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# **TERRITORIAL POLITICS AND INSTITUTIONAL CHANGE: A COMPARATIVE-HISTORICAL ANALYSIS**

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**Abstract:** In the introductory article for this special issue, we argue that studying territorial politics through comparative-historical analysis (CHA) offers valuable insights for understanding the changing territorial distribution of authority in federal, regional, and decentralized countries. We point to limitations that have beset the analysis of territorial politics and suggest how recent advances in CHA offer a promising approach to avoid and overcome existing shortcomings. We also demonstrate and illustrate the ways that vertical and horizontal dimensions of territorial structures evolve over time, from the moment they are created to subsequent episodes of reform. Our aim is to show that time has causal relevance in connecting past and present patterns of change and continuity, and thus in capturing the formative and developmental pathways of changes in territorial authority.

The Scottish Independence Referendum and the Brexit Referendum are just two events that brought the relevance of territorial authority back into the limelight. Both events are indicative of the contemporary resurgence of territory in domestic politics, a process that is affecting a broad range of states across the globe, federal and unitary alike. As the continuous debates about the relation between center and periphery in the UK illustrate, these issues are not just settled once and for all, in a single political event. Rather, they are a permanent aspect of political life in which the territorial structures of the state are continuously contested and re-negotiated by political actors (Gagnon and Tully 2001; Keating 2013). This observation is also valid for other decentralized, regional and federal systems in Africa, Europe, Latin America, North America and South Asia.

Research on the territorial dimension of authority has been the domain of comparative federalism. Scholars in this field devoted their attention to the establishment of federations during the process of state-formation (Ziblatt 2006), the distribution of power between federal and state governments (Falletti 2010), the stability or instability of federal systems (Lemco 1991) and processes of constitutional change (Behnke and Benz 2009; Petersohn, Behnke, and Rhode 2015). These concerns have been complemented by a growing literature on the sources of regionalization to form a larger body of work in comparative politics (Hooghe, Marks, and Schakel 2008; Hooghe and Marks 2016; Jeffery and Wincott 2010).

We can therefore observe the emergence of an increasingly diversified landscape within comparative politics that shares an interest in territorial politics, a notion that refers to the relationship between geographical centers and peripheries and to the horizontal and vertical interaction of spatially bounded sites of political authority - i.e. central and regional governments - and the contestation between them over the degree of a state's economic, political and cultural integration. Territorial politics is concerned with such issues as the establishment and (re)organization of politico-administrative boundaries, the incorporation of

distinct territories into a political system, the relative autonomy and capacity of sub-national territorial entities and the articulation of their interests at the center. The central premise of this special issue is that studying territorial politics with comparative-historical analysis (CHA) -- a case-based macroscopic analysis that is sensitive to context and temporality (Thelen and Mahoney 2015) -- holds valuable insights for understanding such substantively interesting outcomes as the changing territorial distribution of authority across countries.

The articles in this issue aim to develop such insights by examining how and why the territorial distribution of authority evolves over time across different countries. In doing so, each article seeks to address questions that are fundamental to understanding processes of authority migration: How do territorial structures adjust to economic and cultural diversity and to changing ideas about the political community that draw upon separate episodes of a country's history? How do the circumstances present and the decisions taken during the origins of a country's territorial structures influence the trajectory that these subsequently adopt? How do different political actors help to reform or to maintain a country's structures at different moments in time? And how does the accumulation of different reforms bring about the gradual transformation of a country's territorial structures?

To answer these questions, we elaborate in this introductory article an analytical framework for studying territorial politics with CHA. We start our endeavor by pointing to three limitations that have beset the analysis of territorial politics and suggest how recent advances in CHA offer a promising approach to avoid and overcome existing shortcomings. Then, we make a case for the importance of the temporal dimension in analyzing change and persistence of institutional vertical and horizontal distributions of authority over time. The third section specifies the influence of the sources and mechanisms that generate different patterns of territorial dynamics. We conclude with an overview of how the articles in this issue apply this framework.

## TERRITORIAL POLITICS AND THE PITFALL OF DICHOTOMIES

The notion of territorial politics is an important conceptual linchpin in comparative politics. At the same time, however, this notion is fraught with an ambiguity that is rooted in the use of three dichotomies that have frequently informed research in comparative federalism, which, we argue, have also obscured important features of the topic.

The *unitary-federal* dichotomy is grounded in the leitmotif of a territorially integrated nation-state as the focal point of political authority. Through the lens of this dichotomy, the formation and development of the modern state appears as a process driven by an inherently centralizing dynamic that ushered in the unitary state. Only in those cases of state-building where it was difficult to overcome center-periphery cleavages did territoriality continue to be an important issue in domestic politics, sometimes leading to a federal state. Yet the limits of this neat distinction become obvious in light of cases of ongoing decentralization reforms which have not resulted in the introduction of a federation *per se*. Instead, we observe the existence of hybrid forms of the state (Baldi 1999) such as the United Kingdom or Italy that barely qualify as unitary states, but also lack the constitutional characteristics of a classic federation. In response, the literature has introduced more fine-grained types such as a unitary-decentralized state, a regionalized state, or a union state (Mitchell 2009; Swenden 2006). However, these efforts have also been criticized for being unsystematic, as categories are often derived inductively from individual cases. Using a deductive approach, Barrios-Suvelza (2014) has offered a promising and more clear-cut taxonomy for systematic comparison rooted in the distinction between “simple” and “composite” states.<sup>1</sup>

The direction of authority migration (Gerber and Kollman 2004) within simple and composite states has been measured with the *centralization-decentralization* dichotomy. Classical scholarship emphasized an ongoing trend towards centralization within the modern

federal state (Riker 1964), while the decades following the 1970s are considered an era of steady regionalization (Keating 2008; Marks, Hooghe, and Schakel 2008). These claims obscure the fact that authority migration is by no means unidirectional, as we frequently observe simultaneous processes of decentralization and centralization. For instance, during recent reforms in Switzerland and Germany, jurisdictions were dis-entangled and re-assigned between the federal and regional level, strengthening the autonomy of both tiers (Benz 2016; Broschek 2015a). Likewise, the decentralization of power to regional governments in Europe was paralleled by the transfer of power to the supranational level during successive reforms to the European Treaties (Fossum and Menéndez 2011). Moreover, this dichotomy overlooks an important element underlying decentralization: the *horizontal* reconfiguration of power among constituent units on a symmetric or asymmetric basis, a feature that can be highly politicized in multinational states like Belgium, Spain, Canada or India (Requejo 1999). In short, this dichotomy needs to be situated within a more encompassing analytical frame to appreciate the simultaneous and multi-directional nature of authority migration.

Finally, the *continuity-change* dichotomy refers to the way in which we interpret political developments through a lens that highlights either continuity or change. Historically-minded political scientists are often accused of overemphasizing continuity. This holds for classical work in CHA as well as works that rely on ‘path dependent’ explanations; both tend to cut historical processes into neatly ordered slices of continuity interrupted by infrequent bursts of dramatic change (Orren and Skowronek 2004). Scholars that deploy a-historical theoretical approaches, as in the rational choice tradition, can often be blamed for the opposite: they ignore historically-constructed institutional and ideational constraints that shape the preferences and choice-set of actors, overestimating the possibility of change. To avoid the shortcomings associated with these simplifying assumptions, it is necessary to acknowledge that any historical episode always contains elements of continuity and change

(Benz and Broschek 2013). Indeed, both elements interact at any given point in time. Deliberate reform is frequently absent, with change occurring only at the margins, and in implicit ways. At other times, unitary and federal systems undergo far-reaching reforms, as was the case Italy in 2001, Belgium in 1992-93, Australia in 2007-2008 or Germany in 2004-2006. Change, then, becomes predominant. But, it nevertheless unfolds within an institutional architecture whose main pillars, like the jurisdictional boundaries of regional governments, remain in place. Even during critical junctures, when transformative change is more likely to occur, pre-existing conditions shape outcomes. For instance, federalism reoccurred in Germany during the turning points of 1918-19 and 1945-49, despite a strong preference for a unitary state among both political elites and masses and despite the different constitutional arrangements offered by the presidential system of the Weimar Republic and the parliamentary system of the Federal Republic (Lehmbruch 2002; Thelen and Karcher 2013).

In order to more fully exploit their potential as analytical metrics for the study of territorial politics, we posit that it is useful to situate the three dichotomies sketched above within a more encompassing approach that adopts a comparative and historical perspective.

## THE PROMISE OF COMPARATIVE-HISTORICAL ANALYSIS

Understanding the temporality of territorial politics is an objective that resonates with the foundations of CHA (Mahoney and Rueschemeyer 2003; Thelen and Mahoney 2015). Recent work in this tradition has adopted a macro-historical scope and an inductive, case-based approach to explore variations in substantively important outcomes, such as democratization, welfare provision and the transformation of state authority more generally. We suggest that CHA can help to advance comparative research on territorial politics in a number of ways.

First, it encourages scholars to employ case-based comparisons to tackle ‘real world’ empirical puzzles (Thelen and Mahoney 2015). For example, as minority groups and stateless nations have claimed territorial autonomy or independence in an increasing number of countries, federalism has been lauded as the only viable institutional option to accommodate territorial diversity (Gagnon and Tully 2001). Yet, as Hooghe and Marks (2016) indicate, these claims have not usually led to the creation of a federation: the rise of regional authority has not produced a federal revolution. In Western Europe, the UK and Spain have transformed into a devolved union and regionalized state, respectively; the only case of federalization is Belgium, but even here demands for further institutional change remain salient issues on the agenda. Michael Breen’s contribution to this issue deals with such a puzzle: among the multinational states of South Asia experiencing secessionist threats, why do some adopt federal institutions, while others do not? Using three case studies, Breen builds on Daniel Ziblatt’s (2006) work on the origins of federalism in nineteenth century Germany and Italy, to show that the prevalence of a secession risk combined with peripheral infrastructural capacities are crucial for explaining when we can expect the transformation of a unitary state to a ‘holding-together’ federation.

Second, when addressing these kinds of puzzles, scholars in the CHA tradition ground their analysis in what Arthur Stinchcombe (1968) has called the ‘logic of historical causation.’ That means that they specify the conditions that are responsible for the *emergence, persistence* and *unravelling* of a substantive outcome of interest, such as changes in the territorial organization of a state. Being rather skeptical of variable-centered, correlational analysis, CHA engages in what Mayntz (2004) has called “causal reconstruction.” This requires identifying the recurrent processes that generate political institutions or institutional dynamics, in other words, the mechanisms that connect context, initial conditions and specific outcomes (Falleti and Lynch 2009). Despite its focus on large-



scale macroscopic developments, CHA is not confined to one level of analysis; mechanisms may in fact operate on the micro-, meso- and macro-level (Beach and Pedersen 2012; Falleti and Lynch 2009). For example, Gibson's (2013) mechanism of 'boundary control' explains how federalism enabled regional authoritarian leaders to fend off democratization efforts from the center, whereby their success is related to their ability to establish hegemonic power within constituent units and pre-empt the political space prior to democratization at the national level. While this power-based mechanism at first glance has a micro-foundation (the interests of regional authoritarian political leaders), its activation is contingent upon preceding developments during which subnational authoritarian enclaves became institutionalized. This historical preemption of political space which provides authoritarian subnational governments with power resources to exercise boundary control can only be made visible through causal reconstruction (see also Pierson 2015).

Third, scholars adopting CHA have taken seriously the importance of temporality (Falleti and Mahoney 2015; Grzymala-Busse 2011). They have shown that the temporal structure of processes - such as timing, sequencing and cumulation - can bear a direct effect on ultimate outcomes. The significance of Falleti's (2010) landmark study on decentralization in Latin America is to show that the sequencing of different types of administrative, fiscal and political decentralization in an overall process of reform determines the resulting territorial distribution of power. Over time, even the accumulation of failed territorial reforms can be an important catalyst for change, as Jennifer Todd (2014), in a similar vein, shows in her study of Northern Ireland, where successive initiatives by the British and Irish governments brought ethno-religious conflict closer to the 'threshold' of resolution. The temporal location of events is relevant for understanding outcomes, since episodes of change affect one another over time and this influence forms an important part of the context in which actors operate. The main idea running through this tradition is that events early in a

process exert a strong causal effect. For instance, Broschek (2012), explains the divergent trajectories of Canada and Germany with reference to the solutions selected during the formative period of state-building. He shows that the cooperative model and unitary conception of sovereignty in Germany were reproduced over time by the power of political parties and bureaucrats that adhered to these rules and ideas. In Canada, in contrast, a consensus on the ‘moral foundations’ of federalism was lacking and together with the dual model of federalism created the space for contestation. This finding echoes Pierson’s (2004, 163) insight that “original designers may be less capable of sustaining control over long-term paths of institutional development” whenever “demarcations of authority are ambiguous.”

In sum, CHA offers a promising avenue for studying territorial politics by encouraging researchers to focus on real-world empirical puzzles, in which institutional outcomes are produced by a configuration of actor-based causal conditions that are situated in historical and temporal contexts. In this respect, CHA can be distinguished from several competing approaches. Leading works in the rational choice tradition have developed formal propositions about the kind of institutions -- such as party organizations or courts -- that engender federal stability (Filippov, Ordeshook, and Shvetsova 2004) or a robust federation (Bednar 2009); but studies in this tradition are not always characterized by rigorous empirical verification. On the other hand, empirical studies that adopt a quantitative methodology to examine the sources of regional authority run the risk of being ahistorical and reductionist in their focus on the effect of a single structural factor across time and space, such as income (Sambanis and Milanovic 2014) or ethno-linguistic fragmentation (Erk and Koning 2010). The appreciation of political agency in bringing about change through contestation and negotiation in a specific context has been brought to the fore (Behnke and Benz 2009). But given their intensive micro-level engagement, such analyses tend to take a ‘snapshot’ of individual episodes of reform, usually in single case-studies (Braun 2009; Colino 2009),

rather than a ‘moving picture’ of how such reforms unfold over time. Building upon the advances of CHA, we discuss in the next section ways to avoid the pitfalls of these dichotomies, drawing on the twin concepts of territorial regimes and territorial dynamics.

## THE ANALYSIS OF TERRITORIAL DYNAMICS

### *Territorial regimes: composite and multi-layered political orders*

The notion of “territorial regimes,” introduced by scholars such as Jim Bulpitt (2008) and Edward Gibson (2013), offers a useful heuristic to map the unit of analysis that transcends the unitary-federal dichotomy. Similar to Gibson (2013), we conceptualize *territorial regimes* as ‘composite’ political orders (Barrios-Suvelza 2014) whose main feature is the interaction between spatially bounded entities that exercise legitimate authority over their territory and population and that rule in interaction with other constituent units and the overarching tier of which they are a part. Territorial regimes exhibit a “multi-layered” nature (Orren and Skowronek 2004). The institutional layer defines the formal authority relationships that exists alongside a societal and ideational layer. The societal layer captures the degree of diversity (economic, cultural, ethnic) that impacts on political cleavages and competition across the territory. The ideational layer refers to the set of normative ideas that legitimate the specific design and institutions of a country’s territorial structures (Broschek 2011). The outcome of interest that we investigate in this special issue is the change to the institutional layer over time.

The *institutional layer* consists of the formal and informal rules that define the institutional architecture of territorial regimes and establish formal authority relationships between central and regional governments. Historically, center-periphery conflicts translated into different forms of ‘political structuring,’ i.e. institutional mechanisms deployed by state

builders to accommodate peripheral protest that resulted in the demarcation of distinct spatial sites of authority (Bartolini 2005). Within this architecture, territorially bounded sites of authority are connected *vertically* and *horizontally* through institutional relationships that reflect the imperatives for balancing territorial diversity with state unity.

Vertical and horizontal relationships among central and regional governments produce different forms of self-rule and shared-rule (Elazar 1987). Self-rule refers to the institutional provisions that furnish constituent entities with the powers and resources to act autonomously. Shared-rule refers to the institutions that provide for interdependence and cooperation between constituent entities and the central government, or between constituent entities only.<sup>2</sup> Although all territorial regimes combine elements of self-rule and shared-rule, they tend to lean towards one pole, engendering inter-institutional and intra-institutional types of regimes (Broschek 2015b). For example, in the United Kingdom and Canada inter-institutional linkages are more dominant. Accordingly, both cases tilt towards self-rule, as both the center and the peripheries enjoy considerable autonomy to regulate their own matters while institutional entanglement is weak. Germany and Switzerland, in contrast, lean towards shared-rule, encouraging constituent entities to collaborate when making collective decisions due to pronounced intra-institutional linkages. These linkages remain relevant for the long-term trajectory of a territorial regime as they furnish actors with different resources to either promote or hinder institutional change.

Horizontal relationships between governments of constituent units can be categorized according to the degree of heterogeneity in the allocation of power. At one end of the spectrum, constituent units enjoy a symmetrical level of autonomy, while at the other end, each one has jurisdiction over a different set of competences. Introducing horizontal asymmetry affects the relation between units if the less-empowered regions start engaging in horizontal competition either by catching-up with the more-empowered regions or by

blocking further decentralization, invoking ideas of equal treatment or justice (Hombrado 2011; Zuber 2011). Apart from competition, regional governments may also decide to cooperate. Voluntary cooperation can turn into institutionalized forms of horizontal joint decision-making, as in the case of ministerial conferences of German *Länder*. Similarly, in Belgium, exercising constitutionally granted autonomy has been made conditional upon the conclusion of cooperation agreements between regions. These examples suggest that self-rule is also influenced – and counterbalanced – by horizontal relationships of shared-rule.

These dimensions provide the parameters of a map on which to place different country cases: all countries featuring two independent tiers of government with law-making authority can be included. This can range from classical federations such as Switzerland, to more recently established ones such as Belgium, to regionalized, devolved and unitary states such as Spain, the UK, or Uganda. By eschewing the federal-unitary and centralization-decentralization dichotomies and focusing on the dimensions of the institutional layer, we are equipped with a concept that enables us to make meaningful comparisons between and within groups of countries that are otherwise not categorized together, for instance federal Belgium and the British Union, or federal Nepal and unitary Sri Lanka. This comparison is necessary for appreciating how different institutions are produced by the distinct responses of states to common imperatives, such as preserving territorial integrity in the face of secessionist threats.

Moreover, how these dimensions structure formal authority relationships provides insights into the propensity of a territorial regime for institutional change. An essential feature of the institutional layer, already identified in classical works on federalism (Friedrich 1968), is that it evolves continuously: there can be minor adjustments or far-reaching changes repeatedly brought to vertical and horizontal dimensions over extended periods of time. What is important to acknowledge is that the reasons for the change that occurs, the likelihood that it will occur, and the timing and ways in which it occurs are all shaped by the properties of

the territorial regime itself (Colino 2013). One of the insights that we thus develop below is that territorial regimes contain the seeds of their own transformations.

### *Territorial dynamics: the temporality of territorial regimes*

The concept of *territorial dynamics* captures the idea that time has causal relevance in connecting past and present patterns of change and continuity. Appreciating the causal relevance of time entails focusing on the different temporal aspects of a territorial regime: the moment surrounding the *creation* of a territorial regime, the developmental *trajectory* that it subsequently adopts, and the territorial *reform* that yields institutional change or continuity. Focusing on these three temporal aspects allows us to capture the formative and developmental pathways that federal, regional, and decentralized countries adopt and thus to understand their time-dependent behavior.

Territorial regimes are first established during the moment of *creation*. The origins of a territorial regime impinge on three critical aspects of the institutional layer. First, it establishes the territorial boundaries of constituent units. This may be a straightforward matter where enduring boundaries exist, as was the case with Scotland, or where there is an administrative inheritance from a previous colonial regime, as was the case with British colonies in the USA or provinces in India. But it may also be more contested where constituent units need to be created from scratch, as occurred with certain Autonomous Communities in Spain, or if ethnic groups are geographically mixed like in Brussels, which has led to a complex territorial overlapping of jurisdictions between Regions and Communities. Boundaries are decisive elements of territorial regimes because they tend to “crystallize certain constellations of interest” and thus persist over time (Tillin 2015, 629). Second, creation shapes the formal architecture of a territorial regime by either furnishing all governmental tiers with genuine law-making authority, as it is the case in federations, or

establishing a constitutional hierarchy in which one tier remains subordinate to the other, as it is the case in confederal arrangements or unitary states. It is crucial whether during state formation, center-periphery conflicts are accommodated within a regionalized but unitary state or within the framework of a federal state. As Pierson (2015) has aptly put it, “power begets power.” Accordingly, the initial victory of those actors in favor of a unitary state often creates a self-reinforcing dynamic which makes it difficult for federalism advocates to challenge the status quo at a later point in time. We can observe these long-term consequences of early constitutional settlements in contemporary Western Europe as federalization processes within unitary states like Italy or Spain have stalled. Third, creation witnesses the establishment of decision-rules that regulate how peripheries are connected to the center. By defining the process and thresholds for institutional reforms that transfer power and resources, these rules have an important bearing on the propensity of a territorial regime towards change or towards continuity.

Following their creation, territorial regimes embark on a developmental *trajectory* in which their institutions evolve over time. Constituent units become empowered as they develop their authority, acquire their own resources and become engaged in vertical and horizontal cooperation agreements, a process historically-minded Canadian political scientists have coined “province-building” (Black and Cairns 1966). With regional elections, they are bestowed with their own legitimacy and project a distinct political identity. Crucially, this enables them to develop their own constitutional demands and to become drivers of change or guardians of continuity within the territorial regime. This will pertain not simply to the discrete re-calibration of vertical or horizontal relationships, but to the very purpose of federal arrangements. For instance, in Spain the substance of territorial politics gradually evolved from language to money: from the regulation of ethnic conflict through ethno-

federalism, linguistic pluralism and asymmetric autonomy, to the rationalization of decision-making and the enhancement of the fiscal accountability of regional governments.

Adjustments to the institutional layer are brought about during discrete episodes of *territorial reform*, such as the reform of German federalism in 2004-06, the *Neue Finanzausgleich* (NFA) in Switzerland in 1995-2004 or the reform to Statutes of Autonomy in Spain (2004-08). These are deliberate efforts to change the status quo that require the explicit alteration of a given allocation of authority; the failure of such efforts results in continuity. The contributions in this special issue, most notably the case studies by Benz and Sonnicksen as well as by Basta, demonstrate that territorial reforms are not isolated events. CHA brings to the fore how reform episodes are always situated within a broader set of reforms that aim to achieve a goal. The reason for this is that it may take several efforts for a government to enact its agenda of reform, either because reforms tackling different dimensions of the institutional layer may require different types of legal instruments,<sup>3</sup> or because reform initiatives are blocked or diluted and thus require new initiatives. Even in case of successful ratification, reform opponents may be able to undermine reform goals in the long term (Patashnik 2008). In such an eventuality, it is likely that the substance of successive territorial reforms will be shaped by the incomplete or partial enactment of earlier ones, thus creating strong temporal inter-dependencies between reform initiatives. Therefore, to understand the different trajectories adopted by federal regimes, it is necessary to examine the set of territorial reforms that are inspired by similar or different objectives and to study how discrete territorial reforms are inter-dependent of one another and build upon each other in a cumulative fashion over time.

*Reform* can be contrasted with *adaptation*, a more passive and implicit mode of institutional change (Behnke and Benz 2009; Benz and Colino 2011) that occurs when territorial regimes adjust to new political and environmental circumstances. *Adaptation* can



happen, for instance, if a Court re-interprets constitutional provisions without explicitly changing their wording. Benz and Sonnicksen's contribution shows that the German Federal Constitutional Court facilitated agreement on the *Föderalismusreform I* because it reinterpreted the legal rationale for federal preemption of concurrent legislation in 2005, at a point when negotiations between the federal government and the *Länder* were stalled.

Adaptation can also occur when the allocation of competences is ambiguous. This is often the case in newly emerging policy areas that are not clearly allocated to either level, as is currently the case with the ratification of new "deep" trade agreements like the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) that affect sub-national competences and have thus encouraged regional governments to assert a role in trade politics.<sup>4</sup> Finally, adaptation can arise as "institutional drift" (Hacker 2005) if one policy area becomes more important and strengthens a governmental tier. We can witness drift with the case of social policy in Canadian federalism where the responsibility over social policy was assigned to the provinces because it was considered to be of local and minor importance at the time of Confederation. In the wake of industrialization and the Great Depression, the context shifted dramatically: social policy emerged as an important state function and valuable resource for generating loyalty in a divided society. In this new context, jurisdiction over social policy became a tool for province-building and sub-federal policy innovation. The federal level, in turn, asserted its own role in this field, developing the highly contested federal spending power doctrine. The power relation and territorial conflicts between center and periphery therefore changed over time often without active change to the territorial allocation of authority.

## SOURCES AND MECHANISMS OF TERRITORIAL DYNAMICS

Identifying the configurations of contextual and causal factors that produce institutional change or continuity lies at the heart of CHA-inspired research. To do so, we follow the distinction that Gerber and Kollman (2004) established between the *sources* of change, which constitute the “distant” contextual factors that stimulate a pressure or demand for change, and the *mechanisms* of change, which constitute the “proximate” factors that translate these demands into a distinct pattern of territorial dynamics.

### *Sources of territorial dynamics*

Territorial dynamics draw their sources from factors that are *exogenous* or *endogenous* to a territorial regime. Exogenous factors typically refer to important external ‘shocks’ that fundamentally transform the political environment, such as a war, an economic crisis, a ‘wave’ of democratization, or a shift in hegemonic ideas. These shocks are conceptualized as ‘critical junctures’ – relatively short periods of time during which otherwise strong structural constraints are relaxed, allowing for the deliberate decisions of political actors (and possible contingent events) to have a long-lasting influence (Capoccia and Kelemen 2007).

The *creation* of territorial regimes can often be traced to the critical junctures that define macro-processes of center formation, democratization, decolonization, or war. For example, India and Pakistan were born out of the partition that followed independence from the British. The United States, Switzerland and Germany came into being in the wake of revolutionary or unification wars. The European Union can be conceived as a form of center-formation that was enabled by the experience of two World Wars (Bartolini 2005). In all these instances, extraordinary historical circumstances initiated a critical juncture that redefined the territorial order. But critical junctures can also yield authority migration in

existing federations, putting them on a new developmental *trajectory*. For example, the Civil War in the USA paved the way for the modernization of the American federal bureaucracy that shifted authority towards Washington (Bensel 1990; Skowronek 1982). Many territorial regimes witnessed a similar centralization of authority in the aftermath of the Great Depression that enabled the establishment of the welfare state (Obinger, Leibfried, and Castles 2005), while the most recent financial and economic crisis of 2007-09 also affected the distribution of authority in territorial regimes, albeit with a less obvious direction and intensity (Braun and Trein 2013).

While exogenous shocks are important catalysts of transformation, so are *endogenous* sources which, we argue, are provoked by the ‘friction’ between the institutional layer of a territorial regime and the societal and ideational layers which underpin it. The institutional layer reflects the unique circumstances of its historical origins, and once it emerges, it is placed alongside existing social alignments and ideational paradigms. These layers continuously interact but do not necessarily evolve in unison or conformity with one another. As a result, ‘frictions’ may emerge, i.e. tensions between the principles and practices that structure each layer. These frictions form a source of endogenously induced dynamics (Lieberman 2002).

Frictions between the institutional and societal layers are a product of the ‘incongruence’ between territorial groups’ material and cultural endowments and their political control (Livingston 1956). Economic and cultural differences were the main dimensions that conditioned center-periphery relations during processes of state-formation and nation-building in Europe (Rokkan 1975) and in the post-colonial states of Latin America and Africa (Thies 2005), and they continue to define political contestation about European integration (Hooghe and Marks 2016). Today, differences in wealth between territories are at the basis of divergent voter preferences for levels of taxation and public good provisions

(Bolton and Roland 1997), of horizontal competition between state governments in their tax-raising and welfare payment policies (Volden 2002) and of the political contention surrounding sub-national differentiation in levels of territorial autonomy (Piattoni 2010). Economic differences are more pronounced if they coincide with a cultural cleavage, incarnated in the presence of distinct stateless nations, like the Catalans or the Scots, since political actors in these regions can employ identity markers to mobilize economic grievances voters and to project their claims for distinct treatment.

Frictions between the institutional and ideational layers will arise if there is ‘incongruence’ between the federal ‘visions’ (Nicolaidis and Howse 2001) espoused by constituent entities and the central government. While frictions are likely to exist in all territorial regimes, more foundational divergent ‘visions’ are especially common in multinational societies, where national minorities and dominant cultural majorities embrace different conceptions of the moral foundations of the state. Each will espouse conflicting ideas about what constitutes a legitimate territorial order: what are the relevant social groups that deserve recognition, whether they have a right to self-determination, what are the proper territorial boundaries of constituent entities and what should be their relative authority. In Belgium, for example, a vision of federalism based on two linguistic communities is pursued by the Flemish parties, while the Francophone parties envisage a territorial order based on three regions. Similarly, the bi-national conception of Canada espoused by the Quebecois collides with the vision of Canada based on provinces defended by the English-speaking majority. Conflicting ideas over the location of sovereignty lie at the heart of disputes between Basque nationalists and their Spanish counterparts. The translation of ‘frictions’ into institutional change, however, requires a mechanism that activates the politicization of the issue by purposive political actors.

### *Actors' strategies and institutional linkages*

The logic of CHA is consistent with Craig Parson's (2007) definition of an "institutional explanation." As such, CHA seeks to explain what actors do within the historically constructed institutional – "man-made" – constraints within which they are working. The impetus for institutional change is provided by *collective actors' intentions and interests in the present*, i.e. by the decisions of partisan and territorial actors, understood here as the executive and legislative branch of regional governments, to politicize the 'friction' between layers and to mobilize coalitions of support for territorial reform.

Partisan actors will act according to their strategic interests and ideological beliefs (Toubeau and Massetti 2013; Toubeau and Wagner 2015). Their interests will depend on the scope of territory to which they are bound. Since the vertical and horizontal dimensions of the institutional layer bear distributional implications for territorial actors, they will articulate the interests of specific territorial entities and seek to improve the relative benefits of their membership in a territorial regime by securing greater authority and resources. In countries with 'integrated' party systems like the USA, in which all political parties compete at all levels of government and obtain state-wide representation, parties will aim to reconcile the competing territorial interests and to avoid challenging the stability of the federation (Filippov, Ordeshook, and Shvetsova 2004). In contrast, in states with deep ethnic cleavages like Belgium or India, ethnic and regionalist parties may challenge that stability with the aim of obtaining greater self-rule and recognition of their cultural distinctiveness. To this demand, state-wide political parties will respond according to their strategic interests and to the openness of their ideology to decentralization (Sorens 2009), opening up a window for institutional change.

Initiatives for territorial reform will likely be met by considerable resistance from potential losers and ideological opponents. The pressure for continuity is thus provided by rival partisan and territorial actors present both in central and regional governments, whose interests and values are tied to the defence of the existing territorial order both in terms of institutional arrangement and ideational meaning. However, the influence of these opponents on the likelihood and substance of a territorial reform will be conditioned by the scope of their involvement in the decision-making process, a factor that is defined by the decision-rules regulating territorial reform, embedded in the institutional layer since the moment of *creation*.

These rules are, therefore, historically constructed. They structure the vertical and horizontal interactions between regional and central governments and shape a territorial regime's propensity for enabling change or maintaining continuity. While regime dynamics are ultimately rooted in human behavior, the interaction among status quo defending and status quo challenging actors is always shaped unintentionally through institutions that reflect a deeper historical logic (Orren and Skowronek 2004). Drawing on the distinction raised earlier between intra- and inter-institutional linkages, we can broadly surmise that the latter will be more flexible and amenable to change. The Spanish State of Autonomies, for example, exhibits a weak formal representation of constituent entities at the center and a bilateral system of inter-governmental relations based on partnership between regional and central governments. As a result, conflict lines surrounding territorial reforms have been highly territorial in nature: regional governments were the main initiators of reform of the regional Statutes of Autonomy (2004-2008) negotiating bilaterally with the central government the transfer of authority and resources, and, where relevant, the constitutional recognition of a distinct identity (Colino 2009). The reforms resulted in significant changes to seven statutes of autonomy but also reinforced the underlying centrifugal dynamic of the

territorial regime including a degree of asymmetry between Autonomous Communities (Keating and Wilson 2009).

In contrast, we expect that intra-institutional linkages in territorial regimes are more likely to be rigid and to ensure continuity. For example, Germany is characterized by the representation of *Länder* executives in central decision-making through the territorial upper chamber, the *Bundesrat* and by a system of joint-decision making with compulsory negotiations. The wealthier *Länder* initiated reforms aimed at adjusting the allocation of authority over policies with a high degree of inter-dependence, such as the system of territorial financing, but they needed to negotiate with other *Länder* and the central government to reach an agreement. Negotiations produced a sequence of three reforms between 2004 and 2017 that gave way to some disentanglement of competences without, however, changing the basic structure of joint-decision making (discussed in Kropp and Behnke 2016 and in the article by Benz and Sonnicksen for this issue).

Thus, the rules regulating territorial reform structure the involvement and power of partisan and territorial actors and exert an indirect influence on observed outcomes. Depending on the nature of institutional linkages that constitute the architecture of a territorial regime, we are likely to observe different patterns of territorial dynamics.

#### *Mechanisms of continuity and change*

CHA has identified a broad range of mechanisms that can be deployed to explain the dynamics of territorial regimes. The shift from the previous ‘snapshot view’ of how actors articulate ‘frictions’ during episodes of territorial reform to a ‘moving picture view’ of how they react to past decisions and set the territorial regime onto a new development trajectory, permits an evaluation of the time-dependent behavior of territorial regimes. (Table 1)

[Insert Table 1 about here]

Once a territorial arrangement is chosen at the moment of *creation*, it can be sustained over time by a number of ‘reproduction mechanisms’ (Pierson 2004) that generate institutional continuity. Territorial regimes create their own constituencies: governments, bureaucracies or party organizations all adapt their involvement in the new territorial regime. In doing so, they intentionally or unintentionally shape the institutionalization of main sites of political authority within which they engage in territorial politics. Positive feedback effects are, therefore, crucial in understanding the variety of institutionalized self-rule and shared-rule relationships. If, for example, dual federations embark on a decentralizing trajectory based on self-rule, sub-federal political party organizations have an incentive to operate more independently from the federal organization. This initial move towards dissociation can set into motion a more general trend by which most party organizations follow the dual nature of the federation. For example, when the Canadian Conservatives lost power at the federal level in 1896, after having been in government since 1867 with only a brief interruption, provincial party wings became more independent. In doing so, they emulated the Liberals, who compensated their lack of competitiveness on the federal level with a flexible party organization that allowed them to dominate the provincial level (Stevenson 1993). This development, in turn, reinforced the dual nature of Canadian federalism in the long-term, and put Canada on a very different institutionalized pathway of territorial politics than, for example, Germany (Broschek 2012).

The emerging institutional configuration of territorial regimes has redistributive consequences for a broad array of actors. Initial “winners” – collective actors representing center or periphery interests – have strong incentives to take advantage from their victory over institutional questions such as the form of the state, the allocation of competencies or the



degree of peripheral encapsulation in federal decision making. Paraphrasing Paul Pierson (2015, 135), they are likely to protect and amplify the initial power imbalance by “organizing some issues in and others out.” But to consolidate an imbalanced power structure, political elites need to generate loyalty. This process is supported by ideational mechanisms such as framing or belief formation (Béland 2009; Blyth 2002; Parsons 2016). If elites are able to establish a widely-shared belief system about what is morally appropriate early in a historical sequence, it is likely to promote institutional continuity thereby operating as a mechanism of reproduction. In Germany, for example, the strong sense of national unity shared by elites and masses during the nineteenth century produced the principle of *Unitarismus* (unitarism): the commitment of political and bureaucratic actors to establish harmonized rules within the federation (Lehmbruch 2002).<sup>5</sup>

Even if early events set a territorial regime on a particular path, this does not entail that they should deterministically lead to a specific destination. Instead, it is possible that actors react against a status quo and change the path on which a territorial regime is travelling. This development unfolds through a series of ‘reactive sequences,’ defined as “a chain of temporally ordered and causally connected event” (Mahoney 2000) during which there is a backlash by political actors which *transforms* and perhaps *reverses* early events. Reactive sequences can be ignited as a result of “negative feedback” undermining the ‘reproduction mechanisms’ that generate institutional continuity (Falleti and Mahoney 2015). For example, the functioning of territorial arrangements may produce certain unintended effects, such as duplication in competences, weak fiscal accountability or deadlock in decision-making at the center, which will undermine its value for the actors that have hitherto sustained it. Karlo Basta’s contribution to this special issue takes this even further by introducing a psychological mechanism to account for changing institutional dynamics. Building on case studies on Canada and Spain, he demonstrates how a self-reinforcing path

of institutional decentralization is turned into a reactive sequence when what he calls “substantive” (i.e. material) institutional reforms become paired with the recognition of national minority status for certain groups. The mechanism of “symbolic recognition” causes irritations in the collective self-understanding of majority and minority groups, which in turn triggers a new, more conflict-laden dynamic.

The foregoing suggest that while territorial regimes are likely to become strongly entrenched over time, institutional change nevertheless occurs once regimes have embarked on a developmental trajectory. However, although undertaking *institutional change* is a possibility, the type and direction of change is inherently more difficult to predict (Mahoney 2000). Following the taxonomy introduced by Mahoney and Thelen (2010), institutional change can take the form of ‘layering’ and ‘displacement’ or it can take the form of ‘drift’ and ‘conversion.’<sup>6</sup> All of them have a lot to offer for examining territorial dynamics (Broschek 2011; Falleti 2010). While drift and conversion exemplify adaptation, layering and displacement are typically associated with deliberate efforts of institutional reform. In accordance with the research agenda introduced by Mahoney and Thelen (2010) or Falleti and Lynch (2009), scholars of territorial dynamics should examine, among other things, the conditions under which each mechanism occurs, such as the degree of rigidity of the larger political environment and the properties of the targeted institution itself (see for example Broschek 2011). Moreover, as is evident from Basta’s contribution, such mechanisms often work in tandem with ideational or psychological mechanisms. These interaction effects in territorial regimes need to be better understood

### *Outline of the special issue*

The articles in this special issue adopt CHA to study how territorial regimes emerge and change over the long-run. They are all grounded in case-analysis, but the case studies vary in

their temporal range and geographical scope and in the aspects of territorial politics that they examine. The contributions are rooted in the analytical framework elaborated here by focusing on the sources and mechanisms of territorial dynamics.

The first two articles focus on developments taking place within a critical juncture situated during the creation and development trajectories of territorial regimes. In his comparative study of Nepal, Myanmar and Sri Lanka, Michael Breen investigates the creation of territorial regimes in deeply divided societies. He examines how historical contingencies interact with two conditions -- institutional capacities and risk of secession -- to generate three possible outcomes: a federation, quasi federalism or the status quo. His study suggests that 'holding-together' federalism is established when a moderate secession risk coincides with a substantive peripheral infrastructural capacity, paired by the lower infrastructural power at the center,. If the peripheral infrastructural capacity is low, however, federalism will be avoided and if the risk of secession is too high, federalism will be resisted.

Karlo Basta's article explains divergent territorial dynamics in Spain and Canada using a paired comparison of reform cases at different periods in time. Building upon the research on federalism as a tool to accommodate conflict in multinational states, he identifies an overlooked mechanism – institutional symbolism – and shows how the presence or absence of this mechanism has prompted different responses from state-wide parties. The study shows that once institutional changes are combined with symbolic recognition, at least parts of the majority community mobilizes against the recognition of minority nationhood in both cases, thereby opening the path to more radical demands from the minority and a destabilizing dynamic.

Other articles are interested in how territorial regimes emerge and evolve over the long-term. The study by Simon Toubeau highlights convergent trends in Belgium, Spain and the United Kingdom. Toubeau shows that regional structures of authority were created in all

three countries in response to a rise in regional nationalism and that they all subsequently embarked a common decentralizing trajectory sustained by the ideological and organizational adaptation of mainstream parties to the new territorial structures and by their predominance in the system of inter-governmental relations. This trajectory changed course in the mid-2000 when a resurgence of regional nationalism prompted a bottom-up process of territorial reform led by regional governments that was met by the reticence of mainstream parties at the center, and thus resulted in gradual institutional change.

The article by Wilfried Swenden in contrast highlights divergent outcomes in the evolution of territorial regimes. Swenden's study of strategies for managing divided societies in India and Pakistan explains the emergence of two contrasting pathways with the resilient effects of discrete choices made before independence and partition. Distinguishing between different sources of diversity – territorial, linguistic, caste-based and religious – Swenden shows how the Indian National Congress prompted a more accommodative strategy regarding language by aligning the territorial boundaries with language concentration, thereby reducing frictions between the ideological position of the Congress Party and the territorial organization of the state. In contrast, the ethnically imbalanced support for the Muslim League together with a stronger focus on securitization of the state yielded in a lock-in of integrationist strategies and greater central control in Pakistan.

Finally, using the sequence of three reform processes federalism in Germany between 2004 and 2017, the study by Arthur Benz and Jared Sonnicksen reminds us not to equate critical junctures with transformative change. They show that the combination of different external triggers (i.e. external actors, the crisis situation and the level of time pressure) affected the reform sequence so that change achieved in the first stage was later advanced backwards thereby reinforcing the existing historical legacy of joint-decision-making. The critical juncture opened a window for change, but the accumulated change negotiated in the

reform sequence amounted to a reinforcement of the existing pathway instead of the far reaching reform of German federalism envisioned by negotiating actors at the beginning of the sequence.

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<sup>1</sup> If at least two territorial layers enjoy genuine lawmaking authority, the state is composite, regardless of whether it is formally considered as unitary or federal. If lawmaking authority is monopolized by one tier, the case is an instance of a simple state.

<sup>2</sup> Elazar defines shared rule in vertical terms, as the possibilities for representatives of constituent units to participate in central decision-making. As horizontal coordination between constituent units can take the form of institutionalized joint decision-making, we also include the horizontal dimension of shared rule.

<sup>3</sup> There are variable instruments, such as a simple law, an organic or special law requiring a specific legislative majority, or reform of the constitution.

<sup>4</sup> Constitutional ambiguity is a result of early institutional alignments. Federations that feature a dual allocation of competencies are often fraught with greater degree of ambiguity than those which feature an integrated allocation where the primary responsibility of sub-federal entities is to implement federal legislation

<sup>5</sup> *Unitarismus* is different from centralization as representatives from the *Länder* and the federal level negotiate harmonization jointly, with no one actor being able to unilaterally impose the outcome on others.

<sup>6</sup> Layering occurs whenever constraints are high and territorial reform is difficult to achieve; it allows entrepreneurial actors to introduce a new dimensions to the institutional layer alongside the existing one, without replacing it. But over time, the accumulation of new layers leads to the eventual displacement of the former territorial regime