in which regional governments attempt to influence national decision-making can be classified in terms of the degree of personal involvement, on the one hand, and the exclusivity of the channel, on the other (Figure 3.2). Recourse to the media and PR campaigns results in low values on both dimensions, as there is no direct contact between regional government members and central-state representatives—such contact being, as the word itself indicates, ‘mediated’. Nevertheless, successful media campaigns can build pressure from the street or online, thus compelling central



**Figure 3.2** Five channels of shared rule.

*Note:* Framed channels denote formal arenas also covered by the RAI (cf. Hooghe et al. 2016 and Section 3.1). IGCs = Intergovernmental Councils, JMC = Joint Ministerial Committees.

authorities—the government, parliament, bureaucracy, or even the courts—to act in the intended way (Simeon 1973, 252). As one expert on Australia (AUS1) aptly put it:

the dominant strategy seems to be to capitalize on a problem and use it as leverage—e.g. a high number of car crashes on a stretch of highway is blamed on the Commonwealth not providing the money to upgrade the road; report shows hospital waiting times are too long, it's the Commonwealth's fault for not giving enough money for more nurses.

The media strategy is also frequently used in Spain (ES1+ES2) and Canada (CAN2+CAN3) and, to a lesser extent, Belgium (BE2), Bosnia (BiH3), Germany (DE2+DE3), and the USA (US3+US6). The media channel is closely related to multilevel blame-shifting, when it becomes hard to distinguish between purely rhetorical statements, addressed in the first instance to a region's own electorate (cf. also Mueller and Mazzoleni 2016), and actual attempts to change things. However, the use of the media is not only related to the lack of other channels, or their temporary unavailability in the case of vertical party incongruence (e.g. in Belgium), but also to bolstering claims to which they give voice (e.g. in the USA; cf. Nugent 2009).

At the opposite end of this twofold spectrum, we find institutions such as the (rather unique) German Bundesrat (see also Section 3.1). Here, regional government members are directly and physically part of the national institutional structure—hence the term ‘intra-state federalism’ (Cairns 1979; Smiley and Watts 1985). However, in the informal reading of shared rule advanced here, the Bundesrat merely provides the arena and legal authority; government members, or their instructed delegates, still need to engage in informal political interaction in order to make their voices count. Failing to agree internally on how to cast their bloc vote results in the voices of that *Land* delegation not being counted (Palermo and Kössler 2018, 174). Accordingly, the coalition treaties of *Land* governments often contain detailed rules on how to vote in national matters (e.g. Kropp and Sturm 1998, 131), and party dynamics in the Bundesrat are as important as territorial interests—if not more so (Lehmbruch 2000, 82).

Between these two extremes, we find territorial lobbying in the narrow sense—that is, structures and offices set up and funded by regional governments to influence central-state representatives on their behalf—as well as IGCs, such as the UK Joint Ministerial Councils (JMCs), which bring central and regional ministers face to face (Behnke and Mueller 2017; Schnabel 2020). The fact that these two channels can reinforce each other does not mean we cannot separate them conceptually. A widespread practice in the USA, for example, is for professional lobbyists to prepare the ground by contacting members of Congress and their staff, but for governors themselves to then appear in a committee hearing and testify (e.g. Nugent 2009, 136). Yet regional and national government members can also meet without the mediation of paid lobbyists, just as territorial lobbyists can do their job without bringing in the political heavyweights. An example of the former are the Canadian First Ministers’ Conferences or, since the 1990s, ‘Meetings’ (CIGS 2016, 17; Simmons 2017, 578). In the USA, Elazar (1984, 87) traces ‘the practice of states maintaining Washington representatives for purposes of obtaining federal funds’ to at least the early nineteenth century (also Gollob and Leckrone 2012).

At the centre of Figure 3.2 we find political parties, the most fluid category (see also Section 2.4). Here, the influence of regional governments is exercised within the same party or between different parties—or both at the same time, depending on the precise constellation at any given moment. Influencing takes place *within* the party, if the same party holds power in the region and at the centre. In this case, lower-level entities are in a privileged position vis-à-vis the central government when it comes to access and information, whilst the latter has a keen interest in assisting the former to win re-election

(Filippov et al. 2004, 192). In Spain, for instance, there exists ‘a perception among both PSOE and PP parties in the [Autonomous Communities] that the interests of their region are best served when their co-partisans are in government statewide’ (Thorlaxson 2020, 178).<sup>3</sup>

Influencing takes place *between* parties if a regional(ist) or other party holding power in the region, but not at the centre, is able to bargain with the national government. In that case, the lower level must be able to offer something the centre needs, for example by voting in favour of, or at least not against, investiture or crucial government bills in the national parliament (see Section 3.4). In the case of both within- and between-party influence, there is at least occasional face-to-face contact, either in party meetings and organs or in the corridors and committees of the central parliament, although regional government members must not necessarily be personally involved themselves (they can be, however, if they hold a double mandate; cf. Freiburghaus et al. 2021).

Note that although the five channels listed in Figure 3.2 are not mutually exclusive, there exists a clear hierarchy between them: more exclusive channels can draw on support created through less exclusive ones, and indirect channels are often (but not always) used because direct ones are momentarily (e.g. parties) or permanently (e.g. the Bundesrat) unavailable. More will be said later about territorial lobbying, which is often backed up by recourse to the media and PR (Section 3.3).

Note too what is *not* included as separate channels, namely court challenges and direct democracy. Both these institutions are best regarded as counter-majoritarian instruments in that they potentially limit the reach of national executives (Lijphart 2012; Bernauer and Vatter 2019; Abizadeh 2021). They are thus only indirectly suitable for proactively inducing the government to act in a certain way, as this requires empowering rather than restricting them (cf. Gerring and Thacker 2008). Even their blocking potential is doubtful given the uncertainty of achieving the desired outcomes; that is, a quashed or rejected act of parliament. This is not to say that these two instruments are completely useless; only that they do not form standalone channels of communication and interaction.

Regarding lawsuits, it is a defining characteristic that they mark *failed* influence—otherwise, there would be no need to have recourse to a neutral arbiter (one who might not even be all that neutral, as an institution of

<sup>3</sup> PSOE (*Partido Socialista Obrero Español*, i.e. Spanish Socialist Workers’ Party) and PP (*Partido Popular*, i.e. People’s Party) are the two main state-wide parties representing Social-Democrats and Conservatives, respectively.

the national state; cf. Aroney and Kincaid 2017). In this sense, lawsuits, such as those filed by Democratic State Attorneys against executive orders issued by the Trump presidency, are conceptually equivalent to direct-democratic challenges, such as the cantonal referendum in Switzerland through which a minimum of eight (out of twenty-six) cantonal governments can subject a parliamentary act to a nation-wide referendum, which alone is decisive (Fischer 2006; Schnabel and Mueller 2017).

At best, court challenges and direct-democratic vetoes exercise an indirect influence, in two distinct ways. First, if the challenge is *successful*, the arguments voiced during the public debate and the legitimacy gained from having won the battle (in court or at the ballot box) can be exploited in subsequent interactions with the central government. Second, the mere *threat* to launch a legal or direct-democratic challenge can be employed, especially if there is a victorious precedent in the past. But both the discursive leverage and the legal or popular legitimacy gained from previous successful challenges, as well as threats to make use of either veto, must somehow be communicated—which brings us back to the five channels of Figure 3.2. Damocles' sword is useless if its existence is unknown to others.

Two further phenomena not included as channels of shared rule are preemptive law-making at the (inter-)regional level and subnational implementation (Nugent 2009; Gardner 2018). Regarding the former, it is sometimes argued that the central government's behaviour can be influenced by making use of regional self-rule, either individually (one region enacting a new law) or collectively (uniform laws or inter-regional treaties). However, in both instances 'the subnational unit need not persuade the central state to act or refrain from acting, need not obtain its permission, and need not negotiate with or consult it. Instead, subnational units can pursue their goals directly, through the use of powers allocated to them by the national constitution' (Gardner 2018, 541).

In other words, although the exercise of regional self-rule *may* influence the central government to behave in a certain way, for example by not occupying the policy area or not imposing national standards, in instances where regions have already autonomously reached an agreement, this can only be part of the story. Once again, if regional *governments* are to actually make use of that influence, they still need a forum to make their case. Thus, as with judicial and direct-democratic challenges, the existence and exercise of self-rule becomes just another argument—albeit a powerful one—that is employed in and through at least one of the five channels identified earlier. Nevertheless, this discussion shows that *non*-decisions should also be counted among the targets of shared rule: in fact, the most powerful groups are often those

defending the status quo (e.g. Baumgartner et al. 2009, 19; Herian 2011; Bowman 2017).

Matters are similar when it comes to the administrative discretion that regional governments may have in implementing federal regulations (Nugent 2009, ch. 5; Mueller and Fenna 2022). When tasked with applying federal programmes, regions can either do so as they see fit, in which case there is no influence on central decisions as such. Or they can bargain with the central executive and its agencies over the more detailed definition of rules, entitlements, terms, deadlines, and so on, in which case they once again need to resort to a more specific channel to actually exert influence over these rules. To illustrate the former situation, this quote cited by Nugent (2009, 66) on the US case is helpful:

We are putting up with the federal government on so many fronts .... And we usually just play along for a while, we ignore them for as long as we can, and we try not to bring it to a head. But if it comes to a head, we found that it's best to just tell them to go to hell and run the state the way you want to run your state.

Defiance is, of course, the opposite of influence, just as violence marks the absence of power: one only defies, challenges, or combats that which does *not* correspond to one's interests.

**Goals.** This brings us to briefly consider the other dimensions of shared rule as influence over national decisions. First, what do regional governments actually want to achieve? The answer provided by almost all the experts surveyed is *more money*—in the form of federal transfers, revenue-sharing, smaller regional contributions to the central-state budget, or investments in the region, for example in infrastructure, such as rail and road, or via government contracts. All these are 'fiscal interests', as Nugent puts it (2009, 22). A second, less frequently mentioned goal of shared rule is to secure current levels of autonomy (self-rule) or to push for more. A third, even less frequent goal is de-regulation, re-regulation, or simply regulation. For example, in the USA:

Many conservative states are trying to regulate abortion out of existence. Many liberal states are moving to make abortion readily available to women and also throughout their entire pregnancy, including their day of delivery. Liberal states want to ban some types of guns and otherwise regulate guns heavily. Conservative states are deregulating guns. Liberal states are expanding Medicaid (i.e. health insurance for the poor); many conservative states are refusing to expand Medicaid. (US4)

**Alliances and instruments.** Yet another dimension of shared rule relates to the number of regional governments acting in concert, ranging from one on its own to all together. Since the shape of a constellation of actors is inevitably tied to their goals, Nugent (2009, 22) identifies three types: particularistic, categorial, and universal interests. Yet, in theory, even a single region can fight for a universal goal, such as cleaner air for all, and even universal coalitions comprising all regions can demand greater particularistic benefits for each. The goals pursued and the channels available jointly impact the instruments regional governments employ. At one end of the spectrum, we find simple *arguments* for this or that national policy that is to be enacted or rescinded. At the next level of escalation, we encounter public *pressure*, followed by *threats*. Finally, regional governments can use veto powers to *block* unwanted change or *exchange* their consent for concessions in other fields. Those veto powers, in turn, can coincide with any or all of the non-territorial dimensions of ‘power diffusion’ identified by Bernauer and Vatter (2019): horizontal (e.g. explicit or implicit support for national executives in first and/or second chambers), judicial (e.g. court challenges), or via direct democracy. Consociational federations offer particularly instructive examples in that regional governments, overlapping with ethnic groups, ‘mostly use the veto points that the system provides them to ensure they can block any kind of unwanted policies happening .... It’s usually in this way that they choose to achieve their own policies, i.e. by blocking everything else until they get what they want’ (BiH2).

The most extreme form of threat used to back up regional demands for change is, of course, that of unilateral secession, as witnessed in Quebec, Scotland, Catalonia, and, albeit to a lesser degree, Corsica and Flanders (e.g. Siroky et al. 2016). An only slightly more subtle form of exit threat is the ‘Alberta Sovereignty Within a United Canada Act’ enacted in December 2022, which created a legal structure that allows the province to ‘suspend or modify’ federal rules (section 4(1)(a)(i)). According to the Government of Alberta (2022, 3), the ‘act, and its use, draws a line in the sand with the federal government by enabling legislation that protects and defends Alberta’s constitutional rights’. Although an initial legal appraisal identified several problems with the act (Olszynski and Bankes 2022; also Adams 2022), Prime Minister Trudeau seemed not overly bothered, taking it for what it is: ‘a political tool’ (CBC 2022).

**Stages and frequency**, finally, refer respectively to the specific moment in the national decision-making process when influence is sought and how often this happens. A general rule in lobbying is ‘the earlier, the better’ (e.g. Klüver 2013, 210; Crepaz et al. 2022). A theory about goals, alliances, stages,

and frequency will be developed in later chapters; suffice it to say, for now, that they can all be combined with the channels in different ways. Thus, Republican-controlled US states may collectively lobby an executive agency for a specific type of administrative order with a view to obtaining more discretion in implementation, or an individual region, such as Scotland, may use the media to push for greater fiscal autonomy even before a bill enters Westminster. For now, let us look at two particular channels in greater detail: territorial lobbying and political parties.

### 3.3 Territorial lobbying

One way for regional governments to informally influence national decision-making is through lobbying in the classic or narrow sense. Typically, this occurs when regional governments are not (or no longer) included, through ‘their’ delegates, in parliamentary proceedings, as they are in the German Bundesrat, or when there are no or only ineffective formal channels for vertical inter-executive bargaining, such as IGCs. Regional governments can then try to influence the behaviour of MPs, government ministers, and civil servants through pressure from just outside those institutions; that is, the lobby. [Transparency International \(2015, 6\)](#), a major non-governmental watchdog in this area, defines lobbying as ‘any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making, and carried out by or on behalf of any organised group’.

Such organized groups, or ‘interest groups’, have accordingly constituted the focus of studies of lobbying. Typically, governmental actors are not included (e.g. [Klüver 2013, 5–6](#)), although [Baumgartner et al. \(2009, 9–10\)](#) counted some 3 per cent of governmental associations among a total of 1,244 major US interest groups. Two types of groups are usually distinguished: sectional and cause groups (e.g. [Giger and Klüver 2016, 193](#)). The former defend the interests of specific segments of society, advocating on behalf of private goods enjoyed only by some; the latter ‘fight for a belief or principle’, typically ‘a public good that everyone can enjoy’ (*ibid.*).

How should regional governments be classified within this framework? As public actors, they have a democratic mandate to defend the interests of all of their citizens or inhabitants, yet given the definitional multitude of regions and potentially rivaling claims, they also strive for the preservation or increase of (‘regionalizable’) private goods. In that sense, regions are no

different from other vested interests, such as businesses, non-governmental organizations, or entire industries, although they may and often do claim representative superiority (e.g. [Bowman 2017](#), 638; Goldstein and [You 2017](#), 874). The national political system in which territorial lobbying is probably most extensively practised is that of the USA. One reason for this might be that the popular election of senators was introduced with the 17th Amendment to the US Constitution in 1913, officially depriving state legislatures of their sway over senators ([Riker 1955](#)).

US inter-governmental lobbying is undertaken both collectively and individually. *Collectively*, two main countrywide organizations stand out: the National Governors Association (NGA) and the National Conference of State Legislatures (NCSL). Whilst the former ‘advocates for the bipartisan policy priorities of Governors among federal agencies and with Congress and the White House’, the NCSL ‘ensures states have a strong, cohesive voice in the federal system.’<sup>4</sup> Both emphasize their bipartisan character and both work horizontally and vertically, by sharing information, services, and ‘best practices’ among their members, on the one hand, and by seeking to influence national-level decision-making, on the other. A third state-wide organization, the Council of State Governments, is much more horizontal in character ([Bowman 2017](#), 629–30), although it, too, engages in lobbying.<sup>5</sup> Because of the growing polarization engulfing American politics, the NGA’s visibility and influence is increasingly being supplanted by two rival associations, one for Republican and the other for Democratic governors ([Conlan and Posner 2016](#); [Jensen 2017](#), 329).<sup>6</sup>

*Individual* lobbying, in turn, is directly undertaken by individual states, entities, or local governments. In 2022, the single most active territorial lobbyist (category: ‘civil servants/public officials’) in the USA was Puerto Rico, whose total spending amounted to some USD 1.8 million, to which are added some USD 900,000 spent by the Financial Oversight and Management Board for Puerto Rico created in 2016, with seven (of eight) members appointed by the US president.<sup>7</sup> Still, that is only half of what the island’s government spent each year between 1998 and 2000, namely

<sup>4</sup> See [www.nga.org/about](http://www.nga.org/about) and [www.ncsl.org/about-us](http://www.ncsl.org/about-us) [7.1.2023].

<sup>5</sup> See [www.csg.org/about-us](http://www.csg.org/about-us) and [www.opensecrets.org/federal-lobbying/clients/summary?cycle=2022&id=D000075656](http://www.opensecrets.org/federal-lobbying/clients/summary?cycle=2022&id=D000075656) [7.1.2023].

<sup>6</sup> See also [www.rga.org](http://www.rga.org) and <https://democraticgovernors.org> [7.1.2023].

<sup>7</sup> See [www.opensecrets.org/federal-lobbying/industries/summary?cycle=2022&id=W03](http://www.opensecrets.org/federal-lobbying/industries/summary?cycle=2022&id=W03) and <https://oversightboard.pr.gov/about-us> [7.1.2023].

some USD 5 million.<sup>8</sup> Other notable spenders include Los Angeles County (USD 1.5 million in 2022) and the US Virgin Islands (USD 1.2 million). The reason why Puerto Rico is such an avid spender is that it lacks effective *formal* representation: ‘Whether it be economic development, health care, education, transportation, housing, benefits for military veterans, and others, Puerto Rico must fight for just and equal treatment for the U.S. territory in federal programs and legislation passed by Congress without the support of voting representation in Congress’ (Cited in [Lollie 2010](#); cf. also US5).

The purpose of lobbying is often narrowly understood in terms of influencing MPs to behave in a certain way. [Goldstein and You \(2017\)](#) highlight two possible objectives when it comes to lobbying by US cities: congressional earmarks and grants awarded by the 2009 Recovery Act. By contrast, in addition to obtaining funding, US states are also interested in ‘seeking freedom from federal regulation’ ([Jensen 2017](#), 316) and obtaining decision-making authority ([Nugent 2009](#), 23). States are at their most effective when they try to block rather than advance a certain congressional decision ([Herian 2011](#)), whilst individual governors go it alone when their regional or partisan associations cannot agree on common action ([Creek 2013](#)). More than half of all US states also maintain an office in Washington, DC ([Bowman 2017](#), 633), and many other state executive officers—treasurers, attorneys general, secretaries of state, and so on—run their own countrywide organizations ([McGuire 2004](#)). At the same time, lobbying can also directly target the executive and specific departments (e.g. [Smith 2015](#), 426–7). All of this reflects the broader patterns of competitive, majoritarian, and presidential federalism that so strongly characterize American politics ([Lijphart 2012](#); [Bernauer and Vatter 2019](#)).

Nonetheless, territorial lobbying is not confined to the USA. Switzerland, too, has witnessed attempts to strengthen the voice of cantonal governments in federal decision-making:

- Individual cantons have opened shop in Berne, the federal capital, by posting semi-permanent observers and liaison officers—just like US governors and their offices in Washington, DC ([Jensen 2017](#)).
- Since 2011, a special badge (labelled ‘K’ for ‘Kanton’) to enter parliament has been given to one delegate per canton. In summer 2018, nineteen out of twenty-six cantons had such access ([Curia Vista 2018](#)).

<sup>8</sup> See [www.opensecrets.org/federal-lobbying/clients/summary?cycle=2022&id=D000046233](http://www.opensecrets.org/federal-lobbying/clients/summary?cycle=2022&id=D000046233) [7.1.2023].

- Persons defending cantonal interests can also obtain access to the lobby through MPs, since each has the right to hand out two access cards (e.g. [Altermatt 2018](#)).
- Collectively, the Conference of Cantonal Governments (KdK) was formed in 1993 to better represent cantonal interests in Berne.
- Since 2008, there exists a ‘House of Cantons’, similar to the Hall of States established in Washington, DC in 1977 ([Jensen 2017](#), 319), regrouping several cantonal government organizations, including the KdK ([Schnabel and Mueller 2017](#)).

This raises interesting questions about causality, since with its emphasis on cooperation, consociation, and consensus, Switzerland is in many regards the polar opposite of the USA, with its two-party system and increasingly unified governments at both national and state level. In fact, the type of federalism (and the overarching political system, which can be detached from the federal structure only with great difficulty) seems to influence the type of territorial lobbying, but not its initial emergence.

But Swiss cantons not only lobby parliament—whenever possible, they try to influence national decision-making at a much earlier point, namely in the expert committee (drafting) or consultation stages (i.e. before a draft bill even arrives in parliament). The Swiss system also permits most national MPs to retain a subnational executive mandate (or other affiliation) so that lobbying is built into parliament by design, although this practice is in decline ([Freiburghaus et al. 2021](#); [Di Capua et al. 2022](#)). Finally, if all else fails, Swiss regions have the possibility to challenge any act of parliament via a cantonal referendum: if explicit disagreement with the act is voiced by at least eight cantonal governments within one hundred days of its publication, a nationwide referendum is held, in which a simple popular majority must approve the act. This possibility further strengthens the influence of cantonal governments in the pre-parliamentary and parliamentary stages, since the threat to call a referendum is itself a formidable bargaining instrument ([Neidhart 1970](#); [Linder and Mueller 2021](#)).

What is more, although the cantons have made use of ‘their’ referendum only once, in 2003–4, the national tax reform they so challenged was subsequently rejected by the Swiss population, giving it a 100 per cent success rate. The Conference of Cantonal Governments subsequently played an instrumental role in finding a compromise between the two parliamentary chambers and helping to avoid a further referendum challenge in 2015 ([Schnabel and Mueller 2017](#)). Their 2018 proposal to amend the

fiscal-equalization system was similarly approved by both government and parliament in summer 2019 (Curia Vista 2019; Stöckli 2019).

For all their systemic differences, territorial lobbying in the USA and Switzerland operates along the same lines: actors can draw on their own electoral legitimacy, since both US governors and cantonal ministers are popularly elected; there is competition with other vested interests, since lobbying is far from an exclusively regional affair; and the more the constituent units acting collectively represent different partisan, regional, and cultural affiliations, the greater their effectiveness. Owing to Switzerland's consensual and direct-democratic system, however, Swiss lobbying takes place earlier in the policy cycle and is less competitive vis-à-vis the central government. Moreover, the current administrative character of the Swiss federation allows cantons to argue on the basis of problems with implementation (KdK 2021a; Mueller and Fenna 2022) in the event that they disagree with a proposal.<sup>9</sup>

It is revealing of its broader and growing importance that the study of territorial lobbying has received a boost through European Union (EU) integration (e.g. Tatham 2015, 2016, 2018; Huwylar et al. 2018). As Brussels has become an ever more important locus for *national* politics, regional governments, too, have started to try to influence EU policy. Most interestingly, by increasing self-rule at home through devolution within an EU Member State, influence and regional empowerment at EU level are heightened, too (Tatham 2016, 269). Direct access is by and large privileged by all the regions compared to channels gate-kept by Member State governments, but even more so by large and prosperous ones (Huwylar et al. 2018, 766). In that sense, informal lobbying by regions themselves trumps formal participation rights through domestic institutions. However, the extent to which this is mirrored in a corresponding pattern of shared rule 'at home'—that is, direct regional influence over national decisions—has not yet been explored.

### 3.4 Political parties

A second important but completely informal channel of shared rule passes through political parties. Party-political shared rule, as regional government influence over national decisions, arises under one of two scenarios: either

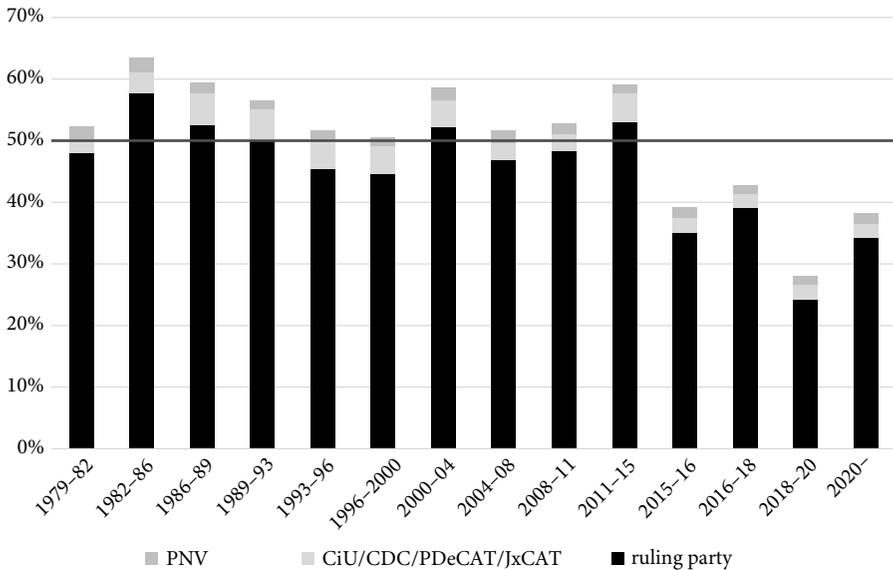
<sup>9</sup> The US 'blue slip' procedure represents an interesting equivalent in a dual system: according to this convention, the nomination of federal district and circuit judges is not put to the Senate floor unless all the senators representing the affected states agree. While it is one hundred years old, the procedure was diluted under President Trump and there was pressure to abolish it altogether in the 118th Congress (Mogulescu 2022). I thank a reviewer for bringing this to my attention.

the *same* party is in power regionally and nationally, alone or in a coalition, or the regional governing party is somehow *needed* by the national government on a permanent or intermittent basis (see also Section 2.4).

The former situation is exemplified by the Bavarian *Christlich-Soziale Union in Bayern* (CSU). The party competes only in Bavaria, where it has formed the regional executive since 1946 with only a single three-year gap in the 1950s (Wagemann 2016, 43). Nevertheless, it has been an integral part of the German government whenever its state-wide sister-party, the *Christlich Demokratische Union Deutschlands* (CDU), was included. This has allowed the CSU to play a double game, practising state-wide federalism and advocating Bavarian-specific regionalism at the same time (e.g. Wagemann 2016; Weichlein 2019). The conditions that must be fulfilled for this to even make sense, let alone work, are that the party must be vertically integrated and influence must lie at the regional level—indeed, the national-level party is a mere offshoot of the CSU's regional anchorage (Thorlakson 2009, 162).

Yet regionalist parties need not be included directly in the national government in order to influence policy-making. In fact, more often than not it is through their parliamentary seat share that they support the state-wide government in exchange for concessions to their region. By way of illustration, Figure 3.3 traces the extent of the parliamentary dominance of the ruling party at the central level in Spain and adds in the seat shares of the two main nationalist parties, CiU (Catalonia) and PNV (Basque Country). In the last forty years, it has only been since 2015 that these two regionalist parties have been unable to provide the ruling party with crucial parliamentary support, plunging the Spanish system into a deep crisis involving: three national elections in just over three years; the first ever use of the constructive vote of no confidence; the imposition of direct rule on Catalonia (Mueller 2019); and the sudden rise of a far-right Spanish nationalist party in reaction to Catalan secessionism (ESP2). Ironically, the origins of the current crisis of Spanish and Catalan democracy can be traced to 2004, when, for the first time, the same party was in power both at the centre and in the regions (Mueller 2019, 146).

In general, party-political concessions exacted through this type of shared rule can take the form of further self-rule, as in the case of the nationalist parties from the Basque Country and Catalonia in Spain (Barbera and Barrio 2016) or outright payments in the form of subsidies to and investments in the region, as specified in the confidence-and-supply pact of 2017 between the British minority government of Theresa May and Northern Ireland's Democratic Unionist Party (DUP).



**Figure 3.3** Congreso seat shares for ruling party and two regionalist parties, 1979–2022.

*Note:* Ruling party 1979–1982: UCD; 1982–1996, 2004–11, and 2018–present: PSOE (since January 2020 in a coalition); 1996–2004 and 2011–18: PP. Next to CiU are listed its various successor parties.  
*Source:* Author based on data from MIR (2022).

<sup>10</sup> In any case, there seems to be a strong connection between this channel of shared rule and the nature of the goals pursued: only by obtaining particularistic, private goods can the regional governing party ‘sell’ its central influence as a success for the region as such.

All three of these examples are taken from parliamentary systems. We are thus able to specify a further condition—which is necessary but not sufficient—for its emergence: informal shared rule via regionalist-nationalist or other parties in regional government only arises when there is a significant need for disciplined, professional, vertically integrated, and hierarchical organizations of this kind and opportunities for expressing regional(ist) loyalty abound. Parliamentary systems, with their in-built mechanism that ensures that the cabinet must regularly secure a pro-government majority, or at least avoid defeat (which would lead more or less directly to

<sup>10</sup> See [www.gov.uk/government/publications/conservative-and-dup-agreement-and-uk-government-financial-support-for-northern-ireland](http://www.gov.uk/government/publications/conservative-and-dup-agreement-and-uk-government-financial-support-for-northern-ireland) [4.8.2019]. Note that, at the time of writing (January 2023), Northern Ireland has not yet formed a new regional government, but the DUP would *have* to be included as per the Good Friday Agreement or ‘Belfast Agreement’ and section 16A of the corresponding UK Northern Ireland Act (1998). See [www.gov.uk/government/publications/the-belfast-agreement](http://www.gov.uk/government/publications/the-belfast-agreement) and [www.legislation.gov.uk/ukpga/1998/47/part/III](http://www.legislation.gov.uk/ukpga/1998/47/part/III) [9.6.2019].

the cabinet's demise), both have this need and present the necessary opportunities.

The criteria of hierarchy and vertical integration with respect to parties' internal organization seem particularly decisive, as a closer look at Canada reveals (cf. more generally [Johnston 2017](#) and [Thorlakson 2020](#)). Although Canada is similar to other parliamentary systems, such as Germany and the UK, and multinational, like Spain, its provinces possess neither much formal nor much informal shared rule:

*Formally*, the ranking shown in [Figure 3.1](#) assigns the Canadian provinces the lowest position, obtaining just half the points of the top-ranked German *Länder*. Even Quebec, which has more self-rule, is only slightly ahead of the other provinces when it comes to formal shared rule ([Hooghe et al. 2016](#), 117 and 130–1). Its extra half-point is due to the fact that its twenty-four senators (of a total of 105, i.e. 23 per cent) each represent one sub-provincial constituency (*ibid.*, 125–6), although as with all other provinces they are appointed centrally by Ottawa (Arts. 22–24 [Constitution Act, 1867](#)) in constituencies formally approved in London all the way back in 1859 (Schedule A, Chapter One of the [Consolidated Statutes 1859](#)). Furthermore, inter-governmental relations, though extensive, lack the binding character of their German counterparts, since parliamentary sovereignty is practised at both levels of government ([Adam et al. 2015](#), 140, 144–5, and 157; also [Bolleyer 2009](#) and [Simmons 2017](#)).

*Informal* shared rule through parties in Canada is, for its part, low because the party system is almost completely bifurcated ([Thorlakson 2020](#), 23). Parties operate either at the federal level or separately within each province. For instance, unlike the Bavarian CSU, the Scottish National Party, or the Catalan *Esquerra Republicana de Catalunya* (ERC), all of which compete in both state-wide and regional elections, Quebec nationalists stand at the federal level as the *Bloc Québécois* but at the regional level as the *Parti Québécois* (e.g. [Thorlakson and Keating 2018](#), 139 and 153). Even when the federal prime minister comes from Quebec—not even Bavaria has achieved a comparable feat—this is not seen as giving Quebec a greater say in state-wide matters, since party discipline is high and the left–right cleavage dominates the behaviour of non-nationalist parties ([Thorlakson and Keating 2018](#), 143; also [Smiley and Watts 1985](#)). With regards to both political parties and consociationalism, then, Canada is the polar opposite of Belgium, where there are no (longer) state-wide parties and where both main cultural communities must be equally represented in the central executive (cf. also [Lijphart 2012](#), 244–5). And all of this comes *on top of* the existence of high formal levels of

shared rule in Belgium and of very low ones in Canada (see [Figure 3.1](#)). Nor is Canada familiar with territorial lobbying of the kind seen in Switzerland or the USA, given its strong Westminster-type party discipline at the central level ([Smiley and Watts 1985](#), 79; [Simeon 2004](#), 100–1).

### 3.5 Regional government influence

We are now in a position to move from conceptualization to operationalization. [Table 3.1](#) lists the eleven countries that will be studied more closely over the course of this chapter, on the basis of the expert survey conducted in spring 2019, and attributes scores ranging from 0 to 2 for each channel. For channels A, C, and D, 0 means ‘no, never’, 1 means ‘sometimes’, and 2 means ‘yes, all the time’. For channels B and E, 0 means ‘no’ and 2 means ‘yes’—territorial lobbying and institutional contacts either exist or do not exist. Since it is unclear at this stage which channels are the most effective, each is given the same weight, so that the final index represents the sum of the rows. Taking the overall mean of 3.5 as the cut-off point, seven countries have low levels of actual shared rule and four have high levels, with Germany once again coming out on top. The remainder of this section accounts for these scores.

#### High shared rule

Overall, shared rule is highest in **Germany** because of the Bundesrat, strongly developed inter-governmental fora, a vertically integrated party system with strong regional levels, and the occasional use of the media (and public pressure) as additional channels. The multitude of existing channels is reflected in shared rule being a ‘constant’ (DE1), ‘regular’ (DE2), and ‘permanent’ (DE3) feature. As one expert (DE1) summarizes the situation:

In my impression, *Länder* governments use three venues/arenas:

1. The Bundesrat is the main forum of shared rule, used extensively for influencing federal legislation and also as a discussion and agenda-setting forum;
2. Ministerial councils overlap in part with the Bundesrat, but are used even more for agenda-setting and information gathering, for coalition building and informal talks with the federal level;

**Table 3.1** Actual shared rule in eleven federal political systems

Country	media/PR	lobbying	parties	IGCs	institutional	Total score		Dominant channel
Canada	1	0	0	1	0	2	low	media, IGCs
Belgium	1	0	1	0	0	2	low	parties, media
Bosnia	1	0	1	0	0	2	low	
UK	1	0	1	1	0	3	low	
Australia	1	0	1	1	0	3	low	parties, media, IGCs
Spain	1	0	1	1	0	3	low	
Italy	1	0	0	2	0	3	low	IGCs
Austria	1	0	2	1	0	4	high	parties, IGCs
Switzerland	2	2	0	1	0	5	high	territorial lobbying, media
USA	2	2	1	0	0	5	high	
Germany	1	0	2	2	2	7	high	institutional, parties
<i>Mean</i>	<i>1.2</i>	<i>0.4</i>	<i>0.9</i>	<i>0.9</i>	<i>0.2</i>	<i>3.5</i>		

*Note:* IGCs = Intergovernmental Councils.

3. Party channels: due to the vertically integrated party organization in Germany, *Länder* governments would use their national party organization, e.g. to file legislative proposals in the Bundesrat; also, if their national party is a coalition partner in the federal government, they have easier access to information from the bureaucracy in ‘their’ ministries.

And as if all that was not enough, a strategy of ‘going public’ and thereby mixing ‘inside and outside tactics’ (DE3) is also occasionally employed.

The **USA** and **Switzerland** come second overall because of territorial lobbying, especially by US governors and the Conference of Cantonal Governments, respectively, as well as the almost constant use of the media and other PR channels (e.g. Nugent 2009; Schnabel and Mueller 2017). Territorial lobbying is backed up by strong extra-parliamentary veto players—the supreme court and the people (via referendums)—which serve to enhance the credibility of threats. In Switzerland, however, parties play almost no role as there are oversized de facto coalitions at the federal level as well as in all the cantons; parliaments and executives are mutually independent throughout the system; and direct democracy weakens both representative institutions since the people (and, for changes to the federal constitution, also the cantonal peoples) have the final say (Mueller 2021c). In turn, IGCs increasingly function as transmission belts for cantonal demands (Schnabel and Mueller 2017), which is not the case in the USA, where partisanism has partly taken over these ‘voice’ functions:

All states lobby both Congress and the White House and Executive branch agencies. Elected officials’ use of partisan instruments for lobbying [Republican and Democratic Governors’ Associations] are becoming more common and important. ... Federal, state, and local roles increasingly intersect, so shared rule has become more important overall. However, it has also become increasingly partisan, so that there are often different blocks of states seeking to go in different policy directions and seeking federal waivers or funding to help do so. (US2)

the preferred method is to use quiet, back-channel influence through the state’s legislative delegation to Congress. Next might be coordinated lobbying strategies utilizing horizontal coordinating organizations like the National Governors Association, or if the issue is one with a partisan valence, the Republican Governors Association or Democratic Governors Association. ... when the state is controlled by a different party than Congress or the White House, state officials may prefer a more confrontational strategy involving publicity, mobilization of mass opinion, and so on. (US3)

The case of **Austria** neatly captures the tension between the formal and informal dimensions of shared rule, reflecting its generally ambivalent federalism—for example, whilst regional identities remain strong in some parts of Austria, some 60–70 per cent of the population would be in favour of abolishing both *Länder* parliaments and the Bundesrat (Karlhofer 2016, 613–14). Formally speaking, too, Austria has many unitary features, including a rather weak and, from the perspective of *Länder* governments, ineffective second chamber (Hooghe et al. 2016, 349; Palermo 2018; Bussjäger and Eller 2023, 50): although the Austrian Bundesrat has a veto over constitutional changes that affect regional powers, its members are appointed by *Länder* parliaments in proportion to the number of seats the different parties hold. Inter-governmental councils provide only a partial channel of influence because of the need to present a unified front against the central government: the chief conference of regional premiers, the so-called *Landeshauptleutekonferenz*, is at best able to obstruct national law-making (Bussjäger and Eller 2023, 54).

Informally, however, political parties are vertically integrated and there is a high degree of congruence across levels of governance, with different areas dominated by one or the other of the two main state-wide parties, the Social Democrats and the Conservatives (Karlhofer 2016, 618). And although regional influence *within* these two parties is low to moderate (Thorlaxson 2009, 167), they still constitute the privileged channel for shared rule: ‘The *Länder* have basically two possibilities to defend their interests: (1) the formal way, which consists of the regional premier contacting the responsible ministry (which is definitely more promising when both belong to the same party); (2) via the *Landeshauptleutekonferenz*, which is a purely informal organ’ (AT3, my translation). ‘The regional premier undoubtedly has the most influence at the federal level—at least with party colleagues in the central government. ... The influence of [Socialist] Vienna, for instance, has decreased under the national centre-right government’ (AT1, my translation).

## Low shared rule

The lowest levels of shared rule, according to the above classification and coding, are found in Canada, Belgium, and Bosnia. Already in the case of **Canada**, formal shared rule reaches merely average levels, and not even unanimity in IGCs guarantees success, as both Meech Lake (1987) and Charlottetown (1992) revealed: although all ten provincial premiers had agreed

with the Canadian prime minister to amend the constitution, their attempt ultimately failed to win sufficient parliamentary or popular support (Simeon 2004, 107). With territorial lobbying in the narrow sense unlikely to yield results because of high party discipline and vertical disjointedness (Thorlakson 2020, 95), and with nothing even remotely comparable to the German Bundesrat, only ‘going public to mobilize public opinion in their favour and against the federal government’ is viable (CAN3). Yet as all three experts observed, even this channel is only occasionally used, since shared rule as such is simply ‘not important because of the extensive autonomy of Canadian provinces’ (ibid.).

However, at least there *are* established IGCs in Canada, in contrast to both **Belgium** and **Bosnia**, where (ethno-national) parties clearly dominate. In Belgium, as elsewhere, the use of the media is conditional upon the failure of the party channel: ‘There is a formal “Concertation committee” where all the governments meet, but if they really want to put something on the agenda, regional governments will rather use the media’ (BE2). Similarly so the other two experts: ‘Typically, political parties are the vehicle to express demands. This is also because the parties at the federal and the regional parliaments are the same; the split is between languages, not between levels’ (BE3). ‘When the same parties are in the central and regional governments, influence goes through the parties and the councils of ministers. If there are different parties at the two levels, it goes through inter-governmental meetings, via the media or via civil society (e.g. via labour unions attached to parties)’ (BE1).

Evidence from Bosnia, another strongly consociational federation, points in the same direction, with the added complication that here the parties themselves are dominated by ethnicity even more than the Belgian parties are dominated by language:

Bosnian politics is about ethnic politics and ethnic elites (who may or may not hold important offices in government at regional/central level) play a key role in the negotiation of any kind of agreement. Otherwise, political parties play a key role as they represent different ethnic groups and are also represented and govern at regional and central level, therefore ensuring continued debate here as well. (BiH1)

Thus, in consociational federations, cultural communities are to territoriality what sovereignty is to power-sharing in parliamentary federations: an obstacle that is impossible to overcome. Two other commonalities between Belgium and Bosnia are a rather neat division of labour, which provides regional governments with considerable autonomy (as in Canada), and greater conflict *among* the constituent units (or the parties representing them) rather

than between these units and the federal government, where communities are entrenched via consociational rules (Deschowuer 2012; Caluwaerts and Reuchamops 2015; Keil 2015; Banović et al. 2021).

The **UK** and **Australia** also have low levels of actual shared rule, albeit slightly higher than the three lowest-ranked countries. Their second chambers largely mirror the first—and thus redundant (or unelected) and hence devoid of input legitimacy (Mueller et al. 2023)—whilst, with only a few exceptions, more or less disciplined state-wide parties also dominate the lower echelons. To be sure, parties exercise some influence on certain occasions, for example the case of the DUP in Northern Ireland mentioned earlier or the Scottish National Party (SNP) agreeing to somehow support a Labour minority government prior to the 2017 elections, but that is rather the exception. Whilst the media are sometimes used to heap pressure on the central government, this mostly happens when specific issues or demands are on the agenda.

Thus, whereas the (between-)party channel distinguishes the UK from Canada, the UK and Australia are distinguished from Belgium and Bosnia by the existence of IGCs, such as UK JMCs and the Council of Australian Governments. For although the leaders of Australian states and territories do not even *meet* unless convened by the Australian prime minister (Phillimore and Fenna 2017, 603) and ‘proceedings themselves are often uneventful, [at least] they provide a forum for back-door negotiations’ (AUS1). The situation is similar in the UK:

JMCs are multilateral but look more impressive and exhaustive on paper than in reality. They meet in different forms: JMC Europe, JMC Domestic, Finance Minister’s quadrilateral. JMC Domestic is regarded largely as unsuccessful/underused; the JMC Europe was the most formal, with regular meetings—not necessarily tangible outcomes. The Joint Ministerial Committee (European Negotiations) was formed in 2016 to manage the process of the UK exiting the EU. It then did not meet between February and September 2017 when the EU Withdrawal Bill was produced by the UK Conservative government. More meetings were held afterwards, but a sense of being left out of essential decision-making processes remained with the Scottish and Welsh government. (UK3)

A further peculiarity in the case of the UK, in addition to Brexit, is ‘asymmetry and especially the lack of English devolution .... Creating a system which gives the devolved government a meaningful role in central/state-wide decisions risks creating further grievances in the nation with by far the biggest population but which lacks a distinctive voice’ (UK2). In sum, in Australia,

‘the most effective strategy for regions to promote their interests is during national general elections where regional interests demand responses to their grievances’ (AUS2). In the UK, too, there are at least

parliamentary groups in the House of Commons. The SNP is in a more advantageous position here, as it is the third largest group in the House of Commons and is in government in Scotland. The speaker of a parliamentary group has more time to ask questions at Prime Minister’s Question Time, for example, [so] it is possible to use the parliamentary forum to raise regional demands. (UK3)

Finally, **Italy** and **Spain** both have equally low levels of shared rule, but for slightly different reasons. Both are the outcome of similar regionalization processes and have somehow become entangled in their own post-Napoleonic unitary state structure. Yet Spain is more similar to the UK and Australia with regards to actual shared rule, whilst Italy resembles Germany with regard to the IGC dimension. The occasional queen-making role of Catalan and Basque nationalist parties has already been mentioned, but the fragmentation of the party system has become such that this is no longer enough to secure a parliamentary majority. In fact, ‘even if the celebration of these meetings [Conference of Regional and Central Presidents and Council for Fiscal and Financial Policy] is formally regulated, the periodicity of the latter is largely driven by contextual political coalitions and demands’ (ESP3). ‘Political parties with institutional regional responsibilities are the main conveyors of grievances and demands. As a matter of principle, they never ‘wind up’ issues concerned with policy-making and they engage in a mutual ‘blame avoidance’ game’ (ESP4).

In the case of Italy, the experts were unanimous in pointing out the key role of the *Conferenza Stato Regioni*,<sup>11</sup> with parties and territorial lobbying not playing any major part and the senate amounting to a mere copy of the *Camera dei deputati* (cf. also [Mueller et al. 2023](#)). As one expert summarized the situation:

The main body for inter-governmental cooperation is the ‘Conferenza Stato Regioni’ ... created in 1983. ... It gradually became a permanent institution with a consultative role, though until 1997 its opinion was compulsory only for budget laws and the Economic and Financial Planning Document. ... With the reform L. 59/1997, the State-Regions Conference’s consultative role became permanent rather than ad hoc, and its opinion compulsory for decisions concerning regional

<sup>11</sup> [www.statoregioni.it](http://www.statoregioni.it) [7.1.2023].

interests (Article 8 paragraph 1). In other words, inter-governmental cooperation ... became more institutionalized and would influence decision-making more and more over time. (ITA2)

Both Spain and Italy are also characterized by strong legal and factual asymmetries among the regions, with (different types of) bilateral negotiations also being a frequent feature (see also [Lecours 2021](#)).

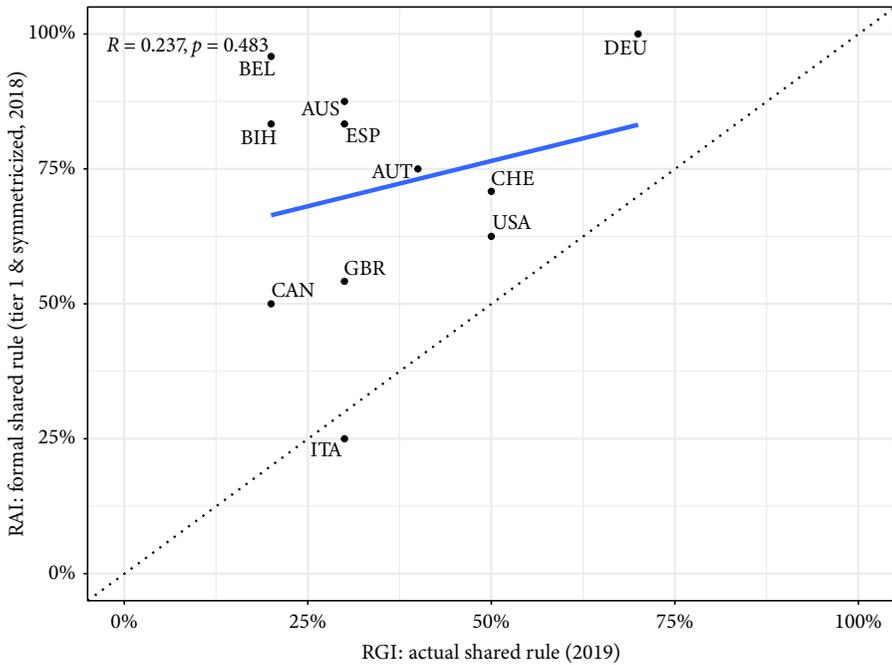
If we now compare these overall values for actual shared rule with those resulting from the RAI, which captures only the formal side, we arrive at the results presented in [Figure 3.4](#). Here, we see that Italy is not merely the only case in which formal shared rule largely corresponds to its actual values, if converted into proportions of the maximum possible score, but also the only case where the measurement applied here yields a slightly *higher* relative score (3 out of 10 for actual vs. 3.2 out of 12 for formal shared rule). Germany still comes out on top, but this time it is followed by the USA and Switzerland rather than Belgium and Australia.

The correlation coefficient between the two measures is  $r = 0.237$ , which is positive and modest enough to instil confidence that both relate to the same underlying notion, whilst being low enough to enable us to speak of two different measurements. Of course, the RAI also pertains to regions as such and not just regional *governments*. It also measures authority, not *influence* more generally. In that sense, the measurement developed here is more aptly called one of regional government influence (RGI) or at least one of regional government *attempts* to influence state-wide decisions.

What can also be seen quite clearly from [Figure 3.4](#) is that no regions in *any* country obtain the maximum values for actual shared rule. This is because some channels are conceived of as alternatives, for example within-party influence *or* via the media, territorial lobbying *or* institutional inclusion, but others are seen as complementary, for example lobbying *and* use of the media, party channels *and* meetings in IGCs. In any case, the measurement developed here can only be a first step that is followed by two more:

1. Investigating differences and similarities in terms of *goals*, *alliances*, and *stages* of RGI.
2. Trying to understand the cause and effect of shared rule from the perspective of both the regions themselves and the larger political system of which they form a part.

Parts B and C of this book are dedicated to these more analytical aspects. There, we will also see whether juxtaposing the informal dimension with the



**Figure 3.4** Formal versus actual shared rule.

*Note:* For asymmetric countries, RAI scores correspond to those of ordinary provinces (CAN) and regions (ITA), regions/communities (BEL, excluding the German-speaking community), Scotland, Wales, and Northern Ireland (GBR), and the mean across seventeen Autonomous Communities (ESP). Scales are in % of total scores possible. Smaller diagonal = line of fit, dotted line = perfect fit.  
*Source:* Author based on data from [Shair-Rosenfield et al. \(2021\)](#) and [Table 3.1](#).

formal dimension really allows us to better understand the reality of federal and multilevel governance systems, which channel is usually more effective, and what all this means for the stability, legitimacy, and prosperity of polities and their people.



## PART B

# CAUSES

Part B is the first of two analytical parts. It investigates the origins, reasons, and causes of the extent and use of shared rule, defined as regional government influence over national decisions. In other words, shared rule is the dependent variable. ‘Origins’ refers to the historical roots of the institution, which can be analysed in largely descriptive terms: when and in what form did shared rule make its first real-world appearance in a given context? ‘Reasons’ concern the rational, ideational, and emotional arguments adduced at the time of the concept’s empirical (non-)appearance: why was it thought necessary to (not) allow for shared rule, what justified a greater or lesser degree of shared rule, and who was acting against whom at that time? Finally, under ‘causes,’ I specify the general factors that induce a country to resort to introducing shared rule (or not) and which push a specific region, or group of regions as a collective, to employ shared rule. For it is one thing for regional governments to have the possibility to influence national decisions, another to actually do so, and quite another yet to succeed in this endeavour and get what they want.

Table B.1 displays how each of these three analytical avenues pertains to both the national and the regional level. Countries—that is, mutually independent, externally sovereign nation-states—are (still) the dominant form of governance worldwide, in terms of both geographical scope and the actual political power they wield in relation to supra- and subnational entities. They serve as the units of analysis in Chapter 4. The *origins* of the current scope of shared rule can be traced back to the period of state-formation, fundamental state reforms (e.g. in Belgium), or both. The *reasons* adduced in favour of more, less, or no shared rule invite us to consider the political actors in those periods. These two enquiries contribute to giving us a comprehensive perspective on the *causes* of shared rule at the country level—for example, why Switzerland and the USA have the upper houses that they do, whilst Germany has the Bundesrat in its present form.

Narrowing our focus to the regional level, in Chapter 5, will allow us to go one step further. Here, it is less the extent of shared rule, in terms

**Table B.1** Analytical grid for shared rule as the dependent variable

	<b>National level (Chapter 4): Extent and type of shared rule</b>	<b>Regional level (Chapter 5): Use and purpose of shared rule</b>
<b>Origins</b>	State-formation period and/or major state reforms	Historical precedents
<b>Reasons</b>	Actor-specific	Region-specific
<b>Causes</b>		Objective factors

of the range and type of channels, than its actual *use* that interests us. Why are some regional governments more active in attempting to influence national decisions than others? Which decisions are sought; which are fought? Under the rubric ‘origins’, I thus trace the emergence of regional influence over state-wide decisions, whilst under ‘reasons’, the same actor-specific arguments are analysed as at the national level, but this time for different regions. Rational-choice and collective identity-based arguments are expected to figure prominently—for instance, influencing national decisions regarding infrastructure by demanding central investments as a means to further regional development (Grau Creus 2000), or conversely demanding that the central government keep its hands off the province both financially and politically, so as not to dilute regional nation-building or ‘harm Albertans day in and day out’ (Government of Alberta 2022, 1). The goal of Chapter 5 is therefore to identify a set of objective factors which, ideally, would allow us to *predict* the use of shared rule by different regions in the same country and by similar regions across different countries.

Both Chapters 4 and 5 rely on the ontological approach laid out in Section 1.5 and combine qualitative investigations with large-N analyses of countries and regions, respectively. The combination of these two methods strengthens both internal and external validity (Boix and Stokes 2007). Small-N studies highlight specific factors in specific cases, which can then be put to the generalization test by means of a cross-case analysis (Lieberman 2005). More specifically, both Chapters 4 and 5 implement Tarrow’s (2010, 243–4) ‘paired comparison’, which is distinctive in three ways:

First, it provides an intimacy of analysis that is almost never available to large-N analysis. Second, it draws on—and indeed insists on—deep background knowledge of the countries being examined. Third ... by permitting dual-process tracing, it reduces the possibility that a supposed determining variable is as critical as it might seem from a single-case study alone.

This analysis is then supplemented, in [Chapter 4](#), with a large-N analysis of forty-one Organisation for Economic Co-operation and Development (OECD) and/or European Union (EU) countries plus Bosnia and Herzegovina, as well as, in [Chapter 5](#), three different cross-regional analyses of all fifty-four US states and territories, all sixteen German *Länder*, and all twenty-six Swiss cantons. When used in conjunction with one another, these methods enable us to cover all three dimensions of ‘actor-centred historical institutionalism’ ([Levi-Faur 2003](#); [De la Porte and Natali 2018](#); [Massala and Pearce 2022](#)): historical context and precedent, institutions broadly understood, and the political actors whose behaviour is shaped by and shapes them in turn.



# 4

## National Causes

... that as Free and Independent States ...  
we mutually pledge to each other  
our Lives, our Fortunes and our sacred Honor.  
**US Declaration of Independence, 1774<sup>1</sup>**

Why do some countries have more—and different types of—shared rule than others? [Section 4.1](#) discusses and condenses existing theoretical contributions on this question. It will emerge that the literature on federalism and territorial politics is surprisingly silent about this aspect, often simply assuming it as part of federalism *tout court* (see, however, [Broschek 2012](#)). [Section 4.2](#) traces the origins of (not) formalizing shared rule at the time of the creation of two of the oldest federal countries, the USA and Canada. Whilst fairly similar in many regards, they differ radically in others—including with respect to the extent of shared rule (e.g. [Gibbons 1982](#), 80). [Section 4.3](#) extends the empirical findings from this ‘paired comparison’ ([Tarrow 2010](#)) to a large-N, cross-sectional analysis covering forty-two countries. [Section 4.4](#) summarizes the findings on the cause(s) of the extent and type of shared rule at the country level.

### 4.1 Theory: where does shared rule come from?

What explains the extent of shared rule in any given (liberal-democratic) country? If we draw on the wider literature on federalism and territorial politics, there are three main explanations to build on. The first explanation draws on *sociological federalism* (e.g. [Livingstone 1956](#); [Erk 2008](#)), according to which institutional structures are largely determined by territorially entrenched cultural differences in society. Whilst this approach has been used mainly to explain regional autonomy (self-rule), it is arguably the case

<sup>1</sup> [www.archives.gov/founding-docs/declaration-transcript](http://www.archives.gov/founding-docs/declaration-transcript) [21.12.2021].

that differing territorial identities might also necessitate—and thus ultimately lead to—more regional influence at the centre (shared rule). For just as self-rule allocates to a minority within the state a region where it forms a majority, shared rule can be seen as one—or indeed *the*—instrument to fend off central encroachment into those regional domains (Eaton 2020; Shair-Rosenfield 2021). According to this line of thinking, territorially entrenched cultural identity matters for explaining both self-rule and shared rule. The political necessity and institutional purpose of both is to recognize, value, give meaning to, protect, and ultimately also promote the different cultural communities (Requejo 2005; Gagnon and Keating 2012; McEwen and Lecours 2015; Basta 2021).

Lecours (2021, 195) argues along similar lines when he claims that accommodating regionalist-nationalist movements, such as those in Scotland, Flanders, Catalonia, and South Tyrol, ‘involves on-going negotiations of the conditions that define the place of the internal national community in the country as a whole’. Shared rule provides for exactly such negotiations between central and regional government, presupposing the ‘recognition of this community as a national subject with the agency necessary to participate in the definition of its own collective present and future’ (ibid.). That this recognition is not always forthcoming—for example, the Spanish government refusing to even discuss the terms of a referendum on Catalan independence (Mueller 2019)—shows precisely the limits of socio-cultural explanations (see also Thorlakson 2020, 195).

The main alternative, or in fact complement, to this approach are *rational-choice theories* operating at the individual or aggregate level, such as government leaders and political parties, pioneered by Riker (1964). In this reading, the political and economic interests of different sets of political actors are crucial for understanding institutional (re)configurations (cf. also Alonso 2012; Röth et al. 2016; Toubeau 2017). What matters most in translating interests into (non-)federal outcomes—and indeed for keeping the federation stable—are political parties, their vertical organization and ideology, and electoral competition across multiple levels (Chhibber and Kollman 2004; Filippov et al. 2004; Bednar 2009; Thorlakson 2020). Here, shared rule is only one of many opportunity structures that help party or regional government leaders sway the central government into acting for *their* benefit and gain or retain power electorally. Shared rule is thus a function not (only) of identity and necessity but (mainly) of interests and opportunity. The rational-choice approach ultimately comes down to power balances between the centre and the periphery or, if there is not yet a centre, horizontal (im)balances among federating units (Ziblat 2006; Mueller and Fenna 2022).

Finally, *structural* approaches rely on variables such as area and population size, distance, and accessibility. Broschek's (2012) historical-institutionalist account of federation formation also pays heed to existing framework conditions. More specifically, federalism as decentralization (i.e. self-rule) allows for an optimal degree of allocational efficiency, policy experimentation (with subsequent diffusion), redistributive justice, and system legitimacy (e.g. Weingast 1995; Inman and Rubinfeld 1997; Oates 1999; Rodden 2006a, 2006b). Shared rule, in turn, ensures that information is transmitted quickly and reliably from the ground up into central decision-making processes (e.g. Hooghe and Marks 2013, 181). This feedback loop seems to be particularly important for administrative federations, such as Germany, Austria, and Switzerland, where regional and local governments are responsible for most of the implementation (Behnke and Mueller 2017, 521; Dardanelli et al. 2019b; Mueller and Fenna 2022). Yet even in dual federations, such as the USA, governors can 'bring an added, and valuable, perspective from their experience as chief executives' into national politics through 'constructive feedback' (Jensen 2017, 336–7). Elazar (1967, 301) even thought that '[t]he choices that confronted the political leaders were such that the alternatives to co-operation would have produced at best unmanageable chaos and at worst disunion'.

The Althusian, cooperative view of shared rule (and, by implication, federalism) sets this last perspective apart from both the identity- and interest-driven approaches, which assume a Hobbesian, competitive, and essentially antagonistic environment. Cooperation still benefits somebody, but now it is the overall community that is placed centre stage (Hueglin 2021b, 32), not separate groups, regions, or their representatives. However, much like sociological federalism, not enough attention has been devoted to basic human traits, such as selfishness or greed, and power struggles between different actors and governments. Just because certain institutions are objectively better for joint deliberation and sustainable decision-making for the benefit of all does not mean they are unanimously supported, let alone adopted. Table 4.1 summarizes the main explanatory contribution of each of these three approaches and lists the variables and indicators that we should pay attention to.

Depending on whether shared rule is regarded as serving cultural protection, the promotion of territorial interests, or better state-wide policy-making, its origins will be located in different moments and processes. This has implications for the type of hypothesis advanced. *Cultural protection* is only an issue when there is a real danger that liberal democracy will turn some groups into permanent minorities (Kymlicka 1995; Abizadeh 2021;

**Table 4.1** Overview of explanatory approaches

Properties	Approach		
	<i>Sociological</i>	<i>Rational choice</i>	<i>Structural</i>
Function of shared rule	Protect territorially entrenched cultural identities	Realize region-specific interests	Ensure vertical coordination and better decisions at the centre
Master variable	Territorially entrenched and salient cultural diversity	Economy and power	Size, type, and history of (con)federalism
Indicators	Ethnic, linguistic, and religious fractionalization and segregation	Territorial inequalities; coming vs. holding together; centralization	Population and area; decentralization; degree of administrative (vs. dual) federalism

[Basta 2021](#); [Lecours 2021](#); [Mueller 2023](#)). Provided such groups are territorially entrenched—meaning that they can call a specific area their home and are in the majority there—federalism offers two means to alleviate their concerns: self-rule and shared rule. Self-rule gives them autonomy over certain policies, most importantly matters that are crucial for reproducing their specific collective value system: education, culture, language, media, citizenship, and immigration (see, e.g., [Dardanelli and Mueller 2019](#) for Switzerland and [Lecours 2019](#) for Canada). Shared rule, in turn, allows the governments of these areas to be included in state-wide affairs and to fend off central encroachment into those policy domains ([McGuire 2004](#)). To the extent that different groups are aware of and able to demand that capacity, shared rule becomes, above all, a function of this territorially entrenched socio-cultural heterogeneity:

H1: THE GREATER THE TERRITORIALLY ENTRENCHED CULTURAL DIVERSITY, THE MORE SHARED RULE.

However, when the *promotion of territorial interests* replaces the defence of cultural identity as the main function of shared rule, matters look different. Any community inhabiting a specific territory will develop specific interests, regardless of language, religion, history, tradition, or other differences vis-à-vis the state-wide majority. Federations and unitary states alike experience conflict between areas that are rich and poor, coastal and interior, urban and rural, central and peripheral, export- and import-orientated, agricultural

and industrial, or industrial and service-economy based. Different regions will thus want different—and possibly contradictory—things from the central government: more investment in infrastructure, higher tariffs on certain imports, liberalization of housing rules, restrictions on real-estate purchases, the abolishment of fishing quotas, fuel subsidies, more immigration, and so on. Once again, provided that regions view interactions with the central government as an instrument for voicing their preferences, shared rule, as the promotion of and competition between their interests, is above all a function of economic factors:

H2: THE MORE TERRITORIAL SOCIO-ECONOMIC INEQUALITY, THE MORE SHARED RULE.

Economic interests and corresponding political demands attach themselves to territory in the same way as cultural groups claim certain areas as theirs, although shifts in nature and degree may happen more rapidly in the former case. Sometimes identity and interests overlap and reinforce each other: Bavaria, for a long time an agrarian region with conservative values, has become one of the most assertive and prosperous of the German *Länder*—to the extent that it has repeatedly sued the federal government for what it perceived to be unfair fiscal equalization.<sup>2</sup> Similarly, the conflict between Madrid and Barcelona is not just about Catalan language or increased self-rule but also about investments in the region's infrastructure and the—alleged or real—'fiscal deficit' (e.g. Gray 2016). Yet a purely interest-driven perspective to shared rule ignores cultural differences and, in fact, even permits alliances between culturally different regions with similar economic demands, such as prosperous French- and German-speaking cantons in Switzerland (Schnabel and Mueller 2017) or oil-rich Alberta and the 'distinct society' of Quebec (e.g. Hueglin 2021a).

Finally, since the structural perspective treats shared rule mainly as a tool to channel and transmit *information* in a bottom-up manner, factors such as size, distance, and accessibility become key determinants (e.g. Hooghe and Marks 2013). As with cultural protection, the complementary nature of self-rule and shared rule is apparent: whereas self-rule splits up and moves decision-making away from the centre as a means of enabling policy diversity, shared rule brings the various experiences back together, allowing actors to

<sup>2</sup> After its victory, with five other *Länder*, in 1999 (Bundesverfassungsgericht 1999), Bavaria (and Hessen) once again contested parts of the fiscal equalization law in 2013. This second appeal was withdrawn in September 2017 after the Bundestag agreed to reform it, as will be discussed in greater detail in Section 5.2. See <https://bayrvr.de/2017/09/05/staatskanzlei-bayern-und-hessen-ziehen-klage-gegen-laenderfinanzausgleich-zurueck> and [www.spiegel.de/politik/deutschland/bayern-und-hessen-reichen-klage-gegen-laenderfinanzausgleich-ein-a-890795.html](http://www.spiegel.de/politik/deutschland/bayern-und-hessen-reichen-klage-gegen-laenderfinanzausgleich-ein-a-890795.html) [1.8.2018].

exchange lessons learned and develop best practices. This implies that there is less demand for shared rule where a state's territory is small, its total population size modest, and all the inhabitants can easily be reached by the central government and access its services. Thus:

H3: THE LARGER A POLITY, THE MORE SHARED RULE.

However, a further step in the causal chain might be necessary to move from background and context to outcome. Socio-cultural heterogeneity, territorially delineated economic interests, and structural variables, such as size, distance, or accessibility, cannot by themselves define collectively binding (formal) rules and (informal) practices; only political actors can do this. A first factor to look out for is therefore the degree to which political actors organize along or mobilize through such identities, interests, and functionalist considerations. A second factor relates to opportunities and power balances. Only if groups are organized politically *and* have the resources to change (or maintain) a state's territorial trajectory will they be able to obtain (or retain) shared rule provisions that favour them.

Both these factors force us to consider how federal political systems are formed in the first place. Shared rule will be high in the present in places where there was a *balance of power* between different politically organized territorial groups—on whatever basis—when the political system was created. The contrast between Germany and Italy is a good illustration of this: although both countries were unified in the nineteenth century through a territorial hegemon located in their north, the kingdoms of Prussia and Piedmont, respectively, this resulted in federalism in the former case but unitarism in the latter (Ziblatt 2006). The reason for this divergence of paths is that 'negotiations' between political groups only take place when they all command more or less developed 'effective regional governments' (ibid., 146). The creation of the German senate was therefore meant to reassure the various princely states that the new popular chamber, the Reichstag, would not dominate political affairs (cf. e.g. Vatter et al. 2017, 744; also Mueller and Fenna 2022). Italy, by contrast, experienced 'unification by conquest' with ensuing centralization because of 'the institutional weakness outside of Piedmont' (Ziblatt 2006, 81). Thus, where states, nations, or otherwise exclusively defined sovereign entities (e.g. ex-colonies, cantons, etc.) voluntarily form or join a federal compact, as in so-called 'coming together federations' (Stepan 1999), shared rule will figure more prominently than in cases where federalism is the result of initial conquest and subsequent devolution:

H4: THERE IS MORE SHARED RULE IN COMING-TOGETHER THAN IN STAYING-TOGETHER FEDERATIONS.

Shared rule is, moreover, only one element in the federal architecture, and it is perfectly plausible to imagine it interacting with other dimensions. From a rational-choice perspective, the use of shared rule as a means to influence state-wide decisions is conditional upon the prize to be gained from such decisions. In other words, it only makes sense to influence the central government (or parliament, or judiciary; see Figures 2.6 and 2.7) if its decisions have important consequences. Somewhat ironically, this is much more likely to be the case in centralized systems; that is, where regional self-rule is low. Hence:

H5: THE MORE CENTRALIZED A FEDERAL POLITICAL SYSTEM, THE MORE SHARED RULE.

Relatedly, we can also expect whether—or rather to what extent—a system is organized following dual or administrative criteria to play a role. By design, the interaction between the national and regional level is much greater in administrative federations, where subnational entities implement most of the decisions taken at the centre (Hegele and Behnke 2017; Thorlakson 2020; Mueller and Fenna 2022). Not only does this involve communication from the centre to the regions as to what is expected of them, but the funds to carry out the tasks also come with control and oversight, inspections and reporting obligations, as well as complaints, praise, or suggestions about how to adjust or improve a policy. Conversely, the more dual a federation, the more the two levels of government can operate in isolation from each other, and thus feel safe, secure, and self-sufficient in their own ‘watertight’ spheres of competence: running their own bureaucracy and implementing their own decisions, all paid for by their own revenue. Unlike administrative federations, in which regional governments that also function as executive agents for centrally made decisions will push for inclusion in national decision-making as early and expansively as possible (e.g. KdK 2021a), dual federations typically provide no comparable institutional incentive for sharing rule in this way. Thus:

H6: THERE IS MORE SHARED RULE IN ADMINISTRATIVE FEDERATIONS THAN IN DUAL ONES.

These six hypotheses will first be assessed through a paired comparison between the USA and Canada before a large-N, cross-sectional analysis with

data from forty-two countries is conducted. The former allows us to trace the emergence of shared rule in its historical context, the latter to establish correlational patterns. Both approaches are necessary for understanding the general causes of the extent of shared rule.

## 4.2 The origins of shared rule in the USA and Canada

At first sight, Canada and the USA have remarkably similar federal political systems. Both emerged (mainly) from the British Empire, which bequeathed on them a distinct institutional legacy, notably in the form of ‘adversary democracy’ (Mansbridge 1983; also Lijphart 1977). Although one system is presidential and the other parliamentary, the winner-takes-all nature of the electoral system for both legislatures is reflected in the existence of a unitary figure as head of the executive. Both countries span a vast area of land, the USA currently has a vast population, and in both countries the regional units—states and provinces—enjoy a great deal of autonomy or ‘self-rule’ (Hooghe et al. 2016; Dardanelli et al. 2019a). Finally, both federations are of the ‘coming-together’ (Stepan 1999) and dual type (Thorlakson 2020; Mueller and Fenna 2022): both were created in a bottom-up manner with powers divided between the federal government and constituent units by policy area, rather than function. However, the extent of shared rule—according to both the Regional Authority Index (RAI) (Hooghe et al. 2016) and informal assessments (see Chapter 3)—is very high in the USA, but very low in Canada. Why is this?

One obvious answer might be social diversity, or rather territorially circumscribed societal differences. Thus, it is often said that what distinguishes Canada from the USA is the existence of Quebec, which clearly differs from the other provinces on several counts, the French language simply being the most obvious. Quebec’s majority religion is Catholicism, not Protestantism, and its legal system is based on civil rather than common law. However, if this was indeed the explanation for uneven levels of shared rule, then we would expect there to be *more* of it in Canada, not less: would it not make sense for such territorial-cultural differences to lead to ‘mutual vetoes’ (Lijphart 1977), including as part of the federal structure? Why would the presence of Quebec lead to less shared rule rather than more? The answer may be that just as multinationalism acts as a brake on centralization (Dardanelli et al. 2019b), so too do rival province-building projects translate into indifference towards the centre on the part of the regions. There is, however, yet another major difference between the two countries, namely the creation of

the first parliamentary federation in Canada versus presidentialism and the horizontal separation of powers in the USA (Watts 1987, 772–3). Could *that* be the reason for diverging outcomes with regard to shared rule? Even if it is, this is still counterintuitive: more shared rule where powers are horizontally divided, less shared rule where they are fused. But let us start at the beginning, at the time of state-formation (see Broschek 2012 for a similar approach).

## State-formation

If the USA is a textbook example of colonies seceding from the ‘mother’ country and, in the process, banding together to better defend their chosen path (Riker 1964), the Canadian case is less straightforward. Detachment was gradual and, in a sense, incomplete (given that King Charles III still acts as the Canadian head of state), whilst agreements between provincial leaders were both iterative and asymmetrical (e.g. Hueglin 2021a). Accordingly, Canada lacks an equivalent to the widely shared veneration of the 1787 US Constitution (Sonnicksen 2022). Instead, contestations and disagreements about the very nature of the federal pact abound (Watts 1987, 775).

The advantage of the rather rigid US Constitution is that the governmental framework defined in Philadelphia has largely remained in place, with the addition of the popular election of senators in 1913. Already ‘Absolved from all Allegiance to the British Crown’ in the declaration, the thirteen American colonies, through ‘the Representatives of the United States of America, in General Congress Assembled’ (US Declaration of Independence 1776; cited, e.g., in Drake and Nelson 1999, 31–4), simultaneously set themselves free and bound themselves together again. It was as ‘Free and Independent States’ that they ‘mutually pledge to each other our Lives, our Fortunes and our sacred Honor’, which can also be seen in the fact that the declaration was ‘unanimous’ (ibid.). Nevertheless, and understandably given the underlying movement away from ‘alien rule’ (Hechter 2014), territorial independence clearly trumped togetherness at first.

Accordingly, the Articles of Confederation,<sup>3</sup> written in 1777 and in force from 1781 to 1789, not only established a very weak central government but also provided for extensive shared rule, even to the point of predominance: Congress was composed of delegates ‘annually appointed in such manner as the legislature of each state shall direct’ (Art. V). Moreover, each state had the ‘power ... to recall its delegates, or any of them, at any time within

<sup>3</sup> At [www.govinfo.gov/content/pkg/SMAN-107/pdf/SMAN-107-pg935.pdf](http://www.govinfo.gov/content/pkg/SMAN-107/pdf/SMAN-107-pg935.pdf).

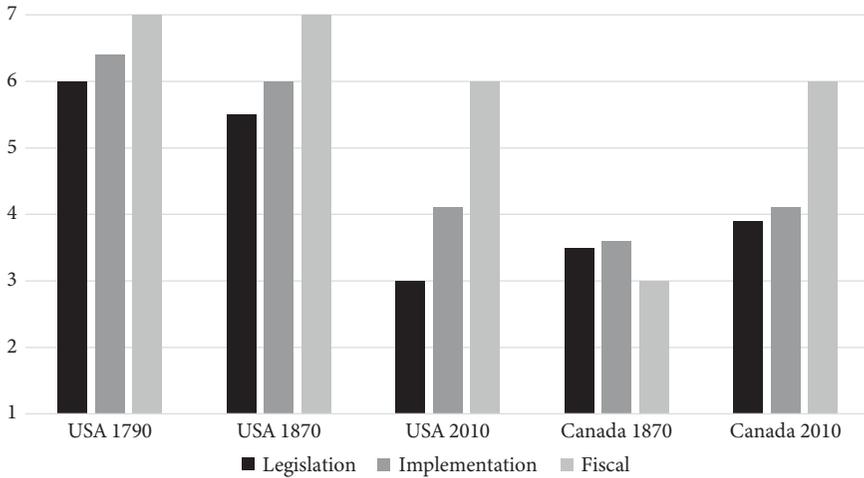
the year’, and ‘[i]n determining questions in the united states, in Congress assembled, each state shall have one vote’ regardless of size or other factors (ibid.). Finally, for periods when Congress was not assembled, it had to ‘appoint a committee ... to be denominated “A Committee of the States”, and to consist of one delegate from each state’ (Art. IX). Needless to say, absolute and equal veto powers also applied to the compact itself: any ‘alteration [must] be agreed to in a congress of the united states, and be afterward confirmed by the legislatures of *every* state’ (Art. XIII; emphasis added).

In Canada, by contrast, the transition from colonial government to ‘confederation’ was negotiated within a much smaller group, formally and symbolically enacted in London, and not subject to popular ratification (Watts 1987). The British North America Act (BNAA) of 1867<sup>4</sup> is the functional equivalent to the US Articles of Confederation, providing the historical ‘antecedents’ for the constitution (Broschek 2012).<sup>5</sup> In it, the four provinces at the time are defined: Ontario, Quebec, Nova Scotia, and New Brunswick (Constitution Act 1867, Art. II, section 5). The legislature was divided into two, with the Senate consisting of twenty-four members each from Ontario and Quebec and twelve each from Nova Scotia and New Brunswick (Art. IV, section 22). All senators were appointed by the Governor General and held office for life (Art. IV, sections 24 and 29). Seats in the Canadian House of Commons were also distributed on a territorial basis—eighty-two for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick—but their occupants were popularly elected and all 181 constituencies (or ‘ridings’) specified (Art. IV, sections 37 and 40). No provisions for amending the BNAA, or *a fortiori* for the involvement of the provinces or the Canadian people in this process, were made—since it was understood that, as an act of the sovereign British parliament, only that same body was empowered to revise it (e.g. See 2011, 99).

Hence, the same term, ‘confederation’, meant quite different things: a loose union of sovereign states in the south, a tighter regrouping of British subject territories in the north. Ironically, whilst the Canadian (con)ederation was at the time of its establishment rather centralized (Lecours 2019, 60–1), today it counts among the most decentralized federations (Hooghe et al. 2016; Dardanelli et al. 2019b). The opposite is true of the USA, which went from being almost fully non-centralized in 1788 (except in defence and external affairs) to being more clearly centralized, especially in the legislative domain by 2010 (Kincaid 2019, 171–2). Figure 4.1 illustrates this twofold

<sup>4</sup> At [www.legislation.gov.uk/ukpga/1867/3/pdfs/ukpga\\_18670003\\_en.pdf](http://www.legislation.gov.uk/ukpga/1867/3/pdfs/ukpga_18670003_en.pdf).

<sup>5</sup> Indeed, the BNAA itself served as the Canadian constitution until 1982, when it was famously ‘patriated’ (e.g. Hueglin 2021, ch. 7).



**Figure 4.1** Dimensions of decentralization in the USA and Canada, 1790–2010.

*Note:* 1 = fully centralized, 7 = fully de- or non-centralized. Legislation and administration: average across twenty-two policy areas (unweighted). The fiscal indicator measures the share of own-source revenues out of total constituent unit revenues (3 = 30–44 per cent; 6 = 75–89 per cent, 7 = 90–100 per cent; fiscal data for Canada 1870 from 1880; see [Lecours 2019](#), 63).

*Source:* Author based on data from [Dardanelli et al. \(2019b\)](#).

evolution in opposing directions. We can also see that US federalism has somewhat lost its dual character—the gap between legislation and implementation has widened, from 0.3 in 1790 to 1.1 in 2010—whereas Canada has largely retained it. The greater this gap, the more a federal system resembles the administrative type, in which the central government primarily legislates and regions are charged with implementation ([Mueller and Fenna 2022](#)). Finally, Canadian provinces have, by this measure, become just as financially autonomous as US states, and have even more autonomy according to other indicators (e.g. [Thorlakson 2020](#), 52–7).

My reason for insisting on the evolution of centralization in the USA and Canada is that it is intimately connected to shared rule. Whereas the Canadian provinces had to struggle from the very beginning to assert themselves against a merely ‘quasi-federal’ government ([Wheare 1963](#), 18), in addition to being subjected to British rule until 1822, for the US states, the question was much more that of how much power to ‘delegate’ upwards (e.g. [Kincaid 2019](#), 171). The latter had entered into federalism from a position of independence, the former merely exchanged one master for another—in the USA, federalism was and remains an instrument to secure territorial and individual freedom, whereas in Canada it was introduced mainly to better manage and defend a ‘dominion’ ([Watts 1987](#), 770–2).

It would be wrong, however, to attribute too much importance to the fact that the first Canadian constitution was enacted at Westminster. Just like in the USA, informal negotiations between provincial, party, and community leaders took place before the BNAA was formally passed. For [Hueglin \(2021a, 27\)](#),

the story of why and how Canada became a federal union rather than a unitary state is very simple: It was a compromise between economic modernizers (English merchant elites in Montreal and Toronto who were seeking new economic fortunes in a continental economic union) and cultural traditionalists (French seigneurial elites who were adamant about preserving their traditional way of life, language, and culture rooted in French civil law and Catholicism).

However, this still does not explain why these political actors—English merchants and French *seigneurs*—did not also demand more provincial influence over federal affairs; that is, shared rule. Why did they not agree on an equally (or even more) powerful senate with territorial parity, or formal veto rights—assured by a requirement of unanimity, as in the US confederation, or a qualified majority, as in the US federation—over future revisions of that constitutional compromise? If anything, viewing the creation of federal Canada as a process of ‘coming together’, like in the USA, and not one of being ‘held together’ by the British Crown (cf. [Stepan 1999](#)), makes the absence of such formal shared rule all the more puzzling.

Nor can the absence of role models and constitutional experience at home or abroad serve as an explanation for this fact. By the 1860s, the USA had long since transitioned from confederation to federation, as had Switzerland with its 1848 constitution. In both cases, two chambers of parliament were instituted, one representing the people, the other the constituent units on terms of perfect territorial parity. Moreover, whilst only the first chambers of both the US and Swiss federations were directly elected using plurality rules, their second chambers were at least indirectly elected through subnational legislatures, not appointed centrally as in Canada. Even if we regard the American Civil War raging at the time as a warning against giving regional governments too much and the central government too little power (e.g. [Hueglin 2021, 42](#)), this shows nothing other than that the constitutional drafters were thinking in just *one* dimension, along the (non-)centralization continuum, and not also about how to ensure non-central influence over such a centralized power. But if, in Canadian minds, the American Civil War was due to too much self-rule, then this cannot have influenced considerations about shared rule—unless, of course, the latter is taken to emanate from the former.

Indeed, whilst in the USA extended degrees of shared rule were the direct consequence of wanting to ensure that the states remained the principal and the Union the agent, rather than the other way around, in Canada, giving the provinces too much self-rule with shared rule added on top was deliberately avoided. Hence, the constitutional design of shared rule is a direct consequence of both the need and the ability of constituent units to have it their way. There is, however, more to the story than just a dangerous precedent next door. Wanting a strong centre with the power to disallow provincial legislation makes perfect sense from the perspective of the cultural majority, for the central government is *theirs*, too. But why would a minority group, such as French Canadians, consent to a union in which they would have *no* formal veto over state-wide decisions? The explanation offered by [Watts \(1987, 773\)](#) is, at best, incomplete and only partially convincing: ‘Since political party discipline was loose and there were shifting coalitions, supporters of Confederation expected cultural and sectional groupings to exert effective power through representation in the cabinet and in the Senate, an expectation that reassured some of the leading French Canadians in Quebec.’

This claim is problematic because only a few decades earlier, in 1848, Switzerland had also adopted the form of a federation—and despite having even more linguistic plurality than Canada and lacking parties for the first fifty years or so, it basically copied its second chamber from the USA (including later moving to popular elections). Since then, Switzerland has also practised a similar informal quota regime in the national cabinet, which again has not kept the institutional engineers from designing further federal safeguards, such as a requirement for a popular majority *and* a cantonal majority to amend the constitution ([Vatter 2018, 43–7](#)). So then why do we not find additional guarantees for Canadian provinces—and especially Quebec—in the form of shared rule?

## Quebec versus the US balance of power

At the time of the creation of the Canadian state, two main dividing lines traversed the electorate: language and political ideology. The four provinces forming the Confederation were very unequal, not only in size but also in composition. According to the 1861 census, 45 per cent of the total population lived in Ontario, 36 per cent in Quebec, and 19 per cent in New Brunswick or Nova Scotia ([Canada Year Book 1867, 16](#)). The distribution of parliamentary seats mirrored these proportions perfectly. Within Quebec, 76 per cent were of French origin and 85 per cent Catholic, whereas

their overall proportions across Canada were 29 per cent and 44 per cent, respectively—making for a double minority (*ibid.*, 16–17). At the same time, 91 per cent of those with French origins and 69 per cent of all Catholics lived in Quebec—making it a double homeland.

The first Canadian federal elections in 1867 essentially resulted in a three-party system: the Conservatives won seventy-one seats (39 per cent), the Liberals sixty-two (34 per cent), the Liberal-Conservatives twenty-nine (16 per cent), and the Anti-Confederates eighteen (10 per cent).<sup>6</sup> The Conservatives and Liberal-Conservatives subsequently sat together on the government benches in the first Canadian House of Commons. Of the combined total of one hundred seats won by the Conservatives and Liberal-Conservatives, forty-eight each came from Ontario and Quebec, and only four from the other two provinces. Similarly, thirty-three Liberals came from Ontario and seventeen from Quebec, with the other twelve from New Brunswick. All eighteen Anti-Confederates came from Nova Scotia. In other words, rather than the whole of Quebec going Conservative and the whole of Ontario Liberal MPs or vice versa, the former split 75:25 and the latter 60:40. Cultural differences notwithstanding, both returned a Conservative majority, as did the country as a whole, given these two provinces' combined demographic dominance of over 80 per cent.

By contrast, there was much more demographic balance in the United States at the time of its founding. According to the US Census of 1770, the largest state (Virginia) contained 'just' 20 per cent of the total population, followed by Massachusetts, Pennsylvania, and North Carolina with 14 per cent, 11 per cent, and 10 per cent, respectively. At the other end of the scale were located Georgia (1 per cent), Rhode Island (2 per cent), Delaware (3 per cent), and New Hampshire (3 per cent). Hence, not only were there more than three times as many constituent units than in Canada, but rather than two of them dominating the system, as up north, at least four states were needed to gain a majority; and in any case there was a requirement of unanimity (during Confederation and for ratification) or at least of a qualified majority (for constitutional amendments: Art. V, US Constitution).

Moreover, no *single* US state at the time of founding was very different from the others on the socio-cultural level. In 1790, according to the first census to list free whites, other free persons, and slaves, all thirteen states had between 92 per cent (Delaware) and 100 per cent (New Hampshire) whites among their free population. The demographic weight of slavery varied greatly,

<sup>6</sup> All data used in this paragraph are from the Canadian [Library of Parliament \(2010\)](#). No MP from Kamarouska/Quebec was elected until 1869.

however, from 0 per cent of the total population in New Hampshire and Massachusetts to 40 per cent or more in Virginia and South Carolina. It is no coincidence that these two states, along with Georgia and North Carolina, later joined the secessionist Confederacy (Norton et al. 2015, 367). Yet slavery was at the most an ideological conflict and at the least an economic one. It was not a categorical conflict—at least until the election of Abraham Lincoln in 1860 and the ensuing Civil War—and whilst it led to deep political divisions, it also forced some states to cooperate with each other.

Hence, the thirteen US states at the time of the founding of the US federation were both more united and more divided than the British North American colonies seventy years later: united by their common socio-cultural texture, political-historical experience, and constitutional desires for the future; divided in that they each fiercely guarded their own domain of power. Moreover, whilst in the USA ‘the constituent power was one people’ (Beer 1978, 12), the ‘national’ thrust of the state-formation process was tempered by a horizontal and vertical separation of powers designed to guarantee liberty. The Canadian federation, by contrast, resulted from a compromise between ‘the French and English cultures’ (Gibbins 1982, 26): the former predominantly Catholic, the latter Protestant; one a large minority, the other a clear majority—yet both territorially entrenched.

What is of key importance is that, in Canada, minority members had no interest in protecting the autonomy of *all* the provinces, but only that of their own province. Conversely, English Canadians lacked the fear of a strong, centralized government that remains characteristic of US political culture to this day. Indeed, ‘the American conviction that the government that governs least governs best ... seemed out of place in the harsher northern half of the continent’ (Gibbins 1982, 29). Hence, there was less need to continue giving provinces a say in state-wide affairs, from the point of view of both the minority *and* the majority. Each faction got what it wanted: the majority a stronger central government than had previously existed or currently existed in the USA, with its own bureaucracy on the ground, as per the dual model, and even residual federal powers; the minority its own province and autonomy in key sectors, protected by their being listed as exclusive powers in the new constitution (Watts 1987, 784–5).

To be sure, several provisions did give French Canadians a voice in the central government, from informal proportionality in the composition of the cabinet (e.g. See 2010, 100) to a quota of one-third in the Senate (Art. IV, section 22 BNAA 1967) and later also in the Supreme Court (until 1949 merely the ‘General Court of Appeal for Canada’, as per Art. VII, section 101 BNAA 1967). However, no role was or is currently given to the *government*

of Quebec, either through direct influence at the centre (as with the German Bundesrat) or via involvement in selecting ‘its’ senators (as was the case in the USA and Switzerland until 1913 and the 1970s, respectively) or judges. In the context of Canada’s founding, Quebec simply wanted to be left alone as far as possible, which suited the other provinces just fine. We will encounter the same basic—yet ultimately treacherous—wish in the case of regionalist-nationalist movements that sprang up one hundred years or more later, for example in Scotland, Catalonia, and South Tyrol (Lecours 2021).

What does *not* seem to be a reason for the lower levels of shared rule in Canada—or indeed its formal absence—is its parliamentary character. Although the institution of a strong, unified government needing ‘only’ the implicit support of the lower house was copied faithfully from the UK all the way down to the chamber’s very architecture, the German, Austrian, and even Australian cases show that shared rule is not incompatible with a parliamentary–executive fusion of powers (e.g. Broschek 2012, 668; see also Chapter 3). Thus, whilst federalism as the vertical divisions of powers would appear to fit best with presidentialism, federalism as coming together and working together is also compatible with parliamentarism. The reason for this is not, as one might suspect, that internally unified actors (prime ministers with a solid one-party majority, for instance) are best able to cooperate with each other. Quite to the contrary, as Bolleyer (2009) and Mueller and Hechter (2021) have shown: it is power-sharing *within* units that makes for better cooperation *between* them.

Hence, although both Canada and Germany are parliamentary systems, the former relies on first-past-the-post elections and consequently has a de facto two-party system, whereas in Germany proportionality is practised and coalition governments abound at both the national and regional levels. What stands in the way of shared rule, then, is not parliamentarism as such but rather the idea that the majority—or even an electoral plurality—gets to decide everything, for everybody, in policy areas where that level of government is competent (cf. also Verney 1989, 249). Once again, this same majoritarian logic that originated in Quebec would later be encountered in Catalonia and Scotland (Mueller 2019, 2023).

The great irony is that despite having designed a centralized ‘quasi-federation’ (Wheare 1963) with watertight compartments, all the Canadian provinces later gained more power, whereas although the US federation was only minimally centralized and held in check by federal safeguards (Wechsler 1954; Bednar 2009), the national government was able to expand significantly over time (cf. again Figure 4.1). For Gibbins (1982, 194), the reason that these opposite paths were taken is precisely shared rule, or rather the

**Table 4.2** Reasons for shared rule in the USA and Canada

	USA	Canada
<i>Dependent variable: extent of shared rule</i>	<i>high</i>	<i>low</i>
H1: territorial-cultural diversity	low	high
H2: territorial socio-economic inequality	high	high
H3: size	large	large
H4: coming-together federation	yes	yes
H5: centralization	initially low, gradually higher	initially high, gradually lower
H6: administrative federalism	no	no

lack of it in Canada and the abundance of it in the USA. We shall return to these conjectures in [Chapter 6](#).

[Table 4.2](#) categorizes the above discussion in terms of our six hypotheses. The two rows with diverging attributes for the USA and Canada are highlighted, which alone could explain different degrees of shared rule as the dependent variable. From the time of their founding down to the present, one of two main differences between the countries has been the greater territorially entrenched cultural diversity up north (Quebec).<sup>7</sup> Despite this, shared rule for regional governments has always been low in Canada. The values for the centralization dimension also contradict the formulated hypotheses: initially higher levels in Canada did not go hand in hand with greater shared rule as a means of keeping the new centre in check, despite the voluntary nature of ‘coming together’ ([Stepan 1999](#)). Those two aspects are not independent from each other, however, as [Watts \(1987, 778\)](#) has observed: in the USA, African Americans would ‘have looked to the federal government, particularly its courts and executive agencies, to support their rights, often against hostile and indifferent state governments, and to specially targeted federal financial support’.

By contrast, in Canada,

the concentration of francophones in Quebec has enabled them to look more to the provincial government in Quebec City than to the federal government in Ottawa to maintain and promote their interests. ... the vigorous assertion of provincialism within Quebec has provided an example encouraging other provincial governments to press their claims for autonomy against Ottawa. ([Watts 1987, 778](#))

<sup>7</sup> Provided slavery is understood as a socio-economic and not a cultural issue. I thank a reviewer for pointing this out to me.

Whether and to what extent this cultural-institutional explanation holds up within the context of a broader analysis will be examined next, in addition to the differences in the governmental regime that the preceding discussion has highlighted as having played a role. For whilst Westminster-type majoritarian rule has obstructed the creation of powerful territorial vetoes, it has, at the same time, enabled provincial premiers to be the sole spokespersons for their region in a typically adversarial manner—hence the term ‘federal-provincial diplomacy’ (Simeon 1973; cf. also [Gibbins 1982](#); [Watts 1987](#)), which implies equality of standing as much as antagonism.

### 4.3 Cross-case analysis

#### Research design

Hypotheses 1–6 will now be assessed more widely using a large-N analysis. Because the explanandum is an institutional configuration and thus largely resilient to short-term and even medium-term change, a cross-sectional comparison with current data will be undertaken.

Ideally, the *dependent variable* assesses the extent of actual shared rule, defined as the combination of (a) the number of available channels for regional government influence over national decisions and (b) the frequency of their use. The measure developed in [Chapter 3](#) theoretically ranges from 0 to 10, with five channels that can each score at most two points (see Table 3.1). However, because the number of countries for which such data are available is very low ( $N = 11$ ), I will instead rely on the RAI’s *shared-rule dimension*, which captures formal regional capacities to have a say over state-wide issues ([Hooghe et al. 2016](#)). I will use the data for 2018 provided at the country level ([Shair-Rosenfield et al. 2021](#)). For the sake of both internal comparability and external validity, I confine myself to forty-one Organisation for Economic Co-operation and Development (OECD) and/or European Union countries plus Bosnia and Herzegovina ( $N = 42$ ). This makes for a more homogenous sample than would be the case if all ninety-five countries for which the RAI (in version 3) provides data were analysed.

The independent variables capture the three supposedly explanatory paradigms: societal diversity, differences in economic and political power across constituent units, and a country’s overall structure, including its size, history, and type of federalism.

To measure *diversity*, I rely first on different measures of *fractionalization*: ethnic, religious, and linguistic (Alesina et al. 2003).<sup>8</sup> However, none of these indicators assesses whether cultural minorities are territorially entrenched. I therefore constructed a separate measure that combines information from the Minorities at Risk database (MAR 2009) with Koev (2019), BFS (2021), and the World Directory of Minorities and Indigenous Peoples.<sup>9</sup> This assesses the share of *territorially concentrated* minority groups. As a third conceptualization of societal diversity, I rely on Alesina and Zhuravskaya's (2011) ethnic, religious, and linguistic *segregation* index, which measures the extent to which fractionalization within regions corresponds to national values: 1 means that each region is dominated by a different group, 0 that all regions have the same make-up as the overall political system.

To measure the **power** of constituent units at the time of a political system's founding, I use a dummy variable to capture whether the state was formed using Stepan's (1999) 'coming-together' trajectory or whether devolution occurred only later to 'hold it together' (cf. also Siaroff 2013, 157). Unitary states are coded separately. Inter-regional economic inequality is measured using two different measures: the ratio of the top 10 per cent over the bottom 10 per cent of regions in each country and the Gini index of inequality of GDP per capita across TL3 regions, both from the OECD (2021a).

Turning to structural indicators, I measure *size* through (logged) population as of 2018 and (logged) area. Data come from the Quality of Government dataset (Teorell et al. 2022). *Centralization* is measured in two different ways: (i) the extent of self-rule by 2018 (that is, the other dimension of the RAI; Hooghe et al. 2016; Shair-Rosenfield et al. 2021) and (ii) tax decentralization in 2020 (IMF 2022, 9). The distinction between *administrative and dual federations* is operationalized using Treisman's (2008) index of administrative decentralization, which measures non-central government employment as a percentage of total government employment.

Finally, Section 4.2 found that Westminster democracy, or *majoritarian parliamentarianism*, is also rather inimical to shared rule because of the existence of radically opposing logics: concentrating and dominating versus dividing and sharing power (cf. also Bolleyer 2009; Mueller and Hechter 2021). To incorporate this insight, I include Lijphart's (2018) first dimension

<sup>8</sup> Dataset downloaded on 5 August 2019 from [www.anderson.ucla.edu/faculty\\_pages/romain.wacziarg/papersum.html](http://www.anderson.ucla.edu/faculty_pages/romain.wacziarg/papersum.html).

<sup>9</sup> <https://minorityrights.org> [4.1.2022].

of power-sharing, also called the ‘executive-parties dimension.’ The data come from [Bernauer and Vatter \(2019\)](#), who have relabelled it ‘proportional power diffusion.’ I use mean values for 1990–2015.

As controls, I use just two indicators: first, the *wealth* of a country, measured in terms of GDP per capita adjusted for purchasing power for the year 2018 and in USD 1,000 ([Teorell et al. 2022](#), 659); second, the level of *democracy*, measured using the Varieties of Democracy project (V-Dem) ‘electoral democracy index’ for the year 2019 as per version 12 ([Coppedge et al. 2022](#)). Both of these could independently affect the explaining and explained variables.

## Results

In the first stage, I included only sociological (H1) and size variables (H3) as predictors of shared rule, with two controls. Of the seven diversity measures, only linguistic fractionalization has a significant and positive impact on the extent of shared rule when considering multicollinearity.<sup>10</sup> Both size variables are positively and significantly correlated to the extent of formal shared rule (models 1 and 2 in [Table 4.3](#)). Model 3 includes the origins-dummy (H4) and two inequality measures (H2); model 4 comprises indicators of decentralization (H5), federalism type (H6), and horizontal power-sharing. Models 5 and 6 include all the variables; model 7 retains only those that were at least once significant, plus the two controls. In the end, only linguistic fractionalization, the origin of the political system, and the degree of self-rule are significant correlates. There thus remains one variable for each of the three main explanatory approaches: sociological (institutions adjust to society), rational choice (institutions cater to interests), and structural (institutions facilitate good governance). Horizontal power-sharing does not seem to have an impact on vertical power-sharing, although the coefficient is positive.

[Figure 4.2](#) plots the standardized coefficient effects from model 7; [Figure 4.3](#) relates the predicted values of shared rule to their formal values as per the RAI. The former allows us to compare the size of the impact across independent variables regardless of how these are scaled, the latter to determine how far off the mark model estimations are for individual countries. [Figure 4.2](#) reveals that the historical origin of a country has the greatest impact on the extent of shared rule today and that the levels of self-rule and linguistic fractionalization are about equally important. From [Figure 4.3](#), in

<sup>10</sup> Neither ethnic and linguistic fractionalization (correlation coefficient  $r = 0.87$ ) nor logged area and logged population can be included for that reason ( $r = 0.74$ ).

**Table 4.3** Ordinary least squares regressions for country-level shared rule as the dependent variable

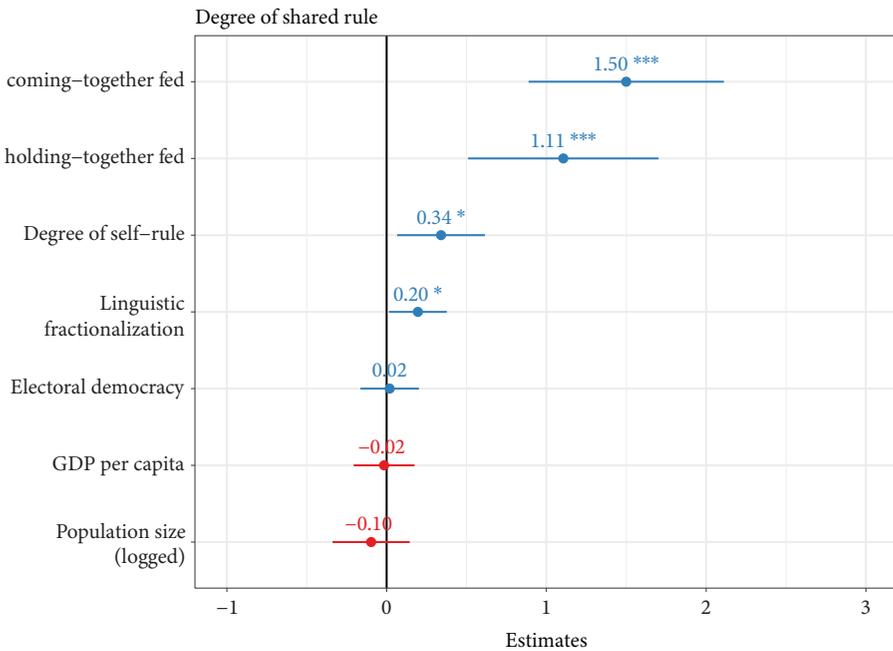
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
Linguistic fractionalization	10.814*** (2.757)	9.454*** (2.956)			8.578* (4.548)	8.687* (4.305)	4.114** (1.871)
Population size (logged)	1.373*** (0.349)				0.091 (0.850)		-0.257 (0.315)
Area (logged)		0.810** (0.304)				-0.603 (0.564)	
Coming-together federation (baseline: unitary state)			8.097*** (1.425)		6.313** (2.309)	6.255** (2.216)	6.303*** (1.264)
Holding-together federation (baseline: unitary state)			6.562*** (1.515)		3.930 (2.325)	3.489 (2.261)	4.649*** (1.233)
Territorial inequality: ratio top % vs. bottom 10%			-0.065 (0.926)		-0.134 (1.127)	-0.632 (1.158)	
Territorial inequality: Gini index			-5.816 (9.750)		-11.932 (12.636)	-7.699 (12.707)	
Degree of self-rule (RAI values at country level, in 2018)				0.359** (0.135)	0.200 (0.181)	0.270 (0.162)	0.187** (0.074)
Tax decentralization				1.891 (6.547)	-6.722 (7.333)	-6.522 (6.921)	
% subnational employment				-0.001 (0.058)	0.016 (0.064)	0.038 (0.064)	

*Continued*

**Table 4.3** *Continued*

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
Horizontal/proportional power diffusion				0.464 (0.940)	0.883 (1.071)	0.257 (1.061)	
GDP per capita, in USD 1,000 (for 2018)	0.016 (0.035)	0.018 (0.038)	0.009 (0.048)	0.035 (0.058)	-0.002 (0.053)	-0.023 (0.054)	-0.004 (0.022)
Electoral democracy index	4.575 (4.745)	2.701 (5.157)	1.505 (7.180)	0.161 (8.152)	-3.205 (7.646)	-3.266 (7.334)	0.621 (2.927)
Constant	-26.705*** (7.147)	-12.281** (5.354)	0.018 (7.255)	-3.616 (6.376)	0.779 (15.013)	9.508 (10.954)	1.734 (5.779)
<i>Observations</i>	42	42	30	31	26	26	42
$R^2$	0.413	0.302	0.696	0.476	0.814	0.829	0.801
<i>Adjusted R<sup>2</sup></i>	0.349	0.226	0.617	0.345	0.643	0.671	0.760
<i>Residual Std. Error</i>	3.391 ( <i>df</i> = 37)	3.697 ( <i>df</i> = 37)	2.772 ( <i>df</i> = 23)	3.634 ( <i>df</i> = 24)	2.815 ( <i>df</i> = 13)	2.700 ( <i>df</i> = 13)	2.058 ( <i>df</i> = 34)
<i>F Statistic</i>	6.498*** ( <i>df</i> = 4; 37)	3.996*** ( <i>df</i> = 4; 37)	8.791*** ( <i>df</i> = 6; 23)	3.631** ( <i>df</i> = 6; 24)	4.746*** ( <i>df</i> = 12; 13)	5.253*** ( <i>df</i> = 12; 13)	19.572*** ( <i>df</i> = 7; 34)

Note: \* $p < 0.1$ ; \*\* $p < 0.05$ ; \*\*\* $p < 0.01$ . Variance inflation factors (VIFs)  $\leq 2.9$ .



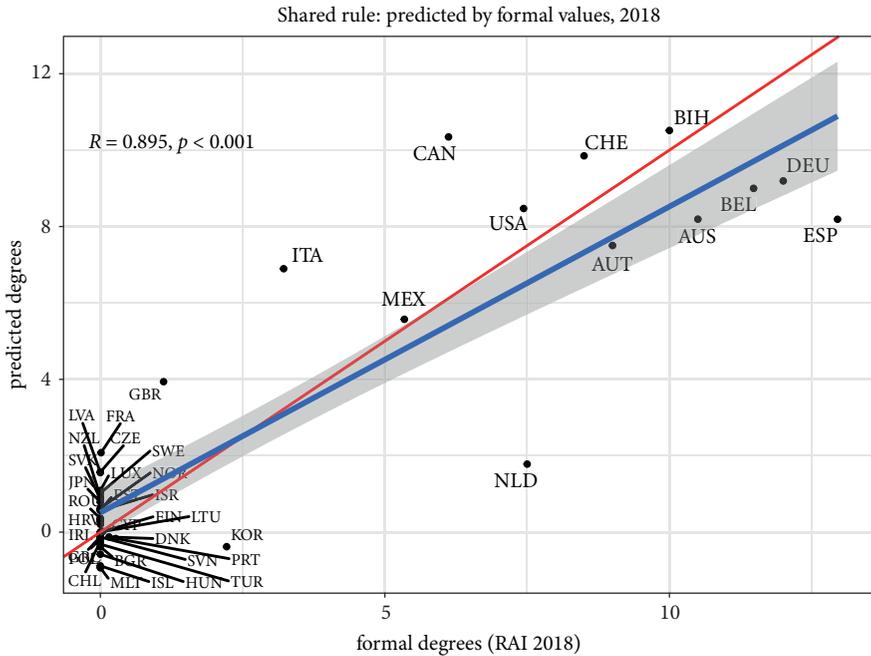
**Figure 4.2** Standardized estimates for the extent of shared rule, 2018.

Note: Based on model 7 from [Table 4.3](#).

turn, we learn that given this set of variables, model 7 overestimates levels of shared rule in countries such as Switzerland, the USA, and especially Canada (coming-together federations), whilst underestimating those in Spain and Belgium (staying-together systems), and especially the Netherlands. Alternatively, it is the RAI itself that, in considering only the formal side, under- or overestimates regional influence (see [Chapter 3](#)).

#### 4.4 Conclusion: reasons, tensions, and opportunities

What causes countries to adopt more rather than less shared rule, in the sense of regional government influence over national decisions? The actor-centred historical-institutionalist approach adopted here dictates that we look at context, individuals, and rules as they have existed in the past or in other places (cf. also [Broschek 2012](#)). Past experience can lead to the accumulation of important first-hand knowledge and ‘lock in’ certain institutional solutions, for instance first-past-the-post elections and parliamentary sovereignty in Canada ([Watts 1987](#)). But individuals may, in certain circumstances such as revolutions, also deviate from and reinterpret such path dependencies, for



**Figure 4.3** Predicted by formal degrees of shared rule, 2018.

*Note:* Based on model 7 from Table 4.3. Steeper diagonal = perfect line of fit, actual line of fit with 95 per cent confidence intervals in grey.

example by inventing a presidency instead of installing a monarch or fully territorializing a second chamber.

In line with these assumptions, this chapter has proposed different explanations for shared rule located at different levels of analysis and in different time periods, from elite decisions taken at the moment of state-formation to contemporary pressure for central inclusion exerted by socio-culturally different, territorially entrenched groups. Moreover, it was theorized that a connection exists with the structure and type of federalism, such as ‘coming together’ (Stepan 1999), and existing levels of regional autonomy, in that voluntary aggregation and greater degrees of self-rule would call for greater degrees of shared rule too. Broadly speaking, three expectations have been confirmed, insofar as the chances to encounter extensive shared rule are highest in decentralized, linguistically diverse federations of the coming-together type.

Two sets of tensions can be derived from this finding. First, in ‘staying-together’ (Stepan 1999) federations with high levels of decentralization and cultural fractionalization, calls will inevitably be made for greater shared rule. The examples of Catalonia and Scotland come to mind, which Lecours

(2021) fittingly contrasts with the autonomy arrangements for Flanders and South Tyrol: not only are the latter two more dynamic in their actual evolution, but in both Belgium and Italy shared-rule-type mechanisms also exist to formalize, regularize, and thus ultimately also soften demands for further self-rule. In Belgium, this function is fulfilled by consociationalism; that is, the requirement that a federal cabinet be composed of an equal number of French- and Dutch-speaking ministers, and the bargaining power this gives autonomist parties from Flanders. In Italy, it is the job of the ‘Commission of Six’ to serve as the bridge between regional and central politicians, which South Tyrol uses to influence only those central decisions that apply there, and not necessarily also in the rest of the country. Flanders likewise seeks to obtain more for itself, which—given its size and economic importance—inevitably involves modifying the overall state structure. The fact remains, however, that these two culturally distinct regions have found ways to voice their needs vis-à-vis the central government and there has been no surge in exit demands.

Spain and the UK, by contrast, have experienced only occasional and sporadic moments of shared rule, and even then merely through *some* regional political parties in *some* regions whose influence rises and falls with their own electoral performance and that of others (see also [Chapter 3](#)). Yet providing for shared rule *especially* in multinational contexts signals a commitment by the centre to take regional identity seriously ([Shair-Rosenfield 2021](#), 7). It also allows regions a say over policies that affect them only indirectly, for example pushing for bilingualism elsewhere ([Cetrà 2019](#)), and complicates radicalization (cf. [Cederman et al. 2022](#), 41). The ensuing regional frustration at *not* being able to influence state-wide decisions in general, and those that relate to one’s own territory and authority in particular, is an important element in the growing alienation from the state as a whole (e.g. [McEwen and Lecours 2008](#); [McEwen and Petersohn 2015](#); [Umaner-Duba 2020](#)). As [McEwen \(2023, 80\)](#) nicely puts it: ‘Self-government, or self rule [sic], will always have its limits and be constrained and shaped by the decisions taken by central and supra-national authorities. Without effective mechanisms of shared rule, sub-state governments representing national minorities may find it more difficult to mount a defence of their authority’.

The second tension whose existence can be deduced from these findings is that even in systems where extensive levels of shared rule do exist, these might not always work as intended, or only for the benefit of *some* regions. The RAI assesses opportunities to influence central decisions in the form of legal rules (‘authority’), but does not cover informal channels, actual attempts, or levels of success in doing so. This is why [Chapters 5 and 6](#) descend to the regional

level and ask what drives their use of shared rule and their success in doing so, respectively.

More generally, to conclude this chapter on the causes of shared rule at national level, there are cases with just the 'right' amount of shared rule, others with too little, and yet others with what is probably too much. If institutions result from the confluence of actors' choices, experience, and context, then when any or all of these factors change, so should the institutions. But there is no guarantee, especially not when it comes to rules and conventions that provide regional governments with influence over national decisions, as this touches the very heart of the matter: supreme power.

# 5

## Regional Causes

If you are not at the table,  
then you are on the menu.

**English proverb**

Shared rule is both a possibility and a reality, a mere invitation to a party and the party itself. This chapter addresses two questions to which satisfactory answers have not so far been found. The first question is: why are some regions more willing than others to participate in ‘joint decision-making’, as the process of exercising shared rule has alternatively been called (e.g. [Benz 2018](#) and [Heinz 2012](#), drawing on [Scharpf 1988](#))? Whilst answers have been given in relation to horizontal cooperation (e.g. [Bowman and Woods 2007](#); [Bochsler 2009](#); [Arens 2020](#)), this is not the case for vertical interactions between one or more regional governments operating with or in opposition to the federal government (see, however, [Mueller and Mazzoleni 2016](#)).

The second question is: what do regions want when they seek to be heard at that level of governance? Once again, it is surprising to observe that although modern federations originally emerged out of the desire to pool decision-making powers with regard to certain issues and to leave others in the hands of regional governments, no general theory exists about what kinds of demands are issued by regions regarding ‘areas of shared policy-making’ ([Jachtenfuchs and Kasack 2017](#), 607) or even exclusively central domains. Or rather, even if it has been observed that shared rule serves both the protection of existing levels of self-rule ([Eaton 2020](#); [Shair-Rosenfield 2021](#); [McEwen 2023](#)) and the acquisition of further autonomy ([Barbera and Barrio 2016](#); [Lecours 2021](#)), the usual emphasis on multinational states does not tell us much about what is going on in mono-national contexts.

The initial, more theoretical section of this chapter draws on the expert survey presented in [Chapter 3](#) to distil some hypotheses. These are subsequently assessed first qualitatively, then quantitatively, for attempts at shared rule in the USA, Germany, and Switzerland, where inter-regionally comparable and

quantifiable data exist on different phases of attempted influence-seeking. The hope is that each method will fill the gaps left by the other.

## 5.1 Theory: attempts at influence—by whom and for what purpose?

### Insights from the expert survey

What makes regions want to influence state-wide decisions, and what kind of (non-)decisions do they seek? To get a first idea of the variety of demands, let us briefly return to the expert survey presented in Section 3.2. The first two questions were:

1. What do regional governments usually want from the central government? Why?
2. Do different regions want different things? Which ones and why?

In response to the first query, twenty-six of the thirty-eight experts mentioned financial resources: ‘money!!!’ (DE1), ‘more funding’ (ITA1), ‘money and financial transfers’ (BE3), ‘assurance of adequate revenue’ (AUS3), ‘more resources’ (US5). Nevertheless, there are three categories of countries. The first contains those countries in which *all* the regions want more money. All three Austrian, all three Australian, all four German, two out of three Belgian, and five out of six US experts listed funding in first place (the sixth US expert ranked it second). At first sight, this assessment makes much more sense for the first four countries, since they are all characterized by a (still) rather centralized fiscal structure. But the opposite is true of the USA, which is much more like Switzerland and Canada in this regard (Dardanelli et al. 2019b). Hence, whilst the degree of fiscal centralization of a federation might go some way towards explaining regional demands for funds, it cannot be the sole reason. Instead, the desire for more funds on the part of the US states can be explained by electoral motivations: ‘[US] state and local officials view federal money as “free money”: they do not have to extract it from their taxpayers’ (US4).

A second group of countries is located at the opposite end of the spectrum, in that *none* of their regions seek greater financial resources from the federal level. None of the four Bosnian experts and only one of the three Canadian experts saw ‘their’ regions as wanting more funds, whether primarily or secondarily. The one Canadian expert who did mention the fiscal dimension specified that provinces wanted ‘more funding for health care’

(CAN3), whilst another Canadian expert indicated that the provinces wanted ‘predictable and stable patterns of fiscal transfers’, which is not, however, the same as having *more* funds transferred to them. Instead, the goal of regions in this group of countries is mainly ‘to be left alone’ (BiH3)—or, as one expert put it, shared rule is ‘not important because of the extensive autonomy of Canadian provinces’ (CAN3). Despite the radically different trajectories of federation formation in Canada and Bosnia, then, they have in common strong political divergences between linguistic, ethnic, or ‘national’ communities that largely overlap with regional units. Canada is also the only one of the six classic federations *not* to have experienced overall centralization since its creation (Lecours 2019; Thorlakson 2020). The same applies to Bosnia where, due not least to international pressure, the situation has remained equally stable—or stalled, depending on one’s perspective (Banović et al. 2021, 59). In short, to be able to afford not to want anything from the centre, least of all money, it seems that fiscal autonomy must be high enough *and* that the benefits of such a stance must outweigh its economic, social, and political costs.

The third and final group is composed of countries in which only *some* regions want more funds, whilst others are after something else altogether. Two of the four Italian experts listed financial resources in first place, whilst the other two placed them second, after demands for ‘more autonomy’ (ITA2) or ‘more competences’ (ITA4). The cleavage here is between the North (more powers) and the South (more funds). A similar picture emerges from Spain, with two experts citing ‘money’ (ESP2) and ‘financial compensation for unfunded mandates’ (ESP1) as regional objectives, whilst the other two insisted on ‘more powers’. This difference seems related to the interplay between a distinct regional identity and a strong economic situation: ‘[a]s a rich region with an electorally strong regionalist movement, the demands of Catalonia are mostly focused on ... fiscal equalization’ (ESP3). Larger Swiss cantons, too, mainly want more freedom, whilst the smaller ones want ‘more support’ (CH1). Finally, in the case of the UK, the first of three experts mentioned ‘keeping favourable funding arrangements’ (UK1) as the goal of regions, the second pointed out that Wales wanted ‘access to finance’ whereas Scotland wished ‘to maximize decision-making autonomy’ (UK2), whilst the third observed a desire for further transfers of powers, especially regarding taxation. Belgium can also be counted as part of this last group, with Flanders asking for ‘more powers’ and Wallonia and Brussels for ‘financial guarantees’, at least during times of state reform (BE2). At the same time, as in group one, ‘regional governments have already quite a lot powers, but they could be willing to have more homogeneous competences ... above all the money that

goes with [it]' (BE3). In this third group of countries, then, there are large economic and/or identity differences among the regions, pushing some to demand more funding or support and others more autonomy or freedom of action.

With this observation, we have already given a partial answer to the second question: what explains the fact that different regions want different things—and some even nothing at all? In surveying all the answers, two main factors emerge: identity and capacity, the latter in the form of a favourable regional economy and/or—especially in the USA and Switzerland—size. The experts also mentioned that in some federations, notably Austria, Germany, and the USA, different desires were driven by different political parties, whilst in others, notably Italy, they were driven by a legacy or tradition of regional autonomy in some parts of the country (once again in the North; cf. also [Putnam 1993](#)).

Unsurprisingly, poorer regions want, above all, more fiscal transfers or other types of direct or indirect financial support, such as project contributions, defence contracts, or help with their economic development. Richer regions, by contrast, want to be left alone or to renegotiate the fiscal structure so that 'the taxes paid in the region stay there' (ITA3). With the exception of Bosnia, the actions of all regions are to a greater or lesser degree determined by their economic context. The reason for the lack of importance of economic factors in Bosnia and Herzegovina is the fact that 'Bosnian politics is not per se about territorial politics, but it is mainly about ethnic politics and the relations between political elites representing the three constituent peoples (Bosniaks, Serbs, and Croats)' (BiH1).

Culturally distinctive regions, for their part, which are a prominent feature of the Belgian, Bosnian, Spanish, and UK political systems, also want different things from the central government than ones that are less or not at all distinctive. Collective identity conflicts are less of a problem in relatively homogenous countries, like Austria, Australia, Germany, and the USA. Yet in these cases, the absence of cultural conflicts (among territorial units and/or between some of them and the central government) is counterbalanced by pronounced partisan rivalries. Italy is perhaps a special case because of the stark North–South divide, which is both economic and socio-cultural. In Canada, too, the political economy and provincial nationalism of some regions helps clarify what they want: 'Quebec wants to maximize autonomy; the "West wants in" in terms of better representation and shared rule improvement; [and] the poor Atlantic provinces are happy with interdependence as long as it pays' (CAN2).

Finally, although Switzerland is not as multinational as some would have it (cf. [Dardanelli and Stojanović 2011](#); [Stojanović 2021](#)), here, too, cultural differences matter—but in a counterintuitive way: the French-speaking cantons, which are in the minority, are actually quicker to call for federal intervention and state regulation than the German-speaking majority because they hope to profit from economies of scale and are, in a sense, ‘freeriding’ (CH1). A good example of this is the fiscal equalization mechanism operating within the Swiss public TV and radio broadcasting corporation, which transfers funding from the German-speaking majority to the three linguistic-minority regions.<sup>1</sup> [Dardanelli and Mueller \(2019, 156 and 160\)](#) confirm that, from the nineteenth to the twenty-first century, the French-speaking Swiss shifted from being the most sceptical about state-wide centralization to being its most enthusiastic proponents, despite remaining a linguistic minority.<sup>2</sup> Hence, the connection between cultural-minority status and the type of demands expressed via shared rule is not as straightforward as one might think. A related example is that of the three Catalan-speaking Autonomous Communities of Catalonia, Valencia, and the Balearic Island, which jointly demanded the insertion of a quota for Catalan-language movies and shows in the revision of the Spanish law governing streaming platforms, such as Netflix.<sup>3</sup>

## Hypotheses

If we cross-tabulate the three main goals just illustrated—more support, more autonomy, and protection of the constitutional or financial status quo—with the economic, cultural, and partisan motivations for exercising regional shared rule, several specific hypotheses can be formulated. The goal of these hypotheses is to predict the use of shared rule across regions both

<sup>1</sup> The French-, Italian-, and Romansh-speaking communities all have their own branches within the broader public broadcasting corporation. In 2021, the French-speaking branch generated CHF 285 million in fees (23 per cent of the total) but received CHF 400 million in funding (33 per cent). See [www.srgssr.ch/en/what-we-do/solidarity/financial-equalisation](http://www.srgssr.ch/en/what-we-do/solidarity/financial-equalisation) [10.1.2023].

<sup>2</sup> This can be better explained in terms of the growth of (and increasing preference for) the welfare state and the resulting need for redistribution at the highest possible level of governance than with shifts in the degree of shared rule. The latter was high (but formal) in the nineteenth century and remains so (albeit more informally) today. At the same time, the move from dual to administrative federalism has made it possible for centralized legislation and resources to be combined with regional implementation and discretion ([Mueller and Fenna 2022](#)).

<sup>3</sup> *Catalan News* of 22 October 2021, at [www.catalannews.com/politics/item/catalan-speaking-territories-come-together-to-defend-language-in-audiovisual-sector](http://www.catalannews.com/politics/item/catalan-speaking-territories-come-together-to-defend-language-in-audiovisual-sector) [1.12.21]. This public statement was underpinned by a threat by the *Esquerra Republicana de Catalunya* (ERC), a Catalan regionalist party, to not support the government in the upcoming budget vote. The law entered into force in summer 2022—including the quota that had been demanded. See [www.elconfidencial.com/espana/2022-07-09/entrevista-nueva-ley-audiovisual\\_3458158](http://www.elconfidencial.com/espana/2022-07-09/entrevista-nueva-ley-audiovisual_3458158) [1.10.2023].

within the same state (within-country perspective) and in different states (cross-country perspective).

Let us start with the economic dimension. Financial considerations have been shown to exert a powerful influence on secessionist movements (e.g. [Sambanis and Milanović 2014](#); [Dalle Mulle 2018](#)). The existence of natural resources, thriving industry, and other comparative economic advantages, such as a favourable location or global connectedness via airports or harbours, all bolster the confidence of regional leaders in their autarchy and turn the presence of the central state into a fiscal drain. In Spain, for instance, discussions of the so-called ‘fiscal deficit’ focus on the net cost or benefit to regions once all these transfers ‘away’ from the region and all the ‘incoming’ investments and other local spending by the central government are tallied up (e.g. [Gray 2016](#), 24–8). Less fortunate places correspondingly seek greater assistance and support from the central state either directly, in the form of investments and fiscal transfers ([Béland et al. 2017](#)), or indirectly, via social-security payments in a broad sense ([Rocco et al. 2022](#)). Hence, if the nature of what is sought via shared rule is contingent on the relative wealth of a region, the following should obtain:

H1A: RICHER REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND MORE FISCAL AUTONOMY AND/OR FREEDOM FROM INTERFERENCE BY THE FEDERAL GOVERNMENT THAN POORER ONES.

H1B: POORER REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND FISCAL TRANSFERS FROM AND/OR THE SUPPORT OF THE FEDERAL GOVERNMENT THAN RICHER ONES.

The second hypothesis concerns socio-territorial diversity. Culturally distinct regions can view shared rule as a defence mechanism that can help preserve their own way of dealing with all things political, no matter the cost (e.g. [Shair-Rosenfield 2021](#)). In conceptualizing (state) institutions as both rules *and* symbols, [Basta \(2021, 42–55\)](#) also makes the case that the overall political game is inherently different for members of cultural minorities. Accordingly, since the 1960s, successive Quebec governments have demanded not just greater autonomy but also ‘some form of recognition of Québécois nationhood’ (*ibid.*, 69). Similarly, in Spain, the Catalan parliament proposed a new statute of autonomy in 2005, which, among other things, defined the Spanish state as ‘plurinational’: this ‘implied a *de facto* symbolic reconstitution of the Spanish state on foundations that would prove unpalatable for a significant proportion of the Spanish political elite and population’ (*ibid.*, 105). Insofar as such symbolic demands relate to the constitutional

entrenchment of cultural difference, they can be subsumed under calls for greater autonomy in a broad sense. By contrast, in regions inhabited by the same cultural group that dominates state-wide affairs, there is both less need to stave off ‘alien rule’ (Hechter 2014) and a more limited opportunity to politicize the ‘community’ aspect of governance (Hooghe and Marks 2020, 825). Hence:

H2A: LINGUISTICALLY, RELIGIOUSLY, OR OTHERWISE CULTURALLY DISTINCT REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND MORE AUTONOMY AND/OR TO PROTECT CURRENT AUTONOMY LEVELS THAN LESS DISTINCT ONES.

H2B: REGIONS THAT ARE NOT CULTURALLY DISTINCT WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND FISCAL TRANSFERS FROM AND/OR THE SUPPORT OF THE FEDERAL GOVERNMENT THAN CULTURALLY DISTINCT ONES.

Similar dynamics may be at work when it comes to the partisan dimension. Political actors enter the shared-rule game principally via vertical (non-)congruence; that is, when the same (or different) parties are in power regionally and nationally (Detterbeck and Hepburn 2018; Thorlakson 2020). The territorially uneven success or failure of parties has already been shown to influence demands for institutional reconfiguration (e.g. Toubeau and Massetti 2013; Toubeau and Wagner 2016). Vertically integrated parties are also said to represent a key stabilizing element in federal systems as such (Riker 1964; Filippov et al. 2004). By extension, uneven success on the vertical axis could likewise play a role for the frequency and type of demands that regional governments make:

H3A: POLITICALLY INCONGRUENT REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND MORE POWERS AND/OR PROTECT CURRENT AUTONOMY LEVELS THAN CONGRUENT ONES.

H3B: POLITICALLY CONGRUENT REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO DEMAND FISCAL TRANSFERS BY AND/OR THE SUPPORT OF THE FEDERAL GOVERNMENT THAN POLITICALLY INCONGRUENT ONES.

However, given the considerations presented earlier about fundamental identity differences in Bosnia and the system’s extremely decentralized nature, we can expect party differences to become irrelevant in strongly autonomous regions. Blocking central-state action is something that only

regions with extensive legislative, administrative, *and* fiscal self-rule can afford. Only they will have something to gain from the central government *not* expanding its activities in a certain policy area. Strongly autonomous regions have both the legal and practical means to act in its place, so that fending off central-government action amounts to an opportunity to provide more (or less, if that is what is desired politically) of the services in question, for example stricter smoking bans, free tertiary education, or lower corporate tax rates. Thus:

H4: STRONGLY AUTONOMOUS REGIONS WILL MORE FREQUENTLY USE SHARED RULE TO PROTECT CURRENT AUTONOMY LEVELS THAN LESS AUTONOMOUS ONES.

A final prediction regarding the regional use of shared rule concerns alliance-building. Every alliance is a trade-off between the interests of its different members, so ideally such alliances will not be necessary. But only rich and populous (i.e. powerful) regions can afford to go it alone, whereas small or poorer (i.e. weaker) regions have to seek likeminded partners in order to be heard. The same applies to culturally distinct regions: their very uniqueness may hinder alliance-building with other, culturally different regions. Hence:

H5: STRONGLY AUTONOMOUS AND/OR CULTURALLY DISTINCT REGIONS ARE MORE LIKELY TO ENGAGE IN THE INDIVIDUAL USE OF SHARED RULE, WHEREAS OTHERS WILL ACT COLLECTIVELY.

A look at the ‘affirmation policy’ published by the [Government of Quebec \(2017\)](#) is illuminating in this regard. Driven by the frustration at having been outvoted when the Canadian Constitution was ‘repatriated’ in 1982, it repeats the five conditions that have been defended ever since (ibid., 34):

1. Explicit (i.e. constitutional) recognition of Quebec as ‘a distinct society’.
2. More self-rule when it comes to immigration policy.
3. Formal and actual limits on ‘federal spending power’.
4. A veto over major constitutional amendments.
5. A say in the selection of the three Supreme Court judges from Quebec.

The first demand has at least partially been met through two resolutions passed in the House of Commons in 1995 and 2006, respectively (ibid., 45–6). The second demand has likewise been addressed to some extent through several bilateral treaties between Canada and Quebec, most notably

the agreement of 1991 (*ibid.*, 53–4). Federal spending power continues to worry the Quebec government, although even here partial remedies have been found by opting out of federal programmes and receiving compensation in exchange (*ibid.*, 49; also [Lecours 2021](#)). However, there has been little progress in relation to the last two points, both of which are squarely related to shared rule as it is defined here, since the failed Meech Lake and Charlottetown Accords ([Basta 2021](#), 82–3). Neither the government, nor parliament, nor even the electorate of Quebec has any say whatsoever in appointing Quebec's three Supreme Court judges and twenty-four senators. Accordingly, these two issues remain on the agenda for future constitutional reform, although Quebec is rather isolated in pushing for them.

[Section 5.2](#) will attempt to unpack the use of shared rule in two coming-together federations structured in accordance with the administrative principle ([Mueller and Fenna 2022](#)), focusing on Bavaria and Ticino as two (relatively) distinct regions. [Section 5.3](#) then extends the analysis to all sixteen German *Länder* and all twenty-six Swiss cantons, as well as providing an analysis of lobbying efforts by all fifty-four US states and territories. The qualitative approach employed here serves to uncover the mechanisms and motivations, whilst the quantitative approach sheds light on the frequency of the use of shared rule.

## 5.2 Mechanisms and motivations in Germany and Switzerland

In order to better understand why some regions try to influence state-wide politics more, or differently, than others, this section compares the Swiss canton of Ticino with the German *Land* of Bavaria. [Table 5.1](#) lists key attributes of these two regions, making it possible to situate them within their respective countries. Although Bavaria is almost forty times as populous as Ticino, they share some key similarities: both regions are located at the southernmost periphery of their countries, are predominantly Catholic, are quite prosperous compared to the national mean, and are home to the only proper regionalist party in their countries, namely the *Christlich-Soziale Union in Bayern* (CSU) and the *Lega dei Ticinesi* ([Mazzoleni 2016](#); [Wagemann 2016](#)). The presence of these parties, and their persistent success in both regional and national elections, indicates the territorial salience of at least some political issues.

However, Ticino is officially Italian-speaking, making it the only canton of that language in a country dominated by (Swiss) German and French.

**Table 5.1** Key attributes of Ticino and Bavaria

	<b>Ticino</b>	<b>Bavaria</b>
Population (% of total)	350,000 (4%)	13 million (16%)
Area (% of total)	2,810 km <sup>2</sup> (7%)	70,000 km <sup>2</sup> (20%)
Density (inhabitants/km <sup>2</sup> )	130	185
Main religion (country)	65% Catholic (36%)	55% Catholic (31%)
GDP per inhabitant (100% = country mean)	EUR 80,000 (102%)	EUR 48,000 (116%)
Main regionalist party (last regional and last national election)	<i>Lega dei Ticinesi</i> (20% and 18%)	CSU (37% and 39%)

Sources: BFS (2021), Statistikportal.de [10.7.2020].

That said, whilst the official language of Bavaria—as in all other *Länder*—is German, the regional dialect is so distinctive that it is classified as its own, living language (Bavarian: ‘bar’), on par with Swiss German (‘gsw’).<sup>4</sup> Indeed, on the level of political discourse and partisan mobilization, Bavaria is even more akin to a ‘stateless nation’ than Ticino, where being part of Switzerland has always been considered synonymous with freedom (Hepburn 2010; Mazzoleni and Ruzza 2018, 985). Finally, both Ticino and Bavaria are recognized and undisputed constituent units of established, administrative federations in the Germanic tradition characterized by high levels of formal and informal shared rule (see Chapter 3). They do *not* want to secede, but pursue specific, state-wide policies. This makes them particularly apt for a comparison of the reasons for using shared rule.

What does ‘Bavaria’—or rather its government—want from ‘Germany’ (i.e. the federal level)? What does ‘Ticino’ want from ‘Switzerland’? As two comparatively rich (H1a), culturally distinctive (H2a), and already rather autonomous regions (H4), Bavaria and Ticino should want either more fiscal autonomy or the protection of existing autonomy. Both regions are also more likely to engage in individual attempts to influence the federal government rather than acting collectively (H5). Where they differ is with regards to vertical executive congruence, with Ticino having basically had the same centre-right government as Switzerland (and almost all the other Swiss cantons) *forever*. For although the *Lega dei Ticinesi* does occasionally adopt left-wing stances on specific policies (e.g. welfare or health), its main goal is to protect the Swiss from foreigners (Mazzoleni 2016; Bernhard 2017). Accordingly, we would expect the government of Ticino to use shared rule to

<sup>4</sup> <https://iso639-3.sil.org> [10.7.2020].

demand fiscal transfers from and/or the support of the federal government (H3b). For Bavaria, by contrast, there is only vertical congruence when the CSU's sister party, the *Christlich Demokratische Union Deutschlands* (CDU), forms part of the federal government. It is therefore to be expected that the Bavarian government will demand more powers—fiscal or otherwise—particularly in periods when the CDU and CSU are in opposition at the federal level (H3a).

The following two case studies thus trace the main demands of Bavaria and Ticino, as voiced over the past decade or so. Both relate to finances and the regional economy, but in different ways. For among the most salient issues in the recent past we find Bavaria's political and legal attacks on the German fiscal equalization scheme. The perception has been that Bavaria pays too much and receives too little. For Ticino, the main 'problem' lies beyond the Swiss border: with the European Union (EU), the Italian state, and the rules applying to Italian cross-border workers. In short, the free movement of persons across the EU, which has also applied to Switzerland since June 2002 in virtue of a bilateral treaty, has opened Ticino's economy to Italian labour, businesses, and independent professions. The government of Ticino, under pressure not least as a result of the birth and rise of the *Lega*, has struggled ever since to assert some political control. The case study that follows traces how it has done so via shared rule.

The examples of Bavaria and Ticino, whilst far from exhaustive, are instructive in that they both relate to state-wide rule over which even the most autonomous region has no sway, or can ever aspire to have sway, since both fiscal equalization and foreign policy are inherently national domains.<sup>5</sup>

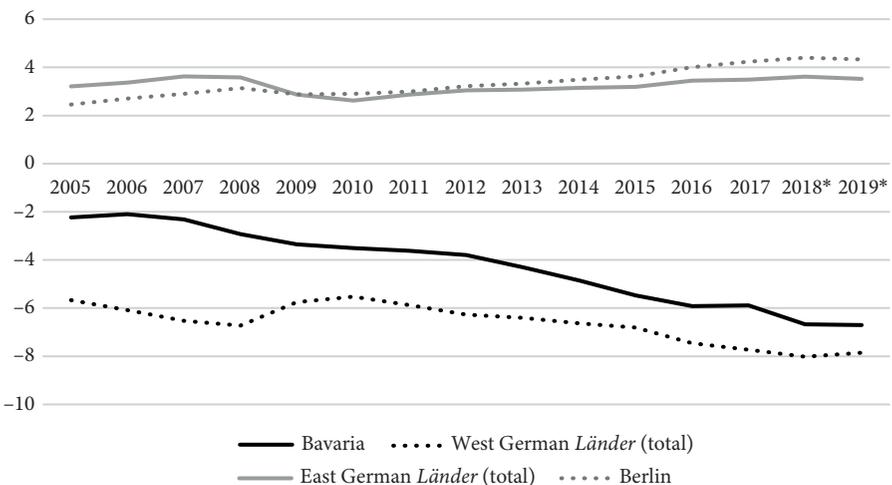
## Bavaria and German fiscal equalization

The general aim of fiscal equalization is to ensure the availability of similar financial resources in different political units. More specifically, in federal states, it should 'allow sub-central governments to provide their citizens with similar sets of public services at a similar tax burden even if incomes differ across areas' (Blöchliger and Charbit 2008, 2). There are two ideal-type mechanisms for the distribution of money: vertically, by the central government to some or all regions, and horizontally, by richer regions to poorer

<sup>5</sup> At least when it comes to specifying the federal (vertical) contribution to fiscal equalization. In principle, regions could also agree on a purely horizontal mechanism (see Arens et al. 2021 for evidence of such a construction in Switzerland). The same is true, within limits, for the foreign policy or EU policy of subnational governments (cf. e.g. Tatham 2016).

ones. The terms ‘rich’ and ‘poor’ are, in turn, defined using either revenue- or cost-based formulae (ibid., 6): the former rely on the wealth of residents and companies, which form the basis of taxation; the latter rely on the different costs of providing the same public services. This difference is mainly due to social and geographical context: for example, building roads is more expensive in mountainous areas. In practice, most federations mix vertical with horizontal and revenue-based with cost-based fiscal transfers (ibid., 6–7).

Germany, too, has until recently employed all four types of fiscal transfers. Top-down transfers take place in the form of ‘special-need supplementary grants for the new *Länder*’, for instance because their revenue base is generally lower. At the same time, the ‘city-states’ of Berlin, Bremen, and Hamburg receive more because it is assumed they also deliver services to surrounding areas (e.g. Sturm 2001, 103). However, the bulk of fiscal equalization payments in the proper sense occur between the richer and the poorer *Länder* and are tax-revenue-based (see later in this section for the impact of the latest fiscal reform). Figure 5.1 traces the evolution of the total contributions made by Bavaria between 2005 and 2019. Not only has the absolute amount of Bavaria’s contributions more than tripled, from EUR 2 billion to almost 7 billion, but its share of West German contributions (excluding Berlin) has also more than doubled, from 39 per cent to 85 per cent. In fact, in 2016, the only other donor *Länder* to add to Bavaria’s EUR 5.9 billion were Baden-Württemberg (EUR 2.4 billion) and Hesse (EUR 1.9 billion). Herein lies the



**Figure 5.1** Regional equalization payments in Germany, 2005–19 (billion €).

Note: Positive figures = receipts; \*provisional.

Source: Author based on data from BMF (Bundesministerium der Finanzen) (2022).

root cause of Bavaria's dissatisfaction with German fiscal equalization. Ironically, up until 1986, and again in 1992, Bavaria was a net recipient, sometimes of up to EUR 200 million per year (BMF 2012). The unification of West and East Germany not only increased Bavaria's relative wealth but also diminished its territorial and demographic significance in the now enlarged state (Jeffery 2005, 82–3).

Bavaria's questioning of the fiscal equalization system has taken different forms and operated on different levels. At its most abstract, it called for transitioning to a more dual and competitive version of German federalism, implying both less solidarity among *Länder* and their playing less of a role in implementing national policies (Jeffery 2005, 87). In 1999, for instance, the governments of Baden-Württemberg, Bayern, and Hesse called for the 'modernisation of federalism to strengthen the self-responsibility [*Eigenverantwortung*] of the *Länder*' (e.g. Margedant 2004, 19). That claim was then repeated prominently and specified further in the regional coalition pact between the CSU and Freie Wähler (2018, 3):

Living federalism presupposes more freedom of action for the *Länder*. Good governance at the regional level must also be rewarded. We want a clear allocation of tasks and responsibilities to the federal and regional levels, as well as an adequate fiscal endowment through the federal government. We reject a further increase of mixed financing regimes of *Länder* tasks through the federation with the conditions set by the latter.<sup>6</sup>

In parallel, in 1998, the same three resource-rich regions filed a complaint with the Constitutional Court against the 1993 version of law on fiscal equalization. It was claimed that payments were disproportionate, unjustly took into account only some infrastructural needs (notably ports but not airports), and inflated the populations of city-states in general and of Berlin in particular without proper justification. Furthermore, because the receiving *Länder* constituted a majority, the donor *Länder* needed extra protection (BVGer 1999, para. 200–18). The Court ruled that whilst some provisions of the fiscal equalization law did indeed lack proper justification and would have to be revised, they were not overtly anti-constitutional and could remain in force provisionally (cf. also Spahn 2001; Sturm 2001, 110–11). Bavaria (together with Hesse) filed another complaint in 2013, only

<sup>6</sup> My translation of 'Lebendiger Föderalismus setzt mehr Handlungsspielräume für die Länder voraus. Gute Politik in den Ländern muss aber auch belohnt werden. Wir wollen eine klare Zuordnung von Aufgaben und Verantwortungen auf Bund und Länder sowie eine angemessene Finanzausstattung durch den Bund. Eine immer weiter fortschreitende Mischfinanzierung von Länderaufgaben durch den Bund unter Auflagen und Bedingungen lehnen wir ab.'

to withdraw it in 2017—*after* a political agreement on reform had been reached.

The lapse of time between 1998, the year of the first complaint by Bavaria and two other *Länder*, and 2017, the year of the political agreement between all sixteen *Länder* and the federal government, is revealing. Two questions must be asked: why did it take so long for Bavaria to get its way, given such high degrees of shared rule in Germany (cf. [Chapter 3](#) and [Shair-Rosenfield et al. 2021](#))? And why did it eventually succeed in the way it did, against such a large majority of recipient *Länder*?

The reply to the first question is contained in the second: German laws, insofar as they concern the *Länder* directly, need the approval of both the Bundestag and the Bundesrat (*Zustimmungsgesetze*). In the latter, the sixteen *Länder* governments are directly represented and weighted by population size, from three to six votes. Adding the votes of the three (or four, with Hamburg) donor *Länder* results in a total of seventeen (twenty) out of sixty-nine; that is, less than 25 per cent (29 per cent). That is well short of being able to block a constitutional reform, for which a two-thirds majority is needed. Moreover, Bavaria's goal here was precisely not to keep the current constitutional solution but rather to *change* it, or at least its legislative concretization. A far greater number of regional allies than just the other two (or three) donor *Länder* would be needed to implement this, plus of course also a majority in the Bundestag, German's first chamber. Bavaria can thus not formally block constitutional change on its own, let alone enact it; not even all the donor *Länder* acting jointly can achieve this.

An additional obstacle to fiscal equalization reform is political parties, or rather their vertical organization and ensuing multilevel competition ([Detterbeck and Hepburn 2018](#), 122). Although the CSU has been in power in Bavaria almost without interruption since 1946 ([Wagemann 2016](#), 43), at the national level it must nevertheless rely on the CDU to enter the federal government. Yet between 1998 and 2005, a red–green coalition was in power at federal level, followed by a grand coalition of CDU/CSU–*Sozialdemokratische Partei Deutschlands* (SPD) (2005–9), a CDU/CSU–Free Democratic Party (FDP) centre-right coalition (2009–13), and once again a grand coalition (2013–21) ([Figure 5.2](#)). Whilst the Socialists are, in principle, dead set against reducing regional solidarity, the centre-right had a concurrent majority in the Bundesrat for less than a year (in 2009) and a very narrow one at that, with only thirty-seven seats (thirty-five are needed for a majority) ([Best 2018](#), 39). Finally, the only other party at the federal level to have consistently embraced Bavaria's vision of German federalism as both more competitive and non-centralist is the FDP—a party which between 1998 and 2021 (with the exception of 2009–13) was always a member of the

parliamentary opposition at national level (and between 2013 and 2017 not even of that) ([Statistikportal 2021](#)).

Thus, the regional position of Bavaria at the federal level was too tenuous and its partisan ally, the FDP, was too weak. How, then, did a reform of fiscal equalization suddenly become possible? The main reason is that it was a win–win situation ([BMF 2017](#)): by 2020, the *Länder* collectively received more money from the federal government than they had before. Moreover, instead of the richer *Länder* subsidizing the poorer ones directly from their own funds, the total share of VAT awarded to the regions was increased<sup>7</sup> and distributed to the individual *Länder* based on their fiscal strength. In other words, horizontal equalization in the narrow sense was abolished, which suited the (former) donor regions, but more money was to be transferred downwards, which suited the (former and future) recipients. Together with some other changes, the reform was billed as costing the federal government some EUR 9.5 billion or, because other top-down transfers were simultaneously reduced, EUR 4.1 billion net per year ([Thöne and Bullerjahn 2018, 20](#)). Bavaria was to receive some EUR 5.2 billion less from the jointly levied VAT, but it was also freed from having to pay EUR 6.5 billion in fiscal equalization in the narrow sense, resulting in a net gain of EUR 1.3 billion, as per the projections ([Bundesregierung 2016](#), annex). In reality, Bavaria's actual net savings ended up being even greater than that ([Table 5.2](#)).

Procedurally, whilst the Bundesrat was not the main actor in the reform, its existence remains crucial. On the one hand, although it had to consent to both the constitutional and legislative modifications, the deal was not reached inside either chamber of the federal parliament but in a meeting of the federal government with the sixteen *Länder* executives in October 2016.<sup>8</sup> This goes to show the strength of the German inter-governmental

**Table 5.2** Effects of fiscal equalization reform on Bavaria (billion €)

	2018	2019	2020	2021	2022
Receipts from VAT	7.97	8.77	4.74	4.52	5.1
Payments to other <i>Länder</i>	–6.63	–6.77	0	0	0
Sum	1.34	2	4.74	4.52	5.1

Source: Author based on data from Bavaria's annual accounts at [www.stmfh.bayern.de/haushalt](http://www.stmfh.bayern.de/haushalt) [13.1.2023].

<sup>7</sup> Specifically, the *Länder* share in the total VAT yield was increased from 47.7 per cent (in 2019) to 52.9 per cent (in 2020), while that of the federal government was reduced from 48.9 per cent to 43 per cent, with the remainder going to municipalities ([BMF 2021, 17](#)). The *Länder* received the same amount in 2020 as in 2019 (€116 billion) because the total tax yield decreased due to the Covid-19 pandemic ([BMF 2021, 19–21](#)).

<sup>8</sup> See [www.bundestag.de/dokumente/textarchiv/2017/kw22-de-bundesfinanzausgleich-507498](http://www.bundestag.de/dokumente/textarchiv/2017/kw22-de-bundesfinanzausgleich-507498) and [Bundestag \(2017\)](#).

council system (Hegele and Behnke 2017; cf. also Behnke and Mueller 2017). Thus, whilst media, public relations (PR), and judicial channels were used by Bavaria (and Hesse) to build up and maintain political pressure to reform fiscal equalization, the actual deal was struck in an inter-executive meeting and formally approved by parliament, including the Bundesrat (unanimously), only at a later point. In other words, Bavaria needed to forge an all-Länder consensus to sway the federal government. Note that whilst the initial judicial contestation was filed in 1998, at the start of a period of vertical government incongruence, the deal was reached in a period of congruence (Figure 5.2).

Year	Bavaria	Germany
1990	CSU	CDU/CSU + FDP
1991		
1992		
1993		
1994		
1995		
1996		
1997		
1998		
1999		
2000		
2001		
2002		
2003		
2004		
2005		
2006		
2007		
2008	CSU + FDP	SPD + Greens
2009		
2010		
2011		
2012		
2013	CSU	CDU/CSU + SPD
2014		
2015		
2016		
2017		
2018		
2019	CSU + Freie Wähler	SPD, Greens + FDP
2020		
2021		
2022		

**Figure 5.2** Composition of the government in Bavaria and Germany, 1990–2022.

*Note:* Compositions at end of year. CSU and CDU = Bavarian and federal Christian-Democrats; SPD = Socialists; FDP = Liberals.

*Source:* Poguntke and Kinski (2017), Wagemann (2016), author's updates.

On the other hand, the actual importance of the *Länder* in inter-governmental councils derives in large part from the formal veto power of the *Länder* in the Bundesrat: it is precisely that shadow of authority in the legal sense (Hooghe et al. 2008) that provides regional ministers with political influence. At the same time, these formal rights are ineffective in the absence of informal coordination. A similar, albeit less straightforward role was—and continues to be—played by the Swiss institution of direct democracy, as shown next.<sup>9</sup>

## Ticino and Swiss EU policy

Much like Bavaria, Ticino was long a rather agrarian, predominantly Catholic, and culturally distinct periphery with a peculiar history. But if Bavaria can claim to have been an autonomous polity of some sort for a good 1,400 years,<sup>10</sup> Ticino's history is more prosaic. Wrested from the Duchy of Milan in around 1500 by several Swiss *Orte* (the later cantons), the area was jointly administered as a colony for some 300 years (Agliati et al. 2017). It was 'upgraded' to the status of a full Swiss canton only in 1803. The ambivalence of Ticino's status is perhaps best seen in contrasting the saying of *liberi e svizzeri* (cited e.g. in Mazzoleni and Ruzza 2018, 985) with Article 1.1 of Ticino's Constitution: *Il Cantone Ticino è una repubblica democratica di cultura e lingua italiane*.<sup>11</sup>

This ambivalence has come to the fore in a most interesting way in EU policy. After Swiss voters—including, most fervently, the electorate of Ticino—refused to join the European Economic Area (EEA) in 1992 (Swissvotes 2021), the alternative political and economic *rapprochement* with the EU has consisted of a series of 'bilateral agreements' (Mueller 2021a). However, whilst in 1992 there was a mere difference of 12 per cent between Ticino and the rest of Switzerland when it came to rejecting the EEA, the gap expanded to 25 per cent for the first set of bilateral treaties, in 2000, and to 27 per cent when it came to extending the agreement on the free movement of persons and expanding it to cover Bulgaria and Romania, in 2009 (Table 5.3). Both of the latter steps towards integration with the EU were decisively rejected by Ticino, but overwhelmingly accepted in the rest of the country. The same is true for *all* other policies and agreements, notably Schengen/Dublin and

<sup>9</sup> On the functional equivalence of the German Bundesrat (and the Constitutional Court) vis-à-vis Swiss direct democracy more generally, see Mueller (2020).

<sup>10</sup> See, for instance, [www.bayern.de/freistaat/bayerische-geschichte](http://www.bayern.de/freistaat/bayerische-geschichte) [10.10.21].

<sup>11</sup> Translated as 'free and Swiss' (as opposed to being incorporated into the Italian state), on the one hand, and 'a democratic republic of Italian language and culture' on the other.

the extension of the free movement of persons to the new EU members (both in 2005), the Federal Act on Cooperation with Eastern Europe (2006), and the EU firearms directive (2019). Nonetheless, since Ticino contains a mere 4 per cent of the Swiss population, and an Italian-speaking minority at that (see [Table 5.1](#)), it was simply outvoted multiple times.

In turn, the Swiss People's Party's (SVP's) initiative 'against mass immigration' was accepted nationwide in 2014 *only* because of Ticino's strong support. Whilst, in Ticino, a record 68 per cent approved of curbing the free movement of persons from the EU by setting annual quotas, only 49.6 per cent did so in the rest of Switzerland. This is the exact opposite scenario to that of 1992, when EEA membership would have been accepted were it not for Ticino's opposition ([Table 5.3](#)). In other words, despite its small size and minority status, Ticino twice made all the difference for Switzerland as a whole with regard to crucial elements of EU policy. Why did this happen, with what effect, and what is the connection to shared rule?

The first of these questions becomes even more puzzling if we recall that, back in 1972, the initial piece of EU policy, the free-trade agreement with the European Economic Community, was approved by Ticino's voters slightly more enthusiastically than in the rest of Switzerland. This means that Ticino has morphed from being one of the most Europhile cantons into being *the* most Eurosceptic one. The explanation for this lies further south, in Italy. If we visualize the contours of Canton Ticino, we realize not just that 61 per cent of its borders are with Italy and only 39 per cent with the rest of Switzerland ([USTAT 2023](#)), but also that the former stretch into the plains of the Po Valley whereas the latter lie high up in the Alps. In the words of former Ticino senator Dick Marty: 'Physiquement, les 300 000 Tessinois sont plus proches des 9 millions d'habitants italiens que des 7 millions de Suisses. Pourquoi? Parce que la frontière naturelle est en réalité entre le Tessin et le reste de la Suisse.'<sup>12</sup>

But whilst geography and language go some way towards explaining Ticino's ambivalent relationship to both the rest of Switzerland and Italy, it is only in conjunction with economic and demographic factors that they account for Ticino's conversion to hard-line Euroscepticism. In short, the opening of Switzerland to EU citizens as workers and entrepreneurs resulted in immigration due to the availability of well-paid jobs. Given its territorial

<sup>12</sup> 'Physically, the 300,000 inhabitants of Ticino are closer to the 9 million inhabitants of Italy than to the 7 million Swiss. Why? Because the natural border actually lies between Ticino and the rest of Switzerland'. My translation, at [www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=22781](http://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=22781) [10.1.2023].

proximity, (northern) Italians wanting to work in Ticino do not even have to move, but can commute, whilst the shared language makes for very low entry costs, giving them the best of both worlds: high Swiss salaries, low Italian living costs. The number of such *frontalieri* (from *frontiere* = border) working in Ticino has risen steeply over the past decades, from 26,000 in 1999 (with 37 per cent in the service industry) to 78,000 by 2022 (with 66 per cent in the service industry). By comparison, in 2023 the entire workforce of Ticino comprised a total of 170,000 persons (USTAT 2023), meaning that almost half of all jobs are held by *frontalieri*.

Nevertheless, regional unemployment has also increased, from a low of 2 per cent in the late 1980s (Switzerland: 1 per cent) to 8 per cent by 1997 and 5 per cent for 2004–13 (Switzerland: 5 per cent and 3 per cent, respectively; USTAT 2023). The other main concern relates to ‘salary dumping’ (e.g. Mazzoleni 2015, 106); that is, the progressive lowering of salaries due to the availability of a less demanding workforce. And although a treaty signed between Switzerland and Italy in 1974<sup>13</sup> foresees the transfer to Italy of only 38.8 per cent of the tax yield collected by Ticino on Italian cross-border workers (e.g. Vorpe et al. 2015, 654), costs are felt to be higher than what is taken in. As a result, in 2014, 93 per cent of citizens who strongly agreed with the statement that ‘tighter relations with the EU threaten the identity of Ticino’ voted for the SVP’s popular initiative ‘against mass immigration’, as did 80 per cent of those who strongly agreed that ‘Switzerland should do more for Ticino’ (Mazzoleni and Pilotti 2015, 68–9).

To get ‘Switzerland’ to act (more) in Ticino’s interests, the regional government and several of its parties behaved in different ways. The primary driver in this endeavour has been the *Lega dei Ticinesi*, a regionalist-populist party founded in 1991 (Mazzoleni 2016, 162–3). The *Lega* has consistently won between one and two seats in the Swiss National Council and initially even held one of Ticino’s two seats in the Council of States (senate). Yet its main strength derives not from its electoral success but rather from direct democracy, which enables it to challenge decisions by the federal parliament (facultative referendums) and promote its own ideas (popular initiatives). Insofar as both of these instruments lead to a binding popular vote, they force the authorities—both federal and cantonal—to argue their case. These instruments are also more powerful than ordinary parliamentary procedures (e.g. motions, questions, petitions, etc.), since a popular majority can overrule even the clearest parliamentary and governmental majority. For instance, the *Lega* was the only party in Ticino to fight the EEA treaty

<sup>13</sup> At [www.admin.ch/opc/it/classified-compilation/19740225/index.html](http://www.admin.ch/opc/it/classified-compilation/19740225/index.html) [10.1.2023].

back in 1992 (Mazzoleni 2015, 163), and successfully, as can be seen in Table 5.3.

In parallel, both Ticino's government and its parliament have been lobbying the Swiss authorities by making use of the 'cantonal initiative' (Art. 160 Federal Constitution). Just like parliamentary instruments, cantonal initiatives allow individual cantons (and indeed primarily their parliaments) to petition the Federal Assembly (Mueller and Mazzoleni 2016). Whilst such initiatives can be ignored by parliament, they must be tabled and discussed by at least one parliamentary committee. They thus produce public visibility

**Table 5.3** Results of European Union-related popular votes in Switzerland and Ticino, 1972–2020

Date	Vote	CH	TI	RoCH	Δ
3.12.72	EEC free-trade agreement	73	76	72	4
<b>6.12.92</b>	<b>EEA membership</b>	<b>49.7</b>	<b>38</b>	<b>50.1</b>	<b>12</b>
8.6.97	Popular initiative 'EU membership negotiations before the people!' (= anti-EU membership)	26	39	26	13
21.5.00	Bilateral Agreements I	67	43	68	25
4.3.01	Popular initiative 'Yes to Europe!'	23	16	23	7
5.6.05	Schengen/Dublin association agreement (part of the Bilateral Agreements II)	55	38	55	17
25.9.05	Extension of the free movement of persons agreement and revision of accompanying measures	56	36	57	21
26.11.06	Federal Act on Cooperation with Eastern Europe	53	37	54	17
8.2.09	Continuation of the free movement of persons agreement and extension to Bulgaria and Romania	60	34	61	27
17.5.09	Introduction of biometric passports (= pro-Schengen/Dublin)	50.1	49.5	50.2	0.7
<b>9.2.14</b>	<b>Popular initiative 'against mass immigration' (= anti-free movement of persons)</b>	<b>50.3</b>	<b>68</b>	<b>49.6</b>	<b>19</b>
30.11.14	Popular initiative 'Ecopop' (= anti-free movement of persons)	26	37	25	12
19.5.19	EU firearms directive (= pro-Schengen/Dublin)	64	45	65	20
27.9.20	Popular initiative 'for limited immigration' (= anti-free movement of persons)	38	53	38	15

*Note:* Listed are positive vote shares (% yes) for Switzerland overall (CH), Ticino (TI), and Switzerland without Ticino (rest of Switzerland/RoCH). Δ = absolute difference between TI and RoCH, rounded. EEC = European Economic Community; EEA = European Economic Area. Bold = decisive impact of Ticino voters.

*Source:* Author's calculations based on data from [Swissvotes \(2021\)](#).

and can help build up pressure (Vatter 2018, 84 and 224). The following demands voiced by Ticino over two decades stand out (cf. also Mazzoleni 2015, 104–5):<sup>14</sup>

1. ‘Renegotiating the 1974 agreement on cross-border workers and transferring a major part of the international equalization payments to Ticino’ (cantonal initiative nr. 11.305), which calls for reducing transfers to Italy from 38.8 per cent to 12.5 per cent of the tax yield, as well as for reciprocity (i.e. Swiss border regions receiving a share of Italian taxes).
2. ‘Cancelling the 1974 agreement on cross-border workers and renegotiating the double taxation agreement’ (nr. 14.302) because the lower level of Swiss income taxes compared to Italian ones supposedly makes working in Ticino too attractive and drives down salaries.
3. A ‘special status for Ticino and other peripheral regions which are particularly adversely affected by the free movement of persons’ (nr. 14.303), again because the free movement of persons and Italian companies supposedly causes ‘salary dumping’. Affected regions should be more favourably compensated by Swiss equalization payments.
4. ‘Ticino to design its future autonomously’ (nr. 14.304): as the voters of Ticino overwhelmingly approved the 2014 SVP initiative ‘against mass immigration’ (which the rest of Switzerland had narrowly rejected; see Table 5.2), it should have the right to set its own annual quotas for foreign workers.

All these demands were rejected by the federal parliament. However, between 2011 and 2015, several committee hearings and plenary debates took place, forcing the federal government to take a stand, with the result that the core demand that a better fiscal deal (including reciprocity) should be negotiated with Italy was eventually accepted by the Swiss parliament. Needless to say, Ticino’s MPs were especially vocal throughout this process.

To up the stakes, in June 2011 the government of Ticino decided to transfer only half the money due to Italy for 2010 (Governo 2011); the other CHF 28 million was parked in a special account with—of course—the Banca dello

<sup>14</sup> Other demands relate to Ticino’s role as a financial centre (general tax amnesty: nr. 02.308; banking secrecy: nr. 02.312), law and order (nrs. 05.300, 10.300, 15.320, and 15.321), transport (nr. 08.304), protectionism (nr. 16.304), salary dumping (nrs. 18.306 and 18.326), and cross-border shopping (nr. 18.316). All the initiatives are available at [www.parlament.ch/en/ratsbetrieb/curia-vista](http://www.parlament.ch/en/ratsbetrieb/curia-vista) [10.1.2023].

Stato del Cantone Ticino (Schubiger 2014, 17). By means of this desperate move, the government of Ticino tried to influence both its own national government (with whom the obligation to pay the full amount lay) and Italy into renegotiating the 1974 agreement (Mazzoleni and Mueller 2017, 181). After Italy signalled a certain openness to doing so, the full amount was paid in spring 2012 (Gautieri 2018).

A new treaty was eventually negotiated and initialled in December 2015 (SIF 2015), but only signed in December 2020 (Bundesrat 2021). This led some individuals—notably from the *Lega* (e.g. Galeazzi and Bignasca 2019; Bignasca 2020)—to call for once again withholding a part of the transfers. When the federal parliament had its say, SVP president Marco Chiesa, who is himself from Ticino, demanded that ratification be delayed until Switzerland had been removed from Italy's blacklist. However, the upper chamber voted 43:1 in favour of the treaty. The only no vote came from Chiesa, whilst the other senator from Ticino, a Socialist, voted yes—in other words, the right-wing senator voted against his own right-wing government, whilst the left-wing senator supported it. The National Council also supported the new treaty 136:55.<sup>15</sup> Once it comes into force, Ticino will be able to keep more money for itself and working in Switzerland will become less fiscally attractive for Italian *frontalieri*.

## Differences and similarities

Whilst in the example of Germany the institution of an inter-governmental council played *the* key role in reforming fiscal equalization, it was nevertheless supported by judicial litigation, as well as PR and media strategies. Both vertical coordination and the rule of law are core German institutions, as is the parliamentary system that fuses executive power and parliamentary majorities. The Bavarian government, which coincides with the leading and hegemonic party at that level, the CSU, took the lead and held a monopoly on speaking for that *Land*. In order to reach its goals, however, it forged a consensus with all the other *Länder*, both 'giving' and 'receiving' ones, as well as the federal government itself. Consensus-seeking was facilitated by more or less comparable, largely congruent (coalition) governments at the federal and regional levels.

<sup>15</sup> In the National Council, those in favour of delaying ratification until Switzerland was taken off Italy's financial 'blacklist' included the SVP and two Christian-Democrats from Ticino. See the details of the parliamentary process at [www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaef?AffairId=20210056](http://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaef?AffairId=20210056) [14.1.2023].

In the Swiss case, by contrast, shared rule was exercised in a more fragmented, direct-democratic way. The collegial regional government never had a monopoly on speaking for Ticino: the cantonal parliament also repeatedly petitioned its federal counterpart, with different parties making different proposals that varied in scope and purpose, whilst the Ticino electorate twice stated its views decisively and directly (in 1992 and 2014). Both the regional government and the different parties could rely on these popular majorities in arguing their case, which tells us again that the different channels of shared rule are both rivals and allies. In particular, Ticino's regionalist party, the *Lega dei Ticinesi*, is a master at playing the different arenas and levels of government against each other.

Bavaria's goal in exercising shared rule was to retain more of its own fiscal resources. In order to achieve this, German legislation and, in the event, also the German Constitution had to be modified. In Ticino, the goal was to reduce the number of cross-border workers from Italy. In order to achieve this, a new international treaty had to be negotiated. Thus, on the one hand, Ticino's task was easier than Bavaria's, as it did not have to compete with the other Swiss cantons: *their* money was never at stake. On the other hand, an actor completely outside of Switzerland, namely the Italian government, had to be convinced, which simultaneously made the task harder. Ticino was also alone in demanding changes, whereas Bavaria could at least count on a few other *Länder* and parties for support. And whilst it may be difficult for a single region to convince all the other regions, as well as its own national government (and parliament), it may well be impossible to also influence *another*, neighbouring national government.

That Ticino nevertheless succeeded is in large part due to direct democracy. Repeatedly, over the course of some thirty years, Ticino's voters voiced their opposition to European integration à la Switzerland. The canton's parties also launched initiative after initiative to make themselves heard. Even the federal finance minister Ueli Maurer (SVP) admitted that 'Ticino is in a special position to which we generally pay too little attention.'<sup>16</sup> It remains to be seen whether this confession, together with the new treaty and its fiscal and human effects, will quell the peripheral unrest in that part of Switzerland. That said, this unrest certainly helped Ticino's politicians to exercise shared rule, just like the German Constitutional Court's ruling in favour of Bavaria did. In both cases, shared rule was utilized by regional governments to push for more of the same: fiscal resources generated on their own territory. The

<sup>16</sup> Debate in the Swiss Council of States, December 2021, at [www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=55405](http://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=55405) [14.1.2023].

two regions may have used different instruments and channels, as dictated by their domestic availability, but they did so for the same reason and with the same addressee: they acted nationally to improve things regionally.

### 5.3 Frequency of shared rule in the USA, Germany, and Switzerland

Cases studies may enable us to understand the mechanisms and motivations, but they are also constrained by a limited number of observations. As a remedy, this section investigates the use of shared rule through large-N, cross-regional comparisons in three federations. The dependent variable is the *use* of shared rule; that is, the mobilization by a regional government of one or more of the five channels defined earlier (see Table 3.1). To be sure, we thereby remain in the domain of *attempted* influence, given that usage alone tells us nothing about actual success (see, however, [Section 5.2](#)). Because shared-rule channels vary across countries, such attempts are operationalized differently in each context:

- For the USA, I use states' spending on lobbying efforts. Inter-governmental lobbying represents the single most important avenue for states to be heard in the centre, backed up by and often intermingled with informal ties via political parties, state offices in Washington, DC, and PR or media campaigns.
- For Germany, I count the number of *Land* initiatives submitted via the Bundesrat. Although, as was seen in [Section 5.2](#), the single most important forum for bottom-up influence-seeking are the various conferences, especially those bringing together finance ministers and prime ministers, debates and negotiations at these meetings are secret and thus inaccessible. In any case, their political importance stems from the legal necessity of reaching consensus, or at least a large enough majority, in the second chamber, where these same regional governments sit.
- For Switzerland, I rely on cantonal initiatives submitted to the federal parliament, as well as cantonal media interventions ahead of federal popular votes. The former originate from cantonal parliaments, thus exemplifying the broad range of Swiss actors who employ shared rule. However, once submitted, the cantonal government then has to defend the proposition when invited to do so. Even more clearly situated in the regional-executive domain are press releases and conferences ahead of federal popular votes. To be sure, such statements aim to convince

the *cantonal* electorate to vote a certain way. However, the cantonal electorate only matters because it forms part of the overall *national* electorate: direct democracy turns (or restores, depending on one's perspective) each individual voter into a state-wide legislator. Trying to influence them is thus conceptually equivalent—and complementary—to trying to influence national MPs.

Figure 5.3 shows how the five channels of shared rule conceptualized in Chapter 3 operate on different targets at different phases. The media and PR channel is the only instrument potentially able to sway ministers, MPs, and voters alike. The other external channels—personal contacts and professional territorial lobbying—cannot be employed at the very last, direct-democratic stage. Clearly visible is also the central position of the Bundesrat and the key role of political parties as potential vessels of regional influence. Thus, the three country studies presented next will allow us to observe the use of four channels in particular: (i) territorial lobbying of both branches of government (USA), (ii) 'official' lobbying of parliament (Swiss cantonal initiatives), (iii) the German Bundesrat, and (iv) media and PR activity in the run-up to a popular vote (Switzerland). Political parties and vertical government congruence will be used as one of many independent variables. Because most properties of regions do not vary across time, only cross-sectional analyses are undertaken. The question is thus: what explains the overall activity of regional governments at the federal level in the USA, Germany, and Switzerland?

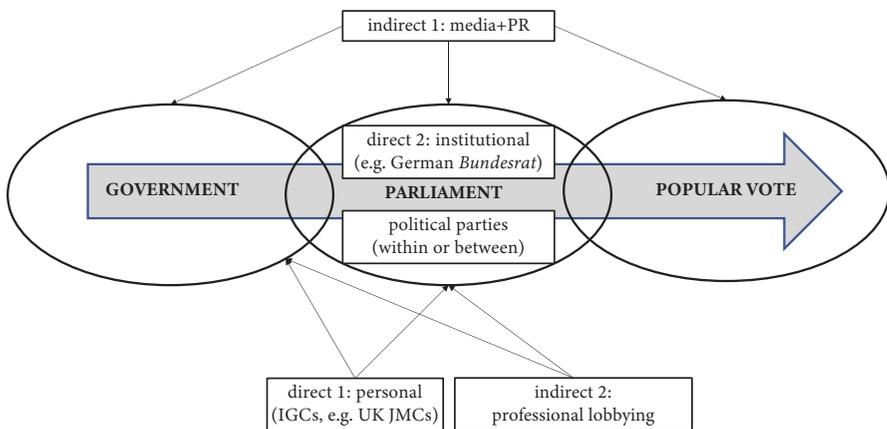
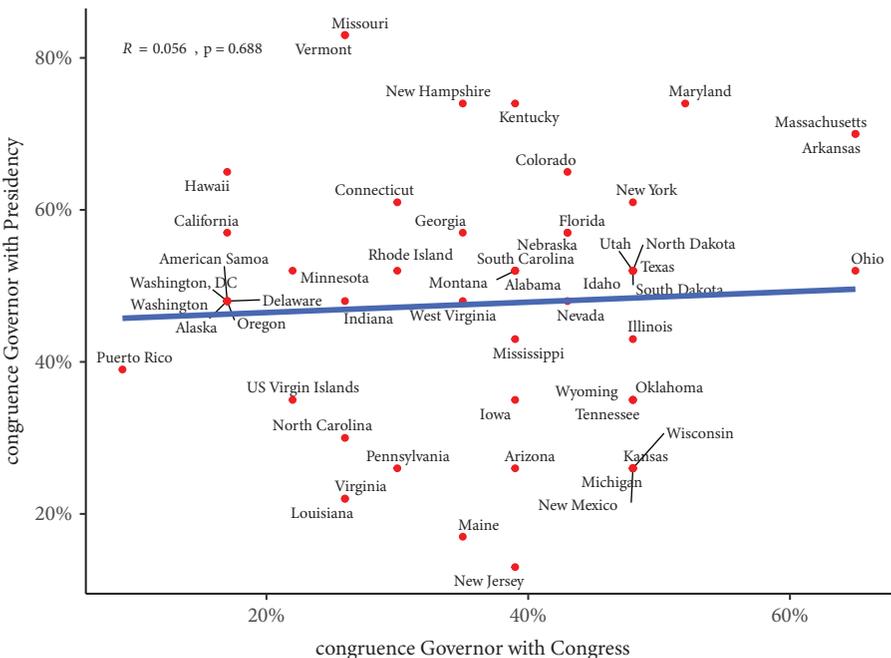


Figure 5.3 Shared-rule channels by central institution.

## Lobbying in the USA

Lobbying expenditures by state are drawn from the Center for Responsive Politics ([www.opensecrets.org](http://www.opensecrets.org)) and cover the period between 1998 and the first half of 2020. Structural variables are measured as follows: figures for the mean population size and GDP for 2010–19 and for area come from the US census; distance from Washington, DC (in kilometres) is calculated using Google Maps; and an island dummy takes a value of 1 for Hawaii, Puerto Rico, the US Virgin Islands, and American Samoa (otherwise: 0). I also include a categorical variable measuring the political culture of US states, as per Elazar (1984).

Politically, the party of the governor of each state or associated entity was coded for each year between 1998 and 2020, using the value at the end of the year. Data are from Arens (2015), updated using Ballotpedia.org. When that party corresponded to the same party that dominated both houses of Congress, congruence was given; the same applies to the party of the US president in any given year. To facilitate cross-sectional analyses, I calculated the share of years in which congruence with either Congress or the US presidency was given (Figure 5.4).



**Figure 5.4** Vertical government congruence in the USA, 1998–2020.

Note: Shown is the share of years in which a Governor came from the same party that also dominated Congress (x-axis) or held the national Presidency (y-axis).

Table 5.4 displays the results from different ordinary least squares (OLS) models, each pertaining to US states' spending on lobbying between 1998 and the first half of 2020. Wherever possible, the District of Columbia (DC), Puerto Rico, American Samoa, and the US Virgin Islands are also included, bringing the total number of entities observed to fifty-four. The first four models aim to predict total spending, the last four per capita spending. Whilst total spending is potentially a better indicator of eventual success (*ceteris paribus* more money achieves more), per capita lobbying captures the effort that goes into shared rule on the part of the states (more dollars spent per inhabitant indicates greater commitment).

Whereas population and GDP are always included, the manually created island dummy shows that spending by Hawaii and the three associated territories Puerto Rico, American Samoa, and the US Virgin Islands is significantly higher both in total (m1 and m3) and per capita (m5 and m7). Distance from Washington, DC also matters for per capita spending: the further away one is, the louder one needs to shout to be heard. Models 2, 4, and 8 further reveal that a state's political culture, as defined by Elazar (1984), is also correlated with inter-governmental lobbying: individualist states spend the most even *after* controlling for size, wealth, and distance from Washington, DC. This makes perfect sense insofar as their culture 'emphasizes the conception of the democratic order as a marketplace' and treats 'political activity as ... the province of professionals' (Elazar 1984, 115–16).<sup>17</sup>

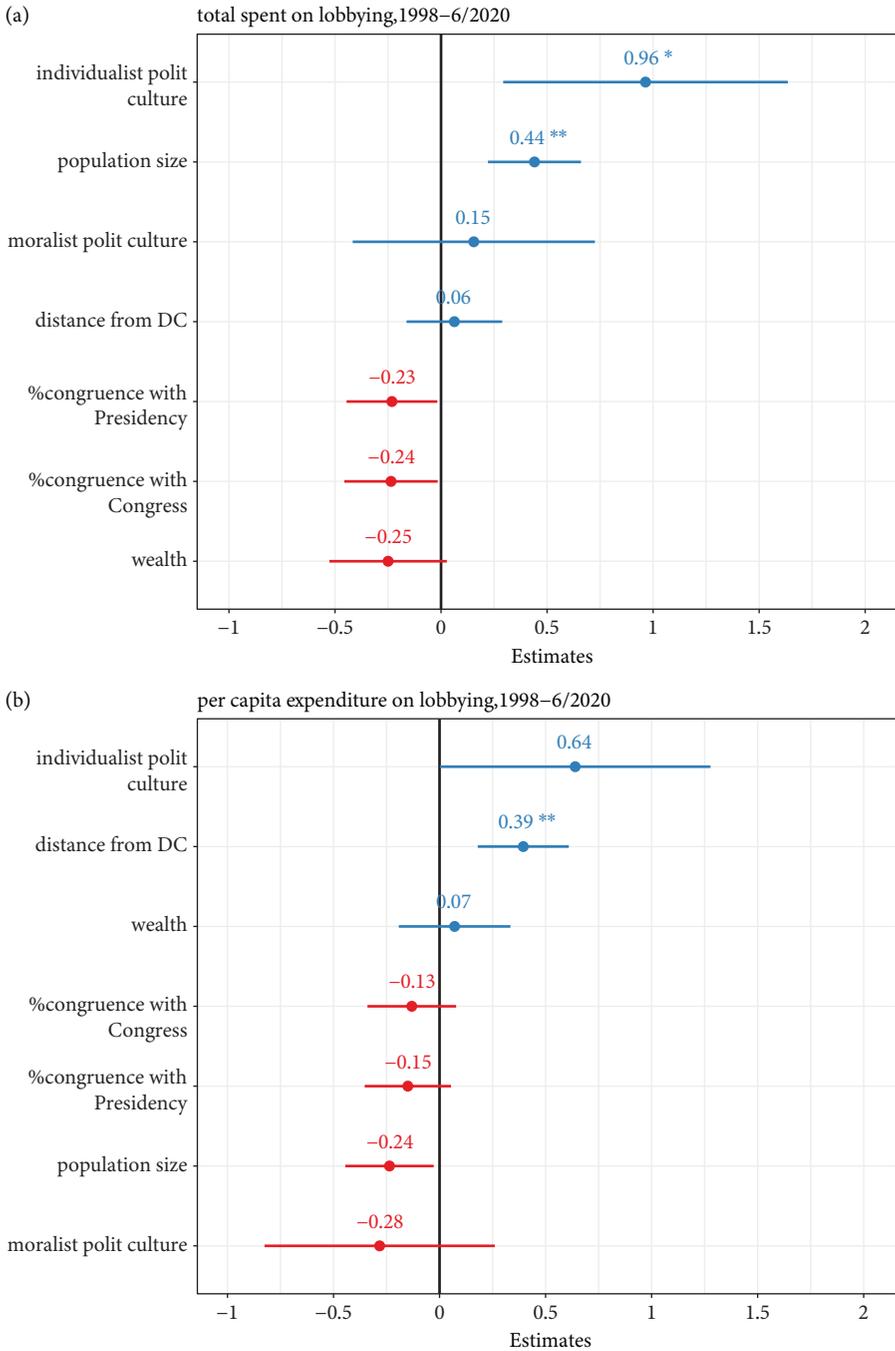
Turning to political variables, our two measures of interest are significant in at least one instance: among the fifty states proper, absolute spending correlates negatively with the share of years during which the governor came from the same party which dominated Congress or held the US presidency. In other words, lobbying does indeed seem to compensate for a lack of party ties. Population size is positively correlated with absolute spending in all four models, but negatively with per capita spending in two models, notably the one that relates to the fifty states proper and the one that controls for distance. Hence, larger states spend more, but smaller and more distant ones invest more. In sum, the overall lobbying expenses of US states and territories seem to be determined by a mix of structural, cultural, and political variables. Figure 5.5 shows the standardized coefficients, which allow for a more straightforward comparison of factors than when they are kept in their original scales, which differ widely.

<sup>17</sup> The moralistic political culture 'emphasizes the commonwealth conception', while the traditionalistic one stresses 'social and family ties', with the main function of official politics being to get out of the way (Elazar 1984, 117–19).

**Table 5.4** Ordinary least squares models for US territorial lobbying, 1998–6/2020

	Total spent by state or territory (USD)				Per capita spent by state or territory (USD)			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Population size (mean, 2010–19)	0.240* (0.136)	0.216*** (0.068)	0.239* (0.135)	0.219*** (0.065)	–0.00 (0.00)	–0.00* (0)	–0.00 (0.00)	–0.00* (0.00)
GDP (mean, 2010–19)	–9.611 (47.101)	–74.828 (62.314)	–20.988 (48.409)	–90.212 (59.467)	–0.00 (0.00)	0.00001 (0.00001)	0.00 (0.00)	0.00 (0.00)
Island dummy	18,457,492*** (3,777,417)		16,063,630** (4,251,679)		48.833*** (9.427)		51.681*** (10.844)	
Distance from Washington, DC, in km <i>State political culture</i> (baseline: 1 = traditionalist)		252.668 (295.412)		136.086 (290.407)		0.0002*** (0.00)		0.0002*** (0.00)
Moralist state culture		334,039 (1,261,183)		547,092 (1,203,352)		–0.286 (0.288)		–0.251 (0.287)
Individualist state culture		2,911,961* (1,466,277)		3,417,618** (1,414,303)		0.488 (0.335)		0.569* (0.338)
Political congruence with Congress, % of time			–9,376,491 (7,866,439)	–6,593,257* (3,655,485)			10.689 (20.063)	–0.917 (0.872)
Political congruence with president, % of time			–7,220,062 (5,614,607)	–4,798,557* (2,634,250)			–13.786 (14.320)	–0.777 (0.629)
Constant	1,436,131 (2,860,075)	3,417,784 (2,754,494)	9,083,401* (5,162,922)	9,000,815** (3,401,387)	1.692 (7.137)	–0.143 (0.629)	2.755 (13.168)	0.686 (0.812)
<i>Observations</i>	54	50	54	50	54	50	54	50
<i>R</i> <sup>2</sup>	0.353	0.244	0.395	0.350	0.385	0.374	0.399	0.412
<i>Adjusted R</i> <sup>2</sup>	0.314	0.158	0.332	0.242	0.348	0.303	0.337	0.314
<i>Residual std. error</i>	6,835,871 ( <i>df</i> = 50)	3,252,546 ( <i>df</i> = 44)	6,747,009 ( <i>df</i> = 48)	3,086,299 ( <i>df</i> = 42)	17,059 ( <i>df</i> = 50)	0.742 ( <i>df</i> = 44)	17.208 ( <i>df</i> = 48)	0.736 ( <i>df</i> = 42)
<i>F statistic</i>	9.100*** ( <i>df</i> = 3; 50)	2.837** ( <i>df</i> = 5; 44)	6.270*** ( <i>df</i> = 5; 48)	3.232*** ( <i>df</i> = 7; 42)	10.434*** ( <i>df</i> = 3; 50)	5.280*** ( <i>df</i> = 5; 44)	6.380*** ( <i>df</i> = 5; 48)	4.230*** ( <i>df</i> = 7; 42)

Note: \**p*<0.1; \*\**p*<0.05; \*\*\**p*<0.01. Variance inflation factors (VIFs) ≤ 1.5.



**Figure 5.5** Standardized coefficients, lobbying by US states.

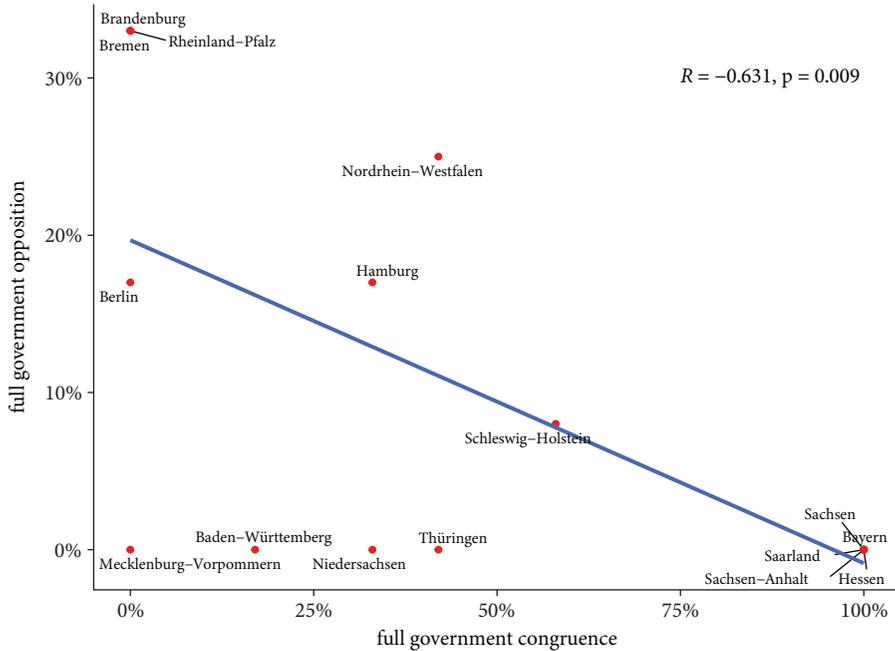
Note: The uppermost graph (a) is based on model 4 (total spending), the bottom one (b) on model 8 (per capita) of Table 5.4; 90 per cent confidence intervals shown.

## Bundesrat initiatives

In Germany's case, the dependent variable captures the number of *Land* initiatives submitted via the Bundesrat between 2009 and 2020. Structural and cultural variables relating to population, area, religion, and the economy are drawn from statistikportal.de, the joint statistics portal of the federal and *Länder* governments. Two dummy variables measure the special character of city-states (Berlin, Bremen, and Hamburg) and eastern Germany (Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt, and Thüringen, plus Berlin). To account for the administrative character of German federalism, I also measure personnel expenditures as a share of total *Land* and communal spending in 2019.

On the political level, assessing vertical congruence is both easier and harder than in the case of the USA. It is easier because instead of two sets of three institutions there are just federal and *Land* governments, which usually enjoy a parliamentary majority at their respective level. However, assessing and, indeed, defining congruence is more complex because of the multi-party system and various coalition combinations. I have thus calculated three different measures. The first assesses *full congruence*, which occurs when the federal and regional prime ministers come from the same party (the CDU and CSU are treated here as one party), when the exact same coalition partners are present at both levels (in whatever configuration), or when the regional government is composed of just one party which also participates in the federal government as a junior partner. The other extreme is *full opposition*, defined as a situation in which none of the regional governing parties sits in the federal government. In between these poles, we find *partial congruence*, which occurs when at least one party can be found in government coalitions at both levels. To facilitate cross-sectional analyses, I calculated the share of years in which such congruence or opposition was found (Figure 5.6). I also summed up the vote shares of the Greens and *Die Linke* from the 2017 federal elections in order to capture the size of the left-wing electorate in a given *Land*.

Table 5.5 displays the results of several OLS models predicting the number of *Land* initiatives submitted via the Bundesrat, either alone or together with other *Länder*. Clearly the larger *Länder* are the most active, whilst wealth—as measured through per capita GDP—does not have an effect. Eastern *Länder* are significantly less likely to use formal shared rule, but only if political variables are controlled for. Indeed, as can be seen from Figure 5.7, the longer a *Land* executive found itself in full opposition to the federal government, the more active it was in the Bundesrat. Once again, then, public channels seem



**Figure 5.6** Vertical government congruence in Germany, 2009–20.

to compensate for a lack of intra-party access. Unlike in the USA, adding in the distance from Berlin (in km) does not change anything and is insignificant (not shown). The more important spatial dimension is the difference between east and west—even after controlling for politics and size. That eastern *Länder* are less active may be due to more limited state capacity or less experience with federal democracy, although it has been thirty years since the fall of the Berlin Wall. A more cynical explanation could be that they already get more than their fair share.

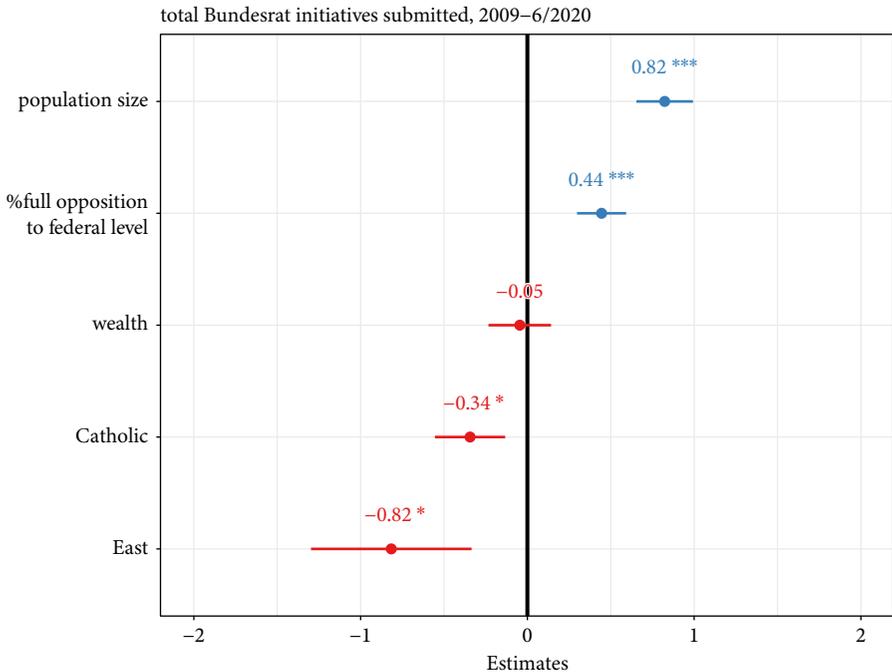
## The Swiss cantons

Finally, let us analyse the PR activity of Swiss cantons in the build-up to federal popular votes, as well as cantonal initiatives submitted to the federal parliament. Data on public interventions come from [Freiburghaus \(2018\)](#) and capture all official statements, press releases, and conferences issued or held by cantonal governments ahead of federal popular votes between 1990 and 2018. Data on the number of cantonal initiatives submitted by a canton come from the parliamentary database and cover the years 1990–2019 ([Curia](#)

**Table 5.5** Ordinary least squares models for Bundesrat initiatives, 2009–6/2020

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Population (mil.)	7.561*** (1.841)	7.589*** (1.828)	6.263** (2.144)	7.379*** (1.298)	7.239*** (1.011)	7.384*** (1.286)	7.659*** (0.871)
GDP per capita (1,000s)	1.005 (0.775)	-1.439 (1.461)	1.054 (0.875)	0.772 (0.616)	0.552 (0.489)	-0.187 (0.683)	-0.202 (0.461)
Catholic	-0.353 (0.453)					-0.662 (0.399)	-0.780** (0.264)
Eastern Germany		-36.070 (21.938)				-43.231** (17.928)	-37.466** (12.193)
City-state		49.035 (31.801)					
Personnel expenditure (2019)			-8.159 (277.066)				
% left-wing parties (2017)			-1.067 (2.683)				
% full congruence with federal level				-41.109** (14.965)		-38.641** (13.427)	
% full opposition to federal level					160.571*** (36.160)		149.212*** (27.234)
Constant	54.285 (30.726)	147.617** (57.658)	76.240 (148.232)	75.466** (25.853)	49.595** (19.400)	142.768*** (36.043)	109.352*** (24.247)
<i>Observations</i>	16	16	16	16	16	16	16
<i>R</i> <sup>2</sup>	0.659	0.728	0.649	0.780	0.865	0.862	0.937
<i>Adjusted R</i> <sup>2</sup>	0.574	0.630	0.521	0.725	0.831	0.793	0.905
<i>Residual std. error</i>	29.961 ( <i>df</i> = 12)	27.942 ( <i>df</i> = 11)	31.778 ( <i>df</i> = 11)	24.062 ( <i>df</i> = 12)	18.889 ( <i>df</i> = 12)	20.885 ( <i>df</i> = 10)	14.116 ( <i>df</i> = 10)
<i>F</i> statistic	7.740*** ( <i>df</i> = 3; 12)	7.373*** ( <i>df</i> = 4; 11)	5.077** ( <i>df</i> = 4; 11)	14.201*** ( <i>df</i> = 3; 12)	25.535*** ( <i>df</i> = 3; 12)	12.495*** ( <i>df</i> = 5; 10)	29.729*** ( <i>df</i> = 5; 10)

Note: \**p*<0.1; \*\**p*<0.05; \*\*\**p*<0.01. Variance inflation factors (VIFs) ≤ 2.8.



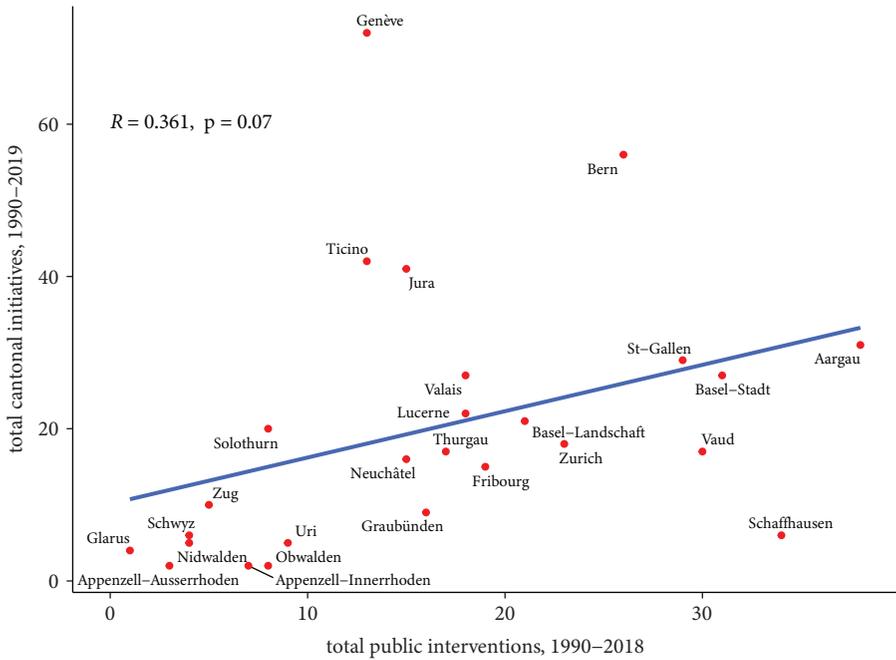
**Figure 5.7** Standardized coefficients, Bundesrat initiatives.

Note: Based on model 7 from [Table 5.5](#); 90 per cent confidence intervals shown.

[Vista 2020](#); cf. also [Vatter 2020](#)). [Figure 5.8](#) displays the values for these two measures of shared rule in Switzerland.

As independent variables, the structural and cultural variables relating to population, area, religion, and the cantonal economy are taken from the [BFS \(2021\)](#). Two dummy variables measure the special character of peripheral cantons; that is, cantons that are highly exposed to cross-border workers from neighbouring EU countries (Basel-City, Geneva, and Ticino; cf. [Mueller and Mazzoleni 2016](#) and [Mueller 2021a](#)), and cantons dominated by a national minority language (French: Geneva, Vaud, Fribourg, Valais, Neuchâtel, and Jura; Italian: Ticino). Catholic dominance (>40 per cent) is also measured via a dummy, whilst distances between the cantonal capitals and Bern are once again calculated using Google Maps.

Vertical governmental congruence, or rather its Swiss equivalent, is measured as follows: since throughout Swiss history there have been centre-right majorities in all three national institutions (government, the National Council, and the Council of States), I calculated the average strength of left-wing parties (Greens, Socialists, and radical-alternative left) in cantonal



**Figure 5.8** Cantonal initiatives and public interventions, 1990–2018/19.

governments between 1990 and 2018. Data for this measure come from [Vatter et al. \(2020\)](#), and the ensuing cross-sectional variable ranges from 0 per cent to 52 per cent (mean: 23 per cent).

[Table 5.6](#) displays the results of eight different OLS models. The first four relate to cantonal interventions ahead of federal popular votes, the last four to cantonal initiatives. In all eight models, population size is a significant and positive factor: larger cantons are more active at the federal level than smaller ones. By contrast, wealth, distance from Bern, and degree of urbanity are not significant. Of the cultural variables, only lack of (full) membership in the German-majority language group is significant, but even this only holds for one of the two dependent variables, in that French- and Italian-speaking cantons submit more cantonal initiatives. Governmental congruence, by contrast, is a strong predictor of public interventions: left-wing cantons are particularly active in this dimension (models 3 and 4). Finally, peripheral cantons are more likely to resort to cantonal initiatives to petition the federal authorities (models 7 and 8; see also [Mueller and Mazzoleni 2016](#)), like US islands but unlike eastern German *Länder* in the Bundesrat.

**Table 5.6** Ordinary least squares models for Swiss cantonal interventions and initiatives, 1990–2018/19

	Total media interventions				Total cantonal initiatives			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Population (1,000s)	0.013** (0.006)	0.014** (0.006)	0.011* (0.006)	0.011** (0.005)	0.019* (0.011)	0.020** (0.009)	0.018** (0.008)	0.022*** (0.007)
GDP per capita (1,000s)	0.037 (0.068)	0.049 (0.063)	-0.010 (0.077)		0.046 (0.122)	0.106 (0.098)	-0.208* (0.108)	-0.081 (0.103)
Distance from Bern	-0.027 (0.032)				-0.023 (0.057)			
% urbanity	0.042 (0.090)				0.115 (0.161)			
French or Italian		1.588 (4.101)				17.297** (6.417)		8.889 (5.991)
Catholic		-3.460 (3.956)				-2.249 (6.191)		
% left-wing governments			0.335* (0.168)	0.305** (0.133)			0.361 (0.234)	
Periphery status			-1.673 (6.349)				35.244*** (8.864)	29.953*** (9.922)
Constant	9.556 (8.646)	9.420 (6.469)	6.123 (5.437)	5.729* (3.259)	4.739 (15.471)	1.888 (10.122)	18.130** (7.591)	13.315 (8.443)
Observations	26	26	26	26	26	26	26	26
R <sup>2</sup>	0.341	0.339	0.422	0.418	0.258	0.431	0.604	0.601
Adjusted R <sup>2</sup>	0.217	0.213	0.312	0.367	0.117	0.322	0.528	0.524
Residual std. error	9.144 (df = 21)	9.163 (df = 21)	8.570 (df = 21)	8.217 (df = 23)	16.370 (df = 21)	14.337 (df = 21)	11.965 (df = 21)	12.010(df = 21)
F statistic	2.728* (df = 4; 21)	2.694* (df = 4; 21)	3.831** (df = 4; 21)	8.256*** (df = 2; 23)	1.825 (df = 4; 21)	3.973** (df = 4; 21)	7.994*** (df = 4; 21)	7.894*** (df = 4; 21)

Note: \*p<0.1; \*\*p<0.05; \*\*\*p<0.01. Variance inflation factors (VIFs) ≤ 1.9.

## 5.4 Concluding discussion

Under the broad heading of regional causes, this chapter has asked two questions: first, what do regions want when they have recourse to shared rule and, second, why do they do so? Motivations and goals are closely linked, as is the choice of strategies, channels, and allies. In the face of the vastness of human creativity, this chapter has only been able to examine a fraction of political activity in this area. Two qualitative case studies, one on Bavaria's success in reforming German fiscal equalization, the other on Ticino's attempts to impose restrictions on Italian cross-border workers (*frontalieri*), were supplemented with quantitative analyses of the frequency with which shared rule was practised over some twenty years in the USA, Germany, and Switzerland.

Several findings that are consistent across the different analyses emerge. First, politics matters for the frequency of attempted influence through the partisan identity of regional officeholders vis-à-vis the national government, which creates or eliminates opportunities. Political minority regions more frequently issue voting recommendations in Switzerland, submit initiatives in the German Bundesrat, and spend more on lobbying in the USA. Right-wing parties in both Germany and Switzerland were also shown to have aligned themselves with the demands of Bavaria and Ticino to reduce inter-regional fiscal solidarity and limit the number of cross-border workers, respectively.

Second, socio-cultural, topographical, and economic factors sometimes create natural obstacles to being heard. The hope then seems to be that through shared rule this disadvantage can be remedied: that the pushy and persistent will be rewarded despite being poor and peripheral. However, both case studies revealed that regional success was conditional on not costing the *other* regions anything—or, in the Bavarian case, even on benefiting them. All three quantitative studies further highlighted how larger regions are more active and present at the national level—as if to compensate for the disadvantage of being underrepresented whenever a purely territorial—that is, (con)federal—logic is applied (e.g. in the US and Swiss senates, or in German inter-governmental councils, where each unit has the same weight regardless of its size). In other words, shared rule is both an instrument of constructive politics, for instance lobbying to retain more of the tax revenue that one collects, and a means of protecting oneself from unwanted developments determined 'higher up', such as excessive labour market integration with a neighbouring country. This versatility makes shared rule a formidable tool for regional governments.

What does all this mean for other, more asymmetric federations? If it is already the case in these three mono-national systems that there is a huge variety of ways in which regional governments avail themselves of the opportunity to speak up nationally, we can expect even greater diversity in multinational states. There, regional economic interests and partisan strength will make common cause with collective identity and symbolic politics (Basta 2021). The fact that French-speaking cantons in Switzerland make greater use of initiatives would seem to confirm this.

In sum, unequal shared-rule activism will have a beneficial effect if it serves to create a level playing field by compensating for regions' natural disadvantages, as in the case of US islands and lobbying. But differences in the use of shared rule that follow cultural cleavages may have detrimental effects if those who are already disadvantaged are even less actively defending their position, as the eastern German *Länder* seem to do in the Bundesrat. Since this is a question about the consequences of shared rule, it will be answered in Part C.



# PART C

## CONSEQUENCES

Part C is the second of the two analytical parts. The goal here is to understand the impact and outcome of the extent and use of shared rule as regional government influence over national decisions. Shared rule thus becomes the independent variable. The term ‘impact’ refers to the direct effect of the phenomenon, notably whether shared rule is used successfully. This can only be answered conclusively at the regional level, which is why the analysis in this part begins at that level (Chapter 6) and only afterwards moves up to the national level (Chapter 7). At the country level, the impact of shared rule relates to changes in national policy and institutional dynamics, on the one hand, and the status quo and systemic ‘robustness’ (Bednar 2009) on the other.

In addressing the ‘outcome’, we ascend one floor on the ‘ladder of abstraction’ (Sartori 1970) to focus on political integration and overall system performance. Chapter 6 accordingly asks: is the (non-)integration of a specific region into ‘its’ federal political system caused by the extent, type, and/or successful use of shared rule? Or, to paraphrase Braun (2009a, 97, drawing on Hirschman 1970), does voice affect loyalty? Chapter 7 concludes the analytical part of this book by asking about the wider consequences of shared rule for federal political systems: is shared rule an important factor for the stability and performance of federal political systems as such, as argued, for instance, by Neudorfer and Neudorfer (2015) regarding corruption? Table C.1 summarizes this four-pronged approach.

**Table C.1** Analytical grid for shared rule as the independent variable

	<b>Regional level (Chapter 6): Use of shared rule</b>	<b>National level (Chapter 7): Extent and type of shared rule</b>
<b>Impact</b>	Success vs. failure	Change vs. status quo
<b>Outcome</b>	Loyalty vs. exit demands	Stability vs. fragility

Methodologically, [Chapters 6](#) and [7](#) apply the same combination of quantitative and qualitative methods as used in Part B: in-depth, qualitative investigations of a handful of cases are complemented by large-N comparisons across countries and regions. The core assumptions are also identical (for more on this, see [Section 1.5](#)): institutions and historical context are conceived of as crucial factors enabling or obstructing the behaviour of political actors, such as governments, parties, and individual members of parliament (cf. also [Lecours 2021](#); [Popelier 2021a](#)). More particularly, the availability of certain channels of influence for regional governments is supposed to provide them with the means to potentially have a say over national policy-making. Countries vary in the degree to which they formally provide or have evolved to informally provide for such channels (see [Chapter 3](#)), which is why we expect differences in the resulting behaviour. Ideally, institutions of shared rule provide for just the right amount and type of incentives to cooperate—vertically just as well as horizontally—if and when needed, without damaging the standing of either partner. Already [Elazar \(1967, 324\)](#) observed that ‘the [US] Constitution actually provided a framework that encouraged co-operative federalism by making it possible for the states and localities to make demands on the general government without abdicating their own roles’.

In this sense, the analyses follow from the empirical underpinning of the design recommendations presented in [Section 1.4](#) that shared-rule mechanisms should be optional rather than mandatory, substantial but not decisive, and multilateral rather than bilateral. These will accordingly be further elaborated upon in [Chapter 8](#).

# 6

## Regional Consequences

The best defence is  
a good offence.

American saying

In this chapter, the regional use of shared rule constitutes the independent variable. In other words, once a regional government decides to try and influence national decisions, what happens next? Or, more to the point, what (else) determines whether a region gets what it wants? Drawing on Chapter 5, we can immediately imagine all sorts of connections, for instance that not all regions are equally important, so getting what one wants will depend on *who* is asking: Bavaria or Saxony, Ticino or Zurich? Moreover, not all demands are equally easy or hard to meet, so success will also depend on *what* exactly is being sought. Demands that impose no costs on anyone are at one end of the spectrum, whilst those whose realization imposes costs on everybody else are at the other. In addressing the question of regional success, this chapter builds on existing, mainly US-centred approaches to understanding regional or governmental lobbying (Haider 1974; Cammisa 1995; Smith 1998; Nugent 2009; Herian 2011; Jensen 2016; Payson 2020, 2022; Zhang 2022). These have also found that blocking a proposal is easier than passing one and that the more united the regional front is, the more likely it is to succeed (Bowman 2017, 634).

A related question builds on the typology developed in Chapter 3, asking: do the different channels of shared rule entail different consequences? The modality of shared rule comprises formal or informal mechanisms, timing, alliances with other regions or non-regional actors (businesses, civil society organizations), arguments provided publicly and secretly for justifying demands, and the strategic combination of all these elements. Whilst these factors are not directly explored here, they need to be kept in mind as potentially interacting with the factors that are found to be significant. Section 6.1 draws on existing scholarship in various fields to better understand

the proximate and remote consequences of shared rule. It then formulates expectations that are subsequently tested empirically.

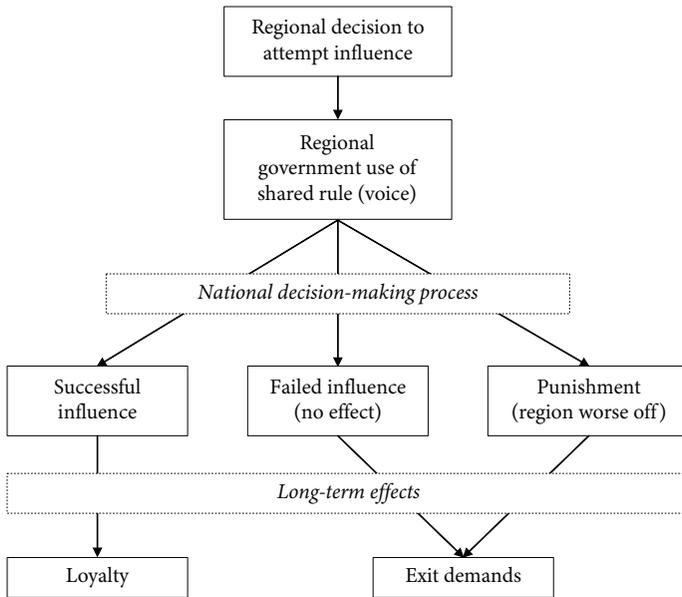
## 6.1 Theory

The consequences of shared rule at the regional level appear in two stages: proximate and remote. In the proximate stage, regional attempts to influence national decisions are crowned by success or failure, or they backfire. When the influence of a regional government leads to the full realization of its goals, the regional elite are satisfied and its people are happy—the regional government and the people it claims to represent and defend get what they want. At the other end of the spectrum, a regional government might not only see its objectives frustrated—that is, its demands denied—but it could even end up in a *worse* situation than before. For instance, attempting to influence the central government into (not) behaving in a certain way could backfire because it may encourage other regions to (successfully) pursue opposing goals with even more zeal.

If this were to happen, not only would the costs of exercising shared rule trump its non-existent returns, but further costs would have to be added on. Similar to the effect observed in the literature on federal experimentation, in which the first-mover advantage sometimes turns into a disadvantage (e.g. when business migrates to other regions; cf. [Kendall 2021](#); Fenna forthcoming), exercising shared rule also has its risks. Both results—that is, lack of success despite an attempt to influence the central government and ultimately being left worse off because of it—will lead to frustration and alienation among regional elites and citizens. At the very worst, faced with a structural context in which ‘voice’ is not only permanently ignored but even punished, ‘exit’ might seem all the more attractive ([Hirschman 1970](#)).

This brings us to consider the *remote* consequences of exercising shared rule; that is, the longer-term impact of being systematically successful (or not) in swaying the central government. The ideal-typical opposite of wanting to exit is ‘loyalty’: what could be better than to live in a political system in which one’s opinions are always heard, one’s counsel always valued, and one’s wishes always granted? A political system, more importantly still, where not only a significant amount of self-rule exists, but also ways to get additional support, including fiscal transfers, from the nominally higher level?

[Figure 6.1](#) systematizes the three different proximate effects of shared rule. Success means that a regional government gets what it wants, for instance greater fiscal autonomy for Bavaria or fewer Italian cross-border workers in Ticino (see Section 5.2). Failure occurs when the attempt to influence



**Figure 6.1** Possible consequences of the use of shared rule at the regional level.

national decisions is fruitless, for instance regarding the wish of the [Government of Quebec \(2017\)](#) to have a say over the selection of ‘its’ senators and Supreme Court judges. Punishment, finally, refers to a scenario where a regional government ends up in a worse situation than before *because of* its attempt to influence a national decision, for example the suspension of Catalan autonomy and jailing of several of its members in 2017 after the declaration of independence ([Mueller 2019](#), 142). All three can have important long-term effects by either cementing loyalty or boosting exit demands.

More specifically, short-term success can involve the obtention of material benefits for the region(s) exercising shared rule, such as federal funds to build a particular bridge, the construction of a high-speed train, or an upgrade to a regional park (cf. [Grau Creus 2000](#); Goldstein and [You 2017](#)). Regions can also benefit from national policy change (or the status quo), for example industrial areas lobbying their national government not to sign an international climate protocol—whilst urban areas pull in the opposite direction—or peripheral regions demanding tougher border controls ([Mueller and Mazzoleni 2016](#); [Mazzoleni 2017](#)). Non-material regional benefits, in turn, primarily include symbolic recognition, for example as a ‘distinct society’ (Quebec) or ‘nation’ (Catalonia). Unlike material benefits, which tend to be asymmetric and competitive (zero-sum), symbolic gains can also be distributed symmetrically and involve positive-sum games. When in

1993 Belgium officially became a federation of communities and regions, all the collective members of the polity saw their group status enhanced, both those involving different cultural compositions (Dutch-, French-, or German-speaking) and those operating on a different basis (territorial or communitarian; cf. Hooghe 2004, 73 and in Section 6.3). Of course, symbolic gains for one region can also entail costs for others, particularly if they pit cultural minorities against the majority, as shown by Basta (2021). And even material benefits can—at first sight—amount to net-positive gains for all the regions if the central government or any other actor (e.g. the European Union (EU), a neighbouring country, future generations, etc.) foots the bill.

In addition to policy changes, successful shared rule can also result in regional benefits through changes in the institutional configuration (polity). The use of shared rule can lead to more (or less) self-rule, the redefinition of common tasks, or even an increase in (formal) shared rule itself. The Swiss cantons, for example, successfully lobbied the federal government to be automatically consulted in foreign-policy matters when a new federal constitution was drafted in the 1990s (Pfisterer 2015, 385–6; Vatter 2018, 242), whilst the federalism reform of 2004/8, of which cantonal finance ministers were key enablers, as members of the project committee, decentralized some powers and centralized others (e.g. Braun 2009b; Cappelletti et al. 2014; Mueller and Vatter 2016).

But what explains whether regions get what they want? And, more generally, when do mere attempts at influencing the national government turn into actual influence? Following a deductive approach, we can first determine the type of region that is acting, then the channels and instruments used, and finally the kind of national (non-)decision that is sought.

## The type of region: who's calling?

Henry Kissinger once asked whom he should call to speak to Europe. But we can turn things around and ask: 'Who is calling?' For one way to think of shared rule as attempted influence by regional governments over national decisions is in terms of complementarity. Hence, already powerful regions—that is, ones that are large, rich, self-sufficient, or symbolically valued—can use shared rule as yet another way to get what they want: *wer hat, dem wird gegeben*.<sup>1</sup> Evidence from both regional EU lobbying

<sup>1</sup> Literally 'those who have shall receive more' (see also Tatham 2015, 388), but the English equivalent would probably be 'the rich get richer'.

(e.g. [Tatham 2015](#); [van Hecke et al. 2016](#)) and city-state lobbying in the USA ([Payson 2020, 2022](#); [Zhang 2022](#)) corroborates this. The causal mechanism underlying this phenomenon implicates both the sender and the recipient.

In terms of the sender—that is, the powerful regional government that actually makes use of shared rule—the act of speaking up at the national level can be backed up by significant political resources ([Simeon 1972](#), 218): a highly trained and sophisticated bureaucracy, more money to spend on accompanying events or policy briefs, expensive professional counsel, or simply the sheer number of allies such as MPs elected in that region. A large region can also mobilize democratic considerations (linked to the number of citizens) in addition to merely federal justifications (linked to territorial equality) in order to get a hearing. Finally, the credibility of threats is higher when an area and its government are in possession of significant revenue of their own or are generally self-sufficient ([Siroky et al. 2016](#), 441). All of this makes success more likely.

On the side of the recipient (i.e. national decision-makers), we find a tendency to listen to some actors rather than others. Why should richer, larger, or more powerful regions be given more attention, or be given the same attention but have their desires acted on more effectively? On the one hand, affluent areas are more likely to be populated by politically interested and knowledgeable voters who punish neglect and reward attention ([Payson 2020](#), 414). Ignoring richer areas is therefore potentially more costly electorally than disregarding what poorer regions of the same size demand. On the other hand, democratic political systems of all kinds operate in light of the plurality principle, at a minimum, and through supermajorities, in the maximalist case (cf. [Schwartzberg 2014](#)). This represents a further obstacle for cultural-minority regions—regardless of their size and wealth—since the type of decision sought through shared rule is, by definition, one to be taken at the national level and not the regional one, where they constitute a majority. The point is not that a majority would necessarily *want* to suppress or ignore minorities (although this may be the case in practice), but that the kind of demands voiced by minority groups might seem less pressing or even justified to members of the majority. Nationwide bilingualism in Canada is a good example of this challenge ([Simeon 1972](#), 181). Hence:

H1: POWERFUL REGIONS—THAT IS, ONES THAT ARE LARGER, RICHER, OR MEMBERS OF THE CULTURAL MAJORITY—WILL BE MORE SUCCESSFUL IN USING SHARED RULE THAN SMALLER, POORER, OR CULTURAL-MINORITY REGIONS.

## The type of (non-)decision sought

But shared rule can also be conceived of in the exact opposite terms, namely as a form of compensation: otherwise neglected small, poor, or peripheral regions could thus try to use shared rule to escape their marginalized position. Although their claims might not be backed up by the same (qualitative or quantitative) resources that larger, richer regions can mobilize, their position may generate more sympathy, whilst their demands will potentially cause less uproar both nationally and in other regions (e.g. [Simeon 1972](#), 225). More important still, their wishes might be cheaper to grant, for instance if they demand the symbolic recognition of a particular status as opposed to comprehensive changes in fiscal equalization. Of course, the opposite might also be true—that is, symbolic concessions might appear very costly—and if they involve a categorical issue that would alter the very character of the polity as a whole, nigh-on impossible to grant (e.g. [Simeon 1972](#), 153; [Basta 2021](#)). The general point is that the fewer the number of negative consequences that will result from giving in to a region's demands in relation to other actors, the more willing and able to make concessions the central government will be—and perceptions might be more important than reality here ([Simeon 1972](#), 242). Hence:

H2: THE LESS COSTLY A NATIONAL-LEVEL DECISION SOUGHT BY A REGIONAL GOVERNMENT IS FOR THE NATIONAL GOVERNMENT AND/OR OTHER REGIONS, THE MORE LIKELY IT IS THAT THE USE OF SHARED RULE WILL SUCCEED.

A second distinction regarding the type of decision sought relates to comparisons with the status quo. Federal political systems, in particular, are characterized by a larger number of veto players than unitary or even decentralized states (e.g. [Arnold et al. 2021](#); [Tsebelis 2002](#), ch. 5). Hence, changing the status quo is more difficult anyway, regardless of who wants change and of what type. Evidence concerning collective lobbying by US states is consistent with this claim ([Herian 2011](#); [Bowman 2017](#), 634). From this insight, we can deduce the following hypothesis:

H3: ATTEMPTS BY REGIONAL GOVERNMENTS TO MAINTAIN THE NATIONAL STATUS QUO ARE MORE LIKELY TO SUCCEED THAN ATTEMPTS TO CHANGE IT.

## Timing and alliances

Finally, drawing on the literature on interest groups and regional EU lobbying (e.g. Mahoney and Baumgartner 2004; Klüver 2013; Beyers and Braun 2014; van Hecke 2016, 84), two further expectations can be identified that relate to timing and advocacy coalitions. Regarding the first, one can imagine that:

H4: THE EARLIER IN THE NATIONAL DECISION-MAKING PROCESS SHARED RULE IS EXERCISED, THE MORE LIKELY IT IS TO BE SUCCESSFUL.

This expectation makes a lot of intuitive sense, especially if we think of decision-making as a policy cycle in which ‘downstream’ events are strongly influenced by ‘upstream’ decisions. The clearest case is perhaps the tabling of an issue in the first place: if it can be kept off the agenda, the cycle does not even start (e.g. Hall and Wayman 1990; Wright 1990 on the committee stage in the USA). Subsequently, as we progress through the different phases of decision-making, more and more actors will become involved, expectations will build, the media will start to pay attention, positions will solidify, and it will become harder to bring about change or to stop the whole process. De Figueiredo (2004, 7), for instance, highlights the peak of lobbying efforts in the pre-budgeting period at the US state level as a specific, recurring ‘structural policy window’ (see, however, You 2017).

The final hypothesis concerning the success of shared rule centres on the number of actors attempting to influence the central government. Unlike in the case of other public or private interests and lobby groups, the number of regions in a given nation-state is clearly defined and thus finite. It seems as plausible to expect that all the regions jointly pursuing the same goal will be crowned with success as to predict that a single region fighting against all the others will fail, *ceteris paribus*. Hence, it can be argued that successful influence also depends on the breadth of any given alliance. In addition to this, in very culturally or territorially heterogeneous systems, a broad *and* diverse alliance might be more successful than just a broad *or* diverse regional coalition. The available evidence on regional lobbying success at the EU level once again corroborates this expectation: ‘while more individual access to EU policymakers does not seem to yield favourable policy outcomes, being part of a strong lobbying coalition—in terms of its size and national diversity—does’ (van Hecke 2016, 93). Thus:

H5: THE MORE NUMEROUS AND DIVERSE THE MEMBERS OF A REGIONAL ALLIANCE EXERCISING SHARED RULE, THE MORE LIKELY IT IS TO BE SUCCESSFUL.

## Predicting loyalty—and desires for exit

What happens if, for whatever reason, shared ruled is crowned by success from the point of view of the region that exercised it? Or what happens if, by contrast, regional government attempts to influence national decisions fail repeatedly, and even provoke retaliation from the national government, other regions, or both? If federalism really is a process, as [Friedrich \(1968\)](#) claimed (see also [Popelier 2021a](#)), it makes sense to think things through to the very end.

In order to do so, I once again draw on [Hirschman's \(1970\)](#) 'exit, voice, and loyalty' (EVL) framework, which was presented in Section 1.2. Thus, at the regional level successful shared rule as 'voice' could lead to any one, several, or all of the following consequences:

1. *Avoiding decay*: better, more efficient regional policy-making through appropriate national framework laws, adequate financing, and/or administrative support (e.g. [Behnke and Mueller 2017](#)).
2. Greater trust between central and regional officials through regular vertical interaction and avoiding misunderstandings, thus further cementing *voice* itself (e.g. [Simeon 1972](#), 287; [Steiner and Jaramillo 2019](#); [Shair-Rosenfield 2021](#)).
3. Satisfaction with the operation of, and hence greater *loyalty* to and identification with, the all-encompassing multilevel democracy ([Braun 2009a, 2009b](#); [Cederman et al. 2022](#), 27).
4. Reinforced *cross-cuttingness* ([Selway 2011](#)) through alliances of regions with different cultural identities but similar interests (e.g. Alberta and Quebec or Zurich and Geneva), reflecting regional alienation and isolation.

The main point here is that whereas self-rule and decentralization encourage policy diversity, inter-regional competition, and institutional fragmentation ([Simeon 1972](#), 149), shared rule may work towards unity, cooperation, and cohesion. A centripetal rather than a centrifugal dynamic is thus created. At the same time, whereas centralization *without* shared rule risks drifting into a tyranny of the majority, monotony, and static symmetry, shared rule allows

for variable geometries, creativity, and dynamic asymmetries (e.g. [Requejo 2005](#), 314–15; [Lecours 2021](#)). Shared rule thus potentially offers a way out of the dilemma between too much and too little power at the central level, by bringing the decentralized units back on board the centralized vessel.

Yet a crucial condition for all this to actually materialize is *successful* shared rule.<sup>2</sup> Territorial politics in Spain provide a perfect example of this dynamic. For forty years, between 1978 and 2010, the Spanish system of governance was able to satisfy both those wanting to maintain unity and those in favour of increased territorial autonomy. Self-rule was gradually extended not only to the ‘historic communities’ (Catalans, Basques, and Galicians) but also to the other regions ([Beramendi and Máiz 2003](#), 140). Of key importance in this process was the fact that nationalist parties were able to influence state-wide decisions by providing crucial support in the *Congreso*, the first chamber, to whichever party happened to form the central government (e.g. [Barbera and Barrio 2016](#); see also Figure 3.3). Hence, despite the absence of formal channels of shared rule, the regional governments of Catalonia and the Basque Country—through their respective governing parties—could informally trade regionalist parliamentary support at the central level for the backing of state-wide parties at the regional level ([Field 2016](#)). However, when that possibility was eliminated in 2011, asymmetric shared rule through inter-party bargaining disappeared. This exposed the system to heavy criticism from both those wanting more self-rule and those wanting less—and even from those who were, in principle, happy with the current distribution of powers but missed the permanent, formal, and symmetric channels of shared rule which, for instance, a reformed senate could provide (e.g. [Harguindéguy et al. 2017](#); [Mueller 2019](#)).

The next hypothesis thus deals with the long-term consequences of success for the very region that has attempted to influence national decisions (see Chapter 7 for the consequences for the overall political system). Successful shared rule leads to regional elites feeling important and powerful, whilst citizens of the region have the impression that they are being taken into consideration even at the national level. Assuming that the demand voiced nationally by the former really reflects the latter’s preferences, not only will the regional government win applause but the national level will also get its share of praise for having listened. If this happens regularly and

<sup>2</sup> Of course, it is possible that perceptions are enough; that is, that the regional elite and voters *think* they *could* influence the national government if only they wanted to (see [Lecours 2021](#), 157, for a similar argument in the case of Puerto Rico). But even then it is important for voters and members of the elite to have at least seen or heard of *other* regions successfully exercising shared rule. The same applies for self-rule: in order to have the desired effect, it must actually work in practice.

systematically, one cannot help feeling valued and appreciated. The overall resulting mood will be one of loyalty to both the region and the overall system, since the latter also caters to one’s needs as a regional and not only national citizen:

H6: REPEATED AND STEADY SUCCESS IN ACTUALLY INFLUENCING NATIONAL DECISIONS WILL BOOST REGIONAL IDENTIFICATION WITH AND LOYALTY TO THE NATIONAL SYSTEM.

Conversely, in the face of failure or, even worse, retribution, we can easily imagine regional frustrations widening, deepening, and accumulating over time—especially if coupled with other pre-existing grievances or cleavages, such as economic underdevelopment, exploitation, or cultural differences. Eventually, failing at shared rule, or not having any options to try and influence the national level in the first place (which results in the same), might lead to a regional unit (further) questioning its belonging to the national political system:

H7: REPEATED OR PERMANENT FAILURE TO ACTUALLY INFLUENCE NATIONAL DECISIONS WILL BOOST ALIENATION AND, EVENTUALLY, SECESSIONISM.

Table 6.1 summarizes these different hypotheses. Whilst Section 6.2 uses quantitative data to test H1, Section 6.3 undertakes a case study on Belgium

**Table 6.1** Hypotheses for regional consequences of shared rule

Dependent variables	Independent variables
Successful use of shared rule	Region: success more likely for powerful, i.e. larger, richer, and/or cultural-majority regions (H1) Costs: success more likely the less costly a decision is for the national government and/or other regions (H2) Purpose: success more likely when maintaining status quo (H3) Timing: success more likely the earlier in the decision-making process shared rule is exercised (H4) Alliances: success more likely the more numerous and diverse the members of the alliance exercising shared rule (H5)
Regional identification with and loyalty to the national system	Repeated and steady success in influencing national decisions (H6)
Alienation and desires for exit, secessionism	Repeated or steady failure in influencing national decisions (H7)

to shed light on H5–7. Unfortunately, no data were available to test H2–4, the veracity of which has, however, already been shown elsewhere (Herian 2011; Bowman 2017; You 2017; van Hecke 2016; Basta 2021).

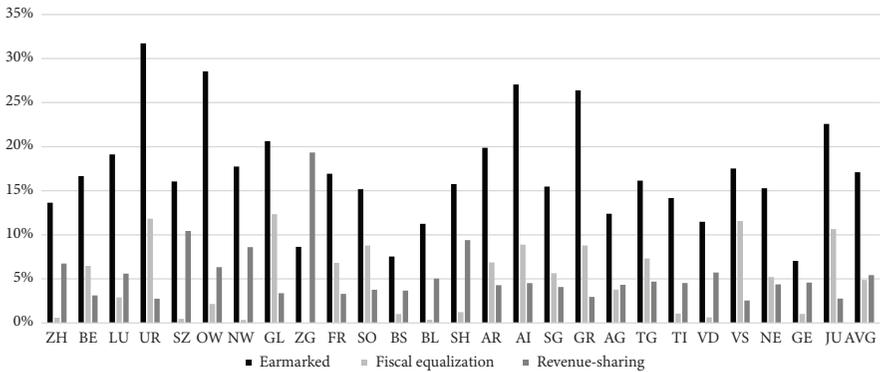
## 6.2 The use and effect of shared rule in Switzerland and the USA

To assess H1, I use cross-sectional data on all the twenty-six Swiss cantons and all fifty US states, plus Washington, DC and three territories. Given their natural advantages, larger, richer, and/or cultural-majority regions are expected to be more successful in exercising shared rule. In other words, the character of a region could act as a *moderator* between shared rule and results.

### Switzerland

In order to falsify this first expectation, this section uses federal subsidies paid to individual Swiss cantons as the dependent variable. The Swiss government engages in vertical fiscal transfers of three basic kinds: top-down fiscal equalization payments (which exist alongside inter-cantonal equalization payments), cantonal shares in federal taxes (which, depending on the tax, are not really paid to cantons but rather retained by them), and earmarked grants in specific areas such as transport or education (Dardanelli and Mueller 2019; ESTV 2021). The first two types are defined by formulas and are enshrined in law, so neither the amount nor the recipients can be politically altered, save for periods of legislative revision. Figure 6.2 provides a sense of the importance of these three types of top-down transfers and illustrates their cross-sectional variety, using data from 2018. It calculates the relative importance of each type of transfer by relating them to total cantonal revenue. We see that, on average, some 17 per cent of all cantonal revenue comes from earmarked transfers, ranging from 7 per cent in one canton to 32 per cent in another. In turn, federal fiscal equalization payments and revenue-sharing account for ‘only’ 5 per cent each, on average: they range from 0 per cent to 12 per cent and from 3 per cent to 19 per cent, respectively. Taken together, almost half of all revenue came from such federal sources in Uri (46 per cent), compared to just 12 per cent in the least-dependent canton, Basel-City.

In the quantitative analyses that follow, I shall focus on earmarked transfers only, since these have the greatest political flexibility. The cantonal share



**Figure 6.2** Federal transfers by type and canton, 2018.

*Note:* Shown are percentages for each type of top-down transfer from total cantonal revenue.

AVG = unweighted average.

*Source:* Author based on data from [EFV \(Eidgenössische Finanzverwaltung\) \(2020\)](#).

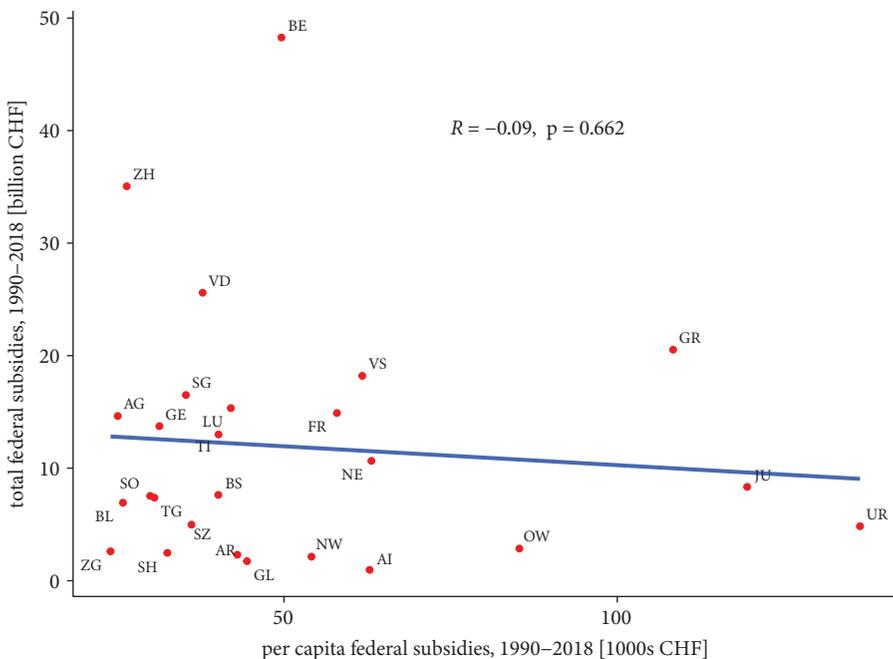
in federal taxes, for instance, is authoritatively defined by the Federal Constitution, whereas the formula for allocating fiscal equalization payments is defined by law, but has basically remained unchanged since 2008 (e.g. [Stöckli 2019](#)). Hence, even if (some in) the federal government wanted to pay more to the Canton of Ticino, for instance, to help deal with the high number of cross-border workers (see Section 5.2), they could not draw on these two sources. Federal subsidies in specific areas, by contrast, whilst earmarked and similarly defined in law, provide cantons with much greater opportunities to change specific provisions in their favour. For instance, the government of the Canton of Basel-Country (BL 2018, 5) remarked that it was true that

the federal transfers paid to BL are ... below the Swiss average. However, to a large extent they rest on provisions of federal legislation, so they can be influenced by the Canton of Basel-Country only with great difficulty. The only possibility is to influence those laws directly. For that reason, the Canton of Basel-Country has built up its network with its own representatives in the National Council and the Council of States. (My translation)

This document, drafted in response to a parliamentary request, goes on to mention two specific successes on the part of Basel-Country: the recognition of the importance of the Swiss Rhine ports as part of the national infrastructure, paving the way for increased federal subsidies, and the transfer of some 40 km of cantonal motorway into federal jurisdiction, resulting in another net benefit for the region, because of lower maintenance costs (*ibid.*, 5–6).

To get a sense of the overall success of the cantons in dealing with the federal level, I use the sum of all earmarked transfers or subsidies obtained by a canton between 1990 and 2018, in absolute terms as well as on a per capita basis. Figure 6.3 shows that these two measures are anything but correlated.

What determines how much each canton gets? And what role does shared rule play in this equation? Table 6.2 displays the results of six different ordinary least squares models, three each for total and per capita federal subsidies. M1 and M4 use four standard variables—population size (logged), per capita GDP, dominant language (German-speaking majority or not), and religion (Catholic majority or not)—plus the average strength of left-wing parties in cantonal governments since 1990 as an indicator of vertical political incongruence.<sup>3</sup> All data are from the Swiss Federal Statistical Office. M2 and M5 add in cantonal public interventions ahead of federal referendums (Freiburghaus 2018), M3 and M6 cantonal initiatives (Curia Vista 2020; see also Section 5.3). Neither of the two shared-rule indicators has



**Figure 6.3** Total and per capita federal subsidies by canton, 1990–2018.

Source: Author based on data from EFV (Eidgenössische Finanzverwaltung) (2020).

<sup>3</sup> Non-German-speaking and Catholic cantons have formed the (historic) minority; the latter were even the losing side in the 1847 civil war (Vatter 2018; Dardanelli and Mueller 2019).

**Table 6.2** Ordinary least squares regressions for Swiss federal subsidies, 1990–2018

	total (billion CHF)			per capita (CHF 1,000)		
	(1)	(2)	(3)	(4)	(5)	(6)
Population size (logged)	6.939*** (1.531)	7.086*** (1.741)	5.979*** (1.795)	-14.492*** (4.944)	-15.538** (5.601)	-17.643*** (5.795)
GDP per capita (CHF 1,000)	-0.110 (0.068)	-0.112 (0.070)	-0.126* (0.069)	-0.473** (0.219)	-0.458* (0.226)	-0.526** (0.224)
French or Italian	-5.234 (4.350)	-5.476 (4.628)	-7.225 (4.764)	-5.010 (14.052)	-3.289 (14.892)	-11.547 (15.377)
Catholic	4.915 (3.983)	4.986 (4.098)	5.450 (4.013)	35.255** (12.865)	34.746** (13.189)	37.012** (12.952)
% left in government	0.327 (0.228)	0.343 (0.248)	0.359 (0.230)	1.475* (0.737)	1.359 (0.799)	1.581** (0.743)
N public interventions		-0.039 (0.198)			0.274 (0.636)	
N cantonal initiatives			0.118 (0.115)			0.386 (0.373)
Constant	-24.369** (8.586)	-24.691** (8.953)	-20.942** (9.212)	113.665*** (27.736)	115.948*** (28.810)	124.913*** (29.732)
Observations	26	26	26	26	26	26
R <sup>2</sup>	0.671	0.671	0.688	0.524	0.528	0.549
Adjusted R <sup>2</sup>	0.588	0.567	0.589	0.404	0.379	0.407
Residual std. error	7.118 (df = 20)	7.296 (df = 19)	7.111 (df = 19)	22.995 (df = 20)	23.478 (df = 19)	22.952 (df = 19)
F statistic	8.143*** (df = 5; 20)	6.466*** (df = 6; 19)	6.973*** (df = 6; 19)	4.396*** (df = 5; 20)	3.545** (df = 6; 19)	3.856** (df = 6; 19)

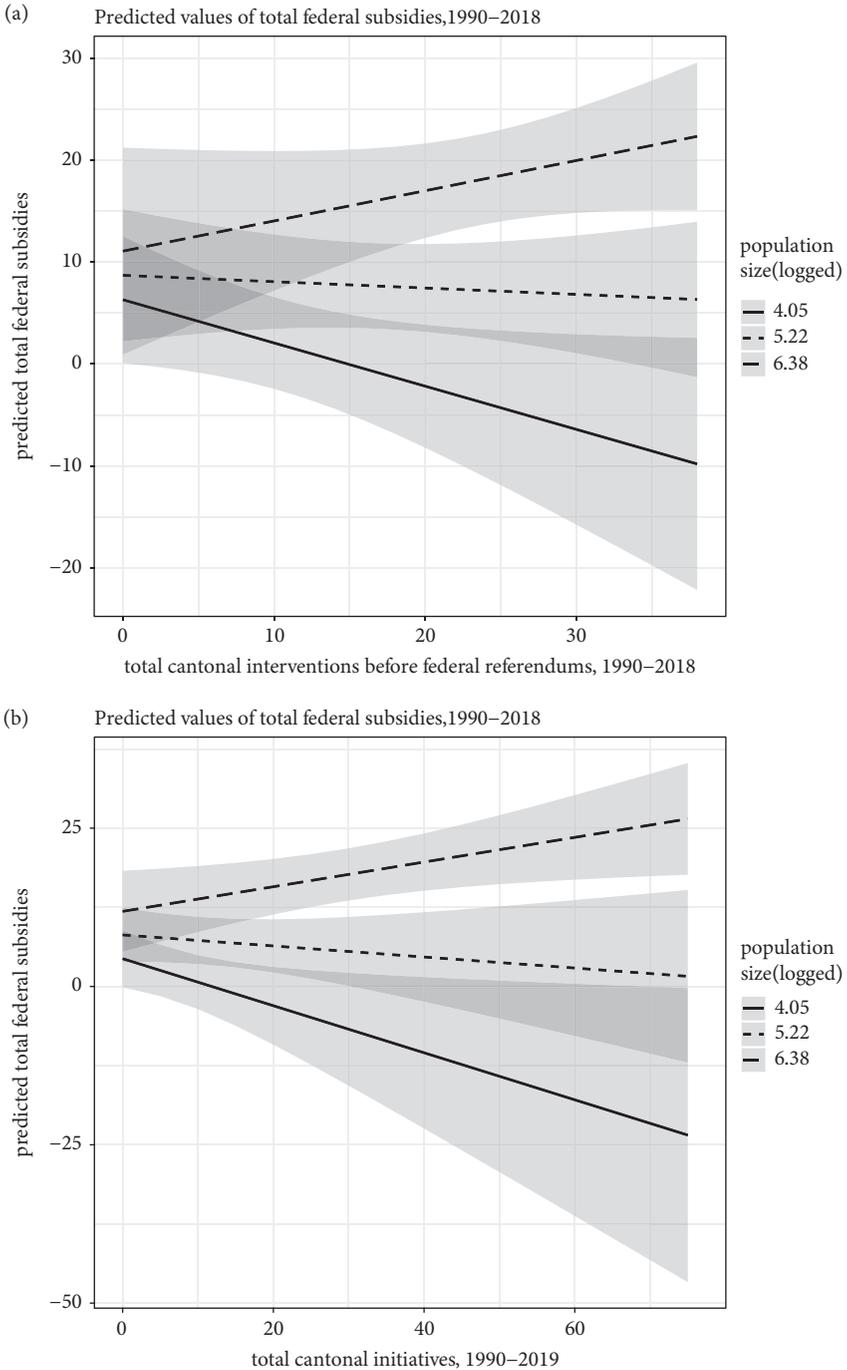
Note: \*p<0.1; \*\*p<0.05; \*\*\*p<0.01. Variance inflation factor (VIF) ≤ 5.3 across models shown, ≤ 2 if % left in government omitted.

an independent effect: the more active cantons do not get more (or less) financial support. Population size is positively correlated with total subsidies, but—like per capita GDP—it is negatively correlated with per capita payments. Catholic cantons also receive more per capita payments than non-Catholic ones, *ceteris paribus*.<sup>4</sup>

However, when I alternatively interact a canton's structural characteristics (size and language) and politics with either of the two shared-rule indicators, some significant effects do obtain. These are displayed in Figure 6.4, whose top two graphs (a and b) interact population size with cantonal interventions and initiatives, respectively. In both cases, less active cantons are similarly successful in attracting federal funding, no matter their size. However, as we move to the right, the increasing use of shared rule differentiates certain cantons, with the largest *and* most active cantons getting the most. The only other significant interaction effect is that between left-wing governments and cantonal initiatives (bottom graph, c, in Figure 6.4). However, somewhat counter-intuitively the *stronger* the national political minority in a cantonal government, on average across some twenty years, the *more* successful that canton appears to be at using shared rule. But the wide confidence intervals should make us hesitate to read too much into this finding.

Turning to per capita transfers, we already saw in Table 6.2 that population size and wealth are negatively correlated with greater payments, whilst Catholic dominance is positively correlated. That smaller cantons have greater per capita needs than larger ones makes sense insofar as there are fewer economies of scale to profit from. Official Swiss fiscal equalization accounts for this by compensating mountainous areas for their low density (Linder and Mueller 2021, 87–92). But what is it about Catholicism that attracts more fiscal attention from the centre, especially when controlling for per capita GDP? One reason for this phenomenon could be the over-representation of rural Catholics at the federal level through the Swiss senate—that is, the Council of States (Vatter 2020, 329–30)—another the effectiveness of functional lobbies, such as the farmers' union (*ibid.*, 545). However that may be, size, wealth, and religion, plus the average strength of left-wing parties in a cantonal government, together explain some 52 per cent of the variation in per capita transfers over the past twenty years. That smaller, poorer, Catholic, and relatively left-wing cantons get more money per inhabitant *regardless* of cantonal interventions or initiatives might thus be seen as a good sign and attest to the overall character of Swiss politics as 'a kinder, gentler' democracy (Lijphart 2012).

<sup>4</sup> Dropping the governmental strength of left-wing parties, which causes some problems with multicollinearity, does not substantively change these results—nor does replacing population size and GDP with area and density or controlling for distance from the capital.



**Figure 6.4** Marginal effects for size and politics on federal subsidies by use of shared rule.

Note: 90 per cent confidence intervals shown.

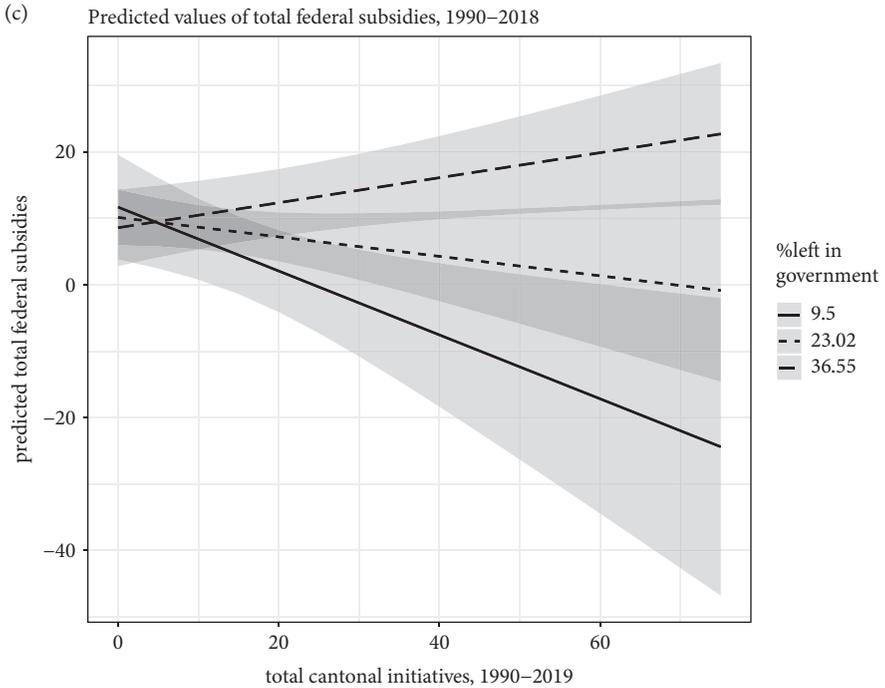


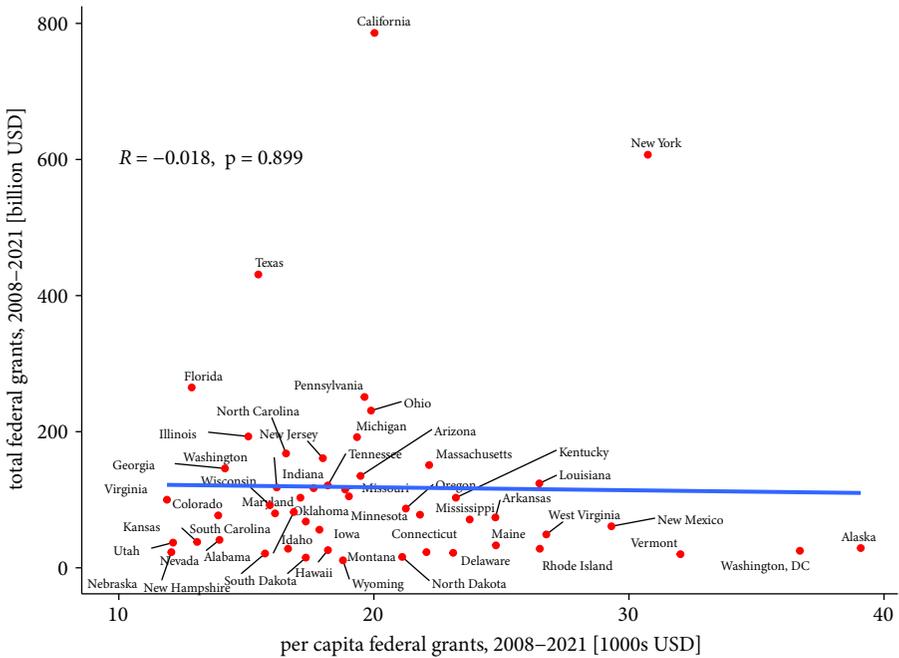
Figure 6.4 Continued

## USA

Still on the subject of H1, we now turn to the United States, where inter-governmental lobbying is a much more established, focused, and professional affair than in Switzerland. If we use as the independent variable the total amount spent by a state, territory, or Washington, DC on lobbying the federal government between 2000 and 2019, what did these efforts result in? As the dependent variable, I use the total amount of grants paid to a state directly between the fiscal years 2008 and 2021.<sup>5</sup> Figure 6.5 shows the total and per capita amounts for each state thus received. As in the case of Switzerland, there is zero correlation between these two indicators.

What explains these patterns? And does lobbying play a role, either alone or in conjunction with other factors? Table 6.3 reveals once more the all-important role of population size for the total amount of grants. However, distance from Washington, DC and, in M3, wealth and per capita lobbying expenditure also have a positive and significant coefficient. Turning to per

<sup>5</sup> Assessed from [www.usaspending.gov](http://www.usaspending.gov) on 17 November 2020.



**Figure 6.5** Total and per capita federal grants by state, 2008–21.

capita grants, population size becomes negatively correlated, as does per capita lobbying—but GDP retains its positive relation. Note that the overall fit of M4–6 is much lower than that of M1–3.

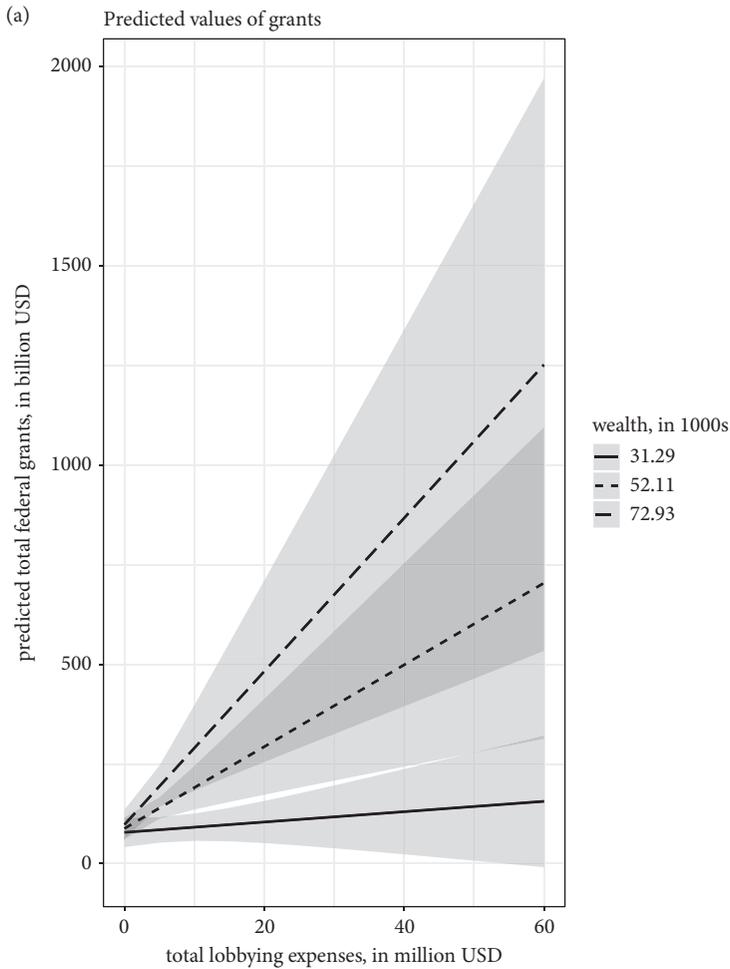
Let us conclude by once again calculating interaction effects. For *total* grants, only total lobbying expenses interacted with GDP resulted in significant correlation effects; the same is true for per capita lobbying expenses interacted with GDP and distance. [Figure 6.6 \(a\)](#) shows how the first of these effects plays out: whilst lobbying pays off for all the states, the wealthier ones receive even more. However, the exact opposite results from the interaction of per capita lobbying expenses with state GDP ([Figure 6.6, b](#)): here, shared rule pays off only for the poorer states. Thus, per capita lobbying does indeed seem to help compensate for a disadvantaged economic status. The same is true for territorial peripherality: per capita lobbying is associated with higher grants only in the case of very distant states ([Figure 6.6, c](#)). When *per capita* grants are used as the dependent variable, only the interaction of total lobbying with population size results in a significant correlation effect (not shown).

Note too the absence of any direct or indirect effect of political congruence with either the presidency or Congress for either total or per capita federal grants. Despite polarization increasingly spilling over into the inter-state and

**Table 6.3** Ordinary least squares regression for US federal grants, 2008–21

	total grants received (billion USD)			per capita grants (USD 1,000)		
	(1)	(2)	(3)	(4)	(5)	(6)
Population size (logged)	92.105*** (12.024)	91.382*** (12.227)	108.522*** (12.579)	-1.923** (0.760)	-1.818** (0.849)	-2.273*** (0.771)
GDP (mean, 2010–19, in 1,000s)	0.795 (0.689)	0.882 (0.721)	1.265* (0.663)	0.086** (0.040)	0.086** (0.041)	0.089** (0.040)
Distance from Washington, DC (1,000 km)	16.845** (7.874)	17.202** (7.978)	20.049*** (7.423)	-0.271 (0.486)	-0.255 (0.494)	0.025 (0.506)
Polit. congruence with Congress	-65.624 (108.485)	-42.095 (120.930)	-14.715 (102.652)	-7.210 (6.287)	-7.706 (6.575)	-8.414 (6.195)
Polit. congruence with Congress	61.660 (82.221)	66.385 (83.551)	88.835 (77.214)	1.417 (4.465)	1.217 (4.563)	0.404 (4.411)
Total lobbying expenses (million USD)		0.861 (1.886)			-0.073 (0.249)	
Per capita lobbying expenses			2.031*** (0.707)			-1.656* (0.964)
Constant	-1,351*** (199)	-1,359*** (202)	-1,668*** (216)	47.117*** (13.049)	45.947*** (13.780)	53.667*** (13.332)
<i>Observations</i>	54	54	54	51	51	51
<i>R</i> <sup>2</sup>	0.558	0.560	0.624	0.296	0.297	0.340
<i>Adjusted R</i> <sup>2</sup>	0.512	0.504	0.576	0.218	0.201	0.250
<i>residual std. error</i>	98.567 ( <i>df</i> = 48)	99.390 ( <i>df</i> = 47)	91.867 ( <i>df</i> = 47)	5.311 ( <i>df</i> = 45)	5.365 ( <i>df</i> = 44)	5.199 ( <i>df</i> = 44)
<i>F</i> statistic	12.125*** ( <i>df</i> = 5; 48)	9.973*** ( <i>df</i> = 6; 47)	13.008*** ( <i>df</i> = 6; 47)	3.783*** ( <i>df</i> = 5; 45)	3.102** ( <i>df</i> = 6; 44)	3.781*** ( <i>df</i> = 6; 44)

Note: \*p<0.1; \*\*p<0.05; \*\*\*p<0.01. Variance inflation factor (VIF) ≤ 1.5.



**Figure 6.6** Marginal effects for wealth and distance on total grants by lobbying.

*Note:* 90 per cent confidence intervals shown.

federal-state domains (e.g. [Conlan and Posner 2016](#); [Sonnicksen 2022](#)), party politics is not easily connected to fiscal transfers. Of course, this finding could be due to how this aspect is measured and modelled here, so further studies should definitely follow up on this point. Yet it should be noted that even in consensual Switzerland, a stronger left in cantonal governments has been associated with greater per capita transfers, both alone and in conjunction with exercising shared rule through the submission of cantonal initiatives ([Table 6.2](#) and [Figure 6.4, c](#)).

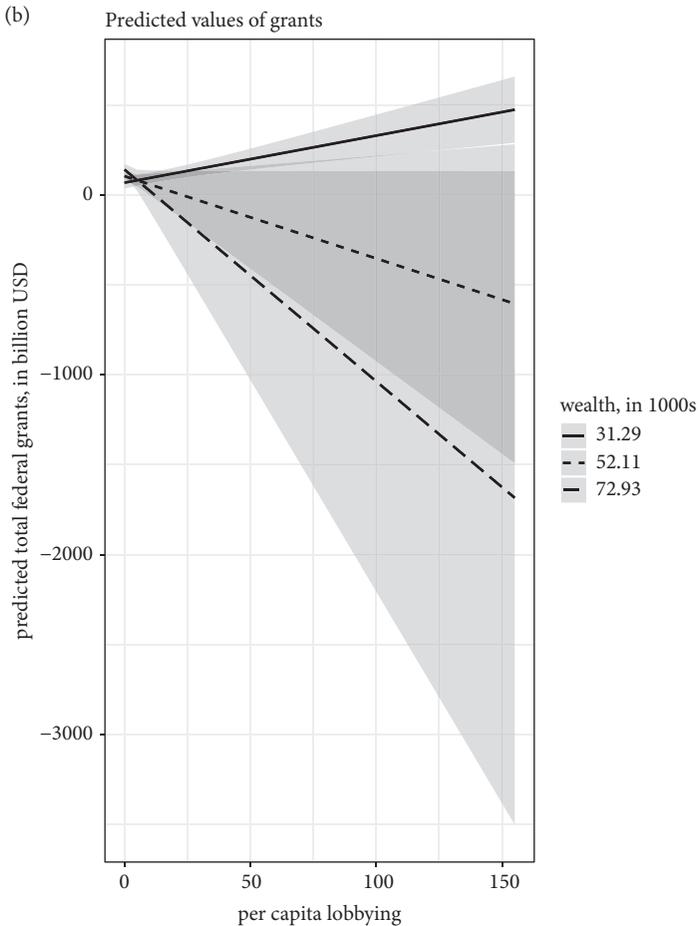


Figure 6.6 Continued

More generally, these subnational analyses tell us that shared rule has both a compensatory and amplifying—or a remedial and reinforcing—effect on existing inter-regional inequalities. The good news is that, as a result of shared rule, the rich and privileged do not always get even richer and more privileged. For political minorities in Switzerland and spatially distant states and territories in the USA, speaking up at the federal level through whatever means they have at their disposal to influence national decisions does indeed pay off. However, the bad news is that shared rule sometimes merely multiplies the benefits for those who already have much, such as large Swiss cantons and wealthy US states.

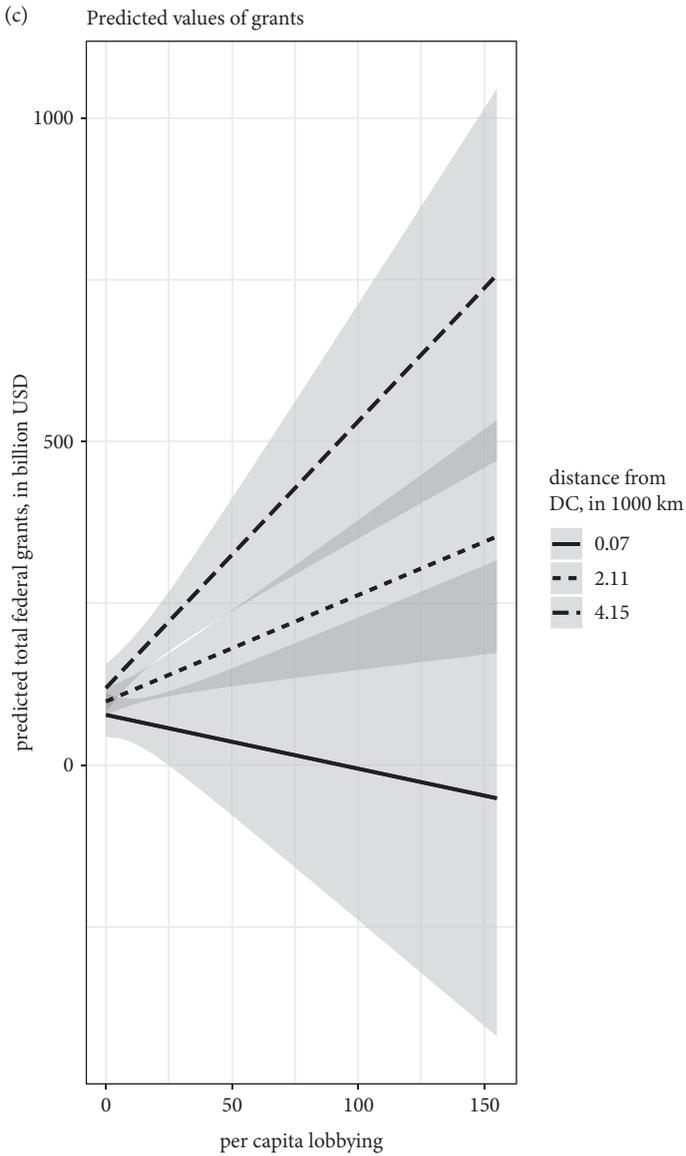


Figure 6.6 Continued

### 6.3 Voice, loyalty, and exit demands in Belgium

The hypotheses put forward in Section 6.1 concerning the effect of (a lack of) voice on loyalty or exit demands will now be assessed empirically using case-study evidence from Belgium. The comparison involves three subnational units: Flanders, Wallonia, and the German-speaking Community. Unlike, for

instance, in the cases of Scotland, Catalonia, or Quebec, in none of the Belgian regions is there widespread desire for secession (Popelier 2021a, 2021b), although they are all home to a distinct, regionally majoritarian linguistic group, they have all been heavily involved in EU integration, and they were all adversely affected by the fiscal and economic crisis of 2008 (Arnold et al. 2021; Lecours 2021).

A key element that explains the difference between the Belgian and non-Belgian ‘stateless nations’ (Hepburn 2010) is the successive *and successful* use of shared rule by the former’s political parties. Over the course of some forty years, no fewer than six ‘state reforms’ have radically altered the country’s institutional structure, transforming it from a unitary-centralized state into a federal, almost confederal one (Hooghe 2004; Caluwaerts and Reuchamps 2015). Yet none of Belgium’s regional governments have ever demanded an independence referendum. This stands in stark contrast to the retaliation experienced by Catalan government members, and the suspension of regional autonomy by the Spanish senate, after they tried to similarly increase pressure to move towards a situation in which the central government would accord them more self-rule (Mueller 2019). In Scotland, too, more regional autonomy was promised once a positive vote in the 2014 independence referendum suddenly seemed likely,<sup>6</sup> but regional grievances over the handling of Brexit and especially the lack of a seat at the central table have rejuvenated centrifugal political forces, with the Scottish National Party (SNP) once more forming the regional government after the 2021 regional elections (Gilman and McKay 2021) and demanding a second independence referendum.<sup>7</sup> It thus seems that whilst regional voices that are heard at the centre foster identification, regional voices that are ignored create alienation. The following case study focuses on the former claim.

## How do Belgian regions exercise shared rule?

All three Belgian experts surveyed emphasized the role of political parties in shared-rule mechanisms: ‘The most usual and effective path [for regional governments to lobby the central government] are political parties. Parties governing at both levels keep the lines between the levels constantly open

<sup>6</sup> The promise was expressed in the famous ‘vow’ by the Conservative, Liberal-Democratic, and Labour leaders on the front page of the Glasgow-based *Daily Record*, published on 16 September—just two days before the referendum. See [www.dailyrecord.co.uk/news/politics/david-cameron-ed-miliband-nick-4265992](http://www.dailyrecord.co.uk/news/politics/david-cameron-ed-miliband-nick-4265992) [1.12.2021].

<sup>7</sup> See, e.g., *The Guardian*, 23 November 2022: ‘Supreme court rules against Scottish parliament holding new independence referendum’.

(the party president keeps an eye on everything)’ (BE2). ‘To understand politics in Belgium, party politics is the key. Typically, political parties are the vehicle to express the demands. It is also because the parties in the federal and regional parliaments are the same; the split is between language, not between levels’ (BE3).

When the same parties are in the central and regional governments, [shared rule] goes through the parties and the councils of ministers [= the federal and regional executives]. If there are different parties at the two levels, it goes through inter-governmental meetings, via the media or via the civil society (e.g. via labour unions attached to parties). (BE1)

However, rather than regional governments using their parliamentary position of queen-makers at the central level as in Spain or the UK, the Belgian situation is more usefully understood as parties using their communitarian character to extract further concessions from the centre in order to realize their manifesto promises. Three factors explain why parties can and want to exploit their linguistic nature. First, all three major state-wide parties—Christian-Democrats, Liberals, and Socialists—split along the language border between 1967 and 1978 (Detterbeck 2012, 138–9; Delwit and Lebrun 2021, 21–2). There are thus no longer any multilingual parties that are so conducive to thinking in terms of the common good (Stojanović and Bonotti 2020). Instead, not only are all major Belgian parties monolingual but they also have every electoral incentive to cater only to their linguistic community in their territory (e.g. van Haute 2016).

Second, since 1970 Belgian governments have been required to contain an equal number of French- and Dutch-speaking ministers. As a result, at least one party per language community must be included. Apart from the fact that, with the exception of Brussels, each electoral district is either Dutch- or French-speaking, the Constitution (Art. 43.1) also requires MPs to choose one of these two affiliations. Even the nominally bilingual Brussels region is de facto francophone, as some 80–85 per cent of residents are French-speakers (Sinardet 2010; Popelier 2021b, 93; Blanckaert et al. 2022, 154). MPs thus have no way to escape the communitarian straitjacket.

Third and finally, whilst parties are split along linguistic lines, they are very much unified and integrated internally, with the locus of power residing in the party leadership. The leadership controls the creation of electoral lists, with top-ranked candidates having a greater chance of success in the Belgian ‘closed-list system in disguise’ (Bouhon et al. 2012, 199; Vandeleene and van Haute 2021, 4); negotiates coalition agreements and allocates ministerial

portfolios (Dandoy 2012, 451); politicizes the administration and judiciary (Popelier and De Jaegere 2016, 205–6); communicates across levels of government (Meier and Bursens 2021, 189); and manages the considerable resources deriving from state funding (Detterbeck 2012, 147). Despite all the radical changes to the territorial-political structure of Belgium, the country has remained a ‘consociational partitocracy’ (Hooghe 2004; Deschouwer 2012, 4; Meier and Bursens 2021, 188).

The paradox of the Belgian case is that cooperation both among parties and between the two main linguistic groups was necessary precisely in order to *reduce* the need for such cooperation by ‘downloading’ powers to the communities and regions (Meier and Bursens 2021, 185). All six state reforms to date have been negotiated and agreed upon between political parties representing different linguistic communities and ideologies, and all have decentralized (or ‘de-federalised’: Pascolo et al. 2022, 138) collective decision-making prerogatives. Nevertheless, even the most dualistic allocation of competencies to different levels and entities cannot avoid frictions and the need to coordinate at some points in some areas. It was precisely in order to fulfil these functions that the Concertation Committee (*Comité de concertation*, or CodeCo) was set up in 1980. The CodeCo comprises twelve members chosen according to a double-parity logic—that is, six French-speakers and six Dutch-speakers, as well as six representatives each from the federal level and the sub-state level:

- the prime minister and five other government members
- two members of the Government of Flanders, including its minister-president
- the head of government of the French Community (the ‘Federation Wallonia-Brussels’)
- the head of government of the Walloon Region
- two members of government of the Brussels-Capital Region, notably its minister-president and somebody ‘belonging to the other linguistic group’<sup>8</sup>

Since 2007, the head of government of the German-speaking Community also takes part when an issue concerns this community, but only with a consultative vote.<sup>9</sup> We thus encounter the traditional Belgian pattern of linguistic

<sup>8</sup> Art. 31 of the ‘Loi ordinaire du 9 août 1980 de réformes institutionnelles’, at [www.ejustice.just.fgov.be/loi/loi.htm](http://www.ejustice.just.fgov.be/loi/loi.htm) [1.12.2021].

<sup>9</sup> Art. 2 of ‘Loi spéciale du 20 mars 2007 complétant l’article 31 de la loi ordinaire du 9 août 1980 de réformes institutionnelles’, at [www.ejustice.just.fgov.be/loi/loi.htm](http://www.ejustice.just.fgov.be/loi/loi.htm) [1.12.2021].

parity coupled with partitocracy. As Meier and Burses (2021, 189–90) put it, ‘informal relations between levels are close to non-existent, but the formal ones are exclusively in the hands of the executive’ and, what is more, ‘dominated by the leadership of the majority parties’ that compose them.

The CodeCo can only issue recommendations, but cannot itself take binding decisions (Crisp 2020). However, given that the party leaders who come together in this forum also possess the requisite powers at home, in their respective federal and sub-state arenas and parliaments, agreements reached there can be honoured more easily than in internally fragmented polities (Bolleyer 2009). Moreover, the Covid-19 pandemic has spurred a veritable explosion of CodeCo meetings: whilst no meetings are recorded between February 2016 and June 2020, between July 2020 and December 2021 a total of twenty-six took place.<sup>10</sup> In the first, so-called ‘federal phase’ of dealing with the pandemic, federal and sub-state ministers met within the framework of a separate crisis management committee, but that changed starting with the second wave of the pandemic and the new federal government under Prime Minister (PM) De Croo (Bursens et al. 2021, 46; for a similar experience involving Australia’s ‘National Cabinet’, see, e.g., Fenna 2021, 21–2).

In short, although the federal system was designed to avoid interactions between levels of government insofar as possible, and especially between the two main linguistic communities, inter-governmental contact is needed to coordinate decision-making and implementation even in formally exclusive, territorial, or person-based policy areas. Furthermore, the same actors who were responsible for successively ‘hollowing out’ (Hooghe 2004) the (overall) state in the first place are also those who piece it back together, namely political parties. They are the ones who exercise shared rule, when needed, in direct inter-party meetings, as part of a coalition, or through the regions and communities they govern.

## The effects of successful shared rule in Belgium

The scholarship is divided in its assessment of Belgium’s case. Some regard it as a successful example of a consociational democracy and praise the central government for responding favourably to sub-state demands for both recognition and further policy-making powers; that is, self-rule (e.g. Lecours 2021, ch. 5). Others are gloomier, notably criticizing the fact that the centrifugal dynamic is not counterbalanced by efforts to maintain or (re)create ‘cohesion’ (Popelier 2021a). De Winter and Dumont (2022, 119) are the most

<sup>10</sup> My calculations based on 413 press releases recorded at [www.belgium.be/fr/actualites](http://www.belgium.be/fr/actualites) [28.12.21].

pessimistic, warning: 'A new prolonged formation impasse may show that the centrifugal Belgian federal system does not function anymore as a régime capable of legitimately governing 'two separate democracies', and should be dumped all together'.

Some of these differences of opinion can be explained by the *level* chosen for analysis: from the point of view of regions and communities, we can justifiably speak of success, since so far they have all largely gotten what they wanted. Dutch-speakers have obtained far-reaching powers related to culture and identity and succeeded in merging communitarian logic with regional logic. French-speakers have obtained powers related to the economy and representational guarantees at the federal level. Even the German-speaking Community, despite not having itself demanded devolution and not being endowed (via political parties) with a voice in the negotiations, has profited on *both* the community *and* the territorial level (Bouhon et al. 2012, 24).

From the point of view of the state, however, not only have successive reforms 'hollowed it out' (Hooghe 2004), but because the national level has objectively become less important for collective decision-making, life carries on quite well even in the absence of a new federal government (Swenden 2013; Caluwaerts and Reuchamps 2015). Belgium famously holds the world record for the length of time needed to form a new government after a parliamentary election, as between the June 2010 federal elections and PM Di Rupo taking office in December 2011 a full 541 days passed.<sup>11</sup> Similarly, leaving aside the two caretaker governments of PM Wilmès installed in October 2019 and March 2020, it took 493 days until PM De Croo could assume office in the wake of the May 2019 elections.<sup>12</sup>

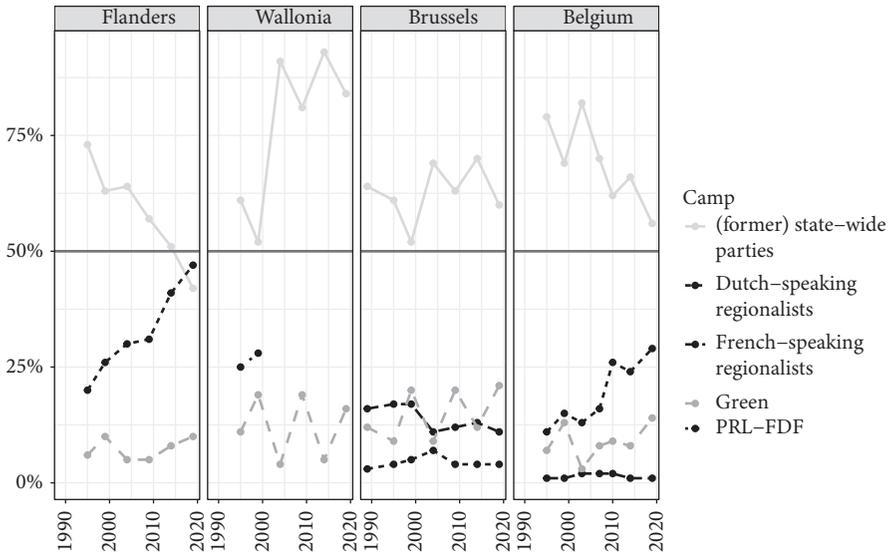
Since the effects of shared rule at the country level are assessed in Chapter 7, let us return to the regional level and ask whether success has paid off for the actors responsible for its being employed, namely political parties. The most reliable way to assess their fate is to look at their seat share, which Figure 6.7 traces for the parliaments of Flanders, Wallonia, Brussels, and Belgium overall.<sup>13</sup> In Flanders, clearly decentralization has been more beneficial for Flemish regionalists than for the (former) state-wide parties. Since 2014, even the regional PM is from the *Nieuw-Vlaamse Alliantie* (N-VA), although no party has so far been able to govern alone.

By contrast, in Wallonia no similar rise of regionalist-nationalist parties occurred. On the contrary, the exact opposite can be observed, in that the

<sup>11</sup> See [www.guinnessworldrecords.com/world-records/96893-longest-time-without-a-government-in-peacetime](http://www.guinnessworldrecords.com/world-records/96893-longest-time-without-a-government-in-peacetime) [28.12.21].

<sup>12</sup> E.g. [www.rtf.be/article/les-nouveaux-ministres-du-nouveau-gouvernement-belge-ont-prete-serment-ce-matin-chez-le-roi-voici-leurs-noms-et-fonctions-10597060](http://www.rtf.be/article/les-nouveaux-ministres-du-nouveau-gouvernement-belge-ont-prete-serment-ce-matin-chez-le-roi-voici-leurs-noms-et-fonctions-10597060) [28.12.21].

<sup>13</sup> For the Flemish parliament, I only look at the 118 seats gained in Flanders proper, i.e. excluding the Brussels electoral district with its six seats.



**Figure 6.7** Party success in Belgian parliaments, 1989/1995–2019.

*Note:* ‘(Former) state-wide parties’ include the Christian-Democrats (CVP, CDandV, PSC, and CDH), Liberals (VLD, VLD Vivant, Open Vld, and MR), Socialists (sp.a-spirit/sp.a and PS), and Marxists-Communists (PDVA/PDVA+ and PTB-UA/PTB+); ‘Dutch-speaking regionalists’ the VU/VU-ID, N-VA, and Vlaams Blok/Belang; and ‘Green’ the AGALEV, GROEN, and ECOLO. PRL-FDF was a joint list formed by the Liberal PRL and the regionalist-nationalist FDF, later renamed Défi (however, FDF/Défi never gained seats on its own outside of Brussels). Joint lists (Belgium: PRL/MR and FDF (1995–2010), CDandV with N-VA (2007); Brussels: PRL and FDF (1995–2004), VLD and VU (1999), SP and AGA/AGALEV (1999), CDandV and N-VA (2004)) were separated out by the author. Data from <https://elections.fgov.be/resultats> [28.12.2021].

(former) state-wide parties have tightened their oligopoly. The same is true for Brussels. Yet [Figure 6.7](#) also confirms that developments in Flanders better reflect the overall dynamics in Belgium: despite the rise of the Marxists, who won a record twelve seats in 2019, the decline of the former state-wide parties continues unabated. The main *profiteur* are the two Dutch-speaking regionalist-nationalist parties, N-VA and *Vlaams Belang* (VB). However, whether the three (now six) former state-wide parties would have fared better or worse had they stayed together is a difficult question to answer.

## 6.4 Conclusions: comparative reflections and the way forward

This chapter has theorized about and analysed the consequences of shared rule at the regional level. Regions that use shared rule successfully—those that are able to influence national/state-wide decisions in the desired

direction—were thought to ultimately have stronger attachment and loyalty to the overall system (H6). By contrast, unsuccessful recourse to shared rule or even being punished for speaking up would eventually result in stronger demands for exit; that is, secession (H7). Several factors were hypothesized to account for the successful use of shared rule: the size, wealth, and type of a region (H1); the type of decision sought (costs and status quo: H2 + H3); timing (H4); and the size and breadth of alliances (H5). Whilst not all these hypotheses could be assessed in an equally detailed and comprehensive manner and thus call for further analyses, three findings are noteworthy.

First, the analysis of grants and subsidies paid to US states and Swiss cantons over some twenty years has revealed some *differences*. In Switzerland, neither cantonal initiatives nor public interventions by cantonal governments ahead of a federal referendum were in themselves significant factors for the total or per capita amount received. Instead, objective factors, such as population size and their political, religious, and linguistic-minority character, emerged as strong predictors, especially for per capita payments. Wealth was negatively correlated with receipt of such funds. In the USA, by contrast, whilst population size has similar effects, richer states receive *more* money on a per capita basis, and distance from Washington, DC is positively correlated with total money received. Political (in)congruence, in turn, has no direct or indirect effect.

These differences between the USA and Switzerland matter because they are similar in many ways. Both are non-parliamentary regimes, leading to greater liberty for individual MPs to deviate from the party line; both are mono-national federations established, or reinforced, following a civil war some 170 years ago; and both are more or less equally decentralized in the legislative, administrative, and fiscal domains (Dardanelli et al. 2019b). Accordingly, in terms of *the effect of the use of shared rule*, a key similarity can be observed: for some minority or otherwise disadvantaged groups, such as left-wing cantons in Switzerland and spatially distant states and territories, using their federal voice has positive effects. However, large Swiss cantons and wealthy US states obtain even more through the use of shared rule. Thus, despite the competitive, majoritarian nature of US politics versus the cooperative, consensus-seeking nature of Swiss politics (Lijphart 2012; Bernauer and Vatter 2019), shared rule has deeply ambivalent effects in both contexts.

This brings us to the second finding, namely that shared rule can have *two radically different macro-consequences*. The effect found in the two classic federations assessed here is centripetal: regional governments—literally and metaphorically—flock to Washington, DC or Bern. They open offices or observation posts there, invest in monitoring and lobbying capabilities,

strengthen inter-governmental councils, such as the National Governors Association (O’Bowman 2017) or the Swiss Conference of Cantonal Governments (Schnabel and Mueller 2017), and petition the central authorities in myriad ways. Regional governments, in short, look inwards and upwards, cooperating with each other whenever possible.

In Belgium, by contrast, the effect of shared rule has so far been *centrifugal*. Political parties and the sub-state (regional and community) governments they direct have used shared rule to place as much distance between them as possible. Ironically, it is necessary to cooperate today so as not to have to cooperate tomorrow. The same is true of other devolutionary contexts, such as Catalonia or Scotland (Lecours 2021): regionalist-nationalist parties use whatever clout they have in the centre to obtain more self-rule. In other words, in multinational states, successful shared rule has led to further decentralization. In the USA and Switzerland, by contrast, the opposite dynamics can be observed: the increasing centralization of decision-making has pushed regional governments to lobby the central government in an effort to combine the best of two worlds—remaining autonomous *and* receiving ‘free money’, as one expert put it (US4). Thus, centralization has led to shared rule, which has led to further centralization.

The third and final insight pertains to *long-term dynamics*. The two contexts just described contain a similar vicious (or virtuous) circle, although they differ significantly in their points of departure (confederal versus unitary, or federations ‘by aggregation’ versus ‘by disaggregation’, Ghai 2000, 522) and in the nature of their political actors and alliances (left–right versus ethnic identities). In established federations, such as the USA and Switzerland, where centralization induces regions to increasingly exercise shared rule, the very fact of acting upon the central government further enhances the latter’s importance. As functionalists predicted long ago, integration and contact breed further interaction and contact—and eventually greater integration, too. What is more, in trying to keep the centre weak, the aggregate result of successful regional lobbying is actually a stronger centre.

On the other hand, in devolutionary settings, such as Belgium, the UK, or Spain, where shared rule is exercised mainly in order to boost decentralization, the vicious circle is such that, with every further step taken towards separation, togetherness and overall cohesion are weakened in a way that further enhances demands for more self-rule. As the case of Belgium has shown, this can lead to separate constituencies, separated parties and party systems, and different governments catering to different electorates in different languages. To protect and build on these differences, further self-rule is subsequently demanded via shared rule.

Of course, the ‘vice’ in both of these circles is really a virtue, if seen from the regional perspective, and especially from that of the regional political elite. The case study on Belgium has shown that despite the efforts of the (former) state-wide parties, which have even sacrificed their own unity on the altar of linguistic differences, they face the greatest electoral decline in the devolutionary front-runner, namely Flanders. The same is true in the case of Scotland where, contrary to initial Labour hopes and despite some proportional elements in the electoral system, the SNP is all but hegemonic (Mueller 2023). Obtaining just enough additional self-rule to claim success, but too little for the struggle to be called off, is an ideal situation for the SNP: it keeps the issue on the table and ensures they have an exclusive claim to it.

The situation is similar for regional governments in established federations: their members are regionally popular if and when they bring home ‘pork’, whilst their attractiveness as partners for the federal government feeds on their expertise and legitimacy on the ground (Jensen 2016). For regional players, then, the shared-rule game is one you simply cannot lose: either there is success in the form of demands being met (and thus loyalty) or there is failure, which can then be exploited for mobilization purposes and to up the stakes, for instance in transiting from voice to exit. Chapter 7 assesses what this means for the political systems of which these and other regions form a part.

## National Consequences

Gouverner, c'est prévoir.

**French maxim<sup>1</sup>**

One of the many paradoxes of federalism is that it can both enhance and curb secessionism (e.g. [Erk and Anderson 2009](#)). In this chapter, I aim to show that some of these contradictory effects can be explained by federalism's two dimensions: while self-rule may spur secessionism by freezing identities, not least spatially, and lowering the costs of complete separation (*ibid.*, 193), shared rule can dampen the will to exit. Indeed, most scholars who have argued for or found a secessionism-inducing effect in federalism have focused on the dimension of self-rule (see [Erk and Anderson 2009](#), 194 for a brief review). In turn, those on the opposite side of the debate have emphasized the dimension of shared rule. For [Horowitz \(1985, 628; also Horowitz 2014\)](#), for instance, the key is 'to reinforce those specific interests that groups have in the undivided state'. [Amat and Rodon \(2021, 442\)](#) likewise emphasize the need for 'a guarantee that the federal agreement will not be overruled by the majority group in the future'. Shared rule, when ideally structured, provides just such a guarantee ([Shair-Rosenfield 2021](#)) and a forum to debate and (re)create cohesion ([Popelier 2021a](#)). What [Ghai \(2000, 524–5\)](#) concluded is still valid:

Perhaps about 30 years ago too much emphasis was placed on the common, and for this reason autonomy was narrow and contingent. Today we may be placing too much emphasis on the particular. It may be necessary to consider devices that stress common bonds and construct institutions ... to enable different groups to live together, to define a common public space.

Of course, shared rule is, on its own, unable to secure peace and prosperity for all. Moreover, in focusing on the effects of the mere *extent* of shared rule, as measured by the Regional Authority Index (RAI; [Hooghe et al. 2016](#);

<sup>1</sup> 'To govern means to anticipate and look ahead.'

Shair-Rosenfield et al. 2021), we may miss out on nuances regarding informal channels and actual use (see Chapter 3). In that sense, the quantitative analysis that follows is merely a first approximation. At the same time, there might also be other effects of the extent of shared rule that are not covered here. For instance, as yet another device of power-sharing in the broad Lijphartian (2012) sense, does it also lead to a ‘kinder, gentler’ form of democracy? Is it the key to unlocking the coordinative potential of federal experimentation? These and related theoretical arguments will be distilled in Section 7.1. Sections 7.2 and 7.3 will then analyse these arguments using quantitative and qualitative methods, respectively. The goal of the former is to uncover correlates of a high or low degree of shared rule across a wide range of cases. That of the latter is to trace how the presence (in Switzerland) and the absence (in Canada) of various shared-rule channels has played out for these two coming-together, decentralized, and multilingual federations.

## 7.1 Theory

If, in this section, the extent of shared rule at the country level is the independent variable, what should we look at on the resulting or outcome side? Four of the most relevant attributes of any political systems, federal or otherwise, are:

- (1) *Efficiency*—describes the relationship between the costs and benefits of public policies, for example the length of time it takes to arrive at a certain decision or the unit-costs of individual services.
- (2) *Legitimacy*—refers, in our case, to the social acceptance of basic political institutions and rules of the game such as nation-state borders, the electoral system, or government composition.
- (3) *Stability*—captures the extent to which there is a lack of fundamental challenges to the current socio-political order or, at least, to which they are expressed peacefully and democratically, if and when they arise.
- (4) *Prosperity*—covers physical and mental well-being as expressed in socio-economic development, justice, equality, happiness, and/or sustainability.

Most liberal-democratic states to which this study is confined have a more or less explicit popular mandate to achieve all four of these goals. For example, the Canadian Constitution famously includes the ‘POGG’ clause; that is, ‘to make laws for the Peace, Order, and Good Government of Canada’ (section

91, [Constitution Act 1867](#)). The preamble of the US Constitution also lists among its purposes to ‘insure [sic] domestic tranquility [and] promote the general welfare’. The question now is whether shared rule helps states fulfil this mandate, whether it obstructs them, or whether it has no effect. Is it problematic that (some) regions try to impose their ‘sectional’ will? Or can shared rule as regional government input enhance legitimacy, much like voter participation lights up democracy?

Of course, it might also be possible that shared rule aids in the pursuit of some goals but hinders the pursuit of others—or even that it has an ambivalent effect in relation to one and the same goal: for example, shared rule could boost stability in the short run but not in the long run (see Section 6.3 on Belgium), or it could enhance some aspects of democracy whilst damaging others (e.g. [Bochsler and Juon 2021](#)). Indeed, much like other grand concepts of political science, such as democracy, liberty, and equality, shared rule contains both promises and perils.

What is more, in multinational and pluricultural systems, each mechanism specified in what follows applies *either* to the cultural/national majority *or* to the minority (or minorities)—or even to both at the same time. For instance, as channels that bring experiential information from the ground to bear on state-wide decisions ([Hooghe and Marks 2013](#); [Jensen 2016](#)), the effect is the same for all. However, as guarantees that a territorial agreement will be honoured ([Shair-Rosenfield 2021](#)), the effect of shared rule on legitimacy only applies to minority groups. That same guarantee, if it is perceived as disempowering or as excessively changing the nature of the state, might even provoke a ‘backlash’ among members of the majority ([Basta 2021](#)). Finally, whether shared rule operates through a ‘corporate’ or ‘liberal’ logic of power-sharing ([McCulloch 2014](#); [Juon and Bochsler 2021](#); [Bochsler 2022](#)) is dependent on context and can vary even within states: where a minority group dominates a given region, territorial power-sharing is (de facto) corporate; where it does not, it is liberal.

## Promises ...

The potential positive contributions of shared rule relate to more efficient policy-making, a national political system’s overall legitimacy, and socio-economic development broadly speaking. Each possible effect will be discussed in turn.

First, shared rule could make national policy-making *more efficient* in several ways. To begin with, providing for input into a decision-making

process that is as broad and diverse as possible leads to superior outcomes compared with when a single person, party, or institution decides. Ely and Thomas (2001, 240) call this the ‘integration-and-learning perspective’ that treats diversity of background as key to better defining goals, concepts, or methods. What is more, through shared rule, regional governments can not only voice their subjective worries or wishes but sometimes also have the opportunity to formally co-decide. The debates and decisions of the German Bundesrat, for instance, are public. The possibility of subsequently being held co-responsible raises the stakes and could push actors to rely more on arguments that are ‘discursively defensible’ (Brennan and Pettit 1990, 323; also Mueller et al. 2021)—that is, orientated on the common good.

Together with treating regions as partners, not pawns, this should enhance the deliberative quality of decision-making (key to which is equal standing; cf. Beauvais and Baechtiger 2016; also Papadopoulos 2023, 2). Finally, even in dual federal systems, such as that of the USA, regional governments increasingly implement federal policy (Dardanelli et al. 2019b) or push for federal regulation and funds to support their own policies (‘boomerang federalism’: Fisher 2013). The information regional governments bring to the table is thus not only potentially diverse and truthful but also unique because it is vetted from an implementation perspective. Ideally, their input anticipates what would otherwise only be known later, for instance through a (costly) policy evaluation.

Second, shared rule could make for more *legitimate* decisions. Just as with consultations and democracy in general, the greater the number of actors involved in a decision, the greater its acceptance. The inclusion of regional government matters both ‘substantively’ and ‘descriptively’ (Pitkin 1967). On the one hand, through shared rule they can ‘monitor national government actions [which] increases the risk of corrupt actions being uncovered and punished’ (Neudorfer and Neudorfer 2015, 32). Knowing that there are additional checks on central-government action reinforces societal trust in it. On the other hand, greater legitimacy of state-wide decision-making can also emanate from ‘descriptive’ inclusion: the mere fact that a decision has been taken by two chambers of parliament with different compositions, for instance, diminishes suspicions of state capture by a single group (cf. also Papadopoulos 2023, 15). Finally, unlike other lobby groups, regional governments bring their own portion of democratic legitimacy to the table since they, too, are directly elected or at least command the confidence of their regional parliaments. This widens the democratic base of state actions: ‘the Swiss government has decided’ is less impressive than ‘the Swiss government and all 26 cantons’ have done so (e.g. KdK 2021b).

Third, shared rule could lead to the *greater stability* of the overall political system. While this mechanism applies especially to territorially entrenched minorities that dominate in at least one region, for instance German-speaking Italians in the province of South Tyrol (Schwarz 2021, 58), it is not confined to them. Perhaps linguistic, religious, and other cultural minorities are most in need of being recognized as being on a par with both other regions dominated by the majority and the central government itself (Kymlicka 1995; Lecours 2021). But while recognition has stability-enhancing value in itself, it is through inclusion and joint decision-making that minority members are drawn into the overall system, on the one hand, and obtain veto powers to protect them from majority or even plurality decisions, on the other (e.g. Requejo et al. 2020, 16; Juon and Bochsler 2021, 3; Shair-Rosenfield 2021). Finally, gaining a seat at the table allows minority members—and other regional governments—to punch above their (numerical) weight and strive for the realization of their policy preferences not only at a regional but also at the state-wide scale (Hänni 2017, 2018). In short, shared rule promises unity of action whilst fully respecting cultural and other territorial diversity.

Fourth and finally, shared rule can contribute to a *better, more just* political system. Regional government influence over national decisions reconciles non-central perspectives and corresponding needs with central coordination and vertical cooperation (cf. also Schakel and Smith 2021, 4). Communication cuts both ways: regions can tell the central government what they desire or want to avoid at all costs, while the centre can inform the regions of its priorities and plans. Provided policy goods are divisible in one way or the other, this allows for win–win situations to be created and compromises to be reached: each side gets what it needs for its own socio-economic development. Not only does this break the duality of *either* central *or* decentral action but it also moves us beyond mere constitutional rigidity as a ‘political safeguard’ of federalism (Wechsler 1954; Schnabel 2020). Shared rule entails the potential to make ‘the welfare state more participatory and responsive to differences in the needs and preferences of citizens living in different territories’ (Rodríguez-Pose and Tselios 2019, 73), which, if those needs are acted upon, accordingly results in greater prosperity for all (Díaz-Serrano and Rodríguez-Pose 2012, 188; Voigt and Blume 2012, 336). In sum, properly designed shared-rule institutions respond to some of the greatest challenges all federal political systems face (Filippov et al. 2004; Bednar 2009), in that they help ‘to secure good government based on liberty or, put in other terms, to maintain effective government under conditions whereby the liberties of the partners to the federal bargain are maintained’ (Elazar 1987, 91).

## ... and perils

The potential downsides of shared rule, whilst affecting the same four outcomes analysed at the beginning of this section, principally operate through undemocratic (non-)decisions, on the one hand, and exclusion and collusion, on the other.

First, shared rule can lead to *stalemate*. The greater the number of participants that need to agree, the greater the probability of failing to secure a majority. The need for qualified majorities further cements the status quo (Schwarzberg 2014). This insight lay at the very heart of the shift from confederation to federation, notably in the USA, Switzerland, and Canada, where the dual model was further justified by the need for each level of government to be as independent as possible from the other in its sphere of competence (e.g. Wheare 1963, 2; Broschek 2012, 673–4; Mueller and Fenna 2022). In contemporary parlance, too much shared rule is known as the ‘joint decision trap’ (*Politikverflechtungsfalle*; cf. Scharpf 1988): a situation in which, in order to disentangle (i.e. centralize or decentralize) powers, a de facto consensus is needed among the very same actors that profit from the existing entanglement. The risk that nothing will be agreed is greatest when all parties must agree; the trap consists in the fact that the federal and regional governments can act neither together nor alone (ibid., 258; also Héritier 2015, 501). Even if governments do agree under such circumstances, the result will be ‘inefficient, or inflexible, or unnecessary’ (Scharpf 1988, 247).

Second, shared rule introduces *non-democratic elements* into state-wide decision-making. Whereas federal instruments operate through territories regardless of population, for liberal democracy only individual voters count, regardless of place. The result of introducing the former into the latter is ‘demos-constraining’ (Stepan 1999). In practice, the extent of federal constraints on democracy depends on how exactly the two principles are ‘coupled’ (Benz and Sonnicksen 2021). Yet it is undoubtedly the case that the greater the extent of shared rule in the form of regional government influence over state-wide decisions, the tighter this coupling. A good illustration of the constraining effect of shared rule on state-wide democracy can be found in inter-executive agreements: as discussed in Section 5.2, the reform of German fiscal equalization was agreed in a meeting of the federal government with the sixteen *Länder* executives in October 2016. When the federal parliament finally got the chance to debate, modify, and approve the reform, between February and June 2017, both speakers from the governing coalition were at pains to stress this fact:

Laws are still decided in the German Bundestag and not—with all due respect—in the conferences of the Minister-Presidents, nor in some circles in the Chancellery or elsewhere. That is why it is good and correct to emphasize that what we have here today is a debate of the German Bundestag. (Ralph Brinkhaus, *Christlich Demokratische Union Deutschlands (CDU)/Christlich-Soziale Union in Bayern (CSU)*)

Some think it suffices if the federal and *Länder* governments agree on a legislative reform and hand it over to the Bundestag to wave through. One could even get the impression that in this legislative period the conference of Minister-Presidents wants to become a substitute legislator. Against these ambitions we take a clear and forceful stand today. Make no mistake: the legislator is and remains the German Bundestag together with the Bundesrat and nobody else in this country. (Thomas Oppermann, *Sozialdemokratische Partei Deutschlands (SPD)*)<sup>2</sup>

Of course, both chambers ultimately approved the reform: the Bundestag with the votes of the two governing parties, the CDU/CSU and the SPD, and the Bundesrat—where numerous regional prime ministers praised both themselves and German federalism—unanimously ([Bundesrat 2017](#), 8).

Third, shared rule may privilege some actors but *exclude* others. As with lobbying in general, what the Organisation for Economic Co-operation and Development ([OECD; 2021b](#), 118) calls ‘a level playing field ... granting all stakeholders fair and equitable access’ often does not exist. Some regional governments will inevitably be more desperate, willing, or able to influence state-wide decisions—either because of territorial, cultural, or partisan proximity or because of greater resources and technical know-how (see Section 6.2). To be sure, inter-governmental councils may compensate for some of these disadvantages by allowing regions to pool their resources and benefit from the emerging economies of scale ([Behnke and Mueller 2017](#)). Moreover, some shared-rule channels might be more prone to ‘equitable access’ than others: for instance, in Switzerland all twenty-six cantonal governments are granted the same access to the parliamentary lobby, and cantons also count equally within the chief inter-cantonal body ([Schnabel and Mueller 2017](#)).

<sup>2</sup> My translation of ‘Gesetze [werden] immer noch im Deutschen Bundestag beschlossen und—bei allem Respekt—nicht in Ministerpräsidentenkonferenzen und auch nicht in irgendwelchen Runden im Kanzleramt oder sonst wo. Deswegen ist es gut und richtig, dass wir hier klarmachen, dass dies heute eine Debatte des Deutschen Bundestages ist; ‘Einige meinen ja, es genüge, wenn die Regierungen von Bund und Ländern sich auf ein Gesetzespaket verständigen und das dem Bundestag zum Durchwinken vorlegen. Man könnte in dieser Wahlperiode schon den Eindruck gewinnen: Die Ministerpräsidentenkonferenz möchte sich zum Ersatzgesetzgeber aufschwingen. Diesen Ambitionen setzen wir heute ein klares und kraftvolles Zeichen entgegen. Wir machen heute in aller Deutlichkeit klar: Gesetzgeber ist und bleibt der Deutsche Bundestag zusammen mit dem Bundesrat und niemand sonst in diesem Land’ ([Bundestag 2017](#), 23,975, 23,980).

However, horizontal cooperation comes with its own costs and substantive trade-offs (Voigt and Blume 2012, 231; Mueller 2021b). Thus, the broader point remains: opening the central door to regional influence carries the risk that some will count more than others. Regions that are autonomous but excluded at the national level will then question the very system of which they are a part, *especially* if others are consistently favoured.

Fourth and finally, shared rule may be tantamount to *collusion*. Collusion can happen among a few privileged regions or between them and the federal government. In Canada, for instance, [t]he Reform Party's 1988 slogan "The West Wants In" did not aim at interdependence at the expense of autonomy. It aimed at a stronger regional voice in central decision making' (Hueglin 2021a, 277)—decision-making which was felt to be tailored too closely to the interests of both Quebec and Ontario. More generally, providing (a few, some, or all) regional governments with regular and strong influence over state-wide decisions could maximize the vices of *both* centralization *and* non-centralization.

The vices of centralization include top-down, overpriced policies that disregard regional specificities—but which appear cheaper because they are funded from some obscure federal source. The vices of non-centralization comprise a 'race to the bottom' among regions that perpetuates, aggravates, or creates new inequalities. For instance, regions could be tempted to 'upscale' (i.e. nationalize) ineffective or lowest-common-denominator policies (Keeler 2007). The lack of transparency of some shared-rule mechanisms, reliance on executives at the expense of parliaments, dilution of responsibility and accountability, and mixing central with regional concerns (Scharpf 1988) can further harm prosperity, in that criticism is all too easily brushed off. A favourite pastime during the pandemic, for instance, was the federal blame game (e.g. Agnew 2022; also Rodden 2006b, 363; Kettl 2020).

## Summary

Table 7.1 summarizes these eight positive and negative potentialities. The four perils are mirror images of the four promises. For example, under a best-case scenario, shared rule allows cultural minorities to feel included and no similar or otherwise defined territorially entrenched group demands secession, while centre-periphery conflicts regardless of culture are appeased through shared-rule channels that reduce inequality between regions. In turn, bottom-up information flows enhance the pertinence and efficiency of central decision-making—yet territorial groups might still annul state-wide

**Table 7.1** Positive and negative effects of shared rule

Object	Positive effect through	Negative effect through
<i>Efficiency</i>	Bottom-up information and communication	Veto players and obstruction
<i>Legitimacy</i>	Broad consensus	Territorial logic too dominant
<i>Stability</i>	Inclusion	Exclusion
<i>Prosperity</i>	Economic development	Growing inequality

democratic majorities, for instance through an institution such as the German Bundesrat. In fact, territoriality will always be an issue in federal political systems, since this is how they are defined (Stein 1968; Watts 1996).

To the extent that national decision-making hinges on creating territorial supermajorities or even cross-regional unanimity, the danger of blockage is thus a permanent threat. But precisely herein lies the great potential advantage of federal over non-federal systems—or of power-sharing over power-concentrating polities more generally (Lijphart 2012; also Freiburghaus et al. 2023). In any case, whether a political system achieves efficiency, legitimacy, stability, and prosperity may *also* depend on the extent of shared rule.

## 7.2 Cross-case analysis

### Research design and bi-variate correlations

To assess these postulated effects, I make use of the same type of cross-sectional comparison as in Section 4.3. That is, the extent of shared rule as assessed through the RAI for the year 2018 forms the *dependent variable* (data from Shair-Rosenfield et al. 2021). However, as Section 7.1 focused only on interactions between national and regional governments, I use the (unweighted) mean of all tier-1 regions for each of the forty-one OECD countries plus Bosnia-Herzegovina.<sup>3</sup>

The dependent variables are the outcomes listed in Table 7.1. It is obviously very difficult to disentangle one from the other, as well as to account for possible interdependencies among them. For instance, efficiency also impacts prosperity directly, in that resources are ideally allocated and (re)distributed. To provide as broad an assessment as possible, I thus rely on different datasets

<sup>3</sup> The correlation between shared rule restricted in this way and the original country value in the RAI dataset for 2018 is Pearson's  $r = 0.924$  ( $N = 42$  countries).

and the measures contained therein. While each has a slightly different purpose, they all in some way pertain to good governance and socio-economic development broadly understood—that is, ‘Peace, Order, and Good Government’ (Canada) or ‘domestic tranquility [and] general welfare’ (USA).

The first dataset, provided by the [World Bank \(2022\)](#), is called Worldwide Governance Indicators (WGI). It covers six dimensions: Voice and Accountability; Political Stability and Absence of Violence/Terrorism; Government Effectiveness; Regulatory Quality; Rule of Law; and Control of Corruption. The data it contains are based on estimates by experts, companies, civil society organizations, think-tanks, and individuals. The data used here are from 2021, the latest year available at the time of writing. The WGI apply an unobserved components model based on ‘several hundred variables obtained from 31 different data sources’ ([Kaufmann et al. 2010](#), 2).

A second set of indicators is contained in the Democracy Barometer ([Engler et al. 2020](#)), which is premised on the assumption that there must be ‘a good balance between the normative, interdependent values of freedom and equality, and that this requires control’ ([Bühlmann et al. 2012](#), 521). The data it contains are based as much as possible on official sources and aggregate a total of ninety-eight indicators ([Engler et al. 2020](#), 7). The latest available data are from 2017, the year used here. While the index as a whole measures the combination of elements, its three main dimensions pertain to: (i) the extent to which individual physical and civic liberties are guaranteed and the rule of law upheld (‘freedom’); (ii) the status and participation of citizens as equals, as well as the transparency and representativeness of decision-making structures (‘equality’); and (iii) the degree to which government capability is constrained by competitiveness and checks and balances (‘control’; [Bühlmann et al. 2012](#), 521–2; [Engler et al. 2020](#), 55–64). I additionally measure the level of democracy using V-Dem’s various democracy indices, all for the year 2019 as per version 12 ([Coppedge et al. 2022](#)).

The third set of indicators is contained in the Fragile States Index (FSI) produced by the [Fund for Peace \(2022\)](#). The index as a whole contains data on socio-demographic, political, and economic fragility, notably as regards state legitimacy, the level and quality of public service delivery, economic decline, and uneven economic development (*ibid.*, 42–7). Higher values correspond to negative attributes. The latest year covered is 2021. The Bertelsmann [Foundation’s \(2023\)](#) Sustainable Governance Indicators, for its part, consist of three pillars: sustainable policies, robust democracy, and good governance. The latest data are from 2022. Transparency International’s Corruption Perception Index and Global Corruption Barometer rely on expert assessments and citizen surveys, respectively. I use both the general index, where 100

equals the lowest level of perceived corruption, and the share of people who answered ‘most’ or ‘all’ when asked about the levels of corruption of government officials, judges, local government councillors, national MPs, the president or head of government, and the police.<sup>4</sup>

Finally, I also include two indicators, one from the World Happiness Report (WHR), namely the country average of replies to a question on subjective well-being (10 = the happiest), and the other from the World Value Survey (WVS), which asked respondents to rank feelings of happiness on a scale from 1 to 4.<sup>5</sup> These are complemented by the United Nations Development Programme’s (UNDP’s) Human Development and Gender Inequality as well as the Gini Indices.<sup>6</sup> As controls I use logged population and area size, linguistic fractionalization, and per capita GDP (in USD 1,000). All of these could be independently related to both the extent of shared rule and positive or negative outcomes (data from Teorell et al. 2022 and Alesina et al. 2003; see also Section 4.3).

I begin with bi-variate correlations, in each instance for (the adjusted values of) shared rule and self-rule both separately and summed together. Table 7.2 shows that while, for both dimensions of federalism, the promises seem to be realized according to the WGI, shared rule is slightly more often and more strongly connected. The same is true with respect to indicators of democracy, whether they are measured via the Democracy Barometer (except for the freedom dimension) or V-Dem. Positive and significant correlation coefficients also obtain for indicators of sustainable governance, where self-rule is slightly more proximate.

Furthermore, both shared rule and self-rule are connected to more stability (i.e. less overall state fragility), although none of the sub-dimensions selected here are significantly correlated, and to lower levels of perceived corruption. Additionally, more extensive shared rule (but not self-rule) is significantly correlated with a smaller share of people who think that ‘most or all’ government officials, judges, and MPs are corrupt. Both dimensions of regional authority are associated with greater happiness and human development, whilst shared rule—and through this regional authority—manifests more strongly when gender inequality is lower. No outcome presents us with contrary and significant associations regarding self-rule versus shared rule. Note that as the various indices are scaled differently, those coefficients can only be compared across columns, not rows.

<sup>4</sup> See [www.transparency.org/en/cpi](http://www.transparency.org/en/cpi) and [www.transparency.org/en/gcb](http://www.transparency.org/en/gcb) [10.1.2023].

<sup>5</sup> See <https://worldhappiness.report> and [www.worldvaluessurvey.org](http://www.worldvaluessurvey.org) [1.1.2022].

<sup>6</sup> See <http://hdr.undp.org/en/content/human-development-index-hdi>, <http://hdr.undp.org/en/content/gender-inequality-index-gii>, and [www.lisdatacenter.org/data-access/key-figures](http://www.lisdatacenter.org/data-access/key-figures) [1.1.2022].

**Table 7.2** Bi-variate correlations with potential outcomes and controls

Indicator	Shared rule	Self-rule	RAI
<i>Worldwide Governance Indicators</i>			
Voice and Accountability	0.322**	0.304*	0.337**
Political Stability	0.140	0.221	0.205
Government Effectiveness	0.291*	0.256	0.292*
Regulatory Quality	0.265*	0.223	0.260*
Rule of Law	0.289*	0.254	0.290*
Control of Corruption	0.313**	0.299*	0.330**
<i>Democracy Barometer</i>			
Overall Democracy ...	0.512***	0.432***	0.506***
... Freedom Dimension	0.225	0.187	0.220
... Equality Dimension	0.345**	0.361**	0.385**
... Control Dimension	0.682***	0.526***	0.641***
<i>Varieties of Democracy</i>			
Electoral Democracy Index	0.307**	0.312**	0.336**
Liberal Democracy Index	0.331**	0.332**	0.359**
Participatory Democracy Index	0.337**	0.346**	0.371**
Deliberative Democracy Index	0.352**	0.310**	0.354**
Egalitarian Democracy Index	0.333**	0.290*	0.333**
<i>Sustainable Governance Indicators</i>			
Sustainable Policies	0.251	0.273*	0.287*
Robust Democracy	0.301*	0.300*	0.326**
Good Governance	0.277*	0.369**	0.360**
<i>Fragile States Index</i>			
Overall Fragility	-0.277*	-0.272*	-0.297*
State Legitimacy	-0.242	-0.232	-0.256
Public Services	-0.139	-0.159	-0.164
Economic Decline	-0.215	-0.182	-0.211
Uneven Economic Development	-0.208	-0.208	-0.226
<i>Corruption</i>			
Corruption Perception Index (100 = highly clean)	0.336**	0.333**	0.363**
% agree government officials are corrupt	-0.347*	-0.122	-0.237
% agree judges are corrupt	-0.355*	-0.248	-0.320*
% agree local govt. councillors are corrupt	-0.173	0.030	-0.062
% agree MPs are corrupt	-0.310*	-0.113	-0.214
% agree president/head of government is corrupt	-0.049	0.112	0.047
% agree police are corrupt	-0.264	-0.112	-0.192
<i>Happiness and Inequality</i>			
World Happiness Report	0.396***	0.331**	0.387**
World Value Survey happiness	0.254	0.442***	0.399**
UNDP Human Development Index	0.361**	0.283*	0.340**
UNDP Gender Inequality Index	-0.336**	-0.255	-0.311**
Gini index	-0.113	-0.011	-0.057
<i>Control Variables</i>			
Population, logged	0.354**	0.621***	0.558***
Area, logged	0.240	0.537***	0.454***
Linguistic fractionalization	0.192	-0.121	0.004

Note: \*p<0.1; \*\*p<0.05; \*\*\*p<0.01. Shared rule, self-rule, and RAI (the sum of the first two) adjusted as explained in the main text.

## Ordinary least squares results

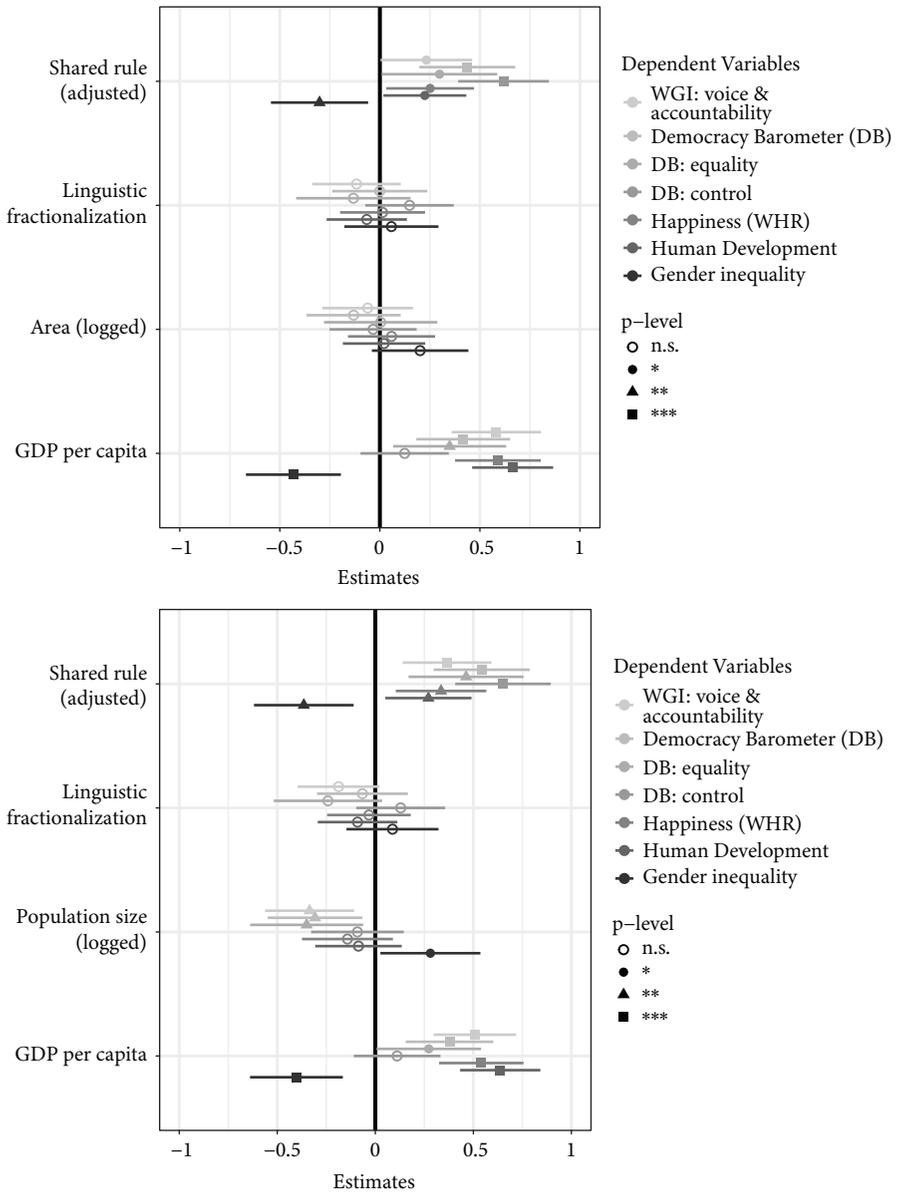
To what extent do these associations hold when controlling for potential confounders? A series of ordinary least squares (OLS) models with adjusted shared rule as the independent variable plus the earlier-mentioned controls (linguistic fractionalization, per capita GDP, and area *or* population size) are thus specified. [Figure 7.1](#) (left) plots the resulting standardized coefficients for all seven dependent variables for which shared rule remains significant at 10 per cent or better when using area as a control. Even better results obtain when using population as a control instead ([Figure 7.1](#), right).

What is the situation with self-rule, both alone and in conjunction with shared rule? As shown in [Figure 7.2](#), the two measures<sup>7</sup> of regional authority correlate strongly but in a peculiar way: shared rule only increases once the threshold of half the total self-rule score is crossed, as is the case with Finland. There are no cases in the upper-left quadrant. It thus makes little sense to investigate interactions between the two dimensions of power-sharing by means of their product, as a complete absence of shared rule would cancel out even substantial degrees of self-rule, such as in the cases of Sweden and Japan. Instead, I use their sum, as did the inventors of the RAI ([Hooghe et al. 2016](#); [Shair-Rosenfield et al. 2021](#)).

In order to show the difference that shared rule makes, I thus specify two models each for the same outcome: the first always only includes self-rule, whilst the second includes regional authority ([Table 7.3](#)). We thus see that shared rule makes just a small contribution, adding 4 per cent of explained variance at best (Democracy Barometer) and usually 0–2 per cent, and in two cases even depresses the model fit (–4 per cent and –2 per cent for good governance and corruption perception, respectively). Most of the work is therefore done by self-rule, at least in this conception as formalized opportunities as defined by the RAI. Adding shared rule on top of self-rule at least does not destroy its positive correlations.

The first key insight, then, is that shared rule can indeed deliver on some of the hope placed in it, such as for greater accountability and efficiency, democracy and good governance, stability and economic development, and even happiness and gender equality (cf. also [Neudorfer and Neudorfer 2015](#)). Presumably it does so by transmitting information upwards in a timely and reliable manner, taking into account diverse perspectives, forcing actors to think in terms of the common good, and helping to build a broad consensus.

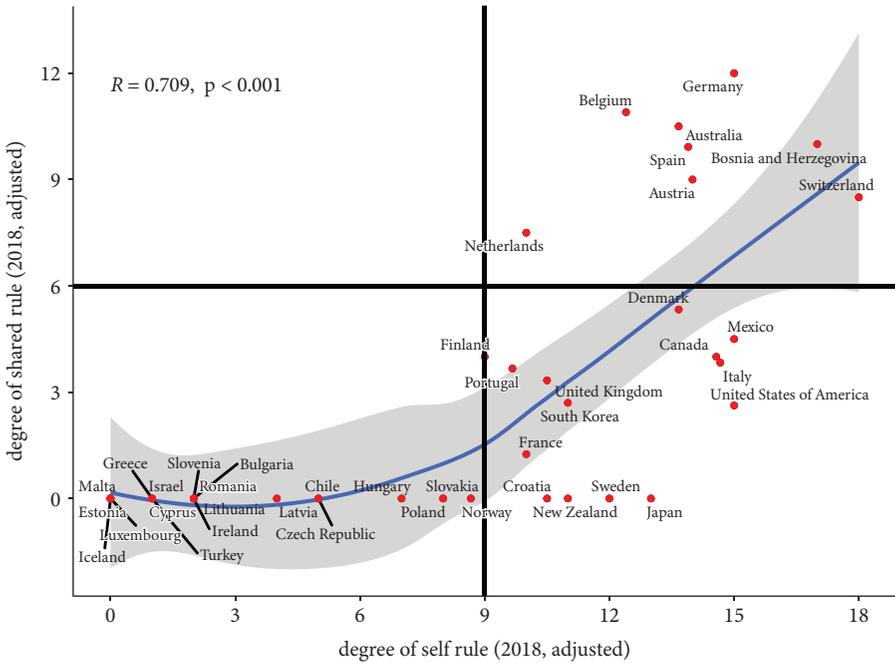
<sup>7</sup> The correlation between these adjusted and the old values for self-rule are Pearson's  $r = 0.823$  and  $r = 0.876$  between the adjusted and the original RAI (N = 42 countries).



**Figure 7.1** Standardized ordinary least squares coefficients for various outcomes.

Note: \* $p < 0.1$ ; \*\* $p < 0.05$ ; \*\*\* $p < 0.01$ . Lines depict 90 per cent confidence intervals.

The second takeaway is, however, that shared rule is only ever present in conjunction with self-rule (see also [Chapter 4](#)), which already does most of the work on its own. Thus, the third, more modest insight is that when power is



**Figure 7.2** Correlation between shared rule and self-rule, 2018 (adjusted).

*Note:* Adjusted values = mean values across all tier-1 regions per country; straight lines = dimension means, curved line = locally estimated scatterplot smoothing (LOESS) with 90 per cent confidence intervals.

*Source:* Author based on data from [Shair-Rosenfield \(2021\)](#).

divided along territorial lines, providing regional actors with the authority to also influence state-wide decisions at least does no harm.

All of these are mere correlations, of course. In order to better understand the dynamics of shared rule at the country level, [Section 7.3](#) delves deeper into two cases that, in many regards, have similar structures, albeit with one key difference: Switzerland has high levels of self-rule and shared rule in both formal and informal terms, while Canada has high levels of self-rule but low levels of both formal and informal shared rule. It is in cases like this that the absence of shared rule has the strongest negative impact and its presence the strongest positive impact.

### 7.3 Case study: Switzerland versus Canada

Switzerland and Canada are two of the most decentralized democracies in the world, especially, but not only, when it comes to regions raising their own tax

**Table 7.3** Ordinary least squares models for outcomes

	Democracy (DB)		Good Governance (SGI)		Corruption (TI)		Happiness (WHR)		UNDP HDI		Gender Inequality	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Self-rule (adj.)	0.037*** (0.008)		0.095** (0.036)		1.173*** (0.395)		0.060*** (0.019)		0.003** (0.001)		-0.007*** (0.002)	
RAI (adj.)		0.025*** (0.005)		0.050** (0.023)		0.678** (0.252)		0.038*** (0.012)		0.002** (0.001)		-0.004*** (0.001)
Linguistic fractionalis.	0.100 (0.193)	-0.037 (0.190)	-0.208 (0.821)	-0.452 (0.855)	2.718 (8.833)	-0.770 (9.020)	0.225 (0.430)	0.034 (0.430)	-0.004 (0.026)	-0.012 (0.026)	-0.005 (0.050)	0.016 (0.050)
Population (logged)	-0.099*** (0.030)	-0.098*** (0.028)	-0.150 (0.130)	-0.096 (0.129)	-2.443* (1.437)	-2.000 (1.408)	-0.138* (0.070)	-0.127* (0.067)	-0.005 (0.004)	-0.005 (0.004)	0.021** (0.008)	0.020** (0.008)
Per capita GDP (USD 1,000)	0.006** (0.002)	0.005** (0.002)	0.033*** (0.009)	0.034*** (0.010)	0.490*** (0.105)	0.493*** (0.107)	0.021*** (0.005)	0.021*** (0.005)	0.002*** (0.0003)	0.002*** (0.0003)	-0.002** (0.001)	-0.002** (0.001)
Constant	4.864*** (0.494)	4.932*** (0.475)	6.896*** (2.136)	6.265*** (2.174)	73.673*** (23.614)	69.398*** (23.779)	7.418*** (1.149)	7.384*** (1.132)	0.890*** (0.069)	0.895*** (0.068)	-0.095 (0.135)	-0.095 (0.132)
Obs.	37	37	41	41	42	42	42	42	42	42	42	42
R <sup>2</sup>	0.584	0.615	0.437	0.404	0.558	0.542	0.532	0.536	0.543	0.553	0.419	0.428
Adj. R <sup>2</sup>	0.532	0.567	0.374	0.337	0.510	0.493	0.481	0.485	0.493	0.505	0.356	0.366
Residual Std. Error	0.205 (df = 32)	0.198 (df = 32)	0.945 (df = 36)	0.972 (df = 36)	10.535 (df = 37)	10.719 (df = 37)	0.513 (df = 37)	0.510 (df = 37)	0.031 (df = 37)	0.031 (df = 37)	0.060 (df = 37)	0.060 (df = 37)
F Statistic	11.225*** (df = 4; 32)	12.768*** (df = 4; 32)	6.973*** (df = 4; 36)	6.092*** (df = 4; 36)	11.668*** (df = 4; 37)	10.955*** (df = 4; 37)	10.502*** (df = 4; 32)	10.670*** (df = 4; 32)	10.971*** (df = 4; 32)	11.442*** (df = 4; 32)	6.661*** (df = 4; 32)	6.926*** (df = 4; 32)

Note: \*p<0.1; \*\*p<0.05; \*\*\*p<0.01. Variance inflation factor (VIF) ≤ 1.9.

**Table 7.4** Key indicators for the Canadian and Swiss federations

	Canada	Switzerland
Population (July 2021 est.)	37,943,231	8,453,550
Area (km <sup>2</sup> )	9,984,670	41,277
GDP per capita (2020 est., USD)	45,900	68,400
Official languages	English (59%), French (22%)	German (62%), French (23%), Italian (8%), Romansh (0.5%)
Federation founded in	1867	1848
Regions	10 provinces, 3 territories	26 cantons
RAI self-rule (2018)*	94% (Quebec: 100%)	100%
RAI shared rule (2018)*	50% (Quebec: 54%)	71%
Actual shared rule*	20%	50%

Note: \*% of maximum score possible for the provinces and cantons, respectively.

Sources: CIA [World Factbook \(2021\)](#), [Shair-Rosenfield et al. \(2021\)](#), and my calculations (see [Chapter 3](#)).

revenue, the crown jewel of subnational autonomy ([Hooghe et al. 2016](#); [Dardanelli et al. 2019b](#); [Shair-Rosenfield et al. 2021](#)). Both countries also engage in equalization via transfers among constituent units (horizontally) and from top to bottom; that is, from the federal government (vertically). Fiscal equalization has been an accepted principle for decades, although its extent and the precise formula undergirding it are periodically contested by donor regions ([Béland et al. 2017](#); [Schnabel and Mueller 2017](#); [Tombe 2018](#)). Canada and Switzerland are also home to a large, historic, and territorially entrenched minority of francophones and are about equally wealthy ([Table 7.4](#)). But only in Canada has the very nature of the federation been challenged on two main fronts: by Quebec nationalists on identity grounds, through two (de facto) independence referendums in 1980 and 1995, and by western provinces on economic grounds (e.g. [Hueglin 2021a](#), ch. 6).

At the same time, another striking difference between the two countries is that while the Swiss cantons are frequent and fervent users of shared rule, the opposite is true of the Canadian provinces. Not only do the latter have fewer formal means at their disposal ([Broschek 2020b, 2021](#)), they also use informal means less frequently (see Section 3.5). Could the difference in outcome—Canadian contestation versus Swiss cohesion—be due to these differences in the shared-rule dimension of their federal systems?

To be sure, there are many other differences that could explain (a lack of) togetherness. First, Switzerland has only 22 per cent of Canada's population and 0.4 per cent of its area ([Table 7.4](#)). Moreover, Canada has only ten constituent units (or thirteen if we include the territories) as opposed

to Switzerland's twenty-six. The main consequence of this is that Canada's provinces have an average population of 3.8 million compared to 330,000 for Switzerland's cantons (BFS 2021; StatCan 2021). Yet the ratios between the largest and smallest provinces or cantons are not only remarkably similar—1:92 in Canada versus 1:95 in Switzerland—but they have also developed largely in parallel over the last 170 years.<sup>8</sup>

Second, Canada is an almost archetypical Westminster-style democracy, with plurality elections for the House of Commons, a (de facto) weak Senate, mostly single-party cabinets, and basically no direct democracy. Switzerland is a consensus democracy with (largely) proportional elections for the lower chamber, a strong and legitimate upper chamber, multi-party executives all around, and extensive use of direct democracy (Lijphart 2012; Bernauer and Vatter 2019; Mueller et al. 2023).

But rather than negating the influence of shared rule, size and democracy type interact with it, in virtue of its degree and kind. The large size of Canadian provinces, coupled with extensive regional autonomy, lessens the need for both horizontal and vertical coordination. By contrast, the smaller size and larger number of Swiss cantons increase the potential for both spillover costs and gains to be had from economies of scale, *especially* in areas of self-rule, such as taxation or education (Gilardi and Wasserfallen 2016; Giudici 2017; Mueller 2021b, 2021c).

The result is a dense web of inter-cantonal conferences and treaties, both nation-wide (twenty-six members, sometimes even twenty-seven including Liechtenstein) and at the macro-regional level (two to seven members) (Vatter 2018, 64–83). This aspect of Swiss federalism both serves as a 'bulwark against centralisation' and allows the cantons to collectively influence federal policies (Schnabel 2020, 264–5). What is more, inter-cantonal relations simultaneously enhance and weaken the cultural distinctiveness of cantons (Mueller 2022). Large, urban, donor cantons are found in both the French- and German-speaking folds, for instance, while cooperation on cultural matters follows linguistic borders (Erk 2008).

To be sure, inter-governmental relations are not absent in Canada either. But the pluralistic/majoritarian character of Canadian politics at *both* levels of government results in less formalization, more fluctuation over time and policy areas, and greater dependence on partisan calculations as opposed to functional commonalities (Simeon 1973, 304; Cameron and Simeon 2002; Bolleyer 2009; Simmons 2017; Broschek 2021, 158).

<sup>8</sup> 1880/1: 1:39 in both; 1930/1: 1:38 in Canada vs. 1:45 in Switzerland; 1970/1: 1:68 vs. 1:84. My calculations are based on data from StatCan (2021) and BFS (2021).

The double exclusivity at play in Canadian inter-governmental relations is key to understanding their often acrimonious character: on the one hand, as the sole spokespersons for regional interests, provincial governments are not rivalled by provincial parliaments (which they control), senators (who are chosen by the prime minister), or extra-parliamentary actors (as is possible in Swiss direct democracy; see later in this section). On the other hand, provincial executives are formed by parties that are largely detached from those operating at federal level, with separate electoral schedules, fortunes, and career paths (Gibbins 1982, 134; Thorlakson 2009, 167; Thorlakson 2020, 86–7). Even ideological proximity across levels of government is frequently overshadowed by regional interests, so that provincial executives can engage more freely in ‘Ottawa-bashing’ (Gibbins 1982, 137).

In addition to size and type of democracy, a third important difference is the *way* in which power is allocated vertically (Mueller and Fenna 2022). Switzerland operates today as an administrative federation, whereas Canada has remained true to the dual model (e.g. Thorlakson 2003, 7; Hueglin and Fenna 2015, 136; Broschek 2020b, 37; Mueller and Fenna 2022). Accordingly, in Switzerland the federal government generally legislates, but the cantons implement and administrate both federal decisions and their own ones (Vatter 2018, 57). Even direct federal taxes are collected by cantonal administrations. The Canadian government, by contrast, has its own bureaucracy present throughout the country, and in most places collects provincial taxes too. This distinction matters because administrative federations automatically call for and bring about greater vertical coordination and, ultimately, integration, as in Germany through the Bundesrat, because the two levels depend on each other. Mutual independence is, conversely, the hallmark of dual federations, with the result that each level and, indeed, entity can and is encouraged to go it alone (Wheare 1963, 2).

Yet instead of seeing in the different models of federalism the cause of different degrees of shared rule, we might understand the administrative character of the Swiss federation as a *consequence* of greater degrees of shared rule than elsewhere. In fact, when modern Switzerland was created in 1848, it was as dual as the role model it aspired to imitate, namely the USA (Dardanelli and Mueller 2019; Mueller and Fenna 2022). Only over time did it evolve into a German-type administrative model, for two reasons: direct democracy and shared rule—or rather the way in which cantonal governments managed to hold on to and reinvent their formerly (i.e. prior to 1798 and between 1815 and 1847) confederal importance in an increasingly nationalized democracy (e.g. Bochsler et al. 2016).

First, the rules of the game were such that the 1848 Constitution listed only a few exclusive federal powers, mandating that amendments, and hence future expansions of federal power, needed to be approved by a double majority of voters and cantons (Art. 144, [FC 1848](#)). Attempts failed at centralization in 1866 and 1872 at both the popular and cantonal levels, but succeeded, in a more modest form, in 1874 ([Bolliger 2010](#); [Rielle 2010a, 2010b](#)). Crucially, despite being a minority, both francophone voters and francophone cantons were needed to transition from the failure of 1872 (49 per cent yes among voters, 41 per cent among the cantons) to the success of 1874 (63 per cent and 61 per cent; data from [BFS 2021](#)).

Such alliance-seeking set the tone for all future amendments, all the more so since the price of bringing (some of) the francophones on board was to further strengthen collective veto powers by making it possible to challenge federal acts (i.e. the optional or facultative referendum). Another concession made to secure support from the cantons was that future centralization steps were to be (a) minimal, (b) dependent on the cantons for implementation, and (c) compensated with cantonal shares in federal revenue ([Mueller and Fenna 2022](#)). In other words, administrative federalism made for an easier sell ahead of popular votes, as it preserved the importance of the cantons.

Second, turning to shared rule, Swiss cantonal governments have always been a force to be reckoned with, although the channels through which they have exercised their influence have changed over time. Starting from 1848, cantons were free to decide how to appoint their senators, and well into the 1970s some cantons had the legislature select them ([Vatter 2018](#), 38). Moreover, both before and after 1919, when the lower house started to be elected using proportionality, the cantons formed the constituencies within which MPs were elected, the only difference being that prior to that date the territory of the larger cantons was further subdivided. Political competition was cantonal, and MPs themselves often combined cantonal and federal mandates.

However, as political parties started to aggregate at the national level beginning in the late nineteenth century, and especially after World War II, with the expansion of the welfare state and globalization, territorial interests found it increasingly hard to make themselves heard at the federal level. Then, in 1993 a new era of shared rule began through the creation of the Conference of Cantonal Governments ([Schnabel and Mueller 2017](#)). The shift from ‘intrastate federalism’ to ‘interstate federalism’ ([Cairns 1979](#)) was complete. But throughout this period, the goals of the cantons have continued to consist in protecting their autonomy and shaping the content of federal legislation to fit their needs.

The contrast with Canada could thus hardly be greater. Here, shared rule is perceived to be a *rival* of self-rule, not its natural complement. For while authority may well be shared across levels, in true Westminster style it is parliament—or rather the party commanding a majority—that reigns supreme within each polity. Greater shared rule in the form of an elected senate, for instance, would ‘run counter to long-standing parliamentary traditions and ... institutional self-interest of provincial governments and politicians, at present the principal defenders of regional interests’ (Gibbins 1982, 194; also Broschek 2020a). Instead of shared rule being perceived as a natural extension of self-rule, in Canada shared rule of the interstate type—that is, bilateral inter-governmental agreements—is used to *push back* against the federal government. The result of this zero-sum game is more for the province and less for the federation, notably through opt-outs from federal legislation (with compensation) or taking over some of its functions (e.g. Lecours 2021, 161–9).

A perfect illustration of this tendency—because of its extreme character—is Alberta. In November 2019, then-Premier Kenney spoke of ‘a deep sense of inequity and unfairness across Canada’s Prairies’ related to fiscal equalization, as well as economic and energy policy. He demanded

a fair deal now for Alberta within Canada. One that respects the Constitution and gets Ottawa out of our way so that we can do what we do best, what Alberta has always done: grow our economy, create jobs, get people back to work and generate an oversized contribution to Canada’s wealth. ... Albertans have been working for Ottawa for too long. It’s time for Ottawa to start working for us.

A ‘Fair Deal’ panel was subsequently appointed, essentially endorsing his position (Government of Alberta 2020a, 7–8). The provincial government’s response, just one month later, was correspondingly enthusiastic: none of the twenty-five recommendations of the panel were rejected outright. On three proposals—more federal jobs in Western Canada, a provincial pension plan, and a provincial police force—the government was more cautious, and three further recommendations still had to be aligned with government policy: cash payments for tax points, municipal agreements with the federal government, and tax collection by the province (Government of Alberta 2020b, 11–12). The government then went ahead with its referendum on repealing section 36 on fiscal equalization from the federal (!) Constitution: in October 2021, 61 per cent of voters supported repealing it, but turnout was only around 40 per cent, casting doubt on whether that was indeed ‘a clear majority on a clear question’, as Kenney claimed, in an

allusion to the Canadian Supreme Court's Quebec Secession Reference (e.g. [Wesley 2021](#)).

One year later, Kenney's successor as provincial premier doubled down by delivering on her campaign promise for an 'Alberta Sovereignty Act' ([French 2022](#)). Premier Smith introduced the act into the provincial legislature, where it passed at the end of 2022. The Act allows the province to 'suspend or modify' federal rules as they apply in the province (section 4(1)(a)(i)). According to the [Government of Alberta \(2022, 1\)](#), the Act 'protect[s] Albertans from federal legislation or policies that are unconstitutional or harmful to our province, our people or our economic prosperity'. Although a first legal appraisal identified several problems with the Act ([Olszynski and Bankes 2022](#); also [Adams 2022](#)), Prime Minister Trudeau interpreted it as 'a political tool' to obtain more from the federal government ([CBC 2022](#)). Ironically, then, provincial governments such as those of Quebec or Alberta have to resort to *provincial* referendums and *provincial* acts to challenge and be heard by the federal government in *federal* domains.<sup>9</sup>

The fundamental difference between the positions in which the Swiss cantons and the Canadian provinces find themselves is now much clearer. In order to amend the Swiss federal constitution, cantons can petition the federal parliament ([Mueller and Mazzoleni 2016](#)) or collect signatures; in order to challenge a federal law—which is often the real issue for Alberta and other provinces—eight cantons or 50,000 citizens can demand a state-wide referendum, the result of which is binding. The cantons did just that, and successfully so, in 2003–4 ([Schnabel and Mueller 2017](#)). Senators are already directly elected, federal direct taxes are already collected subnationally, and even 'one-size-fits-all [federal] policies' ([Kenney 2019](#)) can be implemented with great discretionary leeway by the cantons through their own administration, thanks to administrative federalism ([Linder and Vatter 2001](#); [Braun 2010](#); [Mueller and Fenna 2022](#)).

The point is not so much that Swiss cantons are where (some) Canadian provinces want to be, or that federal contestation and conflict are necessarily bad for democracy. Instead, this brief comparison has highlighted three aspects. First, through shared rule, cantons were able to extract concessions from the federal government not only to protect but even to enhance self-rule: through administrative federalism they became the face, eyes, ears, and arms of (almost) all state activity on their territory. They are even

<sup>9</sup> The other option is, of course, to challenge federal acts of parliament in front of the Canadian Supreme Court. Alberta, Ontario, and Saskatchewan did exactly that in the case of the carbon tax introduced by Prime Minister Justin Trudeau. However, in March 2021, the court ruled 6:3 that the measure was constitutional ([Tasker 2021](#)). On the courts as channels of shared rule, see Section 3.2.

compensated for this role via a share in national taxation for which the federal government receives the blame. Second, the cantons must cooperate with each other to get that far. One canton alone is as powerless as Alberta, but so is the federal government against even a handful of vocal cantons. Experience has taught everybody that a large *and* diverse alliance needs to be built, whilst unilateral attempts—whether top-down or bottom-up—inevitably fail.

Third and finally, the regularity and shifting geometries of such alliances strengthen cohesion both among the cantons themselves—despite equally large fiscal disparities and frustrations on the part of donor cantons as in Canada—and between the cantons and the federal government, through their mutual dependence. After all, as [Scharpf \(1988, 258\)](#) highlighted more than thirty years ago: joint decision-making only becomes a trap if actors refuse to engage in problem-solving. In this sense, Swiss-style shared rule draws the cantons into the federal fold, aligning their own interests with the interests common to all, whereas Canadian-style self-rule without shared rule pushes provinces further apart—in order to ‘get Ottawa out of our way’, in [Kenney’s \(2019\)](#) words.

## 7.4 Conclusion

Having or not having shared rule only matters if it gives rise to distinct consequences. Furthermore, it is one thing for individual regions to be able to influence national decisions occasionally or regularly, formally or informally, and successfully or unsuccessfully. It is quite another for the overall political system to provide its regional governments with that capacity—or not. This chapter has sought to reflect on the potential effects of the presence and extent of shared rule at the level of countries. There are grounds to be optimistic: shared rule allows important information to flow upwards in a timely manner, inclusion bolsters legitimacy and stability, and better, more sustainable policies serve the well-being of all. Yet a pessimistic outlook is equally plausible: shared rule increases the number of veto players, potentially producing stalemates and sub-optimal decisions, and may well include some regions but exclude others, which in turn can cause resentment and reduce the acceptance of the political system.

Two different empirical analyses lend support to the optimistic view. No negative effect of increased shared rule was detected on different aspects of democracy, corruption, effectiveness, legitimacy, happiness, or equality, whilst significant positive effects occurred only in conjunction with extended levels of self-rule. These results should nevertheless be interpreted

with caution as they emanate from a ‘simple’ cross-sectional analysis with aggregate data only. Nor should it be forgotten that the different theorized outcomes interact in myriad ways and that there are always other, exogenous factors, such as the tides of globalization or health and other crises.

The qualitative evidence drawn from the ‘paired comparison’ (Tarrow 2010) of Switzerland (with high shared rule) and Canada (with little to no shared rule) has helped untangle these interactions to some extent. In Switzerland, shared rule serves *federal* ends by bringing the different governments together and allowing—or rather inducing—them to work collaboratively to pursue a common goal, all the while fully respecting their different views and realities. In so doing, shared rule also serves *democratic* ends by complementing individual input—voting in elections and referendums—through meso-perspectives operating at and through the territorial level.

In Canada, by contrast, the absence of strong and stable shared-rule mechanisms—whether formalized or not—has pushed provincial governments to rely on contestation instead of cooperation and pursue ‘particularistic’ rather than ‘universal’ interests (Nugent 2009, 22). Despite the fact that both countries figure among the most prosperous in the world, only Canada has seen challenges to its very state structure, in the form of two Quebec independence referendums and, as of late, the ‘Alberta Sovereignty Act’.

It thus appears that just as liberal democracies without participation and political parties have become unimaginable (Caramani 2017), so too are robust federal democracies dependent on regionally autonomous *and* nationally vocal constituent units. The paradox of federalism, with which this chapter started, no longer appears so puzzling once we realize that what is really needed is self-rule *plus* shared rule.

# 8

## Conclusion

... no one could be called either happy or free  
without participating, and having a share, in public power.  
**Hannah Arendt (1990 [1963], 255)**

What Hannah Arendt said with regards to individual participation in democracy through voting in elections and referendums also applies to regional participation in federal political systems: it is by taking part in national affairs that regions share in rule. This final chapter begins by briefly revisiting the main lessons learned in the previous chapters. It then focuses on the value of shared rule for constitutional engineering before drawing conclusions about the limits of this study and the need for further research.

### 8.1 What have we learned?

Our journey through the conceptual, historical, and causal dimensions of shared rule as a distinct dimension of federal theory and practice ends here. It took us back to the very beginning of modernity, when federalism was defined—and advocated—by [Althusius \(1995 \[1614\]\)](#) as an ‘association’ (*consociatio*) in which ‘the symbiotes pledge themselves each to the other, by explicit or tacit agreement, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life’. Autonomy and sovereignty emerged first, whilst horizontal cooperation and sharing of rule arose from them. The notion of shared rule subsequently morphed into a synonym for centralization *tout court* ([Riker 1964](#); [Elazar 1987](#), 7; [Watts 1996](#), 7), tilting the horizontal into a vertical continuum.

But the creation of new states on the basis of both popular and territorial sovereignties only made for new objects of desire. For the third and most recent understanding of shared rule defines it as the influence of a regional

government over national or central decisions. This notion gained prominence through the Regional Authority Index (RAI), whose goal it was to enable the study of multilevel governance beyond those classic federations (Hooghe et al. 2016; Shair-Rosenfield et al. 2021). Ironically, broadening our perspective in this way has enabled us to understand *them* better, too. Conceiving of the territorial division of powers as two-dimensional, with regional governments having more or less autonomy at the expense of central governments (self-rule) *and at the same time* possessing more or less influence over what that same central government decides in its own sphere (shared rule), opens up exciting new avenues of research.

Yet for all its conceptual and historical centrality in standard accounts of federalism (in whatever shape), there is a surprising lack of theoretical and empirical coverage of shared rule with regard to both its causes and its consequences. Only recently, spurred not least by the RAI, have in-depth investigations been undertaken (e.g. Broschek 2012, 2020b; Mueller 2014; McEwen and Petersohn 2015; Mueller and Mazzoleni 2016; Benz 2018; Eaton 2020; Umaner-Duba 2020; Mueller and Hechter 2021; Schakel and Smith 2021; Segatto and Béland 2021; Shair-Rosenfield 2021; Rocco et al. 2022; McEwen 2023).

Contrast this with the situation of self-rule, or the (de)centralization continuum in a broad sense, which has not only been measured by many different indices (Harguindéguy et al. 2021 count no fewer than twenty-five) but has also been the subject of much more conceptual and comparative work.<sup>1</sup> Regional autonomy is said to spur policy experimentation, foster economic growth, and appease conflicts, to name but the most prominent outcomes (e.g. Assembly of European Regions 2009; Erk and Anderson 2009; Harguindéguy et al. 2021, 186), and it is driven as much by structural factors as political and cultural ones (Hooghe and Marks 2013; Mueller 2015; Dardanelli et al. 2019a, 2019b).

But what about shared rule, defined as the influence of regional governments over national decisions? Analytically, this book has attempted to provide answers to three broad questions:

1. How should we *operationalize and measure* shared rule when taking into account both formal and informal channels, on the one hand, and mere potentialities as well as actual use on the other?

<sup>1</sup> E.g. Dardanelli et al. (2019a, 2019b) for the six classic federations. The method has recently been expanded to cover Argentina (Moscovich and Lacroix Eussler 2023), Brazil (Schlegel 2022), Mexico (Olmeda 2023), Nigeria (Suberu 2022), and Pakistan (Adeney and Boni 2022).

2. What explains the *origins and causes* of shared rule; that is, why do some political systems contain more of it than others and why are some regions more active and successful in exercising influence of this kind?
3. What *consequences* does shared rule have for a region whose government is using it with(out) success, and what does it mean for a country to allow or deny regional government influence over national decisions?

The answer to the first question has resulted in a new categorization of channels and their frequency of use. In [Chapter 3](#), five distinct methods of influence-seeking were identified based on the literature and a mini-survey of thirty-eight federalism scholars about eleven different federal political systems that was conducted in 2019—just in time to capture ‘normal’, pre-pandemic politics. This survey represents a kind of middle-ground conversation on country-specific patterns of regional influence and their connection to broader aspects, such as fiscal decentralization, party politics, multiculturalism, and regime properties. The five channels that emerged from this analysis are the following:

1. Using the *media and public relations*, and more generally mobilizing civil society in order to build up pressure for reform or to maintain the status quo, is typical for Canada. The provincial referendum on a section of the federal constitution organized by former Alberta premier Kenney in October 2021 falls squarely into this category as the whole exercise was meant to bring ‘Ottawa’ to the negotiation table—showing the utter lack of other formal *or* informal means. One year later, his successor even went a step further by having parliament pass the ‘Alberta Sovereignty Act’, enabling the province to invalidate federal legislation if deemed ‘unconstitutional’ or ‘harmful for Albertans’ ([Government of Alberta 2022](#), 1).
2. *Professional territorial lobbying* financed and directed by regional governments to influence central-state representatives, or through members of the regional bureaucracy permanently stationed in the national capital to observe and liaise, is most common in the USA and Switzerland. This reflects these countries’ rather pluralistic interest-group systems and (in theory) MPs who are more independent of both their parties and the national executive.
3. *Political parties* are important channels for regional influence-seeking in parliamentary (quasi-)federations, such as Austria, Spain, the UK,

and Belgium. Influence materializes either through the same party, if in government at both levels, or between different ones, if the party in power at the centre needs just the kind of support that the one in office at the regional level can provide.

4. *Direct personal contacts* between regional and national executive members usually take place in inter-governmental conferences or meetings, for example the UK Joint Ministerial Council. However, the actual influence of such contacts is limited by the degree to which members can force the other side's hand.
5. Finally, *intra-institutional influence* can only be exercised through bodies such as the German Bundesrat, where regional governments are directly represented and endowed with joint decision-making powers. For all national laws affecting the *Länder*, the Bundesrat must consent, and for constitutional reform a three-quarters majority is even necessary (Hooghe et al. 2016, 383–5).

In practice, the different methods of regional influence-seeking can be and often are combined. More exclusive channels, such as direct personal contacts, can build on outside strategies, such as building up public pressure, which is open to anyone anywhere (at least in free societies). At the same time, the credibility of regional threats voiced publicly or in secret stands and falls with the formal means available, for instance a strong supreme court in Germany, Canada, and the USA versus direct-democratic challenges in Switzerland. Party negotiations and inter-governmental meetings in Germany also draw much of their importance from the power and legitimacy of the Bundesrat. So whilst these five channels are listed here as being distinct, in practice they can be combined, and in creative ways at that.

Chapters 4–7 then theorized about and analysed the causes and consequences of shared rule at both the regional and national level, seeking to combine the strengths of quantitative and qualitative methods. At the sub-national level, the main insight is that what regions want depends on both their character and the overall system of which they form part (Chapter 5). In the main, culturally distinct regions want recognition, richer ones want more freedom, and poorer ones want more support. If the degree of regional self-rule as provided by the existing federal political system is satisfactory, shared rule is used as a shield to defend the status quo. Conversely, if changes are sought for partisan or cultural reasons, shared rule becomes a weapon in the struggle for greater self-rule.

The effects of shared rule for regional governments are similarly influenced by factors found at both levels (Chapter 6). Whilst the competitive logic that is so dominant in the USA rewards those who shout the loudest, distributing resources across the board and compensating those with a natural disadvantage ties in with Switzerland's consensus democracy. At the same time, where cultural, ideological, and economic cleavages overlap with regional governments, as in Belgium for the Dutch- and French-speaking communities, shared rule has a centrifugal effect. Where that is not the case and where consequently regional actors are more numerous and horizontally diverse, the need to build cross-regional alliances has a centripetal effect in providing regions with a stake in the overall system. This once again shows the versatility of shared rule, which can be used either to demand more for oneself or to contribute more for everybody.

Ascending to the level of countries, the primary causes of extensive shared rule—as measured through the RAI—were identified as 'coming-together' federalism (Stepan 1999), linguistic diversity, and de- or non-centralization. The founding of a federation through negotiation and deliberation provides the opportunity, territorially entrenched diversity the necessity, and non-centralization the legitimacy for shared rule. This is bad news insofar as path dependency and specific traditions imply limited room for manoeuvre, but good news as it means that political institutions created in earlier times can, in theory, be modified or replaced. Chapter 4 also identified two resulting tensions: (i) in 'staying-together' federations with high levels of self-rule, calls will inevitably arise for greater shared rule too; (ii) in systems with already high levels of shared rule, regional influence over state-wide decisions might not always work as intended or only to the profit of *some* regions, for instance richer regions or regions aligned with the state-wide majority.

Whether and to what extent such negative effects obtain in countries with greater degrees of shared rule—again as measured through the RAI—or whether, by contrast, shared rule has beneficial effects on a wide range of socio-economic and political outcomes was analysed in Chapter 7. The evidence presented supports the optimistic view. Hence, shared rule properly conceived serves both federal and democratic ends, and indeed combines the benefits of both. It adopts the participatory and deliberative strengths of democracy—that is, inclusion and respect for rational argumentation—and applies these to interactions between governments that are themselves the result of democratic processes. At the same time, providing for a central space incentivizes—but, of course, does not guarantee—governments to work together for the common good whilst respecting regional differences.

## 8.2 The value of shared rule and constitutional engineering

Throughout this book, the close connection between self-rule and shared rule has been revealed time and again. They are obviously related and form part of federalism or territorial power-sharing in a broader sense. Asking what shared rule is good for is thus tantamount to asking what federalism is good for. As a set of specific institutions, actors, and political processes connected to territory, federalism has been a reality for many countries over several centuries. Yet its postulated effects are deeply contradictory. At least three general tensions deserve mention:

1. In terms of policy, federalism can spur innovation and development through regional experimentation and the diffusion of best practices (e.g. Fenna forthcoming). But federalism can also slow down and obstruct progress by creating additional obstacles, fuelling polarization, and cementing inequality (e.g. Riker 1964; Kettl 2020).
2. In terms of politics, federalism potentially maximizes diversity and legitimacy by tailoring the type and level of public services to regional and local majority demands (e.g. Requejo et al. 2020; Abizadeh 2021). Yet it can also create frictions with democracy by paying too much attention to territorial logic and not enough to personal logic (e.g. Stepan 1999; Benz and Sonnicksen 2021).
3. In terms of the polity, another ‘paradox of federalism’ is that it can facilitate the break-up of states by lowering the cost of full separation (e.g. Erk and Anderson 2009). Yet there is often no alternative to accommodating cultural minorities precisely in order to avoid secession (e.g. Government of Quebec 2017; Popelier 2021b).

The general recipe for dealing with these tensions has been to endow regions and localities with as much autonomy as possible and to centralize as little as necessary (e.g. Ghai 2000; Gagnon and Keating 2012; Lecours 2021). However, on its own, territorial division and separation spurs centrifugal thinking and action by encouraging actors to reason in terms of their own, private benefit. This strains overall cohesion and togetherness to the extent of ‘hollowing out’ the state and its demos (Hooghe 2004; Meier and Bursens 2021; Popelier 2021a). Merely providing regions (or communities, with or without a fixed territory) with autonomy does nothing for minorities *within* minorities, unless they, too, are granted their own fiefdom—which, however, runs counter to the idea of the first-level minority being *maîtres*

*chez nous*, ‘masters at home’, as was said in Quebec (Hueglin 2021a, 155; also Mueller 2019). Finally, the idea of being able to neatly separate and clearly allocate functions or policies, whilst already a strain in earlier times, has become increasingly untenable in the face of so many contemporary challenges, such as climate change, terrorism, pandemics, and migration (Agnew 2022; Mueller and Fenna 2022).

It is here, then, that shared rule can make its most fruitful contribution by serving as a centripetal arena of negotiation, assuring everybody of their place in the system, facilitating the kind of communication Althusius (1995 [1614]) foresaw 400 years ago, and strengthening togetherness. For if the main question is how to govern efficiently and legitimately in democratic multilevel systems, then the polities at the different levels—each endowed with its own full set of democratic institutions, such as a parliament, an executive, and courts held accountable through elections and possibly also direct democracy—simply cannot avoid coordination of some sort. And as they are bound to bump into each other, they might as well turn that fact into an advantage.

For the one great advantage of properly designed shared rule is the creation and perpetuation of *empathy*. Empathy, for Burgess (2012, 22), amounts to ‘the predisposition of each level of government to conduct both vertical and horizontal relations in a spirit of partnership that incorporates friendship, understanding, mutual trust, respect, and good faith’. Without empathy, we are unable to understand the other side’s ideas and interests and incapable of coming to an agreement, and we become lost in structures such as federalism and democracy that both necessitate balance and compromise to work as intended (e.g. Bühlmann et al. 2012; Lijphart 2012; Mueller 2015; Kettl 2020; Benz and Sonnicksen 2021; Popelier 2021a). Herein lies the deeper reason why pure single-party majority ‘Westminster’ systems are incompatible with federal practice in both their horizontal and vertical dimensions: they encourage enmity rather than empathy (Mansbridge 1983; Bolleyer 2009; Ignatieff 2015; Ganghof 2021).

How, then, can shared-rule institutions best be designed? In Chapter 1, three general principles were postulated. These are now justified more fully in light of the overall objective of governing efficiently and legitimately in multilevel democratic systems:

1. *Optional, not mandatory*. Shared rule should complement self-rule by allowing (but not forcing) regions to avail themselves of yet another instrument in order to work towards regional well-being. Regional governments remain accountable to their regional electorate and it is up

to the latter to reward or punish them for their actions (Papadopoulos 2023, ch. 1). Forcing regional governments to speak up all the time, on all questions with state-wide impact, would deprive them of both the ability to show initiative and the need to justify their actions. Benz and Sonnicksen (2021, 15–16) argue along similar lines when discussing three ways of connecting federalism with democracy: under ‘tight coupling’, the two arenas are interlocked, creating problems because of different rationales (e.g. catering to national and regional voters at the same time); under ‘no coupling’, the two barely interact (e.g. under dual federalism in presidential systems); only under ‘weak coupling’ is there flexibility and transparency arising from balance. Optional shared-rule channels are akin to loosely coupling federalism (in the form of regional governments) with democracy (in the form of state-wide decisions).

2. *Substantial but not decisive.* Müller (2021) aptly defines democracy as being built on liberty, equality, and uncertainty. The idea that every citizen possesses the same degree of freedom is guaranteed by equal voting rights, as well as other civic and political rights. But it is uncertainty that truly distinguishes liberal democracy from other forms: the people can be right or wrong to discard the person supposedly defending them. Defining a priori, by technocratic fiat, or even by sortition what is right would empty democracy of its processual, deliberative character (also Mansbridge 1983; Bühlmann et al. 2012; Caramani 2017; Steiner and Jaramillo 2019; Abizadeh 2021; V-Dem 2022). Institutions of shared rule should reflect this principle by allowing for meaningful input, based on an understanding of regional governments as partners, with real but not guaranteed chances of winning. If success were either assured or impossible, no effort to persuade others would have to be undertaken. At the same time, ‘uncertainty for winners is the same as hope for losers’ (Müller 2021, 86).
3. *Multilateral, not bilateral.* Finally, shared-rule institutions should incentivize regions to collaborate with each other in seeking to influence the central government. This adds a horizontal dimension to an otherwise vertically orientated operation and harks back to shared rule’s roots in confederalism (Althusius 1995 [1614]; also Behnke and Mueller 2017). In this way, regions are encouraged to seek commonalities rather than emphasize differences (e.g. Bolleyer 2009; Hueglin 2021b). Special treatment afforded only to *some* regions creates inter-regional jealousy and is no better than providing for autonomy alone. To be sure, the special status of some regions or the groups dominating them should not simply be ignored. This could, for instance, be

acknowledged in language or cultural policy, or in how the overall state is symbolically defined (Kymlicka 1995; Basta 2021). But shared rule as a channel for vertical collaboration in matters of concern to all should, first, remain open to all and, second, involve treating all territorial units equally, if the federal framework is to be taken seriously. Regions should have an equal chance to influence the federal government regardless of size or wealth, just like citizens' votes should count equally regardless of their place of residence, education, or age.<sup>2</sup> And just as the chances for citizens are greatest when supporting a broad group, such as a mainstream political party, so too should territorial interests have the best perspective when they are already the result of a compromise among regions. In this way, shared rule not only complements regional self-rule but also provides additional sub-state legitimacy to state-wide decisions.

In sum, the illusion underlying much of nineteenth-century (nation-)state-building was the belief in sovereignty; that is, the ultimate and exclusive decision-making power wielded by a people over all public affairs within its own, bounded space. The illusion underlying twentieth-century regionalist-autonomist movements was, in turn, the goal of replicating this on a smaller scale. But focusing exclusively on autonomy, sovereignty, and independence misses the point that some problems are larger than entire continents. If the twenty-first century is to be the age of problem-solving through cooperation, then properly designed shared rule is indispensable. This means taking seriously the three principles just outlined.

To put it even more provocatively: shared rule has the potential to become the holy grail not only of territorial politics but also of democracy. It satisfies both those wanting greater unity and uniformity in policy-making (a government that acts for all), by bringing the different governmental players around a single table, and those wanting greater autonomy and recognition of diversity (governments for all), since cooperation and deliberation are more likely to happen in a spirit of partnership among equals (Burgess 2012; Beauvais and Baechtiger 2016). *Federalist Papers* no. 51 famously stated that '[i]f men were angels, no government would be necessary' to keep them in check. But the reverse is equally true: if all governments were evil, no institutions would be necessary to allow them to collaborate.

<sup>2</sup> That both rules are often violated in practice, through actual bargaining power in the first case and gerrymandering in the second, does not undermine their normative character.

### 8.3 Limits of this study and further research

In attempting to cast so wide a net, from history and political theory to positivist analysis and constitutional engineering, this study inevitably has several limitations. It is hoped that by acknowledging the main ones here, future work can build on the nascent research tradition on shared rule.

First, the focus on shared rule might at times have been too sharp. For instance, it is clear that the conflict in Catalonia did not escalate after 2017 purely because of the impossibility for Spanish regional governments to always and/or formally have a say in state-wide affairs. There was also a major fiscal and economic crisis, a conservative central government under pressure, a strong Constitutional Court, a Napoleonic state tradition, parties in flux, and majoritarian systems at both the national and regional levels (Mueller 2019). The brief case studies spread across Chapters 4–7 were unable to do justice to these and other nuances in each and every context. To do so would, however, probably require an entire monograph dealing with just one country or even region (cf. Eaton 2020; Segatto and Béland 2021; McEwen 2023).

Second, although a new measure of ‘actual regional government influence’ was devised in Chapter 3, its application remained limited to just eleven countries. The data used to measure it came to a large extent from thirty-eight country experts sampled in spring 2019, with all the disadvantages this reliance implies. Hence, whilst there is merit in keeping the numbers small and the countries comparable at this initial stage, greater effort should certainly be made to collect more information about attempts by regional governments to influence state-wide decisions and connections with proximate and remote success or failure. After all, there are so many more regions than countries that the analytic leverage is well worth that effort (Synder 2001; Giraudy and Niedzwiecki 2022). It would also be possible to adopt a broader understanding of shared rule as involving any kind of regional political influence or top-down attempts on the part of the central government to influence regional policy, and measure that in turn.

A third potential limitation of this study, particularly regarding the quantitative analyses, is the insufficient attention paid to the fundamental difference between mono- and multinational states (cf. Basta 2021; Popelier 2021a), as well as some glossing over of disparities in formal symmetry. The situation is indeed quite different in, say, Spain and Canada compared to Germany and the USA because of the presence, in the former, of historic communities or even co-founding nations (e.g. Requejo 2005; Hueglin 2021a). In other words, whilst it might take different elements to achieve a similar equilibrium

in different contexts (e.g. [Bednar et al. 2001](#)), formal shared rule granted at the time of founding will be harder to take away than new channels obtained much later, when national democracy is already fully consolidated ([Broschek 2012, 2020b](#); [Benz 2018](#)).

At the same time, there is the risk of overestimating these differences: the case of Switzerland shows that even where language groups have had their own territory for centuries, multinationalism does not necessarily follow ([Dardanelli and Stojanović 2011](#); [Linder and Mueller 2021](#); [Stojanović 2021](#)). How crucial shared rule was for that divergence is a topic for another future study. Moreover, [Lecours \(2021\)](#) has highlighted that even among multinational states, there are different strategies for dealing with diversity that, in fact, have much to do with shared rule, which if present in some form or the other results in 'dynamic autonomy'. Hence, the connection between multi-versus mono-nationalism and change (or stasis) over time is anything but straightforward.

The main pathways for future research indicated by this study thus include the following: paying more attention to institutions and processes that bring territories (and their people!) together rather than focusing only on those that keep them apart; acquiring more and better data on successful and failed influence-seeking in the inter-governmental domain that takes place through one, several, or all of the five channels listed earlier in this chapter; and further analysing interactions between shared rule and other institutional and actor-specific properties, such the type of democracy or regime, the nature of parties, and political behaviour across and among mono- and multinational contexts. In this way, if shared rule really does help 'maximize ... the twin goals of inclusion *and* centralization, thus focusing power toward the center and gathering together diverse elements into a single policy stream' ([Gerring and Thacker 2008](#), 16; emphasis added), as this book has claimed, exciting and rewarding discoveries lie ahead.

## ANNEX 1

## List of experts

Number	Country	Name
AT1	Austria	Peter Bussjäger
AT2		Anna Gamper
AT3		Ferdinand Karlhofer
AUS1	Australia	Jacob Deem
AUS2		Richard Eccleston
AUS3		Alan Fenna
BE1	Belgium	Régis Dandoy
BE2		Kris Deschouwer
BE3		Min Reuchamps
BiH1	Bosnia-Herzegovina	Soeren Keil
BiH2		Adis Merdzanović
BiH3		Nenad Stojanović
BiH4		Damir Banović
CAN1	Canada	Jörg Broschek
CAN2		Thomas Hueglin
CAN3		André Lecours
CH1	Switzerland	Andreas Ladner
DE1	Germany	Nathalie Behnke
DE2		Arthur Benz
DE3		Sabine Kropp
DE4		Stephan Vogel
ESP1	Spain	César Colino
ESP2		Sandra León
ESP3		Amuitz Madariaga
ESP4		Luis Moreno
ITA1	Italy	Brunetta Baldi
ITA2		Linda Basile
ITA3		Roberto Castaldi
ITA4		Verena Wisthaler

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<b>Number</b>	<b>Country</b>	<b>Name</b>
UK1	United Kingdom	Paolo Dardanelli
UK2		Nicola McEwen
UK3		Bettina Petersohn
US1	United States	Ann O'M. Bowman
US2		Tim Conlan
US3		Jim Gardner
US4		John Kincaid
US5		Mariely Lopez-Santana
US6		Jared Sonnicksen

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