

Themengruppe Föderalismus der DVPW

Neuere Forschungen zum Thema „Föderalismus und Multilevel Governance“

Workshop am 31. Januar 2020, Freie Universität Berlin

Abstracts

Eine Politikentflechtungsfalle? Lektionen aus dem fragmentierten US-Föderalismus für die vergleichende Föderalismusforschung

A Disjointed-Decision Trap? Lessons from US fragmented federalism

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Federalism in the United States has been conceived in multifarious ways. It has served as a classic model of *dual* but also *cooperative* federalism. Additional concepts include ‘marblecake’, ‘picket-fence’, ‘coercive’ and, increasingly, ‘fragmented federalism’. These concepts refer predominantly to relations between federal or national and state levels. Together they also reveal a fundamental ambivalence on how to conceive the dynamics and complexities of these relations. The US widely lacks constitutional institutional linkages between the states and the national government, nor are virtually any joint or common tasks prescribed, in contrast to systems of joint-decision making. Nevertheless, states have long established a variety of channels and a dense net of interaction with the federal government, as has been the case viceversa. However, such linkages prove fragile and even conducive to increasing tensions and frictions, for one under conditions of political polarization, and for another given the lack of constitutionally prescribed cooperation, so that such political contestation can become exacerbated by constitutional politics. In reference to the *joint-decision trap* Scharpf (1988) famously conceived for explaining potentials for deadlock or sub-optimal decisions in systems requiring co-decision of constituent-unit governments at (supra-)national level, I propose to explore the inverse: How federal and state governments’ ability to conduct coordination and resolve cross-jurisdictional problems together may be hampered under decoupled, fragmented institutional conditions, leading to a ‘disjointed-decision trap’. As such, I also seek to draw potential lessons from the US case for further comparison.

Patterns of Intergovernmental Relations: Treaty-Based Horizontal Cooperation in Two Federations

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Horizontal cooperation between subnational entities is among the central mechanisms that make federal states work. Treaty-based cooperation, next to interstate councils, accounts as *the* channel of intergovernmental relations (IGR). It enables subnational entities to fulfill their constitutionally enshrined tasks. Structurally, horizontal agreements are thus concluded in *self-rule*-areas. Operationally, however, jurisdiction is *shared* and autonomy partially lost. Although combining elements of both, *self-rule* and *shared rule*, barely anything is known about the patterns of treaty-based horizontal cooperation and their determinants. In order to fill this gap the paper approaches the following research question(s) against the background of two classic federations, Germany and Switzerland: In what respect do the patterns of treaty-based horizontal cooperation between the German *Bundesländer* and the Swiss cantons vary, and in how far can variance be explained by the systems' structural characteristics? In a first part, similarities and differences (e.g. in intensity and scope) in treaty-based horizontal cooperation by means of German *Staatsverträge* and Swiss *Konkordate*, respectively, are examined in descriptive terms. In a second part, determinants thereof are presented given different federal architectures and operating principles: German *Politikverflechtung* and unitarian federalism on the one hand and a highly decentralized Swiss model with extensive legislative competences of the constituent units on the other. Analytically, new cross-sectional quantitative data on the state of treaty-based cooperation among the German *Bundesländer* is presented and compared to respective data on the Swiss case. As a major finding, the paper shows that the conclusion of *Staatsverträge* and *Konkordate*, respectively, follow a similar, functional rationality, despite overall structural differences between the two federations. However, case specifics occur as well: While the German reunification and the *Föderalismusreform I* may have triggered treatybased horizontal cooperation within Germany, a similar effect of a respective federal reform in Switzerland is absent.

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**Sixteen Ways of Becoming German?
Politics, Bureaucratic Discretion and Naturalization Rates in the German Länder, 1990
to 2016**

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Citizenship remains one of the last areas of exclusive competence of the nation state. However, citizenship requests can be handled more or less restrictively by administrators at lower levels of government, leading to spatial variance in the implementation of the same national policy. This article argues that the decisions of regional administrators reflect the regional political climate, leading to lower naturalization rates in regions dominated by parties of the centre-right. We test this expectation for German cooperative federalism where citizenship policy is decided at the national, but administered at the regional level. Germany is a key migration destination and immigration is a heavily polarized issue in party competition which ensures variance in the preferences of regional governments. We first show that naturalization rates vary considerably across German regions both before and after the liberalizing reform of the citizenship law in the year 2000. We then use panel regression analysis to test whether variance in regional naturalization rates between 1990 and 2016 is influenced by regional politics.

Federalism and Conflict Resolution

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The proliferation of intrastate conflicts since the end of the Cold War has increased both academic and political attention towards the use of federalism in the resolution of such conflicts. The ability of federal structures to satisfy the demands of both majority and minority groups is often hailed as the principal reason for the adoption of decentralised structures in post-conflict societies. Countries as diverse as Bosnia and Herzegovina, Ethiopia, Nigeria and Sudan have used federalism in order to contain and mitigate the effects of conflict. It is unsurprising, therefore, that in 2020, federalism remains one of the key solutions advanced to resolve some of the world's ongoing conflicts in Iraq, Myanmar, Syria and Ukraine, amongst others.

Despite increased scholarly interest in this field, however, academic discussions on the topic remain scattered amongst different disciplines, using different research methods and focusing on different case studies. The main purpose of this paper is therefore to bring together these different approaches and assess the current state of the art in research.

The paper will contribute to current academic discussions in three ways. First, this paper will engage with contemporary debates on the topic of federalism and conflict resolution and therefore bring together different strands of academic literature from different research fields such as peace and conflict studies, comparative politics and international relations. Second, the paper will identify and analyse core issues in the study of federalism as a tool of conflict resolution. Third, in bringing together different research areas and highlighting numerous core issues, the work will also refer to a number of case studies, in which federalism is currently being discussed (or has been used) as a tool of conflict resolution. By doing so, we will lay the foundations for further comparative research, and highlight how different cases might be studied, compared and contrasted.

Governing Diversity: Alternatives to differentiation in multilevel government

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Governing diversity is the *raison d'être* of multilevel polities, and differentiation (accommodating diversity) its most extreme form. Ordered by increasing shared rule, alternatives to differentiation include horizontal collaboration among constituent units (circumventing diversity); policies to encourage convergence over time (reducing diversity); and authoritative joint decision-making (controlling diversity). In comparison to the EU, federal states such as Canada, Switzerland and the United States rely on more procedural and less constitutional means of diversity governance. They evade differentiation in redistributive policies, focussing instead on fields of regulatory and distributive community-building. I devise a supply and demand model to explain these differing patterns of diversity governance across multilevel polities. I argue that while the demand for differentiation is determined by the politicisation of constituent units' ethno-linguistic distinctness, supply depends on three factors. First, shared-rule proponents expect differentiation to pose a systemic threat to the polity and hence favour softer forms of diversity governance. Second, their preference is even more pronounced in redistributive fields which require solidarity among constituent units. Third, it depends on shared-rule proponents' capacity to control legislative and constitutional reform whether they can realise their preferences. I illustrate my conjectures in brief analyses of the four abovementioned multilevel polities.

Infrastrukturbereitstellung als Mehrebenenproblem

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Die Bereitstellung von Infrastrukturen – also die Planung, Errichtung, Finanzierung und der Betrieb öffentlicher Einrichtungen – ist durch ein kompliziertes Akteurs- und Interessensgeflecht mit ‚fragmentierten‘ Zuständigkeiten gekennzeichnet, d.h. die involvierten Akteure sind vorrangig für ihre eigenen Aufgaben und Prioritäten zuständig und haben in der Regel keine direkte Verantwortung für das Gesamtziel. Je nach Art der Einrichtung stellt der Bund (anteilig) die Finanzierung, während die konkrete Investitionstätigkeit und der sich anschließende Betrieb den Ländern oder den Kommunen obliegt. Hieraus können im Einzelfall Reibungsverluste etwa in Gestalt der allseits konstatierten Kosten- und Terminüberschreitungen resultieren. Wie Bund und Länder hiermit umgehen, ist bislang nur unzureichend erforscht. Das vorliegende Paper will entsprechende Effekte anhand einer systematischen Auswertung ausgewählter Berichte der Rechnungshöfe des Bundes sowie der Länder Berlin, Hamburg, Sachsen, Mecklenburg-Vorpommern, Nordrhein-Westfalen und Bayern innerhalb der letzten zehn Jahre identifizieren. Durch die Bildung von übergeordneten Kategorien werden einerseits Bereiche in qualitativer wie quantitativer Hinsicht sichtbar, in denen bauausführende Stellen aus Sicht der Rechnungshöfe gestalterische, technische, (planungs-)rechtliche und/oder wirtschaftliche Fehler gemacht haben. Aus den Stellungnahmen der bauausführenden respektive kritisierten Behörden, die ebenfalls systematisch ausgewertet worden sind, lassen sich andererseits bestimmte Reaktionsmuster ableiten, die wiederum auf Veränderungsbereitschaft oder Lernresistenzen schließen lassen. Der Bund-Länder- wie der Länder-Länder-Vergleich macht dabei Unterschiede zwischen den vertikal integrierten und horizontal konglomerierten Verwaltungen deutlich. Solche föderalen Besonderheiten zeigen auf, dass die bauausführenden öffentlichen Stellen mehrheitlich weder in der Lage sind, die komplexer werdenden technischen und umweltgesetzlichen Auflagen zu erfüllen, noch über valide Wirtschaftlichkeitsuntersuchungen oder gar über ein sanktionssensitives Controlling verfügen. Obwohl Fehler wiederholt aufgezeigt werden, lassen sich nur partiell Lerneffekte in personeller, institutioneller und konzeptioneller Hinsicht identifizieren. Im Umkehrschluss legen die empirisch abgesicherten Ergebnisse eine gewisse Lernresistenz nahe, durch die wohl auch in Zukunft infrastrukturbezogene Investitionen mit administrativen, technischen und wirtschaftlichen Problemen konfrontiert sein werden.