De/centralisation and Regional Policy-Making in Federations

Concepts, Measurement, Patterns and Predictors

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1. Introduction

More than 40 per cent of the world's population live in federations (Kincaid 2019a). In some cases, certainly, citizens do not have strong preferences on or knowledge of the vertical mode of state organisation (León 2010, 2018). However, this changes when federal arrangements are the key institution to accommodate diversity in a multinational polity (Seymour and Gagnon 2012; Zuber 2011) or when the performance of a federal system is cast in doubt (Biela et al. 2013; Hegele and Schnabel 2021). In those cases, federalism as a principle of dividing power between several levels of government and the particular set-up of a federation become salient. Furthermore, over the last decades, even in many unitary systems, regional governments have been established or strengthened (Hooghe et al. 2016), blurring the distinction between federal and unitary systems. This has led to a proliferation of territorial politics research, both in the form of analyses of federal or multi-level systems as a whole as well as in terms of dedicated studies at the regional level.

This dissertation joins attempts to overcome 'methodological nationalism' (Jeffery and Schakel 2013), which represents the critique that theory building and testing as well as data collection in comparative politics have been predominately conducted at the national level of political systems. Disregarding the regional and local level leads to two major problems. First, it remains unknown whether established theories equally hold at lower levels of government or should be modified. Second, empirical variation in relevant variables at the subnational level remains unrecognised. Especially over the last two decades, territorial politics research has increasingly addressed this gap as I will further discuss below.

1.1 Research Questions and Overarching Approach

This dissertation addresses two interlinked sets of questions: First, how much autonomy does a constituent unit have, how has it changed over time and for what reasons? Second, which patterns characterise constituent units' policies, how do they change over time

and for what reasons? These sets of questions are naturally linked in that constituent units first need to have certain (legislative, administrative and fiscal) rights which they then use to pass particular policies. In this introduction, I use the notion of 'de/centralisation' to refer to the first set of questions ('de/centralisation' means 'decentralisation and centralisation') and the notion of 'policy-making by regional governments' for the second set. These research questions are of interest for all federations and even for unitary states that have regions with a relevant level of autonomy. This dissertation focuses on federations; thus, the theoretical framework is tailored to them, yet could be applied with modifications to said unitary states.

Importantly, the empirical case studied in this dissertation is the German federation (since 1949) and its Länder. The main reason for selecting (only) a single federation was that the efforts required to collect the data necessary to profoundly answer the research questions were monumental for a dissertation due to the lack of existing data (as elaborated in further sections of this introduction). However, the conceptual and theoretical framework were designed to apply to other federations as well. This is clearest for chapters 2 and 3 which both originate from the international research project "Why Centralisation and Decentralisation in Federations? A Comparative Analysis"[1] in which the author partook. This project produced an introductory article on conceptualising, measuring and theorising de/centralisation which guides the case studies (Dardanelli et al. 2019, I am not a co-author), case studies on six federations[2] (among them the German case study in chapter 2) and a concluding article (chapter 3) which compares the results of the case studies. Chapter 3 thereby situates Germany's de/centralisation experience in the wider international context. For chapters 4 to 7, which analyse policy making by regional governments, the research designs can be applied to other federations as well (and I highly encourage to do so in the chapter conclusions to facilitate an international

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[1] This project was funded by the Leverhulme Trust (IN-2013-044) and supported by the Swiss National Science Foundation and the Forum of Federations. PIs: Paolo Dardanelli and John Kincaid.

[2] The other case studies cover Australia (Fenna 2019), Canada (Lecours 2019), the United States (Kincaid 2019b), Switzerland (Dardanelli and Mueller 2019) and India (Singh 2019).

comparison). This is because the concepts investigated are relevant for all federations and bear the same meaning in other federations (no concept stretching), as I will discuss for the individual chapters now. The various indicators developed to describe policy diversity in chapter 4 can be applied to other federations without alterations. Similarly, the literature review on regional policy-making (chapter 5) can be fruitfully conducted for other federal states. Such a literature review would only have to include additional federation-specific predictors which, however, likely could be subsumed under the same theoretical categories (used in chapter 5) which were deducted from the international literature for the German case. The measurement of the dependent variables in chapters 6 and 7, namely the general policy orientation of constituent units (chapter 6) and the deviation of a constituent unit's policy from the policy mainstream of all constituent units (chapter 7), can also be transferred to other federations. Only the predictors would have to be partially changed to fit the case at hand. For example, a dummy for constituent units representing minority nations would have to be added. Aside from this, the existing literature also allows to compare the findings from the German case to some extent to other federations. Thus, in the conclusions of chapters 5 and 6, I compare the results regarding the predictors with the findings in the literature on the US states. Unfortunately, comparisons with other federations are unfeasible as comprehensive analyses have not been conducted for them. This issue also applied to chapters 3 and 7 as I am not aware of any literature that comprehensively measures policy diversity or the deviation from the policy mainstream in a federation. This utterly underlines the need for more research on policy-making by regional governments that goes beyond analysing a single policy (notwithstanding the time-consuming task of collecting data on policy content, which has likely prevented more research so far).

While the individual chapters of this dissertation deliberately differ in their specific research design (as to best answer the respective research question), they are united by a research approach characterised by three elements: a) a substantial interest in explaining relevant phenomena of territorial politics as fully as possible (y-centred research), b) the analysis of general, i.e. cross-policy patterns (in addition to policy-specific patterns) and c) extensive original data collection. This will be subsequently elaborated in

detail. Importantly, this research approach was not chosen because it reflects the author's general preferences or skills, but because it logically follows from the state of the art and associated gaps in territorial politics research as I will now show.

a) Explaining phenomena of territorial politics as fully as possible (y-centred research)

A common distinction of research designs is between x- and y-centred ones. Following Ganghof (2019: 1, 9), x-centred research designs seek to identify one theoretically specified causal effect. The focus of this research design is on a single theory for which the causal effect is determined. Other complementary theories are only included as control variables. In contrast, y-centred research designs analyse how several complementary theories can be combined to explain phenomena of interest as well as possible. They seek to provide a good explanation or prediction of the variance in the dependent variable. This dissertation follows a y-centred approach. It aims to advance our analytical understanding of key concepts of federalism scholarship such as de/centralisation, policy diversity, the general orientation of policies and the deviation from the policy mainstream. Specifically, it refines these concepts, proposes novel measurements, and investigates predictors. This approach is driven by the desire to comprehensively understand the afore-mentioned political phenomena, rather than studying a single causal relationship between one independent variable and the political phenomenon (as the dependent variable) at hand. Moreover, this y-centred research approach is suitable because the state of the art with regard to the afore-mentioned phenomena (de/centralisation, policy diversity, general orientation of policies and deviation from the policy mainstream) at the regional level is not well advanced. To take the example of regional policy-making, Newman (2017, 118) states in an overview article that "not enough research has been conducted on policy analysis at the sub-national level". More precisely, we do not know all relevant predictors of regional policy-making. Moreover, given what we know from policy analysis in general (Araral et al. 2012; Cairney 2012; Dodds 2013; Knill and Tosun 2012; Moran et al. 2006; Wenzelburger and Zohlnhöfer 2015), it seems likely that there are many predictors. Thus, an y-centred approach is a first step, which should be followed in future research by x-centred research designs that test those predictors

which are associated with the dependent variable in the y-centred analyses. Conducting additional x-centred analyses is vital as y-centred approaches are less apt at identifying causal effects (Keele 2015). While this inherent limitation cannot be fully compensated in this dissertation, I conducted several robustness checks in chapters 6 and 7 to validate the results from the main regression analyses. In chapters 2 and 3, we do not present definite causal inferences (due to incomplete data on some independent variables and the high number of independent variables compared to the number of cases) but rather suggest associations that are most plausible from our empirical analysis. Chapter 4 presents descriptive findings that motivate the analyses in chapters 6 and 7, hence it does not advance causal claims. Chapter 5, finally, is a literature review, thus we do not draw causal inferences of our own (beyond what each literature title stipulates).

While the causal analyses in this dissertation consistently follow the y-centred approach, the methods employed are diverse and strictly follow from the research question. Chapters 2, 3 and 4 are qualitative, chapters 6 and 7 quantitative, whereas the literature review in chapter 5 covers literature titles that are qualitative, quantitative or mixed method.

b) Analysis of cross-policy patterns (in addition to policy-specific ones)

The existing literature regarding the research questions of this dissertation is focused on individual policies. Decentralisation and centralisation are described and explained in particular policies (Kloepfer 2012; Schmidt am Busch 2007). Similarly and far more frequently, policy-making of constituent units is analysed in single policies. For the German Länder, chapter 5 shows that 89 per cent of all empirical policy analyses at the Land level cover only a single policy, whereas the highest number of policies covered by an empirical policy analysis is six (Schmidt 1980). Only for the US, the general orientation of constituent units' policies across many policies has been measured (Caughey and Warshaw 2016; Erikson et al. 1993; Gray et al. 2004; Klingman and Lammers 1984). It would be carrying coals to Newcastle to note that analyses of individual policies are relevant, be it for policy analysis which tends to be interested in particular policies such

as environmental policy or higher education policy, or to inform federalism research which tends to be more interested in general patterns across policies. This dissertation builds on the large body of policy specific works but aims for inferences that go beyond the single policy and are based on general patterns across many policies. Apart from the US studies just referenced, comprehensively and systematically measuring and analysing cross-policy patterns of de/centralisation and constituent units' policy-making constitutes a large gap in the literature. Some edited volumes such as Hildebrandt and Wolf 2008, 2016 offer a comparison of policy-making in a federation across many policies and thereby help close that gap (yet, the individual contributions do not follow precisely the same research design as the author of an article or monograph would do, limiting the potential for aggregation to some extent).

This focus on cross-policy patterns does not imply that this dissertation disregards de/centralisation and constituent units' policy-making in individual policies. The argument is rather that both general and policy-specific trends are worth systematically studying as they inform each other. Policy-specific analysis is added, for example, in chapters 2 and 3 regarding de/centralisation in each of the twenty-two legislative and administrative domains as well as in chapters 4 and 5 regarding policy-diversity and the effects of predictors in particular policies.

c) Extensive original data collection

A prerequisite to filling gaps in the literature resulting from decade long methodological nationalism is the collection of data at the regional level. Strong strides have been made in this regard: for elections (Schakel 2013, 2015, 2017, 2021; Röth and Kaiser 2019), regionalist parties (Massetti and Schakel 2013, 2015, 2016, 2021; Röth and Kaiser 2019), party positions (Alonso et al. 2013; Bräuninger et al. 2020), regional authority (Hooghe et al. 2016) and government (Schakel and Massetti 2021; Röth and Kaiser

2019).[3] While these datasets facilitated recent advances in territorial politics research (e.g. on the interdependence of subnational, national and supranational elections, on predictors of regional authority transfers, on position-taking of parties on territorial issues), data on several key political science concepts has not been collected at the regional level. This speaks to ongoing research projects such as Arjan Schakel's "Strengthening Regional Democracy - Contributing to Good Democratic Governance" (which inter alia collects data on regional electoral systems) or upcoming publications from the second part of André Kaiser and Leonce Röth's project "Warum dezentralisieren nationale Parteien politische Autorität?".

This dissertation is based on the premise that more and higher quality data has to be collected in order to answer fundamental questions of federalism research. For this reason, together with my co-authors, I gathered large datasets on de/centralisation as well as on policy outputs. This data is published in the appendices of this dissertation, so it can be used by other researchers. Particularly, I encourage to conduct similar analyses for other federations and to compare the results to the German case and other cases (specifically the United States for the general policy orientation of constituent units and the predictive power of theories for policy-making by constituent units; and the United States, Canada, Australia, Switzerland and India for de/centralisation). Based on the comprehensive and finely grained data collected for this dissertation, I could systematically study the research questions (stated at the beginning of this introduction) for which there was only anecdotal evidence and evidence in a small number of policies available so far. Moreover, this dissertation puts a strong emphasis on making transparent to readers each step of the research process and providing reasons for the decisions taken in the research process. This results in a particularly long online appendix.

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[3] For the local level, which I do not investigate, the need for data collection is even greater. The local government autonomy data by Ladner et al. 2016 is the most eminent dataset and constitutes a quasi Local Authority Index.

1.2 De/Centralisation in Federations

Reflecting on centralisation and decentralisation in federations has started as early as in the drafting of the United States constitution when some contemporaries feared a rapid centralisation while others dreaded that the states would dominate the central government over time. Centralisation was understood as the process of moving authority from the constituent units to the central government, whereas decentralisation marked the opposite process. The academic discourse over the subsequent centuries has advanced our understanding of centralisation and decentralisation. Detailed literature reviews on the concept as well as on the measurement of decentralisation and centralisation are provided by Dardanelli et al. 2019 and Dardanelli and Wright 2021.

This dissertation applies the concept and measurement developed by Dardanelli et al. 2019. The *concept* by Dardanelli et al. 2019 takes the perspective of the individual constituent unit. This goes against some of the literature, particularly from legal scholars, who understand de/centralisation as a transfer between the federal government on the one hand (the national level) and all constituent units on the other hand (the subnational level). Such a perspective is less analytically suitable since there is no unified actor "the constituent units" and political scientists are typically interested in analysing actor behaviour. The concept by Dardanelli et al. 2019 also distinguishes between static and dynamic de/centralisation, whereas 'static' refers to the state at a specific point in time, while 'dynamic' relates to change over time. 'Dynamic decentralisation' represents an increase in the autonomy of a constituent unit. In contrast 'dynamic centralisation' stands for a decrease in its autonomy. Furthermore, de/centralisation in the legislative, administrative and fiscal sphere is distinguished. This follows Watts (2008) who introduced the distinction between legislative, administrative and fiscal de/centralisation as de/centralisation can occur independently in each sphere.

Regarding the *measurement* of de/centralisation, fiscal indicators (such as the share of constituent unit's (tax) revenues or expenditures in all (tax) revenues or expenditures) dominated for a long time due to data availability. However, they naturally only validly cover de/centralisation in the fiscal sphere and should not be used to make statements

on legislative and administrative de/centralisation. A breakthrough in measuring de/centralisation was the Regional Authority Index (RAI) (current version: Hooghe et al. 2016). It captures many aspects of the power of regional governments for a very large number of both federal and unitary states over extended periods of time. Despite its outstanding contribution, RAI has blind spots. For various federations, it stipulates hardly any change in the policy domain over several decades although we know from policy-specific literature that de/centralisation occurred. One reason for this is that RAI only provides information on legislative authority in a few aggregated policies. Moreover, RAI does not measure administrative autonomy at the policy level at all (it does so only in general terms).[4]

As mentioned before, this dissertation applies the measurement scheme developed by Dardanelli et al 2019. Measuring legislative and administrative de/centralisation in 22 policies on a seven-point scale allows to precisely identify patterns of de/centralisation, revealing also smaller changes outside of comprehensive constitutional amendments. Such more nuanced instances of de/centralisation tend to be not covered by RAI. Moreover, this dissertation measures the de facto (rather than the de jure) autonomy of constituent units since the actual autonomy of constituent units in matters of concurrent or framework legislation can differ strongly. This is another advantage of the measurement scheme used in this dissertation.

Regarding the measurement of de/centralisation in Germany specifically (which is the subject of chapter 2), various works (Benz 1999; Klatt 1989; Sturm 2010) present and interpret important empirical instances of de/centralisation, but do not lay out a scheme how they measure de/centralisation. The gap in the literature was hence a transparent and systematic measurement of de/centralisation that goes beyond the most im-

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[4] In contrast, RAI offers more precise data on aspects of regional authority which are not in the focus of chapters 2 and 3 such as shared power which relates to the co-determination of (i) national legislation, (ii) national policy in intergovernmental meetings and (iii) constitutional change.

portant events and processes. This dissertation fills the gap by measuring Land auton-omy in detail, providing data for legislation and administration in 22 policies for each decade since the foundation of the Federal Republic.

Turning to the *empirical patterns* observed, the existing literature observed an on-going dynamic centralisation in federations (Riker 1975; Wheare 1946). Considering both federal and unitary states, the RAI overall shows dynamic decentralisation since the 1980s which reflects the establishment and strengthening of regional governments in unitary states. As Dardanelli et al. (2019: 2) point out, however, "no systematic com-parative study measuring dynamic de/centralisation across its various dimensions is available." Hence, chapters 2 and 3 show for the first time the precise patterns how dynamic de/centralisation across policies and fiscal areas has evolved over the lifetime of six federations.

For Germany specifically, previous research indicates rather little change to Land autonomy over time (Kilper and Lhotta 1996: 151; Lehmbruch 2002: 53). Existing over-view articles differentiate several periods with their own dynamics of de/centralisation, highlighting a continuous dynamic centralisation in the first decades which might have partially been reversed after reunification (Benz 1999; Klatt 1989; Sturm 2010). Chapter 2 advances our knowledge of the German federation in several ways. It shows that dy-namic de/centralisation mostly followed from the enactment of legislation by either level of government in areas of common responsibility and less frequently from constitutional amendment. Such information on the instruments of de/centralisation did not exist prior to this study. Moreover, chapter 2 shows that Germany in 2010, the latest datapoint, was not one the most legislatively centralised federation as assumed in the literature. Fur-thermore, the data gathered demonstrates that Germany has become less of an adminis-trative federation since unification due to the simultaneous trends of legislative decen-tralisation and administrative centralisation. This adds to the literature which considers Germany as a model case of administrative federalism (Hesse and Ellwein 2013). More-over, we find that half of all instances of de/centralisation occurred in only three of twenty-two policy fields (social welfare and pre-tertiary and tertiary education), whereas

in ten policy fields no relevant de/centralisation took place at all. This asymmetry has not been identified by the existing literature before.

Finally, regarding the *predictors* of dynamic de/centralisation, Dardanelli et al. 2019 file a comprehensive list of hypotheses, ranging from remote socioeconomic and sociocultural factors to collective attitudes, institutional properties and political agency. This synthesises the literature well which has shown the influence of many factors on dynamic de/centralisation. The empirical results from chapter 3 add to the literature that socioeconomic background factors are more influential in predicting the magnitude and direction of dynamic de/centralisation than institutional or partisan factors (a result that also applies to the German case on its own, as reported in chapter 2). Particularly, it is striking how little institutions matter. Moreover, the results of the case studies underline the complexity of the causal path that leads to an instance of dynamic de/centralisation — a finding that has not been laid out in the literature expressis verbis, yet does not come as a surprise. Regarding the German case specifically, previous literature has referred to societal problems and political actors' perceptions and expectations (Sturm 2010), path dependency (Lehmbruch 2002) and fiscal power in conjunction with legislative approval rights of the Länder in the Bundesrat (Adelberger 2001) as predictors of de/centralisation. While we find evidence for all these predictors (to different degree), the conclusion section of chapter 2 offers a more comprehensive funnel of causality model to account for de/centralisation in Germany.

1.3 Policy-making by Regional Governments

Policy-making by regional governments has been studied from a variety of analytical perspectives. Some researchers have a keen interest in a particular policy and investigate outputs or outcomes in that policy (Wälti 2013, literature reviewed in chapter 5). Others take the perspective of territorial politics (or federalism) research and study phenomena such as policy uniformity and diversity (Gallego et al. 2005; Greer 2006; Subirats 2005), policy convergence and divergence (Celis and Meier 2011; McEwen 2005; Xhardez 2020), policy diffusion and transfer (Gilardi and Füglister 2008; Karch 2007; Yu et al.

2020) and dependencies between the regional and national level (Garritzmann et al. 2021; Kleider et al. 2018). Moreover, some policy-related propositions in favour or against federal order are empirically tested such as relating to a race to the bottom or to the top (Berry et al. 2003; Volden 2002), innovativeness of subnational units acting as policy laboratories (Blancke 2004; Volden 2006) or the problem-solving capacity of regional and national policy-making (Benz 1985; Biela et al. 2013; Scharpf 1976). Another strand of research takes a procedural perspective, analysing patterns of vertical or horizontal coordination in a multi-level system (Behnke and Mueller 2017; Schnabel 2020). While policy-making by regional governments has been increasingly studied (echoing the trend of decentralisation since the 1980s mentioned before), many research questions from the afore-mentioned areas are not yet sufficiently answered; particularly we need even more systematic theoretically guided empirical studies that go beyond a single constituent unit.

This introduction certainly cannot be the place to review all these strands of literature. Instead, I will focus on those gaps in these literatures which I address in chapters 4 to 7 of this dissertation. In these chapters, I take different analytical perspectives by studying policy diversity (chapter 4), policy output (chapter 5), the overall economic and societal policy orientation (chapter 6) and deviation from the policy mainstream (chapter 7). From this follows that other perspectives such as policy convergence and divergence, diffusion or coordination are not empirically investigated. Furthermore, these chapters relate only to policy-making at the regional level, not to the participation of regional governments in national policy-making through second chambers (Riescher et al. 2011; Watts 2009) or vertical coordination (Behnke and Mueller 2017; Palermo 2018; Schnabel 2020). In the following, I discuss the contribution of this dissertation to the literature on policy-making by regional governments, starting with conceptualisation, followed by measurement, empirical patterns regarding the object of study and, finally, predictors. Regarding empirical patterns and predictors, I only refer to findings that change what we know from previous research (whereas I omit confirmatory findings here for the sake of brevity; they are, of course, discussed in the chapters).

Beginning with *concepts*, chapter 7 presents a new concept, namely the deviation of a constituent unit from the policy mainstream of all constituent units. This concept stipulates that in a federation many constituent units adopt a (largely) uniform policy although they are legally autonomous in setting this policy, thereby effectively forming a policy mainstream in the federation. The reasons for choosing a similar policy vary from federation to federation and from policy issue to policy issue. They include a deeply culturally embedded preference for policy uniformity within the group of decision-makers but also within the citizenries, pressure by the media which uses the policy mainstream as the point of reference, pressure by interest groups which prefer dealing with a single (i.e. national) regulatory system, functional causes stemming from globalisation or the existence of institutions such as coordination fora. On the other hand, some constituent units resist these pressures and opt for a deviating policy which better fits the particular circumstances of the constituent unit at hand. Deviation from the policy mainstream has not been conceptualised as a pattern of policy-making in federations yet. We only find short descriptions of such empirical cases in the literature (Blancke 2004; Sturm 2005; Turner and Rowe 2015).

The general orientation of constituent units' policies (studied in chapter 6) has been conceptualised in studies on the US states (Caughey and Warshaw 2016; Erikson et al. 1993; Gray et al. 2004; Klingman and Lammers 1984). We hence apply this concept which stipulates that each constituent unit has a general overall orientation in policy-making, meaning that constituent unit policies are not randomly distributed in a spatial model of political competition within certain dimensions (such as economic policy or societal policy).

Turning to *measurement*, we develop indices for Land policy output in fifteen policies analysed in chapters 4, 6 and 7. These indices capture policy content in great detail (coding a total of more than 4,600 regulations of law) while simultaneously quantifying it to allow for statistical analysis in chapters 6 and 7. This also addresses a gap in the literature: the complete lack of large datasets on the content of policies adopted by regional governments outside of the US (for the US states, see particularly Grossmann et

al. 2021 and, in addition, Caughey and Warshaw 2016 and Raifman et al. 2020). Chapters 4 and 6 of this dissertation constitute a first step to address this gap by providing data on Land policy output in fifteen policies between 2006 and 2013 and – as an aggregate thereof – data on overall Land economic and societal policy. This lack of quantified policy information is even more outstanding when compared to the strong advances in data collection on regional elections (Röth and Kaiser 2019; Schakel 2013, 2015, 2017, 2021) and authority (Hooghe et al. 2016). Data on constituent unit spending (as opposed to content) is readily available, however, spending "is generally only one of several routes to a given policy objective and different countries employ quite different mixes of policy instruments to achieve similar policy goals" (Castles 1994: 349).

Furthermore, chapter 7 proposes a measurement for the deviation of a constituent unit from the policy mainstream of all constituent units. This concept has not been measured before. Finally, we propose (and then apply) several indicators to measure different aspects of policy diversity in a federation (chapter 4). This includes the standard deviation of policy scores of constituent units (on a, e.g. left-right, scale), the number of constituent units keeping the uniform federal status quo (if the policy at hand has been transferred from federal government to constituent units), the range of constituent units' policies on a (e.g. left-right) scale and the number of unique policy items developed by constituent units. To the best of my knowledge, this is a first effort to measure and illustrate policy diversity in a federation in its different dimensions. Certainly, more work lies ahead to validate these measurements and explore how they conceptually relate to each other. Regarding data, two further collections in the appendix of chapter 5 are noteworthy and intended to support future research: the evaluation of 85 comparative Land policy analyses covered in the literature review and a list of 235 indicators of independent variables (and their sources) used in these policy analyses.

Turning to the *empirical patterns* observed, chapter 4 shows substantial policy diversity in the fifteen policies studied, which confirms previous findings in the literature (Hildebrandt and Wolf 2008, 2016). It also reveals differences between policies and Länder. Bavaria has the highest degree of deviation of all Länder, underlining its strong

pro federalism stance. Hesse, surprisingly, stays mostly in the policy mainstream (together with many 'usual suspects' such as Bremen or Saarland), despite its continuous and vehement demands for more Land competences after reunification (Scharpf 2009). This partially challenges the previous understanding of the role of particular Länder within the German federation.

Finally, our results regarding the *predictors* of policy-making partially challenge the state of the art in the literature as well. First, the literature review of 85 Land policy analyses in chapter 5 is the first literature review to comprehensively evaluate the entire population of comparative Land policy analyses. This allows us to advance our knowledge of the predictors of Land policy output. This is because existing literature reviews on Land policy analyses (Blumenthal 2009; Sack and Töller 2018; Wolf and Hildebrandt 2008), while pioneering and instructive, cover thirty-two publications at most and do not quantify the influence of the predictors relative to each other. Compared to these existing literature reviews, our evaluation shows that the partisan composition of government has an even stronger effect on policy output. Moreover, we find that the partisan effect has even increased since the mid-2000s, whereas Wolf and Hildebrandt (2016: 395-396) saw it decline in their sample in this period. Moreover, we provide a ranking of all predictors. Literature reviews on regional policy analysis in other federations were published by Peterson (1995: 85-103) and Miller (2004) on the United States. Both reviews summarise the results of key policy analyses and provide recommendations for future research. However, they share blind spots with the afore-mentioned reviews on the German federation: They have not gathered the entire population of the American states' policy analyses and do not assess the predictive power of theories against each other.

Second, regarding the overall economic and societal Land policy orientation (chapter 6), we draw on the same literature reviews on Land policy output mentioned above (Blumenthal 2009; Sack and Töller 2018; Wolf and Hildebrandt 2008). As we just stated, however, chapter 5 provides a far more comprehensive assessment which predictors are relevant. Therefore, we do not compare our findings in chapter 6 to previous literature reviews but to our own comprehensive literature review in chapter 5.

Third, we show that the anecdotal evidence in the literature that large and affluent Länder deviate more from the policy mainstream than small and poor Länder (e.g. Blancke 2004; Sturm 2005; Turner and Rowe 2015) holds only partially (chapter 7). While we find that large Länder indeed deviate more frequently, the budgetary situation actually does not systematically influence how much a Land deviates from the other Land policies. Instead, the historical tradition of statehood and the administrative capacity are additional predictors which have not been mentioned in the literature as typical drivers of deviation.

Bringing together the evidence from the three causal-analytical chapters (chapter 5 to 7) points particularly to the partisan composition of government and cultural and religious factors that affect Land policy-making most, whereas interest groups exert very little influence. In between these factors with particularly high and low predictive power, the East/West distinction and financial means appear less influential than socioeconomic conditions, institutions and citizens' attitudes/public opinion. The specific results are reported in the individual chapters.

1.4 Linking De/Centralisation and Regional Policy-making

The questions "How much autonomy does a constituent unit possess?" and "How does it use this autonomy?" are naturally interlinked. The form and magnitude of constituent unit autonomy ('static de/centralisation') defines the scope of its available policy options. Yet, a constituent unit can still decide to not use its autonomy to adopt laws. This was the case, for example, for parts of concurrent legislation in the early decades of the Federal Republic of Germany after the Second World War when the Länder decided to let the federal government set laws in previously unregulated matters (see appendix of chapter 2).

One implication regarding this interlinkage is that constituent units that favour decentralisation (and hence accept more policy diversity in the federation) would use an increase in legislative autonomy to pass Land-specific laws. Chapter 6 shows that the

empirical evidence is mixed: While Bavaria, Baden-Wuerttemberg and Hesse have vehemently advocated for more legislative (and fiscal) autonomy since unification (Scharpf 2009), only Bavaria has a high degree of deviation from the policy mainstream. More precisely, Bavaria deviated most frequently from the policies of the other Länder. However, the deviation degree of Baden-Wuerttemberg is only slightly above average, while Hesse surprisingly stays the most in the Land policy mainstream among all Länder. Our regression results make sense of these findings: the larger the size of a Land, the more it deviates from the policy mainstream (which explains the deviation of the large Länder Bavaria and Baden-Wuerttemberg). However, larger economic power or budgetary resources do not systematically lead to 'swimming against the tide'. In other words, affluent Länder demand more autonomy, including lower fiscal solidarity with less affluent Länder, however, they do not necessarily deviate consistently from the Land policy mainstream. The difference between Bavaria and Baden-Wuerttemberg can then be accounted to the former having a historical tradition of statehood which is theoretically argued to install pride and self-confidence, resulting in a higher willingness to deviate. Another aspect of the link between de/centralisation and policy-making is that constituent units with low fiscal or administrative resources accept centralisation in some cases (i.e. a loss of their autonomy), assuming that they are unable to effectively solve certain political problems on their own (Lehmbruch 2002; Scharpf 2009; Vatter 2004). Finally, fiscal centralisation 2009 in the form of nationally mandated balanced budget rules for regional governments limited the ability of the Länder to make use of legislative autonomy (Kirchgässner 2014).

Territorially concentrated minority nations are a more typical case of constituent units demanding decentralisation in order to adopt tailor-suited policies in their region. Minority nations pursue national projects that apply their cultural values to policies, as laid out in chapter 7. This often relates to policies that are critical for identity-building and -enhancing such as language, education, culture and the media. For example, Scotland pursues a social-democratic national project, advocating a more generous welfare state and stricter environmental protection (Keating 2012; McEwen 2005: 542-543; Swenden 2006: 240). Conversely, Catalonia adopted market-oriented policies that mirror its entrepreneurial culture (Swenden 2006: 238). Spanish historic communities

strengthened education in their respective national minority language (Swenden 2006: 239-240). Quebec not only promotes French language, but also extends the access to universities and childcare based on its more egalitarian attitudes (Béland and Lecours 2005: 686; Gagnon and Garon 2019).

This underlines that it is analytically suitable to take the theoretical perspective of the individual constituent unit when analysing both de/centralisation and regional policy-making. Rather than employing a system-based theoretical approach, this dissertation is focused on actors (such as governments of constituent units), their interplay and relationships between actors and institutions. The exception is the analysis of policy diversity which is above all a system characteristic of a federation.

1.5 Overview of Chapters, Publication State and Contribution to Co-authored Articles

As the final part of this introduction (chapter 1), I present a short overview of each subsequent chapter (on a chapter-by-chapter basis, paraphrasing the article abstracts), before describing their state of publication and my contribution to the co-authored articles.

1.5.1 Overview of Chapters

The *second chapter* represents the case study on Germany of the international research project 'Why Centralization and Decentralization in Federations?'. It measures dynamic de/centralisation in Germany since 1949 and seeks to explain the patterns observed. It shows stability in numerous policy fields as well as an overall marked centralisation over time, especially in the fiscal and administrative spheres. The principal instrument of dynamic de/centralisation has been the enactment of legislation in fields of shared responsibility, with constitutional change also being important. In the 1950s and 1960s, an incremental centralisation occurred as political and administrative elites strongly favoured uniform living conditions. In a context of Keynesian interventionism and a broad consensus about social planning, the Great Fiscal Reform of 1969 amplified this cen-

tralising trend. The East-West unification of 1989-1990 increased the economic and fiscal heterogeneity of the Länder and challenged the cultural norm of uniformity. The resulting federalism reforms of 2006 and 2009 blended decentralising and centralising measures.

The *third chapter* presents the conclusions of the afore-mentioned research project which compares de/centralisation in six federations over their entire life span (Australia, Canada, Germany, India, Switzerland, and the United States). The conclusions are based on the case study on Germany (chapter 2) and case studies on five other federations. The third chapter highlights six main conclusions. First, dynamic de/centralisation is complex and multidimensional; it cannot be captured by fiscal data alone. Second, while centralisation was the dominant trend, Canada is an exception. Third, contrary to some expectations, centralisation occurred mainly in the legislative, rather than fiscal, sphere. Fourth, centralisation is not only a mid-twentieth century phenomenon; considerable change occurred both before and after. Fifth, variation in centralisation across federations appears to be driven by conjunctural causation rather than the net effect of any individual factor. Sixth, institutional properties influence the instruments of dynamic de/centralisation but do not significantly affect its direction or magnitude. These findings have important conceptual, theoretical, methodological, and empirical implications for the study of federalism.

The *fourth chapter* examines the extent and form of policy diversity among the German Länder, based on a novel comprehensive data set that fully captures legislation in fifteen new Land competences transferred by the Federalism Reform I of 2006. We thereby add to a central debate in German federalism research: the positioning of the German federation between uniformity and diversity. Our methodological-conceptual contribution is to differentiate policy diversity into various aspects, to develop new indicators for measuring policy diversity, and to systematically examine it across policies, Länder, and over time. The analysis shows that there has been substantial policy diversity across Länder in most policy areas. The Länder create policy diversity to varying degrees, with Bavaria particularly bringing forth diversity. The function of this chapter within the dissertation is the following: It presents the database of Land laws as well as

the policy indices which assign scores to these Land laws ─ chapters 6 and 7 use these policy index scores to calculate their respective dependent variable. Moreover, the fourth chapter provides descriptive information that informs the causal analyses in chapters 6 and 7. Specifically, it shows the distribution of the dependent variables in chapters 6 and 7. Note that with regard to the dependent variable in chapter 6, chapter 4 presents information on Land law scores in individual policies but not on the Land scores across all policies (i.e. at the aggregated level) which is the dependent variable in chapter 6.

After the fourth chapter which is descriptive in nature, the *fifth chapter* presents a literature review on Land policy analysis. The motivation for this chapter is that the number of policy analyses at the Land level has been rapidly increasing, yet we lack a comprehensive and systematic review of this literature. To close this gap, we have collected the entire population of 85 analyses of policy output from the last four decades and evaluated their research designs and findings. This evaluation reveals a gap in cultural and law enforcement policies as well as in comparative analyses across several policy fields. Methodologically, there is a need for policy content to be captured in a way that facilitates statistical analysis over time. We then examine to which extent established theories of policy-making predict variance in policy output. The partisan composition of government is clearly the strongest predictor. Since institutions and public opinion are rarely rejected, they should be included more frequently in future policy analyses. Our findings are of interest for both federalism research and policy analysis in general. The fifth chapter helps to identify the relevant predictors to be tested in the following two causal-analytical chapters.

The *sixth chapter* starts with the observation that policy analysis at the regional level is surging but has been mostly limited to single policy areas. Only a handful of studies have measured and explained the overall policy orientation of constituent units. We are the first to do this outside of the US states, namely for the German Länder. A comprehensive literature review of the predictors of Land policy-making moreover reveals a lack of quantitative analyses of policy content over time, which our analysis addresses as well. Results shows that the partisan composition of government and the share of

Catholics drive economic policy-making while socioeconomic conditions, citizens' attitudes, and, again, the share of Catholics influence societal policy-making. This modifies previous findings and facilitates a comparison with the US states.

Finally, the *seventh chapter* engages with a typical empirical pattern in federations that constituent units either pass policies which resemble those of most constituent units or deviate from this policy mainstream. Using the German case, we analyse which resources and historical and cultural factors account for this variation. The time-series cross-sectional analysis shows that large Länder and Länder with historical tradition of statehood deviate more from the policy mainstream. Theoretically, we argue that these Länder have developed a self-conception of following their own legislative path und resisting the trend in a 'unitary federal state'. Moreover, Länder with larger administrative resources deviate more frequently from the Land policy mainstream. This confirms the theoretical expectation that a larger staff enables ministries to more often develop Land-specific policies beyond the mainstream.

1.5.2 Publication State

Four of the six articles have already been published by peer reviewed journals, namely by *Publius: The Journal of Federalism* (chapters 2 and 3), *Zeitschrift für Vergleichende Politikwissenschaft* (chapter 4) and *German Politics* (chapter 5) (see Table 1). To avoid creating competing versions of these articles, I keep the original language (British or American English, German) and reference style of the journal.

1.5.3 Contribution to Co-authored Articles

Before describing my contribution to the co-authored articles, I would like to thank my co-authors for the collaboration. For chapter 2, I collected and analysed the data, developed the arguments and wrote the article and appendix. André Kaiser conceptualised the article, discussed the coding and arguments and was key to revising different iterations of the article. For chapter 3, I provided the data from chapter 2 and interpretations of the

German case compared to the other federations. Additionally, I gave feedback on the manuscript and contributed to discussions of the project team regarding measurement, coding and presentation of results. For chapters 4 to 7, both authors have contributed equally to the articles, meaning that research design development, data collection, empirical analysis, drafting and revising the articles (and appendices) have been joint tasks.

Table 1: Publication state of chapters

Chapter	Publication outlet
Chapter 1	(Introduction)
Chapter 2	Dynamic De/Centralization in Germany, 1949–2010. *Publius: The Journal of Federalism,* 2019, 49(1), 84–111 (with André Kaiser)
Chapter 3	Dynamic De/Centralization in Federations: Comparative Conclusions. *Publius: The Journal of Federalism,* 2019, 49(1), 194–219 (with Paolo Dardanelli, John Kincaid, Alan Fenna, André Kaiser, André Lecours, Ajay Kumar Singh, Sean Müller)
Chapter 4	Policy-Vielfalt zwischen den Bundesländern nach der Föderalismusreform I: Art, Ausmaß und Akteure. *Zeitschrift für Vergleichende Politikwissenschaft,* 2018, 12(4), 621–642 (with Iris Reus)
Chapter 5	Taking Stock after 40 Years of Comparative Land Policy Analysis (1980−2020). A Review of the Predictors of Regional Policy Output in Germany. *German Politics,* 2021, online first (with Iris Reus)
Chapter 6	What Drives the General Orientation of Economic and Societal State Policies? Evidence from the German Federation. To be submitted to *Regional & Federal Studies* (with Iris Reus)
Chapter 7	Deviation from the Policy Mainstream in a Federation: Why Subnational Governments 'Do their own Thing'. To be submitted to *Publius: The Journal of Federalism* (with Iris Reus)

References

Adelberger, Karen. 2001. Federalism and its discontents: Fiscal and legislative power-sharing in Germany, 1948-1999. Regional & Federal Studies, 11(2): 43–68.

Alonso, Sonia, Braulio Gómez, and Laura Cabeza. 2013. Measuring Centre–Periphery Preferences: The Regional Manifestos Project. Regional and Federal Studies, 23(2): 189-211.

Araral, Eduardo, Scott Fritzen, Michael Howlett, M. Ramesh, and Xun Wu. 2012. Routledge Handbook of Public Policy. Abingdon: Routledge.

Behnke, Nathalie, and Sean Mueller. 2017. The purpose of intergovernmental councils: A framework for analysis and comparison. Regional & Federal Studies, 27(5): 507-527.

Béland, Daniel, and André Lecours. 2005. The politics of territorial solidarity. Comparative Political Studies, 38(6): 676-703.

Benz, Arthur. 1985. Föderalismus als dynamisches System. Zentralisierung und Dezentralisierung im föderativen Staat. Westdeutscher Verlag.

Benz, Arthur. 1999. From unitary to asymmetric federalism in Germany: Taking stock after 50 years. Publius: The Journal of Federalism, 29(4): 55–78.

Berry, William D., Richard C. Fording, and Russell L. Hanson. 2003. Reassessing the "race to the bottom" in state welfare policy. Journal of Politics, 65(2): 327-349.

Biela, Jan, Annika Hennl, and André Kaiser. 2013. Policy Making in Multilevel Systems. Federalism, Decentralisation, and Performance in the OECD Countries. Colchester: ECPR Press.

Blancke, Susanne. 2004. Politikinnovationen im Schatten des Bundes. Wiesbaden: VS.

Blumenthal, Julia von. 2009. Das Kopftuch in der Landesgesetzgebung. Baden-Baden: Nomos.

Bräuninger, Thomas, Marc Debus, Jochen Müller, and Christian Stecker. 2020. Parteienwettbewerb in den deutschen Bundesländern. Wiesbaden: Springer.

Cairney, Paul. 2012. Understanding Public Policy. Houndmills: Palgrave Macmillan.

Castles, Francis G. 1994. Is expenditure enough? On the nature of the dependent variable in comparative public policy analysis. Journal of Commonwealth & Comparative Politics, 32(3): 349-363.

Caughey, Devin, and Christopher Warshaw. 2016. The dynamics of state policy liberalism, 1936─2014. American Journal of Political Science, 60(4): 899─913.

Celis, Karen, and Petra Meier. 2011. Convergence and Divergence: The Federalization of Belgian Equality Policies. Regional and Federal Studies, 21(1): 55-71.

Dardanelli, Paolo, and Kieran Wright. 2021. Devometrics: How to Measure Decentralisation? A Review of the Literature. Local Government Information Unit.

Dardanelli, Paolo, and Sean Mueller. 2019. Dynamic De/Centralization in Switzerland, 1848-2010. Publius: The Journal of Federalism, 49(1): 138-165.

Dardanelli, Paolo, John Kincaid, Alan Fenna, André Kaiser, André Lecours, and Ajay Kumar Singh. 2019. Conceptualizing, Measuring, and Theorizing Dynamic De/Centralization in Federations. Publius: The Journal of Federalism, 49(1): 1-29.

Dodds, Anneliese. 2013. Comparative Public Policy. Houndmills: Palgrave Macmillan.

Erikson, Robert, Gerald Wright, and John McIver. 1993. Statehouse democracy. New York: Cambridge University Press.

Fenna, Alan. 2019. The Centralization of Australian Federalism 1901–2010: Measurement and Interpretation. Publius: The Journal of Federalism, 49(1): 30-56.

Freitag, Markus, and Adrian Vatter. 2008 (eds.). Die Demokratie der deutschen Bundesländer. Barbara Budrich.

Gagnon, Alain-G., and Jean-Denis Garon. 2019. Competing Claims for Federalism in Complex Political Settings. In: Constitutional Asymmetry in Multinational Federalism, edited by Patricia Popelier and Maja Sahadžić, 77-105, Cham: Palgrave Macmillan.

Gallego, Raquel, Ricard Gomà, and Joan Subirats. 2005. Spain, from state welfare to regional welfare. In: The territorial politics of welfare, edited by Nicola McEwen and Luis Moreno, 103-126, London: Routledge.

Ganghof, Steffen. 2019. Forschungsdesign in der Politikwissenschaft. Eine theorieorientierte Perspektive mit Anwendungsbeispielen. Wiesbaden: Springer VS.

Garritzmann, Julian L., Leonce Röth, and Hanna Kleider. 2021. Policy-Making in Multi-Level Systems: Ideology, Authority, and Education. Comparative Political Studies, 54(12): 2155-2190.

Gilardi, Fabrizio, and Katharina Füglister. 2008. Empirical Modeling of Policy Diffusion in Federal States. Swiss Political Science Review, 14(3): 413–50.

Gray, Virginia, David Lowery, Matthew Fellowes, and Andrea McAtee. 2004. Public opinion, public policy, and organized interests in the American states. Political Research Quarterly, 57(3): 411─420.

Greer, Scott L. 2006. Territory, Democracy and Justice. Houndmills: Palgrave Macmillan.

Grossmann, Matt, Marty P. Jordan, and Joshua McCrain. 2021. The Correlates of State Policy and the Structure of State Panel Data. State Politics & Policy Quarterly, 21(4): 430-450.

Hegele, Yvonne, and Johanna Schnabel. 2021. Federalism and the management of the COVID-19 crisis: Centralisation, decentralisation and (non-) coordination. West European Politics, 44(5-6): 1052-1076.

Hesse, Joachim Jens and Thomas Ellwein. 2013. Das Regierungssystem der Bundesrepublik Deutschland. 10th ed. Springer-Verlag.

Hildebrandt, Achim, and Frieder Wolf. 2008 (eds.). Die Politik der Bundesländer. Wiesbaden: VS.

Hildebrandt, Achim, and Frieder Wolf. 2016 (eds.). Die Politik der Bundesländer. 2nd ed. Wiesbaden: VS.

Hooghe, Liesbet, Marks, Gary, Schakel, Arjan H., Chapman-Osterkatz, Sandra, Niedzwiecki, Sara, and Shair-Rosenfield, Sarah. 2016. Measuring regional authority. Volume I. A postfunctionalist theory of governance. Oxford: Oxford University Press.

Jeffery, Charlie, and Arjan H. Schakel. 2013 (eds.). Towards a Regional Political Science: Data and Methods 'Beyond Methodological Nationalism'. Special Issue for Regional Studies, 47(3): 299–404.

Karch, Andrew. 2007. Democratic laboratories: Policy diffusion among the American states. Michigan: University of Michigan Press.

Keating, Michael. 2012. Reforging the Nation: Britain, Scotland and the Crisis of Unionism. In: Multinational Federalism, edited by Michel Seymour and Alain-G. Gagnon, 107-128, Houndmills: Palgrave Macmillan.

Keele, Luke. 2015. The statistics of causal inference: A view from political methodology. Political Analysis, 23(3): 313-335.

Kilper, Heiderose, and Roland Lhotta. 1996. Föderalismus in der Bundesrepublik Deutschland. Opladen: Leske & Budrich.

Kincaid, John, 2019a. Introduction: A Research Agenda for Federalism Studies. In: A Research Agenda for Federalism Studies, edited by id., Edward Elgar.

Kincaid, John. 2019b. Dynamic De/Centralization in the United States, 1790-2010. Publius: The Journal of Federalism, 49(1): 166-193.

Kirchgässner, Gebhard. 2014. Die Schuldenbremse der Bundesländer: eine Fehlkonstruktion? Wirtschaftsdienst, 94(10): 721-724.

Klatt, Hartmut. 1989. Forty years of German federalism. Publius: The Journal of Federalism, 19(1): 185–202.

Kleider, Hanna, Leonce Röth, and Julian L. Garritzmann. 2018. Ideological alignment and the distribution of public expenditures. West European Politics ,41.3: 779-802.

Klingman, David, and William Lammers. 1984. The "General Policy Liberalism" Factor in American State Politics. American Journal of Political Science 28(3): 598─610.

Kloepfer, Michael. 2012. Rechtsfragen des Umweltschutzes im föderalen System der Bundesrepublik Deutschland, in: Handbuch Föderalismus, vol. 3, edited by Ines Härtel, 405-441.

Knill, Christoph, and Jale Tosun. 2012. Public Policy: A New Introduction. Houndmills: Palgrave Macmillan.

Ladner, Andreas, Nicolas Keuffer, and Harald Baldersheim. 2016. Measuring Local Autonomy in 39 Countries (1990–2014), Regional & Federal Studies, 26(3): 321-357.

Lecours, André. 2019. Dynamic De/Centralization in Canada, 1867-2010. Publius: The Journal of Federalism, 49(1): 57-83.

Lehmbruch, Gerhard. 2002. Der unitarische Bundesstaat in Deutschland. In Föderalismus, edited by Arthur Benz and Gerhard Lehmbruch, 53–110, Wiesbaden: Verlag für Sozialwissenschaften.

León, Sandra. 2010. Who is responsible for what? Clarity of responsibilities in multilevel states. The case of Spain. European Journal of Political Research, 50: 80-109.

León, Sandra. 2018. Muddling up political systems? When regionalization blurs democracy: decentralization and attribution of responsibility. Journal of Common Market Studies, 56(3): 706-716.

Massetti, Emanuele and Arjan H. Schakel. 2013. Ideology matters: why decentralization has a differentiated effect on regionalist parties' fortunes in Western democracies. European Journal of Political Research, 52(6): 797-821.

Massetti, Emanuele and Arjan H. Schakel. 2015. From class to region: How regionalist parties link (and subsume) left-right into centre-periphery politics. Party Politics, 21(6): 866-886.

Massetti, Emanuele and Arjan H. Schakel. 2016. Between autonomy and secession: decentralization and regionalist party ideological radicalism. Party Politics, 22(1): 59-79.

Massetti, Emanuele and Arjan H. Schakel. 2021. From staunch supporters to critical observers: Explaining the turn towards Euroscepticism among regionalist parties. European Union Politics, 22(3): 424-445

McEwen, Nicola. 2005. The territorial politics of social policy development in multi-level states. Regional & Federal Studies, 15(4): 537-554.

Miller, Edward Alan. 2004. Advancing Comparative State Policy Research: Toward Conceptual Integration and Methodological Expansion. State and Local Government Review, 36(1): 35–58.

Moran, Michael, Martin Rein, and Robert E. Goodin. 2006. The Oxford Handbook of Public Policy. Oxford: Oxford University Press.

Newman, Joshua. 2017. Policy Analysis in Sub-national Governments. In: Routledge Handbook of Comparative Policy Analysis, edited by Marleen Brans, Iris Geva-May, and Michael Howlett, 118─130, New York: Routledge.

Palermo, Francesco. 2018. Beyond second chambers: Alternative representation of territorial interests and their reasons. Perspectives on Federalism, 10(2): 49-70.

Peterson, Paul E. 1995. The Price of Federalism. Washington, DC: Brookings Institution.

Raifman J, Nocka K, Jones D, Bor J, Lipson S, Jay J, and Chan P. 2020. COVID-19 US state policy database. Available at: www.tinyurl.com/statepolicies.

Riescher, Gisela, Sabine Ruß, and Christoph M. Haas. 2011 (eds.). Zweite Kammern. Oldenbourg.

Riker, William. 1975. Federalism. In: Handbook of political science, vol. 5 – Governmental institutions and processes, edited by F. Greenstein and N. Polsby, 93–172, Reading, MA: Addison-Wesley.

Röth, Leonce and André Kaiser. 2019. Why Accommodate Minorities Asymmetrically? A Theory of Ideological Authority Insulation, European Journal of Political Research, 58(2): 557-581.

Sack, Detlef, and Annette Elisabeth Töller. 2018. Einleitung. Zeitschrift für Vergleichende Politikwissenschaft, 12(4): 603–619.

Schakel, Arjan H. 2013. Congruence between regional and national elections. Comparative Political Studies, 46(5): 631-662

Schakel, Arjan H. 2015. Nationalisation of regional elections in Central and Eastern Europe. East European Politics, 31(2): 229-247.

Schakel, Arjan H. 2017 (ed.). Regional and national elections in Eastern Europe. Territoriality of the vote in ten countries. Houndmills: Palgrave Macmillan.

Schakel, Arjan H. 2021. Regional spillover into third-order European elections. Governance, 34(3): 643-663.

Schakel, Arjan H. and Emanuele Massetti. 2018. A world of difference: the sources of regional government composition and alternation. West European Politics 41(3): 703-727

Scharpf, Fritz W. 2009. Föderalismusreform. Kein Ausweg aus der Politikverflechtungsfalle? Frankfurt: Campus.

Scharpf, Fritz W., Bernd Reissert, and Fritz Schnabel. 1976. Politikverflechtung: Theorie und Empirie des kooperativen Föderalismus in der Bundesrepublik. Kronberg/Ts.: Scriptor.

Schmidt, Manfred G. 1980. CDU und SPD an der Regierung. Frankfurt: Campus.

Schmidt am Busch, Birgit. 2007. Die Gesundheitssicherung im Mehrebenensystem. Mohr Siebeck.

Schnabel, Johanna. 2020. Managing interdependencies in federal systems: Intergovernmental councils and the making of public policy. Springer International Publishing.

Seymour, Michel, and Alain-G. Gagnon. 2012 (eds.). Multinational federalism: Problems and prospects. Palgrave Macmillan.

Singh, Ajay Kumar. 2019. Dynamic De/Centralization in India, 1950-2010. Publius: The Journal of Federalism, 49(1): 112-137.

Sturm, Roland. 2005. Economic reform at the Länder level: New life for regional interventionism. German Politics, 14(2): 208–223.

Sturm, Roland. 2010. More courageous than expected? The 2006 reform of German federalism. In: New directions in federalism studies, edited by Jan Erk and Wilfried Swenden, 34–49, Abingdon/New York: Routledge.

Subirats, Joan. 2005. Social exclusion and devolution among Spanish autonomous communities. Regional & Federal Studies, 15(4): 471-483.

Swenden, Wilfried. 2006. Federalism and Regionalism in Western Europe. Houndmills: Palgrave Macmillan.

Turner, Ed, and Carolyn Rowe. 2015. A race to the top, middle or bottom? The consequences of decentralisation in Germany. Manchester: Institute for Policy Research North.

Vatter, Adrian. 2004. Gesetzgebung, Vollzug und interkantonale Zusammenarbeit in kleinen Schweizer Kantonen. In: Small is beautiful, isn't it? Herausforderungen und Perspektiven kleiner (glied-) staatlicher Einheiten, edited by Stephan Förster and Karl-Heinz Lambertz. Occasional Papers des Europäischen Zentrums für Föderalismusforschung der Universität Tübingen, Nr. 29.

Volden, Craig. 2002. The politics of competitive federalism: A race to the bottom in welfare benefits? American Journal of Political Science, 352-363.

Volden, Craig. 2006. States as policy laboratories: Emulating success in the children's health insurance program. American Journal of Political Science, 50(2): 294-312.

Wälti, Sonja. 2013. Federalism and public policy: do federalism, regionalism and hybridity make any difference? Evidence from environmental policy. In: Routledge Handbook of Regionalism & Federalism, 132-145, Routledge.

Watts, Ronald L. 2008. Comparing federal systems. 3rd ed. Montreal, QC and Kingston, ON: McGill-Queen's University Press.

Watts, Ronald L. 2009. Federal second chambers compared. Baden-Baden: Nomos.

Wenzelburger, Georg, and Reimut Zohlnhöfer. 2015. Handbuch Policy-Forschung. Wiesbaden: Springer.

Wheare, K. C. 1946. Federal government. London: Oxford University Press.

Wolf, Frieder, and Achim Hildebrandt. 2008. Sechzehn Länder, sechzehn Felder. In: Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 363–370, Wiesbaden: VS.

Wolf, Frieder, and Achim Hildebrandt. 2016. Länderpolitik revisited. In: Die Politik der Bundesländer, 2nd ed., edited by Achim Hildebrandt and Frieder Wolf, 391–399, Wiesbaden: VS.

Xhardez, Catherine. 2020. From different paths to a similar road? Understanding the convergence of subnational immigrant integration policies in Belgium. Regional Studies, 54(11): 1508-1518.

Yu, Jinhai, Jennings, Edward T. Jr, and J. S. Butler. 2020. Lobbying, learning and policy reinvention. Journal of Public Policy, 40: 259–279.

Zuber, Christina. 2011. Understanding the Multinational Game: Toward a Theory of Asymmetrical Federalism. Comparative Political Studies, 44(5): 546-571.

2. Dynamic De/Centralization in Germany, 1949-2010[5]

Abstract: As part of the project *Why Centralization and Decentralization in Federations?* this article measures dynamic de/centralization in Germany since 1949 and seeks to explain the patterns observed. It shows stability in numerous policy fields as well as an overall marked centralization over time, especially in the fiscal and administrative spheres. The principal instrument of dynamic de/centralization has been the enactment of legislation in fields of shared responsibility, with constitutional change also being important. In the 1950s and 1960s, an incremental centralization occurred as political and administrative elites strongly favored uniform living conditions. In a context of Keynesian interventionism and a broad consensus about social planning, the Great Fiscal Reform of 1969 amplified this centralizing trend. The East-West unification of 1989-1990 increased the economic and fiscal heterogeneity of the *Länder* and challenged the cultural norm of uniformity. The resulting federalism reforms of 2006 and 2009 blended decentralizing and centralizing measures.

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[5] This article is co-authored with André Kaiser.

The evolution of the Federal Republic of Germany (henceforth 'Germany') has been studied extensively with regard to particular instances of de/centralization. Yet, research that describes and explains continuity and change in the distribution of power between the federal and constituent governments over a long period is limited (Adelberger 2001; Benz 1999; Jeffery 2003; Kilper and Lhotta 1996; Klatt 1989; Lehmbruch 2000, 2002; Oeter 1998; Renzsch 1991; Scharpf 2009; Sturm 2010). Specifically, we lack a precise mapping and analysis of the vertical distribution of legislative, administrative and financial power for the full life span of the federation. Since the existing literature does not quantify the magnitude of power changes, de/centralization cannot be compared well over time and with other federations.[6] This article seeks to fill this gap by measuring the level of federal and constituent power in twenty-two policy fields and five fiscal dimensions since 1949. Based on these data, we determine the frequency, direction, magnitude, tempo and instruments of change. Our concept of de/centralization refers to the relationship between an individual *Land* and the central government. Thus, we do not consider horizontal coordination (or its repeal) an instrument of centralization (or decentralization), unless coerced by the federal government. Our concept of de/centralization differs from unitarization which is a process of harmonizing living conditions through centralization and/or horizontal coordination (Hesse 1962). Finally, this article develops an explanation for the patterns of dynamic de/centralization identified. It is part of a broader project seeking to trace and explain dynamic de/centralization in six federations.

Germany's federal system has been characterized by remarkable continuity (Kilper and Lhotta 1996, 151; Lehmbruch 2002, 53). Benz (1999, 60) distinguishes four phases

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[6] The Federalism Reform of 2006 led to different assessments of the magnitude of change. While Sturm (2010, 47) considers the reform a deviation from the federal developmental path Germany followed since 1871, Kropp (2011, 30) observes far-reaching path stability and Scharpf (2009, 108) argues that the *Länder* only won limited scope of action. Our measurement shows a considerably high frequency of change by the reform when compared to the low frequency and mostly gradual pace of de/centralization in Germany between 1949 and 2010. The immediate decentralizing effect was unprecedented, yet fairly limited.

of federal development: unitarization and reform (1949−1969); incremental adaptation (1969−1989); exceptional centralization (1990); and asymmetric federalism (since 1991). A number of approaches have been proposed to explain de/centralization over time. Lehmbruch (2002) argues that the federal power distribution has been rather immune to change because the basic characteristics of the federal order have been strongly path dependent. Centralization occurred due to the cultural orientations of political decision-makers towards uniformity and the primacy of the nation-state. Similarly, as the nation-state is no longer the undisputed frame of reference, decentralization became more likely since the 1990s. Sturm (2010) rejects the early path-dependent approaches and argues that the federal system changed when new societal problems emerged and affected political actors' perceptions and expectations. While the social narratives of modernization theory in the 1950s and 1960s, Keynesianism in the late 1960s and 1970s, and unification of 1989−1990 supported centralization, a counter social narrative of heterogeneity, lower redistribution and increased competition gained traction after the 1980s and fostered decentralization. Adelberger (2001) provides an institutionalist explanation, claiming that changes in the power distribution typically require *Bundesrat* approval, which the financially weak *Länder* employed to veto proposals to decentralize legislative or fiscal power to the regions. According to this approach, the poorer *Länder* preferred sharing decision-making power with the federal government if it provided needed fiscal resources. The federal government thus bought them out occasionally, resulting in centralization. The theoretical approaches mentioned, however, have not been able to systematically explain de/centralization over the full life span of the federation and with regard to the full set of policy areas and fiscal dimensions.

This article shows that de/centralization in Germany has varied greatly by policy fields. Half of all instances of de/centralization occurred in three out of twenty-two policy fields, namely social welfare and pre-tertiary and tertiary education. Ten policy fields did not undergo de/centralization large enough to be captured by our measurement scheme. Moreover, we demonstrate that one of the key characteristics of the federation has diminished: Germany has become less of an administrative federation after unification as legislation has been decentralized and administration has been centralized.

The article proceeds as follows. The first section presents the research design. Second, we provide an overview of the federal system of Germany. In the next section, we present the static de/centralization at the creation of the federation. Fourth, we show how the distribution of legislative, administrative and fiscal power between the federal and *Land* governments has changed since 1949. This includes a discussion of the frequency, direction, magnitude, tempo and instruments of change. Fifth, we explain these patterns of dynamic de/centralization, assessing hypotheses that were developed in the broader project. The conclusion reflects on the key findings of the article.

2.1 Data and Methods

The common methodology of the country studies of the broader project is fully discussed in the introduction to the special issue (Dardanelli et al. 2019). In this section, we briefly recall the main points. This article measures static de/centralization in Germany at ten-year intervals since 1949 in twenty-two policy areas and five fiscal categories. Each data point is intended to capture the degree of autonomy of an individual *Land* vis-à-vis the federation in a given policy or fiscal area at the end of the respective year. In the policy sphere, we distinguish between legislation and administration and we assess autonomy in each of these two dimensions. Legislative autonomy relates to a constituent unit's control of primary legislative powers. Administrative autonomy concerns the degree to which a constituent unit implements laws of the central government as well as its own legislation. We measured legislative and administrative autonomy in policy matters on a 7-point scale where 1 is the lowest degree of autonomy and 7 is the highest: 1 = exclusively federal government; 2 = almost exclusively federal government; 3 = predominantly federal government; 4 = equally federal government and the *Land;* 5 = predominantly the *Land;* 6 = almost exclusively the *Land;* and 7 = exclusively the *Land*. Policy fields that have been fully delegated to the EC/EU are coded as non-available. When legislative or administrative power is shared with the EC/EU in a policy field, we only consider the power that remains with a *Land* or the federal government, and code the *Land* autonomy vis-à-vis the federation for this remaining portion of the power. As detailed in the online appendix, we measured autonomy in the fiscal sphere

on 7-point scales based either on numerical indicators, where available, or on qualitative assessment.

We coded autonomy in each category on the basis of constitutional and non-constitutional developments – such as the enactment of legislation and changes in fiscal transfers – that increased or decreased the legislative, administrative and fiscal autonomy of a *Land* each decade. Our principal sources were the law database *Juris*, various editions of the Statistical Yearbook, and the scholarly studies of each policy and fiscal category. Each code underwent several rounds of internal discussion within the project team and was then subjected to external validation by experts of the policy and fiscal categories and experts of comparative federalism. The online appendix details the codes for each category, indicates the sources they are based upon, and outlines the justification for the coding decisions.

To measure dynamic de/centralization, we computed the following statistics and mapped them longitudinally: a) the modal and mean policy and fiscal scores, and the standard deviation among them, by time point; b) the deviation between the legislative and administrative policy scores by category and in the aggregate, by time point (L−A deviation); c) the total, modal and mean frequency of score change by policy and fiscal category and in the aggregate; d) the patterns of direction and magnitude of score changes; e) the cumulative direction and magnitude of score change by policy and fiscal category and in the aggregate; and f) the mean rate of score change per decade.

To explain dynamic de/centralization, we assess the plausibility of the hypotheses developed in the introductory article, which theorize the effects of antecedent conditions, socio-economic and socio-cultural trends, shocks, collective attitudes, political agency and institutions on *Land* autonomy. We base the plausibility assessment on the data gathered (see online appendix), relevant literature and our expert knowledge. As a first hypothesis, we expect the German federation to be more centralized at the outset than other federations because it is a young federation and did not originate from a federal bargain. Following this reasoning, it is assumed that the German federation has since experienced less centralization than other federations. Dynamic centralization in Germany is expected due to socio-economic trends, globalization and Europeanization.

From a sociocultural perspective, it is hypothesized that centralization occurs because firstly citizens' identifications shift from the constituent units to the federation as a whole and secondly citizens change expectations towards the role of government. Furthermore, Germany is more likely to having experienced centralizing steps during shocks, particularly through fiscal instruments. Socio-economic and socio-cultural trends are assumed to change collective attitudes, which create conditions for political actors' agency. With regard to political agency, we expect centralization due to the nationalization of the party system, by left governments (as opposed to decentralization by right governments) and by a centralist constitutional court. Finally, institutions are hypothesized to have the following effects: *Länder's* residual powers limit centralization, while administrative federalism and parliamentarism facilitate centralization. Administrative federalism is assumed to result primarily in legislative centralization through the instrument of framework legislation.

2.2 Characteristics of the Federal System

The Federal Republic of Germany was founded in 1949 after the collapse of the Third Reich, the end of the Second World War, and the Allied occupation. The American, British and French occupation zones were united to form the democratic Federal Republic while the German Democratic Republic (GDR) was created in the Soviet occupation zone in East Germany. The foundation of the Federal Republic revitalized a federal tradition that originated in the revolutionary constitution of 1849 but was only put into practice with the creation of Bismarck's federal national state in 1871.[7] The constituent units, the *Länder*, were recreated after 1945; they then established a central government through the constitution, the Basic Law. The Basic Law was a compromise between the

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[7] The analysis starts in 1949 to fulfil the scope condition of a continuous democratic regime.

preferences for a centralized federal state by the German representatives in the Parliamentary Council and the preference for a more decentralized federation on the part of the Western Allies.

2.2.1 Parliamentary System

The constitution created a parliament named *Bundestag* (federal assembly) to represent the people as a whole. It also established the *Bundesrat* (federal council) to represent the *Länder*. While the *Bundesrat* formally is a constitutional organ outside of parliament, it is considered by some as a functional equivalent of a second chamber. Members of the *Bundestag* have been elected every four years, in 1949 mostly directly, since 1953 equally directly and through lists. Members of the *Bundesrat* are sent by the *Land* governments. Germany has a classic parliamentary system in which the chancellor is elected by the *Bundestag* and the ministers are appointed by the federal president upon suggestion by the chancellor. These fundamental principles of the institutional set-up remained unchanged over time.

The federation was originally composed of eleven *Länder* and *West Berlin*, each having equal status and retaining residual powers. After a merger of three *Länder* in 1952 and the accession of *Saarland* in 1957, the federation consisted of ten *Länder* and *West Berlin*. In 1990, the GDR acceded to the Federal Republic, adding five re-constituted *Länder* and bringing the total to sixteen. The *Länder* have between three and five (after the unification, six) seats in the *Bundesrat*, while the number of seats in the *Bundestag* is strictly proportional to population. The *Bundesrat* is less powerful than the *Bundestag*, but has a significant co-decision making role that gained importance over time. This trend was halted by the Federalism Reform of 2006, which reduced the proportion of federal laws requiring *Bundesrat* approval (Stecker 2016). The constitution mandates that the Federal Constitutional Court (FCC) act as a federal umpire and review the constitutionality of federal and *Land* laws. The federation is monolingual.

2.2.2 The Länder in a System of Integrated Federalism

With regard to power distribution, Germany represents a special case because a significant part of the power of the constituent units is shared with either the other *Länder* or the federal government. Taking into account only its legislative, administrative or fiscal autonomy means underestimating *Land* power because we need to consider the influence of a *Land* in participating in federal legislation through voting in the *Bundesrat* and in joint policy-making with the federal government. Compared to autonomous decision-making, however, these channels of influence grant the individual *Land* a significantly smaller amount of power.[8]

2.3 Static De/Centralization at the Outset

The federation was considerably more centralized at its foundation than other federations at the time of their birth. If compared to other federal states in 1950, however, Germany was only slightly more centralized, as shown in other articles in this special issue (Dardanelli and Mueller 2019; Fenna 2019; Kincaid 2019; Lecours 2019; Singh 2019). The Basic Law was characterized by a strong functional division of power. Legislation rested predominantly with the federal level as shown by the mean score of 3.43 for all policy fields (Table 1). In contrast, the *Länder* were predominantly responsible for administration (mean score of 5.29). By enumerating the legislative and administrative powers of the federal level, the Basic Law paved the way for further centralization.

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[8] For the entirety of the *Länder,* however, shared-rule is highly relevant. Joint decision-making may leave the *Länder* with very substantial administrative power if the federal level cannot or does not want to steer the implementation because it lacks resources or the legitimacy to set implementation goals. For example, in transportation policy, the federal level decides which road, railway and waterway transportation projects it funds among those proposed by the *Länder* and municipalities. Yet, it exerts only limited influence because the norm of regional proportionality prevents the federal government from funding strictly according to utility (Schöller-Schwedes and Ruhrort 2008, 238, 250). Similarly, the federal government was not able to steer the construction of local roads (1971-2006) as it could not monitor the large number of projects (ibid, 239).

Table 1: Static policy de/centralization, 1950 and 2010

	1950		2010	
	Legislative	*Administrative*	*Legislative*	*Administrative*
P1 Agriculture	2***	5**	2***	6**
P2 Citizenship and immigration	1***	4**	1***	4**
P3 Culture	6***	6***	6***	5**
P4 Currency and money supply	1***	3*	N/A***	2**
P5 Defense	N/A***	N/A***	1***	1***
P6 Economic activity	2**	5**	2**	5**
P7 Education – pre-tertiary	7***	7***	7***	6**
P8 Education – tertiary	6***	7***	6***	6***
P9 Elections and voting	3***	5***	3***	5***
P10 Employment relations	2***	4*	2***	4**
P11 Environmental protection	4*	6**	2***	6**
P12 External affairs	2***	2**	2***	2**
P13 Finance and securities	2***	6***	2***	4***
P14 Health care	4*	6**	2***	6**
P15 Language	4**	5**	4**	5**
P16 Law – civil	2***	6***	2***	6***
P17 Law – criminal	2***	6***	2***	6***
P18 Law enforcement	6**	6**	6**	5**
P19 Media	6***	6***	6***	6***
P20 Natural resources	6***	6**	2***	6**
P21 Social welfare	2***	6**	2***	3**
P22 Transport	2***	4**	2***	4**
Total	*72†*	*111†*	*64†*	*103*
Mode	*2*	*6*	*2*	*6*
Mean	*3.43*	*5.29*	*3.05*	*4.68*
Standard deviation	*1.96*	*1.27*	*1.91*	*1.52*
L-A mean deviation	*-1.86*	*1.86*	*-1.63*	*1.63*

Note: 1=exclusively general government; 2=almost exclusively general government; 3=pre-dominantly general government; 4=equally general government and constituent units; 5=pre-dominantly constituent units; 6=almost exclusively constituent units; 7=exclusively constituent units. †twenty-one categories only. Confidence rating: *low, **medium, ***high.

The differences in legislative power distribution across policy fields were pronounced, as indicated by a standard deviation of 1.96. For half of the twenty-two policy fields analyzed, the central government through the *Bundestag* had exclusive or almost exclusive control over law making. The legislative prerogatives of the *Länder* comprised the typical subnational domains of culture, education and law enforcement as well as media and natural resources. More importantly for the *Länder*, they monopolized or almost monopolized administrative power in thirteen policy fields. Only in two areas did the federal government implement the majority of its policies, namely external affairs and currency and money supply. The lower standard deviation of 1.27 across policy fields underlines that administrative powers were consistently attributed to the constituent units.

The *Länder* and municipalities also had substantial fiscal autonomy, as demonstrated by a mean score of 4.8 (Table 2). The local governments could set the rates for taxes on local business and real estate. While the *Länder* lacked own-source tax revenues, they could collectively co-decide with the federal government and its majority in the *Bundestag* on all other major tax laws through the *Bundesrat*. Conditional grants by the federal government played only a minor role for *Land* finances and had rather strong strings attached. Finally, the constituent units were fully autonomous in borrowing.

Table 2: Static fiscal de/centralization, 1950 and 2010

	1950	2010
F1 Proportion of own-source revenues out of total CU&local govt revenues[A]	3**	1***
F2 Restrictions on own-source resources[B]	4***	3***
F3 Proportion of conditional grants out of total CU&local govt revenues[C]	7**	7**
F4 Degree of conditionality (for conditional grants only)[B]	3*	5**
F5 CU public sector borrowing autonomy[D]	7***	3***
Total	*24*	*19*
Mean	*4.8*	*3.8*
Core mean†	*5*	*4*
Standard deviation	*2.05*	*2.28*

Note: [A]1=0-14; 2=15-29; 3=30-44; 4=45-59; 5=60-74; 6=75-89; 7=90-100; [B]1=very high; 2=high; 3=quite high; 4=medium; 5=quite low; 6=low; 7=very low; [C]1=86-100; 2=71-85; 3=56-70; 4=41-55; 5=26-40; 6=11-25; 7=0-10; [D]1=very low; 2=low; 3=quite low; 4=medium; 5=quite high; 6=high; 7=very high; †(F1+F3)/2. Confidence rating: *low, **medium, ***high.

2.4 Overview of Dynamic De/Centralization

2.4.1 Frequency

Across seven time points (1950─2010) we have recorded twenty-six score changes in the policy sphere and nine changes in the fiscal area (Table 3).[9] While policy scores change on average 4.3 times per decade, the frequency of policy de/centralization varied between one in the 1980s and 1990s and seven in the 1960s (Figure 1). Moreover, we observe more instances of de/centralization in legislation (fourteen) than in administration (twelve). Changes of legislative power occurred rather episodically, ranging from no changes in the 1980s and 1990s to four changes in the 1970s and 2000s. Administrative tasks were redistributed more regularly. After three and four changes in the first two decades, only one or two revisions per decade were noticed since the 1970s. The fiscal autonomy of the *Länder* was considerably changed in the 1960s as we find changes in all fiscal indicators. Minor revisions occurred in the 1950s, 1990s and 2000s.

Dynamic de/centralization has affected twelve out of twenty-two policy fields and all fiscal categories. Change has been most frequent in pre-tertiary education and social welfare (five score changes each) as well as in tertiary education (three score changes); these policy fields comprise half of all policy changes. Two instances of de/centralization occurred each in environmental protection, health care, criminal law and natural resources. In ten policy fields, changes were too small to be captured by our coding scheme.

In general, changes in legislative and administrative powers occurred independently of each other. Only in three policy fields do we observe a modification in both law making and implementation over time, namely pre-tertiary education, tertiary education and

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[9] Minor adjustments of the power distribution are not coded as change. For example, the transfer of some small-scaled and insulated matters from concurrent legislation to exclusive *Länder* legislation as part of the Federalism Reform of 2006 did not substantially extend *Land* autonomy in economic activity. This included regulating shop closing time, gastronomy, amusement arcades, fairs, exhibitions, markets and exhibit of people.

social welfare. In nine policy fields, either legislative or administrative tasks were redistributed between the federal and state governments.

Table 3: Frequency and magnitude of dynamic de/centralization by policy and fiscal category

	Total	Total L	L +1	L -1	L -3	L cD&M	Total A	A +1	A -1	A -2	A cD&M
P1	0	0	0	0	0	0	1	1	0	0	+1
P2	0	0	0	0	0	0	0	0	0	0	0
P3	1	0	0	0	0	0	1	0	1	0	-1
P4	1	0	0	0	0	0	1	0	1	0	-1
P5	0	0	0	0	0	0	0	0	0	0	0
P6	0	0	0	0	0	0	0	0	0	0	0
P7	5	2	1	1	0	0	3	1	2	0	-1
P8	3	2	1	1	0	0	1	0	1	0	-1
P9	0	0	0	0	0	0	0	0	0	0	0
P10	0	0	0	0	0	0	0	0	0	0	0
P11	2	2	0	2	0	-2	0	0	0	0	0
P12	0	0	0	0	0	0	0	0	0	0	0
P13	1	0	0	0	0	0	1	0	0	1	-2
P14	2	2	0	2	0	-2	0	0	0	0	0
P15	0	0	0	0	0	0	0	0	0	0	0
P16	0	0	0	0	0	0	0	0	0	0	0
P17	2	2	1	1	0	0	0	0	0	0	0
P18	1	0	0	0	0	0	1	0	1	0	-1
P19	0	0	0	0	0	0	0	0	0	0	0
P20	2	2	0	1	1	-4	0	0	0	0	0
P21	5	2	1	1	0	0	3	0	3	0	-3
P22	0	0	0	0	0	0	0	0	0	0	0
Total	*26*	*14*	*4*	*9*	*1*	*-8*	*12*	*2*	*9*	*1*	*-9*
Mode	*0*	*0*	*-*	*-*	*-*	*-*	*0*	*-*	*-*	*-*	*-*
Mean	*1.18*	*0.64*	*-*	*-*	*-*	*-*	*0.55*	*-*	*-*	*-*	*-*

	Total F	F +1	F -1	F -3	F cD&M
F1	2	0	2	0	-2
F2	1	0	1	0	-1
F3	2	1	1	0	0
F4	2	2	0	0	+2
F5	2	0	1	1	-4
Total	*9*	*3*	*5*	*1*	*-5*
Mode	*2*	*-*	*-*	*-*	*-*
Mean	*1.8*	*-*	*-*	*-*	*-*

Note: L=legislative, A=administrative, F=fiscal; +1, -1, -2, -3: direction and magnitude of score changes; cD&M: cumulative direction and magnitude.

Figure 1: Frequency of dynamic de/centralization by time point
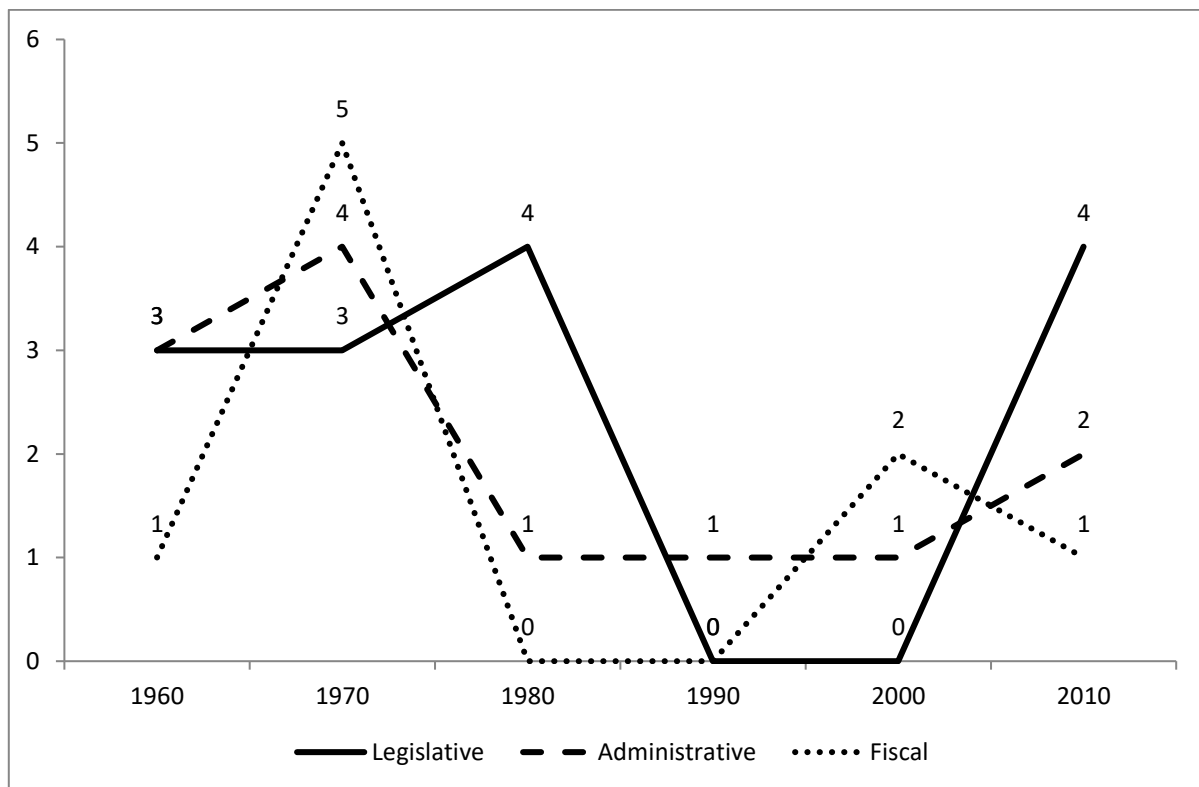
2.4.2 Direction

Changes in the federation have predominantly been in the direction of centralization: twenty out of twenty-six changes of the policy score and six of the nine changes in the fiscal sphere weakened the autonomy of the constituent units. With regard to the cumulative effect of de/centralization from 1950 to 2010, the centralizing trend is even more systematic. Not in a single policy field were legislative powers decentralized over the whole life span of the federation. However, cumulative centralization can only be reported for three legislative domains: environmental protection, health care, and natural resources. In four other policy fields, legislative centralization and decentralization cancelled each other out over time. With regard to administration, seven out of eight policy fields that underwent change also display cumulative centralization. Agriculture is the only policy field that shows cumulative administrative decentralization. The different dimensions of the fiscal power of the *Länder* show diverging developments over time. Whereas the proportion of own-source revenues out of all revenues, the restrictions on own-source revenues and the borrowing autonomy were changed in favor of the federal

government, the proportion of conditional grants remained unchanged and restrictions on the usage of these grants were loosened.

2.4.3 Magnitude

Over the course of its life span, the federation was centralized only modestly in the legislative sphere, more so in the administrative sphere, and strongly in the fiscal relationships between the *Länder* and the federal government. The respective mean scores decreased from 3.43, 5.29 and 4.8 in 1950 to 3.05, 4.68 and 3.8 in 2010 (Figure 2). While the federal level only gained a few additional powers in law making, this change should not be underestimated as the federal government already possessed the majority of legislative prerogatives at the foundation of the Federal Republic. The characteristic pattern of a functional division of power (of federal legislation and *Land* administration) remained in place, as the modal legislative and administrative scores of two and six are constant over the six decades. The *Länder* lost fiscal autonomy over time; yet most of the change originated from a single alteration, the introduction of a strict balanced budget rule in 2009.

Dynamic legislative centralization, cumulated from 1950 to 2010, has been highest in natural resources (a −4 decrease) and environmental protection and health care (a −2 decrease respectively) while it has been absent in the other nineteen policy fields. Administrative centralization was strongest in social welfare (a −3 decrease) and finance and securities (a −2 decrease) while in fourteen policy fields we recorded no change. With regard to fiscal federalism, the borrowing autonomy of the *Länder* was diminished from very high to quite low. Moreover, the *Länder* and municipalities covered expenditure needs decreasingly with own-source revenues and increasingly with unconditional grants and shared tax revenues, limiting their fiscal autonomy (a −2 decrease). Conditional grants continued to contribute less than ten percent of all subnational revenues for most decades, but the constituent units were able to lower the restrictions placed on these conditional grants (a +2 autonomy increase) (Tables 2 and 3).

Figure 2: Mean static de/centralization, 1950-2010
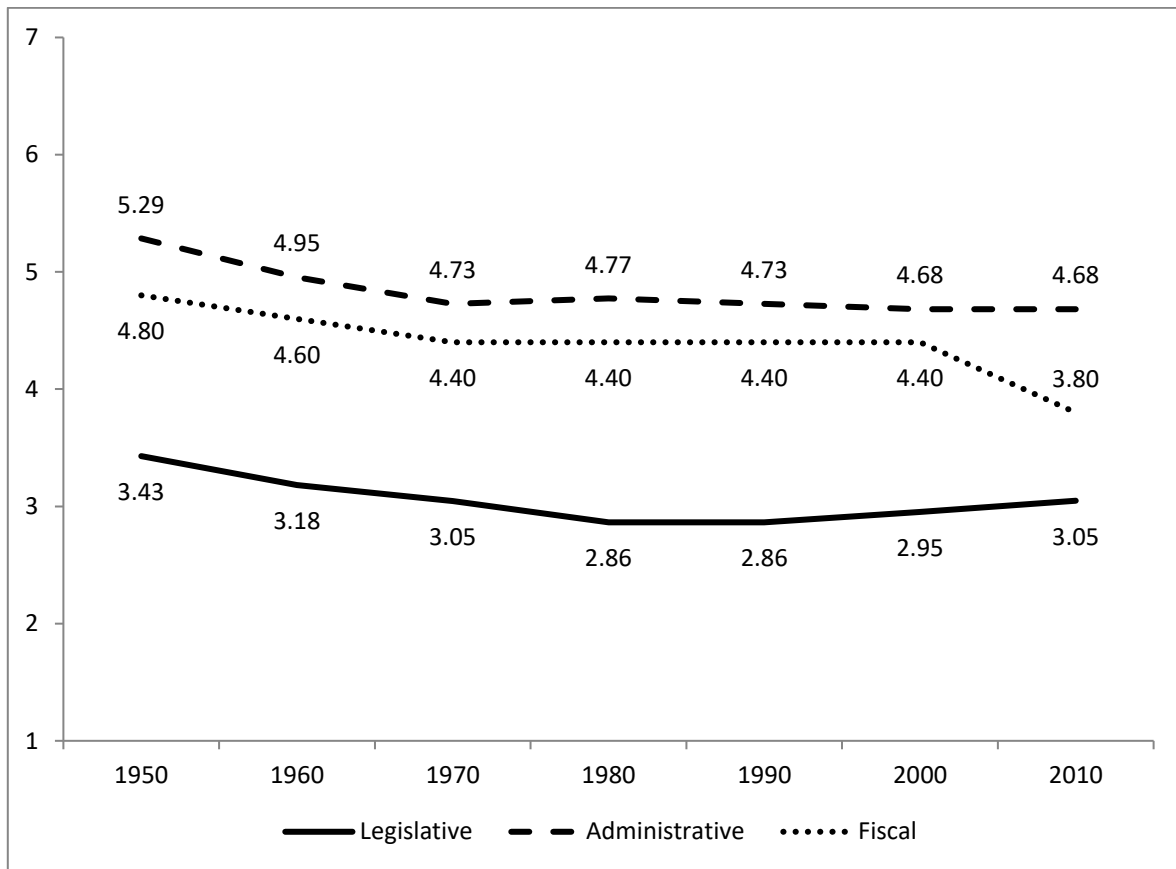
2.4.4 Tempo

Dynamic de/centralization has been characterized by the interplay of long periods of incremental change and reform periods producing more or less far-reaching effects. The overall very gradual pace of dynamic de/centralization is reflected in our data as follows. Whereas the power distribution changed at each time point, the magnitude of change, measured as the difference between the mean score for static legislative or administrative de/centralization in all policy fields of two subsequent time points, peaked at a mere −0.33 for the administrative sphere and −0.25 for the legislative sphere in 1960 respectively (Figure 2). Changes in the individual policy fields between time points were almost exclusively of small magnitude: thirteen out of fourteen legislative alterations and eleven out of twelve administrative alterations were changes of one point only (Table 3). Similarly, the fiscal autonomy of the *Länder* was amended by one-point de/increases eight out of nine times. The introduction of a strict balanced budget rule in 2009 represents the noteworthy exception of a sudden −3 decrease.

While the evolution of German federalism has been characterized in the largest part by incremental change, the 1960s stand out in terms of the frequency and magnitude of centralization and come closest to representing a critical juncture.[10] Legislative or administrative centralization occurred in seven instances between 1961 and 1970. Furthermore, five changes of the fiscal autonomy of the *Länder* had a slightly centralizing effect overall. Most of these changes followed from a series of constitutional amendments, referred to as the Great Fiscal Reform of 1969, that extended and consolidated the integrated model of federalism (Renzsch 1991). It was designed to allow for the Keynesian steering of the national economy and a grand planning of society through the coordination of all levels of government. As both the Christian and Social Democrats agreed on the reform aims of welfare expansion, uniformity and economic growth and stabilization, the constitution could be amended easily (Benz 1999, 62). This reform program blended measures that weakened as well as strengthened *Land* policy autonomy. While the central government gained the right to finance hospitals and to engage in joint education planning with the *Länder*[11], it reduced its encroachment on selected other *Land* competences by introducing joint tasks to the constitution. Those joint tasks had already existed based on bilateral agreements between the federal and individual *Land* governments that gave the federal government enhanced flexibility. Due to the reform, from now on the federal government and all the *Länder* collectively co-decided on them. With regard to fiscal autonomy, on one hand, local governments had to share a portion of their revenues from a local business tax with the federal government (in exchange for shared tax revenues) and *Land* borrowing became restricted by needs of macroeconomic stabilization. On the other hand, the *Länder* benefitted from fewer restrictions in conditional grants for joint tasks.

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[10] By critical juncture we mean a brief time period in which an exogenous event has opened up potential for path change because alternative options long thought to be irrelevant suddenly become serious options for reform (Capoccia and Kelemen 2007).

[11] Vertical coordination in education planning was weak prior to the reform of 1969 and not based on bilateral agreements.

Prior to this nearly critical juncture, in the federation's first two decades (1950s and 1960s), an incremental centralization occurred that reversed the dual elements of the federal system in the Basic Law and strengthened the central government (Hesse 1962). As the demands of the Allies to balance power and follow a US dual model of federalism were no longer enforced by a veto position, the federation moved closer to the preferences of the German actors after the war (e.g., as expressed in the Parliamentary Council). In 1960, three administrative, three legislative and one fiscal scores changed compared to the initial distribution of power. The federal parliament legislated more comprehensively in health care and environmental protection, and new federal institutions such as the Federal Labor Office and the (highly independent) central bank, the *Bundesbank*, were founded. This incremental centralization extended into the 1960s when the federal parliament passed encompassing laws in social welfare and the central government gained the right to supervise many banks and employ its police forces in case of national emergency. This centralization was based on the long-held attitudes of both the political and administrative elites and the general public to provide for uniform living conditions throughout Germany (Lehmbruch 2000, 104–111, 2002). Moreover, extensive federal law making was eased by uniform majorities in both parliamentary chambers and the low level of federal distributional conflicts and differences between the *Länder* (Benz 1999, 61f.).

The unification of Germany in 1989–90 was a missed critical juncture and presents a negative case of dynamic de/centralization as only one score change in 1990 and three score changes in 2000 occurred. Many conditions were favorable to change. These included the strong exogenous shock of having to integrate a sizeable country; the apparent problem of increasing socio-economic, fiscal and political-cultural heterogeneity (Jeffery 2003); demands for specialized regional economic policies due to globalization and Europeanization (Sturm 2010, 43); and performance deficits with regard to joint decision-making (Scharpf 2009). Yet, the political actors did not use this window of opportunity to introduce structural changes. Because of the time pressure and the complexity of the situation, no efforts were made to draft a new constitution (Benz 1994, 99; Kilper and Lhotta 1996, 249). Technocratic management led by the federal government

best matched the risk aversion of most actors (Lehmbruch 2000, 187). While a Constitutional Commission was created in 1992, the resulting constitutional amendment left the status quo mostly intact, following the interests of the conservative-liberal federal government and the poorer *Länder* (Gunlicks 1994, 89; Jeffery 1995, 258–260). Thus, unification had a delayed effect on the federal system, paving the way for dynamics that unfolded over a decade later.

The constitutional reforms of 2006 and 2009, known as the Federalism Reforms I and II, were the second most significant event of dynamic de/centralization as legislation in four policy fields and one fiscal indicator underwent change. While it is too early for a definitive assessment[12], the frequency and magnitude of change appear to be too small and the overall direction of change too ambiguous to conceptualize these reforms as a critical juncture. Nevertheless, these constitutional amendments are significant as they for the first time decentralized the federation in a number of legislative fields, namely tertiary education, criminal law and social welfare. However, the *Länder* lost legislative voice in natural resources in addition to accepting strict borrowing rules.[13] The contextual factors favoring reform during the unification intensified. The central and regional party systems increasingly fragmented, coalition patterns within the *Land* governments diverged, divided government became more common and the cleavages between Western and Eastern *Länder* as well as wealthier and poorer *Länder* deepened. In this context, some affluent *Länder* demanded a more dual, competitive model of federalism, but the economically and financially weaker *Länder* refused far-reaching reforms while the federal government sought to reduce the approval rights of the *Bundesrat*. Rulings by the Federal Constitutional Court restricted federal law making substantially, forcing the federal government to make more concessions to the *Länder*, which facilitated the reform in 2006 (Scharpf 2009, 94–97, 108).

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[12] The ambiguity of recent reforms is discussed by Behnke and Kropp 2016.

[13] In a *quid pro quo* for the additional legislative power, the *Länder* also accepted to reduce the proportion of federal laws requiring *Bundesrat* approval. The latter measure decreased the autonomy of an individual *Land* rather slightly.

2.4.5 Instruments

The main instrument of dynamic de/centralization has been the enactment (and in two cases the repeal) of legislation by the central and *Land* governments in a field of common responsibility, which was not triggered by a constitutional amendment. This instrument accounts for sixteen out of thirty-five score changes. In a notable number of these cases, centralization occurred as the federal parliament legislated more comprehensively in an area of concurrent legislation (e.g., health care and natural resources). Other examples of this instrument include the creation of federal administrative agencies, which replaced or complemented subnational agencies (e.g., the Federal Labor Agency and Federal Office for Banking Supervision), and the engagement in or withdrawal from joint tasks such as education planning by the federal government. A slightly less important instrument were constitutional amendments that were subsequently implemented by legislation or administrative regulations. We record fourteen score changes for this instrument. Framework legislation had played a minor role compared to exclusively federal, exclusively *Land* and concurrent legislation and had only captured parts of the policy areas analyzed here, before this type of legislation was abolished in 2006. Thus, both the growing body of federal framework laws (Kilper and Lhotta 1996, 164) as well as the partial withdrawal from framework law making in tertiary education in the 1990s and 2000s were too limited to trigger a change in policy scores.

Rulings by the Federal Constitutional Court did not have an immediate effect on policy or fiscal scores, but their influence should not be underestimated. Due to a series of judgments in the early 2000s,[14] the federal parliament could no longer legislate uncontestedly in many areas of concurrent and framework legislation and was thus forced

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[14] The Court decided to examine whether federal legislation is necessary according to the criteria set out in Art. 72 par. 2 GG. Until then, it left this examination to the federal legislator. The new jurisdiction started with a ruling on old-age care *(BVerfG 2 BvF 1/01,* 24 October 2002) and continued in the junior professor decision *(BVerfG 2 BvF 2/02,* 27 July 2004) (Scharpf 2009, 93f.). It was triggered by a constitutional amendment in 1994 that made the

to trade some legislative powers to reclaim its contested law making powers as part of the Federalism Reform of 2006 (Scharpf 2009). Furthermore, in some cases the Court prevented the federal government from intervening in exclusive policy competences of the *Länder* such as education (Concordat case 1957, BVerfGE 6, 309) and media regulation (TV case 1961, BVerfGE 12, 205; Blair and Cullen 1999, 133−136). As a result of the Concordat case, the federal and *Land* governments settled on the Lindau agreement, according to which the federal government has to obtain the consent of all *Länder* prior to signing international treaties in fields of exclusive *Land* competence (Blair and Cullen 1999, 134). Furthermore, with two decisions in 1975 and 1976, the Court restricted the conditionality of federal investment aid by ruling that the federal government has to respect *Land* investment plans and limit itself to fitting them into a coherent plan (Blair and Cullen 1999, 143f.). Overall, however, the Constitutional Court showed considerable self-restraint, which benefitted the more active central government. The Court did not stop legislative centralization for many decades as it refused to examine whether federal laws in concurrent legislation fulfilled the conditions for federal law making in these areas, as laid down in the so-called necessity clause (Schneider 1999, 75f.). Similarly, the Court allowed the federal government to enact rather extensive framework laws that regulated beyond basic principles and even specified details as long as those laws allowed the *Länder* to fill the framework (Blair and Cullen 1999, 129). Additionally, the Court imposed little constraint on the right of the federal government to instruct *Land* administrations working on its behalf (Kilper and Lhotta 1996, 174f.).

The use of international treaty powers in the context of European integration influenced the federation as virtually all policy fields were at least partially Europeanized. Both the central and the *Land* governments lost legislative and administrative autonomy (Grotz 2007; Benz 1999, 72ff.). While the central government was typically compensated with voting rights at the European level, namely in the Council of the EU (which, however, increasingly decides based on majority rule), the *Länder* had to extend their

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necessity criteria more restrictive and explicitly authorized the Court to umpire corresponding disputes (ibid).

influence on the German vote through several reforms especially since the late 1980s. Even as the *Länder* were collectively compensated, the individual *Land* lost legislative autonomy. The *Länder* gained additional autonomy only occasionally; for example, they can choose between federal and EU co-financed programs in agricultural policy and economic development (Benz 1999, 75; Mehl and Plankl 2002, 206). While we agree with these general findings in the literature, we trace only one scoring change directly to European integration while in other cases Europeanization effects were too small or both the central and *Land* governments lost autonomy simultaneously. Horizontal joint action continues to be a key element of the federation, but was not formally imposed by the federal level. Fiscal instruments only account for two of the nine changes of fiscal autonomy, namely the amount of federal conditional grants provided to the *Länder*. Two other score changes follow from the disproportional growth of revenues from different taxes.

2.5 Explaining Dynamic De/Centralization

2.5.1 Antecedents

To explain the depicted patterns of dynamic de/centralization in Germany, we assess the plausibility of the hypotheses developed in the introductory article to this special issue (Dardanelli et al. 2019) and noted briefly at the start of this article. At the outset, the federation was rather centralized in legislation, while the *Länder* possessed significant administrative and fiscal autonomy. Compared with federations that are older and originated from a federal bargain, Germany was more centralized with regard to legislative and fiscal power in the beginning. This confirms the theoretical expectation. Contrary to the theoretical expectation, however, it was more *decentralized* administratively than Australia or Canada as Germany followed the "administrative federalism" model and the historically strong *Land* administrations had quickly been reestablished after the war. With regard to change over time, the magnitude of dynamic legislative and administrative centralization in Germany has been smaller than in the older federations, based as they were on a federal bargain (except for Canada).

2.5.2 Socio-economic Trends

Socio-economic changes have been an important factor for dynamic de/centralization in Germany. The centralization in the 1950s and 1960s was based on the development of Germany as a democratic industrial society with increasing economic interrelations and geographic and social mobility (Schneider 1999, 59f.). However, these socio-economic conditions only caused centralization because the political parties shared a belief that the territory to which a citizen belonged was subordinate to the functional needs of the economy and the right to uniform living conditions (Lehmbruch 2000, 104). Thus the evidence from Germany supports the impression that modernization leads to centralization with regard to the direction of change. However, the supporting evidence is less definite regarding the form of change; in the eight policy fields expected to experience centralization,[15] which represent 38 percent of all policy fields, only eight out of twenty instances of centralization occurred (40 percent). While pre-tertiary and tertiary education, environmental protection and criminal law experienced at least instances of temporary centralization, the federal government did not extend its power in economic regulation, civil law, media and transport. Another initial condition that contributed to the centralization in the early decades was the need for reconstruction after the war, the fair distribution of costs involved, and the compensation of economically disadvantaged regions that bordered the GDR (Jeffery 2003, 44; Kilper and Lhotta 1996, 158f.).

The impact of globalization and Europeanization on the vertical distribution of power is very policy-field specific. Globalization has strengthened the federal government through its power to negotiate international treaties, which is only limited with regard to exclusive competences of the *Länder* (Concordat case of the FCC). Yet it also reinforced the preferences of the affluent *Länder* to use their scope of action in industry and technology policy in the 1980s (Lehmbruch 2000, 125f.) and to gain legislative

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[15] Defense was already exclusively federal in the beginning and is thus excluded from the calculation.

influence in economic policy in the 2000s in order to support a specialized competitive regional economy. The latter aim was amplified by the increasing economic competition in the European Single Market, yet was only marginally achieved by the 2006 Federalism Reform. In sum, the evidence from the German experience supports the hypothesis that globalization results in centralization. As already discussed, Europeanization overall likely had a rather centralizing effect (Bulmer 1999, 317−319) because the individual *Land* lost considerable decision-making power and the *Länder* were only collectively and not even fully compensated with the right to (co)define the German vote. However, the literature lacks studies that measure the effect of Europeanization on the distribution of power between the federal government and individual *Land* governments in specific policy fields.[16] In other words, we do not know precisely how individual *Land's* autonomy – as compared to federal government's power – has been affected by European integration. Since we cannot fill this research gap in our article, we follow the general consensus in the literature that Europeanization is among the more important drivers of de/centralization (Grotz 2007).[17]

2.5.3 Socio-cultural Trends

Socio-cultural factors appear to have been a major cause of dynamic de/centralization in Germany. We base this assessment on the literature cited in this subsection and in the online appendix. The political and administrative elites had deep-rooted cultural orientations that favored uniformity and central decision-making and significantly contributed to the centralizing changes since 1949 (Lehmbruch 2000, 108). Especially since the 1990s, however, these orientations have lost force as the nation state is no longer an undisputed reference frame, the national economic and judicial unity is challenged by

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[16] For each major transfer of competences to the European level in each of our twenty-two policy fields, one would need to assess (1) to which degree this competence previously belonged to the federal or *Land* governments and (2) how each government was compensated for with regard to deciding on the German vote for this competence.

[17] This literature is presented in more detail in the online appendix, pp. 281−2.

European integration and the decentralization paradigm has been established in Europe (Lehmbruch 2002, 106f.). These socio-cultural changes, reinforced by the increasing heterogeneity of the *Länder*, were a precondition for the recent decentralizing reforms. With regard to the citizens, national identifications have dominated from the birth of the federation due to two reasons: some *Länder* did not represent traditional state territories and twelve million refugees and expellees spread across the territory after 1945. As an exception, Bavaria has always had a distinct regional identity, which, however, is more cultural and emotional than political and is complemented by a similarly strong national identity (Oberhofer et al. 2011, 176–178, 180f.; Petersen et al. 2008, 568f.). Furthermore, this Bavarian identity was only mobilized to achieve decentralizing reforms by the Christian Social Union (CSU) governments when the *Land* left its agricultural past behind and became an economic frontrunner.[18] Overall, citizens' national identifications appear to have contributed to centralization as hypothesized. This is, however, not due to a shift of these identifications towards the federation over time but because the initial constitutional power division was more decentralized than German citizens preferred.

The expectations of citizens towards the role of government in the economy and society have changed considerably and contributed to centralization in a few policy fields. Most noticeably, the central government extended social welfare and health care when its tax revenues increased significantly because of the economic boom in the 1950s and 1960s. The expansion of these policy fields continued even in the age of limited economic growth after the oil crisis in the early 1970s. In social welfare, a rising number of disadvantaged groups were compensated by federal laws, while in health care, the federal legislator mandated insurance programs to cover an expanding number of services. The federal parliament also took the leading role in environmental protection from the 1970s onwards when this cause became a major concern for many Germans. Federal law making could ensure uniform provision of health care and social benefits across Germany and prevent a race to the bottom in environmental standards. The evidence suggests that

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[18] For example, Bavaria pushed successfully for decentralization in the Federalism Reform of 2006 together with other affluent *Länder*.

the demands of citizens for bigger government had a centralizing effect, as hypothesized.

2.5.4 Shocks

Shocks had ambiguous effects on the vertical distribution of power in Germany. The economic shock of the oil crises of 1973 and 1979−1980, in combination with the structural crises in the mining, steel and textile industries, undermined central government finances. The federal government initially provided additional investment funds to the regional and local governments, thereby increasing conditional grants. Yet, at the beginning of the 1980s, these temporary investment funds were not prolonged and the federal grants for joint tasks were even reduced under Chancellor Kohl (Lehmbruch 2000, 125; Scharpf 2009, 43), which strengthened the fiscal autonomy of the *Länder*. The shock of unification and the end of the Cold War did not alter the relationship between the central and constituent governments in the medium term. In the short term, however, the federal government took over economic policy-making powers for the new *Länder* in the early 1990s and primarily financed their economic and fiscal convergence (Benz 1999, 67f.; Lehmbruch 2000, 131). In other cases, shocks triggered permanent centralization, e.g., in law enforcement during the Red Army Faction terrorism in the 1970s and 1980s, or through the introduction of balanced budget rules for the *Länder* during the financial crisis of 2007. Overall, the German case supports the postulated hypothesis in that severe shocks led to a permanent or at least immediate centralization, although this effect was not particularly strong and in some cases reversed in the medium term, partially even leading to some decentralization. The evidence also confirms that fiscal instruments dominate as the instruments of centralization in times of shock.

2.5.5 Attitudes

To discuss the impact of the collective attitudes of citizens, organized interest groups and the media, we draw on the literature cited hereafter. Citizens and media outlets mostly favor uniform policies across Germany (Scharpf 2009, 123f.), which can be

achieved by either centralization or horizontal coordination. In the 2000s, citizens and the media pressured political actors to harmonize the highly decentralized policy field of pre-tertiary education. This resulted in an even stronger coordination of *Land* education policies on the one hand and investment programs by the federal government to expand child-care facilities and all-day schools on the other. Citizen attitudes supportive of unitary governance restricted governmental positions in some cases, yet mostly reinforced governmental preferences. The media mostly do not create but merely voice the unitary orientations of German citizens (Funk 2013, 222). The processes of the two largest reforms of the federal order (1969, 2006) did not attract major interest from the media or the citizenry. Contrary to the theoretical expectation, the attitudes of citizens and the media did not change significantly even as contextual factors varied over time. The support for uniform policies has been continuously high across Germany even for *Land* tasks such as education, local election law and law enforcement (Grube 2001, 109f.). In 2007, more citizens still favored a greater role for the federal or local level than for the *Länder*, with the exception of the citizens of Bavaria (Wintermann and Thieß 2008, 19). Moreover, the vast majority of citizens across all *Länder* and major political parties favor uniform tax rates (Petersen et al. 2008, 576), which explains the lack of public support for expanding own-source revenues of the *Länder*. The voting patterns of citizens strongly nationalized in the 1950s and 1960s, signaling a low demand for regional diversity. There is mixed evidence on whether voters have increasingly based their decisions in *Land* elections on *Land*-specific conditions and issues after unification (Burkhart 2005; Hough and Jeffery 2003; Jeffery 1999, 339). Interest groups have generally preferred centralization since the birth of the federation because it ensures uniformity of law for their members who are affected by the law, matches their own centralized organizational structure (Kilper and Lhotta 1996, 158f.; Scharpf 2009, 124) and limits the number of actors they have to lobby in order to have their preferences taken into account. Overall, the impact of lobbying interests on de/centralization is small as the institutional interests of governments and administrations typically dominate. All in all, the evidence supports the impression that the collective attitudes of citizens, interest

groups and the media had a centralizing effect of small magnitude as intervening variables between structural change and political agency. They were rather facilitators than drivers of change and mostly in line with governmental preferences.

2.5.6 Agency

In Germany's monolingual federation, almost all parties have organized as federation-wide parties and thus have had no foundational decentralizing agenda. This contributed to centralization (Kilper and Lhotta 1996, 158f.). Two exceptions are noteworthy: the CSU is a Christian Democratic party which only competes in Bavaria and forms a joint parliamentary group with the Christian Democratic Union (CDU) in the *Bundestag*. The CSU has advocated decentralization in recent decades, with limited effect, but did not strongly defend regional autonomy in the early decades when most of the centralization occurred. "The Left", founded in 1989 as the Party of Democratic Socialism (PDS), can be considered a regional party as its electoral strongholds are mostly in Eastern Germany and it represents this regional cleavage (Patton 2000); however, its impact on de/centralization has been negligible, and it increasingly has become a national party since a merger in 2007. After unification, the party systems at the regional and federal levels have diverged and the regional units of the parties increasingly developed *Land*-specific manifestos for *Land* elections (Bräuninger and Debus 2012). However, the denationalization of the party system has not yet affected the magnitude of de/centralization (Detterbeck 2016). Overall, the hypothesis about the centralizing effect of a nationalized party system finds empirical support.

Parties differed to some degree in their preferences towards federal uniformity and diversity; yet this hardly played a role in de/centralization. In the Parliamentary Council, CDU representatives mostly favored a federal order, while the Social Democratic Party (SPD) and Free Democratic Party (FDP) advocated a decentralized unitary state. These attitudes quickly converged when they were challenged by institutional interests. The CDU, which led the federal government, aimed to integrate the *Länder* in a national entity, while the opposing SPD wanted to strengthen the *Bundesrat* (Kilper and Lhotta

1996, 157). In the last few decades, the FDP has changed its position and pushed for decentralization and enhanced competition between the *Länder* (Lehmbruch 2002, 54). These party ideologies were not influential (see also Döring and Schnellenbach 2011, 94), which disconfirms the hypothesis according to which left governments centralize and right governments decentralize a federation. The most important processes of de/centralization, namely the incremental centralization of the 1950s─1960s and the constitutional reforms in 1969 and 2006─2009 were in principle agreed on by all major parties. The initial centralization occurred even under CDU-led federal governments. While the SPD/FDP governments between 1969 and 1982 were responsible for legislative centralization, the SPD/Green governments (1998─2005) did not change the federal balance. Decentralization demands from the 1990s onwards rather came from CDU/CSU-led *Land* governments, yet were not based on party political convictions but on the economic and fiscal prosperity of these *Länder*. Poorer, CDU-led *Länder* rejected these claims, as did less affluent SPD-led *Länder*.

The Federal Constitutional Court had an important impact on de/centralization with several rulings, but compared to other federations it engaged in judicial self-restraint and left room for political discretion (Blair and Cullen 1999, 148), as already explained. Its judicature was mostly centrist and did not stop the ongoing centralization. This also followed from its emphasis on the protection of basic rights, such as the equal treatment of human beings across Germany, which limited the autonomy of *Land* law making (Kilper and Lhotta 1996, 162). The Court vigorously defended *Land* autonomy only when it saw violations of fundamental principles of the federation, notably federal encroachment on exclusive competences of the *Länder* (Blair and Cullen 1999, 148). This changed in the 2000s with a series of *Land*-friendly judgments, which resulted in legislative decentralization. Thus, we confirm the hypothesis: Centralization is more likely to occur under a centralist constitutional court.

2.5.7 Institutions

While the hypotheses on the effects of institutional factors on dynamic de/centralization can be best assessed from a comparative perspective, the German case provides the following findings. In contrast to the theoretical expectation, the allocation of residual powers to the *Länder* did not prevent centralization for two reasons. First, the federal parliament interpreted its legislative powers extensively, also using implied powers (Klatt 1989, 187f.; Scharpf 2009, 19). Second, new tasks were quickly assigned to the federal exclusive or concurrent legislation by constitutional amendment (i.e., with *Bundesrat* approval), such as defense in 1954, nuclear energy in 1959, gene technology, organ transplants and in vitro fertilization in 1994. Similarly, air traffic administration became a federal duty in 1961.

Germany's federation follows the administrative model, which – in line with the hypothesis – facilitated centralization as the federal parliament regularly encroached on areas of shared responsibility. Yet, contrary to the theoretical expectation for administrative federations, the use of concurrent rather than framework legislation was the main instrument of non-constitutional centralization. Furthermore, the federal government was able to accumulate power through constitutional revisions rather easily mainly because the *Bundesrat* and not the *Land* parliaments is required to approve a transfer of power. The *Bundesrat* is composed of *Land* government ministers who were frequently willing to upload tasks to the federal government in exchange for co-decision-making rights for the *Bundesrat.* This allowed them to free themselves from the interests of their party groups and become visible to national media. Nevertheless, the *Bundesrat* vetoed or threatened to veto a number of de/centralizing changes, such as centralizing attempts by the federal governments in the 1970s and 1980s (Benz 1999, 64ff.), considerably limiting the magnitude of de/centralization. Similar to *Land* governments, the *Land* ministerial administrations preferred coordination with the federal administration (or other *Land* administrations) to coordination with politicians in their own *Land* (Scharpf 2009, 57). Also contrary to the theoretical expectation, centralization occurred as frequently in the administrative as in the legislative realm – to some degree because legislation was

already rather centralized at the outset. Only when adding instances of decentralization, were changes of legislative powers more frequent than in the administrative field.

The parliamentary system has rather favored centralization. The executive-federalism style of vertical intergovernmental relations that typically goes together with a parliamentary system has become markedly elaborate in Germany and has further weakened the decision-making power of the *Land* parliamentarians because of the self-interest logic of executives.

2.6   Conclusions

While the German federation has shown significant continuity in a majority of policy fields since its inception, it has nonetheless undergone quite a marked de/centralization since 1949.[19] The federal government extended its legislative rights modestly and its administrative rights to a stronger degree. The loss of autonomy for the *Länder* was greatest in the fiscal sphere. This overall trend is occasionally breached by instances of decentralization. The assessment of twenty-two policy fields and five fiscal indicators demonstrates that many changes, which are analyzed in the academic literature, are too small to be considered a significant change of the vertical distribution of power of the federation overall. Three processes or events stand out in terms of the magnitude of change in the federation. First, an incremental centralization occurred in the 1950s and 1960s. Second, the Great Fiscal Reform of 1969 amplified this centralizing process and came closest to constituting a critical juncture. Third, the federalism reforms of 2006 and 2009 combined both decentralizing and centralizing measures, but do not represent a critical juncture. Dynamic de/centralization was mostly the result of the enactment of legislation by either tier of government in a field of common responsibility and to a

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[19] We might rather overestimate the frequency and magnitude of centralization because the concept of constituent units' autonomy employed in the broader project highlights self-rule over shared rule and shared rule has increased in Germany at least in the first decades.

lesser degree of constitutional amendments. Rulings by the Federal Constitutional Court mostly confirmed changes set by parliaments and governments.

These findings are consistent with a funnel of causality approach for explaining dynamic de/centralization and come to the following stylized results. The federal order was frequently centralized because socioeconomic and sociocultural changes as well as a particular founding condition reinforced the unitarist cultural attitudes of political and administrative elites and the citizenry. More specifically, increasing geographic mobility in an industrialized society, the need for coordination and planning in a complex and interdependent world, and the increasing demand of citizens for bigger government coincided with an initial constitutional division of power that was, in part, determined by external forces. All major parties, the federal and *Land* administrations, as well as the vast majority of citizens, had strong historically grown cultural orientations towards uniformity. Important scope conditions for the centralization were the judicial self-restraint by the Federal Constitutional Court, nationalized parties and centralized interests groups. After unification, when socio-economic conditions changed, especially as the economic and fiscal heterogeneity of the *Länder* increased, and the cultural orientation towards uniformity among the political and administrative elites was partially undermined, centralization was mostly halted. Efforts to substantially increase the autonomy of the *Länder* failed as a consequence of institutional constraints that the economically and fiscally weaker *Länder* were able to mobilize, using their veto power in the *Bundesrat* to preserve their institutional interests.

With regard to the general discussion of dynamic de/centralization, the German case highlights that in spite of a generic centralizing trend, decentralization occurred sporadically, partially even simultaneously due to package deals and the independence of policy fields. As a result, legislation in Germany today is not more centralized than in the other federations analyzed (except Canada), making the German federation less unique than often portrayed. Germany stresses the importance of a misfit of the initial constitutional set-up with the preferences of political actors which jointly create frictions that were gradually reduced. It underlines that governments and their institutional interests matter as federal and *Land* governments mostly monopolized the process of changing

the vertical distribution of power and often narrowly defended their economic and fiscal interests, using their veto power in case of constitutional amendments.

References

Adelberger, Karen. 2001. Federalism and Its Discontents: Fiscal and Legislative Power-Sharing in Germany, 1948-1999. Regional & Federal Studies 11 (2): 43–68.

Behnke, Nathalie, and Sabine Kropp. 2016. Arraying Institutional Layers in Federalism Reforms. Regional & Federal Studies 26 (5): 585–602.

Benz, Arthur. 1999. From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 Years. Publius 29 (4): 55–78.

Benz, Arthur. 1994. A Forum of Constitutional Deliberation? A Critical Analysis of the Joint Constitutional Commission. German Politics 3 (3): 99–117.

Blair, Philip, and Pete Cullen. 1999. Federalism, Legalism and Political Reality. In Recasting German Federalism, ed. Charlie Jeffery, 119–154. London/New York: Pinter.

Bräuninger, Thomas, and Marc Debus. 2012. Parteienwettbewerb in den deutschen Bundesländern. Wiesbaden: VS Verlag für Sozialwissenschaften.

Bulmer, Simon. 1999. Efficiency, Democracy and Post-Unification Federalism in Germany. In Recasting German Federalism, ed. Charlie Jeffery, 312–328. London/New York: Pinter.

Burkhart, Simone. 2005. Parteipolitikverflechtung. Politische Vierteljahresschrift 46 (1): 14–38.

Capoccia, Giovanni, and R. Daniel Kelemen. 2007. The Study of Critical Junctures: Theory, Narrative and Counterfactuals in Institutional Theory. World Politics 59 (3): 341–369.

Dardanelli, Paolo, and Sean Mueller. 2019. Dynamic De/Centralization in Switzerland, 1848-2010. Publius: The Journal of Federalism 49 (1): 138-165.

Dardanelli, Paolo, John Kincaid, Alan Fenna, André Kaiser, André Lecours, and Ajay Kumar Singh. 2019. Conceptualizing, Measuring, and Theorizing Dynamic De/Centralization in Federations. Publius: The Journal of Federalism 49 (1): 1-29.

Detterbeck, Klaus. 2016. The Role of Party and Coalition Politics in Federal Reform. Regional & Federal Studies 26 (5): 645–666.

Döring, Thomas, and Jan Schnellenbach. 2011. A Tale of Two Federalisms: Germany, the United States and the Ubiquity of Centralisation. Constitutional Political Economy 22 (1): 83–102.

Fenna, Alan. 2019. The Centralization of Australian Federalism 1901–2010: Measurement and Interpretation. Publius: The Journal of Federalism 49 (1): 30-56.

Funk, Albert. 2013. Der unitarische Imperativ. In Jahrbuch des Föderalismus 2013, ed. Europäisches Zentrum für Föderalismusforschung Tübingen, 216–227. Baden-Baden: Nomos.

Grotz, Florian. 2007. Europäisierung und nationale Staatsorganisation. Baden-Baden: Nomos.

Grube, Norbert. 2001. Föderalismus in der öffentlichen Meinung. In Jahrbuch des Föderalismus 2001, ed. Europäisches Zentrum für Föderalismusforschung Tübingen, 101–114. Baden-Baden: Nomos.

Gunlicks, Arthur B. 1994. German Federalism After Unification. Publius 24 (1): 81–98.

Hesse, Konrad. 1962. Der unitarische Bundesstaat. Karlsruhe: C.F. Müller Verlag.

Hough, Daniel, and Charlie Jeffery. 2003. Landtagswahlen: Bundestestwahlen oder Regionalwahlen? Zeitschrift für Parlamentsfragen 34 (1): 79–94.

Jeffery, Charlie. 2003. Federalism and Territorial Politics. In Developments in German Politics 3, ed. Stephen Padgett, William E. Paterson, and Gordon Smith, 38–59. Basingstoke: Macmillan.

Jeffery, Charlie. 1999. From Cooperative Federalism to a 'Sinatra Doctrine' of the Länder? In Recasting German Federalism, ed. Charlie Jeffery, 329–342. London/New York: Pinter.

Jeffery, Charlie. 1995. The Non-Reform of the German Federal System after Unification. West European Politics 18 (2): 252–272.

Kilper, Heiderose, and Roland Lhotta. 1996. Föderalismus in der Bundesrepublik Deutschland. Opladen: Leske + Budrich.

Kincaid, John. 2019b. Dynamic De/Centralization in the United States, 1790-2010. Publius: The Journal of Federalism 49 (1): 166-193.

Klatt, Hartmut. 1989. Forty Years of German Federalism. Publius, 19 (1): 185–202.

Kropp, Sabine. 2011. Politikverflechtung – und kein Ende? In Föderalismus als Verfassungsrealität. Deutschland und Kanada im Vergleich, ed. Gagnon, Alain-G. and Roland Sturm, 15–37. Baden-Baden: Nomos.

Lecours, André. 2019. Dynamic De/Centralization in Canada, 1867-2010. Publius: The Journal of Federalism 49 (1): 57-83.

Lehmbruch, Gerhard. 2000. Parteienwettbewerb im Bundesstaat. 3rd ed. Wiesbaden: Westdeutscher Verlag.

Lehmbruch, Gerhard. 2002. Der unitarische Bundesstaat in Deutschland. In Föderalismus, ed. Benz, Arthur and Gerhard Lehmbruch, 53–110. Wiesbaden: Verlag für Sozialwissenschaften.

Mehl, Peter, and Rainer Plankl. 2002. Regionale Agrarpolitik in Deutschland. In Jahrbuch des Föderalismus 2002, ed. Europäisches Zentrum für Föderalismusforschung Tübingen, pp. 199–210. Baden-Baden: Nomos.

Oberhofer, Julia, Julia Stehlin, and Roland Sturm. 2011. Citizenship im unitarischen Bundesstaat. Politische Vierteljahresschrift 52 (2): 163–194.

Oeter, Stefan. 1998. Integration und Subsidiarität im deutschen Bundesstaatsrecht. Tübingen: Mohr Siebeck.

Patton, David. 2000. The Rise of Germany's Party of Democratic Socialism. West European Politics 23 (1): 144–160.

Petersen, Thieß, Henrik Scheller, and Ole Wintermann. 2008. Public Attitudes towards German Federalism. German Politics 17 (4): 559–586.

Renzsch, Wolfgang. 1991. Finanzverfassung und Finanzausgleich. Bonn: Dietz.

Scharpf, Fritz W. 2009. Föderalismusreform. Kein Ausweg aus der Politikverflechtungsfalle. Frankfurt: Campus.

Schneider, Hans-Peter. 1999. German Unification and the Federal System. In Recasting German Federalism, ed. Charlie Jeffery, 58–84. London/New York: Pinter.

Schöller-Schwedes, Oliver and Lisa Ruhrort. 2008. Länderverkehrspolitik, in: Die Politik der Bundesländer, ed. Achim Hildebrandt and Frieder Wolf, 235–256. Wiesbaden: VS Verlag für Sozialwissenschaften.

Singh, Ajay Kumar. 2019. Dynamic De/Centralization in India, 1950-2010. Publius: The Journal of Federalism 49 (1): 112-137.

Stecker, Christian. 2016. The Effects of Federalism Reform on the Legislative Process in Germany. Regional & Federal Studies 26 (5): 603–624.

Sturm, Roland. 2010. More Courageous than Expected? The 2006 Reform of German Federalism. In New Directions in Federalism Studies, ed. Jan Erk and Wilfried Swenden, 34–49. Abingdon/New York: Routledge.

Wintermann, Ole, and Thieß Petersen. 2008. Bürger und Föderalismus. Gütersloh: Bertelsmann-Stiftung.

3. Dynamic De/Centralization in Federations: Comparative Conclusions[20]

Abstract: This article presents the conclusions of the project 'Why Centralization and Decentralization in Federations?', which analyzed dynamic de/centralization in Australia, Canada, Germany, India, Switzerland, and the United States over their entire life span. It highlights six main conclusions. First, dynamic de/centralization is complex and multidimensional; it cannot be captured by fiscal data alone. Second, while centralization was the dominant trend, Canada is an exception. Third, contrary to some expectations, centralization occurred mainly in the legislative, rather than fiscal, sphere. Fourth, centralization is not only a mid-twentieth century phenomenon; considerable change occurred both before and after. Fifth, variation in centralization across federations appears to be driven by conjunctural causation rather than the net effect of any individual factor. Sixth, institutional properties influence the instruments of dynamic de/centralization but do not significantly affect its direction or magnitude. These findings have important conceptual, theoretical, methodological, and empirical implications for the study of federalism.

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[20] This article is co-authored with Paolo Dardanelli, John Kincaid, Alan Fenna, André Kaiser, André Lecours, Ajay Kumar Singh and Sean Mueller.

As we noted in the introduction to this special issue of Publius (Dardanelli et al. 2019), de/centralization in federations has been widely discussed in the literature since The Federalist but no attempt to measure it from a long-term comparative perspective and across its different dimensions had been carried out. In the mid-1970s, Riker (1975, 140) remarked that an index able to capture de/centralization across time and space "would make possible a truly comparative study of federalism for the first time." He pointed out, however, the challenges involved in constructing such a measure. Others also have stressed how difficult it is to measure de/centralization comparatively (e.g., Davis 1978, 213n13; Simeon 1986, 446; Vaubel 1996, 80; Chhibber and Kollman 2004, 105).

We have taken up the challenge, by measuring de/centralization statically (i.e., at any given point in time) and dynamically (i.e., over time) across six federations (Australia, Canada, Germany, India, Switzerland, and the United States) since their founding, and sought to explain the resulting patterns.[21] The conceptual, methodological, and theoretical framework underlying the project is outlined in the introductory article. Here, we attempt a comparative analysis of our findings.

We proceed as follows. Sections 2 and 3 briefly recall the theoretical expectations and methodological approach underpinning the project. Sections 4–6 map static de/centralization at the outset of each federation and in 2010, and trace the dynamic process of de/centralization in relation to direction, magnitude, tempo, form, and instruments. Section 7 moves from description to tentative explanation and offers a qualitative assessment of the theoretical expectations in light of the patterns emerging from our measurement. Section 8 discusses our findings against the backdrop of the existing literature, reflects on their significance for studying federalism, and identifies avenues for further research. The concluding section summarizes our main take-away points.

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[21] The data set is available on the project website at https://de-centralisation.org.

3.1 Theoretical Expectations

As developed in the theoretical expectations set forth in the introduction to this issue (Dardanelli et al. 2019), we hypothesize that dynamic de/centralization is shaped by a broad range of factors operating at different levels and different points in time.

The most remote factors pertain to antecedent conditions that shaped static de/ centralization at the outset (i.e., the starting point for dynamic de/centralization). Given that the scope of government was much more limited in the nineteenth century compared to contemporary welfare states, one could expect federations created before World War I (i.e., the United States, Switzerland, Canada, and Australia) to be less centralized at birth than those established after World War II, namely, Germany and India. Federations born out of a "federal bargain" (Riker 1964, 12–16) should also start from a lower level of centralization than those created differently. Given that the four older federations were both established before World War I and emerged from a federal bargain, we expect them to have been very decentralized at the outset and, consequently, to have experienced considerable dynamic centralization, most of it occurring after 1920.

Regarding dynamic de/centralization, several socio-economic and socio-cultural trends should be considered as important drivers. In the socio-economic sphere, technological change, increased mobility, and market integration—often placed under the umbrella of "modernization"—are said to fuel centralization (e.g., Beer 1973). After World War II, globalization might have further contributed to centralization, given the scope for the central government to encroach upon the autonomy of the constituent units through international agreements (e.g., Lazar et al. 2003, 4). Globalization's effect is likely to have been reinforced by regional integration (e.g., the European Union), although we expect the latter to have had a different impact both geographically and depending on whether a federation is mono- or multinational. In multinational (including binational) federations, globalization and regional integration may temper centralization or even favor decentralization by increasing the threat of secession by nationally distinct units (e.g., Meadwell and Martin 1996; Lazar et al. 2003, 20). As regional integration has been most advanced in Western Europe, much less so in North America, and largely absent in South Asia and Oceania, Germany and Switzerland should have experienced

the strongest effect of this factor, India and Australia the weakest, and Canada and the United States, a medium-strength effect. As the only multinational federation among our cases (see below), Canada will, on this basis, have experienced less centralization and possibly even decentralization as a result of regional integration compared to the other five federations.

As regards the socio-cultural domain, in monolingual federations such as Australia, Germany and the United States, citizens' primary identification with the constituent units can be expected to decline over time and their primary identification with the federation to rise. Multilingual federations that forge a common national identity—such as India (e.g., Stepan et al. 2011) and Switzerland (e.g., Dardanelli 2011)—should follow a pattern similar to that of the monolingual federations. In multilingual federations that become multi- or binational, such as Canada, the evolution of citizens' identification should restrain centralization or even reverse it. The evolution of citizens' expectations about the role of government, as represented most prominently by rising demands for uniform welfare services throughout the country, are likely to have fueled dynamic centralization in all federations (e.g., Birch 1955).

According to a widespread consensus in the literature, these relatively slow-moving trends may have been reinforced or amplified by short-term shocks such as wars and economic crises (e.g., Wheare 1946, 254).

We expect these trends and shocks to have led to changes in attitudes toward the vertical distribution of powers in the federation, principally among the general public, organized interests, and the media, broadly favoring an accretion of powers at the center. Pressures toward centralization, however, will be mediated by political and institutional variables that reinforce or weaken them. Several such variables lend themselves to theorizing. The first political variable is the degree of nationalization of the party system (Riker 1964, 91–101; see also Chhibber and Kollman 2004, 226–227). High levels of nationalization such as in Australia and Germany should have facilitated centralization whereas lower levels in Switzerland should have acted as a brake. Likewise, the rise in the degree of nationalization in the United States and the decline in India should have

had a corresponding effect on de/centralization.[22] A second variable in this category is the political orientation of the federal executive, whereby parties of the left are generally seen to favor centralization while parties of the right resist it (e.g., Döring and Schnellenbach 2011, 92–94). Centralizing steps are thus more likely to occur under parties of the left and federations having experienced longer periods of left-wing rule should have experienced higher centralization. A third variable is the orientation of the judicial umpire, whereby constitutional or supreme courts with a centralist orientation will facilitate centralization while those of the opposite persuasion will stem it (e.g., Livingston 1956, 12; Aroney and Kincaid 2017).

Turning to institutional factors, a large number of constituent units can be seen as facilitating centralization (e.g., Watts 2008, 71–72). By contrast, the constituent units' possession of residual powers, a dual model of federalism, separation of powers between the legislature and the executive, and direct-democracy approval of constitutional change should constrain centralization (e.g., Döring and Schnellenbach 2011, 85–90; Bednar et al. 2001, esp. 264; Blankart 2000, 32). Finally, in indirect-administration federations, we expect centralization to be confined largely to the legislative sphere, especially through growing use of framework legislation by the central government.

3.2 Data and Methods

As elaborated in the introductory article, our data measure static de/centralization at ten-year intervals from each federation's foundation to 2010 in twenty-two policy and five fiscal categories (tables 1 and 2 in the online appendix). Each policy area is assessed as to its legislative and administrative de/centralization, understood as the degree of autonomy individual constituent units possess vis-à-vis the federation. Legislative autonomy relates to each constituent unit's (i.e., canton, Land, province or state) control of primary

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[22] Given that no longitudinal data on party system nationalization are available, our estimates of the degree of nationalization are based on a qualitative assessment. Table 13 in the online appendix reports data for 2010.

legislative powers. Administrative autonomy concerns a constituent unit's control over the implementation of public policy in executing federal as well as its own legislation. This yields data for forty-four policy scores and five fiscal scores at between seven (Germany and India) and twenty-three (United States) time points, which is a total of 3,871 observations. Each data point is intended to capture the state of de/centralization at the end of the respective decade.

We measured the degree of a constituent unit's legislative and administrative control in policy matters on a seven-point scale: 1=exclusively the central government; 2=almost exclusively the central government; 3=predominantly the central government; 4=equally the central government and the constituent units; 5=predominantly the constituent units; 6=almost exclusively the constituent units; and 7=exclusively the constituent units. As detailed in the introduction to this Publius issue (Dardanelli et al. 2019), we measured a constituent unit's autonomy in the fiscal sphere through five different categories, each scored on seven-point scales based on either numerical indicators, where available, or qualitative assessment.

We coded the degree of autonomy in each policy and fiscal area on the basis of constitutional and non-constitutional developments – such as the enactment of legislation and changes in fiscal transfers – occurring over the previous decade that either increased or decreased the legislative, administrative, or fiscal autonomy of the constituent units. The online appendices attached to the case-study articles of this issue (Dardanelli and Mueller 2019; Fenna 2019; Kincaid 2019; Lecours 2019; Singh 2019; chapter 2 of this dissertation) detail the codes assigned, indicate the sources the codes are based on, and outline the justification for each coding decision.

For each time point, we computed: (a) the modal and mean policy and fiscal scores, and the standard deviation among them; and (b) the deviation between the legislative and administrative policy scores by category and in the aggregate (L-A deviation), which can be considered a measure of the duality of a federation: the smaller the difference, the higher the duality.

To measure dynamic de/centralization, we computed the following statistics: (a) the total, modal, and mean frequency of score change by policy and fiscal category and in the aggregate; (b) the patterns of direction and magnitude of score changes; (c) the cumulative direction and magnitude of score change by policy and fiscal category and in the aggregate; and (d) the mean rate of score change per year by different periods.

3.3 Mapping Static De/Centralization at the Outset

Static de/centralization at the outset varied considerably across the six federations (figure A1 at the end of this article and tables 1–3 in the online appendix). The two oldest, the United States and Switzerland, were highly decentralized on all three dimensions. Australia, the fourth oldest federation, was also considerably decentralized, albeit less so than the previous two. Canada, by contrast, was significantly more centralized, especially in legislation and administration. In all four cases, the deviation between the legislative and the administrative score was small, but, with the exception of Australia, greater than zero, thus indicating that most federations, the United States included, were never perfectly "dual". All were least centralized in the fiscal sphere.

The two later federations were significantly more centralized than were the United States and Switzerland at their founding but only marginally more so compared to Canada. Germany and India were also not much more centralized than the level reached by the United States, Switzerland, and Australia by 1950 (figures A3–A5 at the end of this article). True to its reputation as the paradigmatic example of indirect administration, Germany displayed a large difference between the legislative and the administrative scores, and administrative decentralization was also higher than fiscal decentralization. India, by contrast, conformed more closely to the dual pattern of the older federations.

There was also considerable variation across policy fields. Education (both pre-tertiary and tertiary), law enforcement, and environmental protection were the most decentralized—mean score ≥ 6—in the legislative sphere across all six federations, whereas external affairs, currency and money supply, and defense were the most centralized—

mean score ≤ 2. In pre-tertiary education, external affairs, and law enforcement the distribution of powers was the most consistent across the six cases—standard deviation ≤ 1—whereas there was high variation—standard deviation ≥ 2—in several fields (table 1 in the online appendix). By and large, a similar pattern can be observed in the administrative sphere (table 2 in the online appendix). Fiscally, the proportion of own-source revenues displayed the lowest score, with some variation across the six federations, whereas the proportion of conditional grants scored highest everywhere (table 3 in the online appendix).[23]

3.4 Mapping Dynamic De/Centralization

3.4.1 Frequency[24]

The frequency of dynamic de/centralization varied considerably across federations. In absolute terms, policy change was much more frequent in Australia, Switzerland and, especially, the United States than in the other cases. While this is, to some extent, a function of a federation's age, it is not entirely so. If we adjust the figures by the length of each federation's life span, so as to obtain a rate of change per decade, we observe that Australia had the highest rate, followed by the United States and Switzerland. Germany's rate was not too dissimilar to that of the two oldest federations, whereas in India and Canada the "federal balance"—i.e., the distribution of powers between the central government and the constituent units— in the policy sphere was much more stable. The frequency of policy change was higher in the legislative than in the administrative dimension in most cases but the reverse is true for India, while in Canada the two figures are equal (tables 4 and 5 in the online appendix).

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[23] Cross-case comparability of the data on own-source revenues and the proportional of conditional transfers is reduced by the fact that the data include local governments in some cases but not others.

[24] Although frequency is an aspect of what we call tempo, for ease of presentation we discuss it separately.

Disaggregating by policy category, we find that legislative change was most frequent in agriculture, environmental protection, health care, and social welfare, whereas it was least frequent in currency and money supply, external affairs, and civil law (table 4 in the online appendix). Administrative change was most frequent in finance and securities, economic activity, social welfare, and the media, and least frequent in language, civil law, and elections and voting (table 5 in the online appendix).

3.4.2 Direction

In most federations, change was overwhelmingly centralizing, especially in the legislative dimension. In Australia and Switzerland, all legislative changes were centralizing and so were 89 percent of the legislative changes recorded in the United States. Canada, however, bucked the trend. It experienced an equal number of centralizing and decentralizing changes in the policy sphere and even a higher number of decentralizing steps in the fiscal sphere. Germany and India also displayed a more mixed pattern, with a significant number of decentralizing steps in the legislative (Germany) and administrative (India) spheres (tables 4–6 in the online appendix).

The picture emerging is further reinforced by the data on cumulative direction over the entire life span of the six federations. All but Canada became more centralized, across the legislative, administrative and fiscal dimensions, whereas Canada became less centralized in all three dimensions, particularly so in the fiscal sphere (figure A7 at the end of this article and tables 7–9 in the online appendix).

Examining cumulative legislative de/centralization in individual policy fields (table 7 in the online appendix), outside Canada, all federations became more centralized in every area, with the single exception of elections and voting in India. In Canada, there was decentralization in several fields. Not a single policy area experienced the same cumulative direction of change in all six federations. Centralization, however, was most consistent in economic activity, environmental protection, health care, and social welfare. A broadly similar pattern can be observed in the administrative sphere, though there were a few more instances of decentralization in India (table 8 in the online appendix).

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The fiscal sphere displayed more contrast, with significant decentralization in Canada, and also in Germany and India, particularly in the degree of transfer conditionality (table 9 in the online appendix).

3.4.3 Magnitude

Mirroring some of the above patterns, the magnitude of dynamic de/centralization varied considerably across cases (figure A7 at the end of this article and tables 7–9 in the online appendix). Given their much lower static centralization at their founding, the United States and Switzerland, followed by Australia, underwent the deepest dynamic centralization, particularly so in the legislative sphere. Centralization had a much smaller magnitude in Germany and India, both of which started from markedly higher levels of static centralization. As already seen, Canada experienced a mix of centralizing and decentralizing steps, which produced a cumulative decentralization of small magnitude. While centralization in the two oldest federations was highest in the legislative sphere and lowest in the fiscal sphere, the pattern is reversed in Germany and Canada, whereas in India centralization was lowest in the administrative sphere.

The data disaggregated by policy category show that in the legislative sphere, the magnitude of centralization was highest in social welfare, environmental protection, and agriculture, whereas defense was least affected, and external affairs, with the exception of Canada, witnessed no change. In Canada, by far the largest magnitude of decentralization took place in employment relations whereas the other fields that experienced decentralization did so only modestly (table 7 in the online appendix). In the administrative sphere, there was more variation across federations; the only pattern holding for more than one case is high centralization in the fields of the media, social welfare, and transport (table 8 in the online appendix). Regarding dynamic fiscal de/centralization, magnitude was highest in the restrictions placed on own-source revenues (table 9 in the online appendix).

3.4.4 Pace, Timing, and Sequence

In all six federations, dynamic de/centralization proceeded mostly gradually. While frequency, as seen above, varied considerably, in all cases change took place primarily through low-magnitude steps. In the legislative dimension, for instance, more than 75 per cent of changes were of only one point (table 13 in the online appendix). Single changes of a large magnitude, such as in employment relations in Canada or in civil and criminal law in Switzerland, were rare.

There was higher variation both longitudinally within each federation and across them in the aggregate pace of dynamic de/centralization, with a peak of seventeen changes of policy score in one decade and troughs of zero in others (figure A2 at the end of this article). Some of these peaks, such as in the 1870s in Switzerland, in the 1930s and 1970s-80s in the United States, and in the 1970s in Australia, could be considered "critical junctures", i.e., involving high-magnitude change with significant long-term consequences.

Dynamic centralization was not only a mid-twentieth century phenomenon (figure A2 at the end of this article). Noticeable centralization occurred in Switzerland and the United States as early as the latter part of the nineteenth century. We can also observe a high rate of change over the last two decades in most federations. Here too, though, Canada is an outlier, having experienced little change both in the initial period and in the most recent one. The rate of change in India also declined in the more recent period.

Significant sequential patterns are clear in only a few cases. The shape of the dynamic de/centralization trend curve in the legislative sphere shows three patterns: (a) the United States, Switzerland, and Australia followed a largely linear path of progressive centralization; (b) Canada experienced decentralization in the first half of the twentieth century and centralization later; and (c) Germany and India underwent centralization in the earlier decades and moved very slightly in the opposite direction after 1980 (figure A3 at the end of this article).

Regarding sequential patterns between different forms of dynamic de/ centralization, in both Australia and Canada, change in the fiscal sphere appears to have preceded

change in the policy sphere, but the same did not occur in the other cases, especially Switzerland and the United States (figures A2–A4 at the end of this article). What occurred in both Australia and the United States, however, is that the central government expanded its fiscal capacity first and then utilized part of that capacity to constrain the states' policy autonomy via the use of conditional transfers (see Fenna 2019 on Australia and Kincaid 2019 on the United States in this issue).

3.4.5 Form

In the United States and Switzerland, where it had the highest magnitude, dynamic centralization took mainly a legislative form whereas significantly less centralization occurred in the administrative and, especially, fiscal spheres. Australia had high centralization across all three dimensions. In Canada and Germany there was proportionally more dynamic de/centralization in the fiscal and, to a lesser extent, administrative dimensions than in the legislative one, while India underwent proportionally less centralization in the administrative sphere. In the latter three federations, however, these relative differences have to be placed in the context of a small overall magnitude of change (tables 7–9 in the online appendix).

The different magnitudes of dynamic de/centralization across the three dimensions had noticeable consequences in terms of the degree of duality of each system (figure A6 at the end of this article). Switzerland, especially, but also the United States acquired a progressively more administrative nature over time, with the cantons and states increasingly administering federal policies. Although this was to be expected in Switzerland, given that the creation of an extensive central government administration was always out of the question, it is more remarkable in the U.S. case, the dual federation par excellence. Canada, India and, to a lesser extent, Australia, however, followed a different trajectory as their duality declined only very slightly while in Germany the very high administrative character of the federation decreased due to significant centralization in administration.

3.4.6 Instruments

The instruments through which dynamic de/centralization unfolded varied considerably across cases (table 13 in the online appendix). Constitutional amendments were paramount in Switzerland and prominent also in Germany and India but much less so in the other cases. The use of framework legislation was central to the Swiss experience and also, de facto if not de jure, in the United States but less significant elsewhere. The use of fiscal instruments was particularly prominent in Australia but to a lesser extent in the United States and virtually non-existent in the other cases. Likewise, court rulings were crucial in the United States and also in Australia, Canada and India, but less so in Germany and not important in Switzerland. The enactment of legislation by either the central or the constituent governments was important in Canada and Germany but not in the other cases. The central government's use of international treaty powers had some significance in all federations, particularly so in Australia, but did not generally play a major role. "Coerced" horizontal joint action, lastly, was absent across the board.

3.4.7 Asymmetry

Outside Canada, dynamic de/centralization was largely symmetrical—save for temporary situations such as Reconstruction (1865–1877) in the United States. Canada, by contrast, has become increasingly asymmetrical since the 1960s, with a growing number of policy areas as well as of provinces affected, Quebec in particular.

3.5 Mapping Static De/Centralization Today

The dynamics outlined above produced the contemporary patterns of static de/ centralization presented in figure A8 (at the end of this article) and tables 10–12 (in the online appendix). The general picture is less variation across federations than at the outset, as indicated by the drop in the standard deviation figures. There is also similarity across the six cases in that centralization is highest in the legislative sphere and, except for Germany, lowest in the fiscal sphere.

Differences remain significant however, two of them especially so. The first concerns the degree of legislative de/centralization. While five of the six federations cluster around a score of 3, Canada is one whole point less centralized. The second concerns the degree of duality, as measured by the legislative-administrative deviation. Here, the contrast between Switzerland, Germany, and the United States at one end, and Canada and Australia at the other end is substantial.

Disaggregating by policy and fiscal category reveals similarity in some of them but also several instances of large variation across cases. In the legislative sphere (table 10 in the online appendix), pre-tertiary education and law enforcement are the most decentralized across the board, whereas currency and money supply, defense, citizenship and immigration, and external affairs are the most centralized, and consistently so. The most striking differences are the following: (a) much lower centralization in employment relations and, to a lesser extent, finance and securities in Canada compared to the five other cases; (b) much lower centralization of civil law in Canada, Australia, and the United States vis-à-vis Germany and Switzerland; (c) lower centralization of criminal law in Australia and the United States compared to the four other cases; (d) much lower centralization of tertiary education in Canada and Germany compared to Australia and India; and (e) much lower centralization of media regulation in Germany compared to the five other cases.

Broadly similar patterns prevail on the administrative side (table 11 in the online appendix), though differences are slightly less pronounced. The main exception is the much lower centralization of media regulation in Germany compared to the other cases, while there is also noticeable variation in tertiary education and social welfare.

Fiscally (table 12 in the online appendix), decentralization is lowest regarding restrictions on own-source revenues and transfer conditionality, while it is highest, and consistently so, in the proportion of conditional grants. Variation is high in all categories apart from the proportion of conditional grants, with Canada often at the most decentralized end of the spectrum. Also noteworthy is the contrast between a high proportion of own-source revenues and high transfer conditionality (albeit within a low volume of conditional transfers), displayed by Switzerland and the United States, and the opposite

pattern of low own-source revenues but also low conditionality (and very low volume of conditional transfers) in Germany.

3.6 Toward an Explanation of Dynamic De/Centralization in Federations

In this section, we assess the hypotheses outlined above, and elaborated in the introduction to this Publius issue (Dardanelli et al. 2019), against the comparative evidence from the six cases.

3.6.1 Static De/Centralization at the Outset

The hypothesis that older federations as well as federal-bargain federations would be less centralized at the outset is broadly confirmed but only weakly so for Canada. As seen above and in the article on Canada in this special issue (Lecours 2019), Canada in 1870 was considerably more centralized than were the United States and Switzerland at the outset, and only slightly less so than Germany in 1950.[25] Canada's initially high centralization can be explained, however, by a set of contingent factors that do not invalidate the general theoretical point that changing expectations of government played an important role in shaping the different federal balances generally observed in the older federations compared to the newer ones. The much smaller gap between the initial levels of de/centralization in Germany and India, and the levels reached by most older federations by 1950 underscores the point.

The related hypotheses that the older federations would experience higher dynamic centralization, the bulk of which would take place after 1920, are confirmed except for Canada. While three of the older federations did experience much higher centralization than the newer ones, Canada did not. Likewise, while, generally speaking, the bulk of centralization in the older federations did occur after 1920, significant centralizing steps

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[25] As seen above, Germany was actually more decentralized administratively.

were taken in Switzerland and the United States as early as the later nineteenth century. Thus, to a sizeable extent, the magnitude of dynamic centralization is a function of the initial level of static de/ centralization; hence, Canada's experience is not surprising. There is more to its "deviant" experience, however, than its rather centralized nature at birth (see Lecours 2019 on Canada in this issue); hence, Canada's trajectory, as discussed below, has important theoretical implications.

3.6.2 Socio-Economic Trends

The expectation that all federations become more centralized over time as a result of socio-economic modernization is confirmed in most cases but Canada is an exception. The modest legislative decentralization undergone by Germany and India since 1980 is also noteworthy. Besides, there are prominent differences across the six cases regarding the impact of modernization in specific policy fields. For instance, technological change was an important centralizing factor in defense in Switzerland, but not in the United States. The advent of motor vehicles spurred centralization in road transport in Australia and the United States, but not in Canada. The evolution of the media went hand in hand with centralization in Switzerland, but not in Germany.[26] This suggests that modernization, though important, does not inevitably foster centralization but may interact in complex ways with other factors.

The expectation of a generalized centralizing influence emerging from globalization finds only limited support. It is at odds with Canada's experience and only weakly consistent with that of the other cases, except for Australia (see Fenna 2019 on Australia in this issue). We can thus say that globalization's slightly centralizing effects are overshadowed by the consequences of other, more powerful, factors. Similarly, the hypothesis that regional integration would have a centralizing effect in mononational federa-

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[26] Where it spurred harmonization through enhanced horizontal co-operation (see chapter 2 of this dissertation).

tions but a decentralizing effect in multinational ones, is confirmed, but its effect is generally weak. Even in Germany and Switzerland, the two federations most exposed to it (although Switzerland is not a member of the European Union, integration is based on bilateral treaties), integration played only a marginal role.

3.6.3 Socio-Cultural Trends

The hypothesis that citizens' growing identification with the federation would fuel centralization in mononational federations (both mono- and multilingual) while the presence of competing nationalisms would hinder it in multinational federations is well supported. By and large, this appears to be the case for Canada, Switzerland, and the United States. Australia, Germany, and India, where identification with the federation was already strong at the outset and did not grow appreciably over time, offer less scope for assessing this expectation.

The hypothesis that citizens' changing expectations of the role of government would facilitate centralization is also confirmed, but not without qualifications. Canada withstood centralization in several key policy areas despite citizens' growing demand for government services and regulation, while expectations changed less in the German and Indian federations given their shorter life spans.

3.6.4 Economic and Security Shocks

The experience of most federations only mildly supports the expectation that economic and security shocks were major factors in fostering centralization. Although there is evidence that significant spurts in centralization coincided with wars and economic crises, many centralizing steps were taken in the absence of such shocks, similar shocks had different effects in different federations, and wartime centralization was sometimes followed by post-war restoration of much of the status quo ante.

3.6.5 Collective Attitudes

The expectation that collective attitudes about the federal balance would change because of the above trends and shocks and, in turn, create incentives and constraints for political agency vis-à-vis de/centralization is broadly confirmed. We have found considerable evidence that the attitudes of citizens and interest groups, in particular, played an important role. Contrast, for instance, the deeply-felt preference for policy uniformity in Germany with the strong desire for provincial go-it-alone in many fields in Canada.

3.6.6 Political Agency

The hypothesis that dynamic de/centralization would closely correlate with party system nationalization finds only limited support. Although it is consistent with the experiences of Australia[27] and Canada, it is less so with those of Switzerland and the United States, which had comparatively lower party-system nationalization but high centralization. It is also at odds with India's trajectory, where a steep decline in the degree of party-system nationalization did not yield a commensurate level of decentralization, contrary to Friedrich's (1968, 64) expectation.

Regarding ideology, we do find evidence, particularly in Australia, that centralizing steps tend to be more closely associated with parties of the left but the association is weaker than expected. Centralization also occurred under the tenure of parties of the right, which, notwithstanding some of their pronouncements, rarely engaged in serious decentralizing efforts. Often, ideology seems to matter more in rhetoric than in action.

By contrast, the hypothesis that de/centralization dynamics are heavily shaped by judicial preferences—in systems where a constitutional or supreme court is the ultimate umpire—finds strong support, particularly with regard to Australia, Canada, and the United States. In these federations, courts adopted different perspectives on the federal

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[27] In Australia, the magnitude of centralization actually exceeded the degree of nationalization of the party system (see Fenna 2019 on Australia, in this issue).

balance at different times and such changes of perspective significantly influenced the trajectory of de/centralization. This, however, should be put into the context of the literature on courts and judicial review, which notes that judicial behavior is rarely at odds with mainstream public opinion and the preferences of a majority of elected politicians (e.g., Hall 2016, 393).

3.6.7   Institutional Properties

Lastly, none of the hypotheses regarding institutional properties finds significant empirical support.

The expectation that federations with a smaller number of constituent units would experience less centralization is consistent with Canada's experience; it is, however, strongly at odds with Australia's trajectory, the federation with the fewest constituent units in our sample and yet high centralization. Nor does the considerable difference in the number of constituent units between Switzerland and the United States seems to have had a discernible influence on the similar centralization trajectory in the two countries, while Germany and India, given their higher initial level of static centralization, are weak tests for this hypothesis. Thus, the number of constituent units, by itself, had little or no detectible influence on dynamic de/centralization. In conjunction with other factors, however, it can be an important variable, as indicated by Canada's experience (see below).

The hypothesis that federations whose constituent units possess residual powers would experience less centralization is also rejected. Canada, whose provinces have no residual powers, actually experienced modest decentralization, whereas Australia, Switzerland, and the United States, all of which reserve residual powers to their constituent units, experienced high centralization. Possessing residual powers seems not to have helped Germany's Länder retain their autonomy more successfully than India's states either.

The proposition that indirect-administration federations would experience higher centralization than direct-administration ones performs only marginally better. It would

be difficult to claim that the dual federations resisted centralization more successfully than did their more administrative counterparts. Australia and the Unites States show that dual federations experienced high centralization too. Moreover, Canada's ability to withstand centralization appears to have had little to do with its dual nature (see Lecours 2019 on Canada in this issue). Perhaps more surprisingly, even the hypothesis that centralization would be confined to the legislative sphere in the indirect-administration systems is not supported fully. It is strongly confirmed for Switzerland but not for Germany, where centralization was actually slightly more significant in the administrative sphere, or the United States, the epitome of a dual federation, which experienced more centralization in the legislative than in the administrative sphere.

The hypothesis that parliamentary federations would experience higher centralization than non-parliamentary ones finds no support either. Although it is confirmed in Australia's case, it is at odds with the experience of Switzerland and the United States, which are non-parliamentary federations that experienced high centralization, as well as with Canada's path, a parliamentary federation that became less centralized. In Canada, moreover, parliamentarism facilitated the emergence of a system of "federal-provincial diplomacy" (Simeon 1972) that played a significant role in stemming centralization.

Direct democracy's hypothesized role as a brake on centralization also largely failed to materialize. The two federations with a direct-democracy requirement for constitutional change, Australia and Switzerland, are among those that centralized the most. While in both cases direct democracy occasionally placed significant obstacles in the way of centralization, it was not, in the main, a major bulwark against it. Table 13 in the online appendix summarizes our assessment of these hypotheses.

3.6.8 In a Nutshell

What emerges from this evidence is that dynamic de/centralization is the product of an interaction of factors operating at different levels. Two main forms of interaction appear to be prominent. The first is that structural factors such as socio-economic and socio-

cultural change shape intervening variables such as public attitudes to the federal balance, which, in turn, induce political actors to engage in de/centralizing steps, in a "funnel of causality" process (Campbell et al. 1960, 24–32; Hofferbert 1974, 225–234; see also Gerber and Kollman 2004, 398). As we attempt to represent in stylized form in figure A9 (at the end of this article), dynamic de/ centralization can be seen as a succession of de/centralizing steps occurring over time, each of them the product of such a "funnel of causality". The second form of interaction is that, at each level of the "funnel," different factors operate in conjunction, in some cases reinforcing, and in other contrasting, each other. Patterns of collective identification, for instance, can compound the effect of growing expectations of government in one federation but temper it in another. The combination of these two forms of interaction produces complex causal paths, which we need to be sensitive to in attempting to account for variation across federations.

We can summarize this section as follows:

First, there are wide-ranging structural forces at work in the socio-economic and socio-cultural spheres, occasionally reinforced by economic and security shocks, that produce pressures in most federations to expand the scope and reach of the central government at the expense of the autonomy of the constituent units. After World War II, these forces have also been augmented somewhat by globalization and, in some areas, by regional integration.

Second, these largely common forces interact, however, with the widely different structural features of each federation and are thus refracted in different ways in different contexts. Prominent among those structural features are the degree of integration of the economy and the relative strength of collective identification with the constituent units compared with the federation as a whole.

Third, the product of these interactions thus shapes collective attitudes about the federal balance differently in different federations. High economic integration and

strong identification with the federation tend to foster centralization; where these conditions are weaker, public attitudes tend to resist centralization and even favor decentralization.

Fourth and finally, political actors—themselves, of course, also influenced by the structural features of each federation—respond to the incentives and constraints presented by the different patterns of collective attitudes within the institutional framework of each federation. The latter influences the instruments through which de/centralization occurs but does not fundamentally affect its other properties, such as its direction and magnitude.

Thus, two federations as different as the United States and Switzerland, though both with high economic integration and strong citizen identification with the federation, experienced a similar process of dynamic centralization, albeit by following different paths. Canada, by contrast—where the constituent units are few, mostly large, weakly integrated economically, commanding strong citizen identification (going as far as the second largest of them considering itself a stateless nation), and equipped with powerful executives—withstood centralization to the extent of moving from being the most centralized of the pre-World War I federations to being the most decentralized of our six cases today (see also Esman 1984; Smiley 1984; and Simeon and Radin 2010).

3.7 Dynamic De/Centralization and the Study of Federalism

These findings have important conceptual, methodological, theoretical, and empirical implications for the study of federalism.

Empirically, they provide support for widespread claims (e.g., Corry 1941, 216; Wheare 1946, 252–253; Sawer 1969, 117–130) that democratic federations tend to become more centralized over time. Our findings substantiate these claims with detailed evidence capturing variation across federations, dimensions, and categories, over the long run. As a result, federations tend to become more similar to each other, in terms of static de/centralization, over time. A necessary qualifier, however, is that centralization

is neither inevitable nor unidirectional. It only applies where certain conditions are present; where they are not, different de/ centralization dynamics can unfold.

The second empirical implication is that centralization generally takes primarily a legislative form. Contrary to some predictions (e.g. Philip 1954, 99; Sawer 1969, 117–130; Oates 1972, 226–227), there was less significant change in the fiscal (although Australia and Germany are important exceptions) and administrative spheres. Consequently, the constituent units of most federations retained considerable fiscal autonomy but saw their policy roles become increasingly administrative, thus blurring the traditional distinction between the direct- and indirect-administration types of federalism, as Sawer (1969, 117–130) predicted. Given that the legislative autonomy of the constituent units is a defining feature of a federation, these trends could, if sustained, ultimately put the survival of federalism as a distinct form of polity in doubt. This chimes with fears long present in the literature. In late nineteenth-century Switzerland, for instance, opponents of the unification of civil law codes warned that such a step would turn the cantons into prefectures akin to the French departments, thus ending the country's federal system (Kölz 2006, 484–485). Corry (1941, 217), Birch (1955, 290), Friedrich (1968, 24), Duchacek (1970, 348), and Elazar (1981), among others, expressed similar concerns.

Conceptually, these implications underscore the value of treating de/centralization as multi-dimensional, first by distinguishing between a static and a dynamic perspective, then by distinguishing between the legislative, administrative, and fiscal dimensions, and subsequently by disaggregating each of them into their individual components, such as individual policy areas and distinct fiscal categories. The pattern of evolution in each of these dimensions and categories is often very different; only by being sensitive to this variation can we grasp the complex nature of dynamic de/centralization.

These conceptual implications have clear parallels in the methodological field. Given the complex nature of these dynamics, and their impact primarily in the legislative rather than fiscal sphere, fiscal data alone cannot capture them. This is true, it should be noted, not only of fiscal indicators that measure capacity—such as the proportion of central government revenues or expenditures out of total government revenues/expenditures—but also of those measuring autonomy, such as the ones we have employed in

this study. Although this is not a novel claim— more than forty years ago, Pommerehne (1977, 308) acknowledged the limitation of using fiscal data to capture de/centralization dynamics—it is important to restate it, given the still widespread reliance on fiscal indicators alone. Nor would a single index of "party congruence," as proposed by Riker (1975, 137–139), capture these dynamics, not least because it would be too prone to short-term fluctuations, whereas our findings show that dynamic de/centralization is cumulative and mostly slow-moving.

From a theoretical perspective, four implications appear particularly noteworthy. The first, as already noted, is the conjunctural nature of the causal process shaping dynamic de/centralization. Individual factors may have no or a different effect in some cases but be causally important in conjunction with other factors in other cases. Second, and contrary to other findings (Erk and Koning 2010), multilingualism—as opposed to multinationalism—does not per se appear to be an important determinant of dynamic de/centralization, as the experiences of Switzerland and India testify. Third, the contrast between the causal effects of multilingualism and those of multinationalism underscores the importance of the connection between nationalism and federalism to understanding how the latter evolves. Friedrich's (1968, 30–36) claim that federalism and nationalism are intimately linked is thus still valid. Fourth, and arguably most important, our findings show how much stronger structural socioeconomic factors are in shaping the evolution of federations compared to institutional or partisan features, thus vindicating the "sociological" approach to federalism advanced by scholars such as Livingston (1956) and Friedrich (1968).

The final implication regards avenues for further research. Given the small number of cases, on one side, and the multiple properties of dynamic de/centralization as well as the high number of potential causal factors, on the other, we have only been able to conduct a qualitative assessment at the macro level of the causal effects of individual factors, interacting with each other in complex ways. We have only scratched the surface in trying to understand how and why key de/centralizing steps occur. There is thus considerable scope for micro analyses of such steps able to fully explore the causal chains

that determine them. We hope the framework developed in this project and the data collected will be valuable for such future endeavors.

3.8 Conclusions

Dynamic de/centralization is a complex phenomenon that needs to be parceled into its different dimensions and time periods to be understood fully. Democratic federations have generally become more centralized over time but primarily so in the legislative sphere, than in the administrative and fiscal spheres. Where this did not happen, as in Canada, it appears to be the product of the interaction of several factors; chief among them is the country's binational nature. Institutional properties channel dynamic de/centralization through different paths but do not fundamentally affect its direction or magnitude. These findings both substantiate and challenge several prominent claims put forward in the literature and have multiple implications for the study of federalism. They also suggest promising avenues for further research on the determinants and mechanisms of dynamic de/ centralization in federal systems.

References

Aroney, Nicholas, and John Kincaid, ed. 2017. Courts in federal countries: Federalists or unitarists? Toronto: University of Toronto Press.

Bednar, Jenna, William Eskridge, and John Ferejohn. 2001. A political theory of federalism. In Constitutional culture and democratic rule, ed. J. Ferejohn, J. Riley and J. Rakove, 223–267. New York: Cambridge University Press.

Beer, Samuel H. 1973. The modernization of American federalism. Publius 3 (2): 49–95.

Birch, Anthony. 1955. Federalism, finance and social legislation in Canada, Australia and the United States. Oxford: Clarendon Press.

Blankart, Charles. 2000. The process of government centralization: A constitutional view. Constitutional Political Economy 11 (1): 27–39.

Campbell, Angus, Philip Converse, Warren Miller, and Donald Stokes. 1960. The American voter. New York, NY: John Wiley.

Chhibber, Pradeep, and Ken Kollman. 2004. The formation of national party systems – federalism and party competition in Canada, Great Britain, India and the United States. Princeton, NJ: Princeton University Press.

Corry, J. A. 1941. The federal dilemma. Canadian Journal of Economics and Political Science 7 (2): 215–228.

Dardanelli, Paolo. 2011. Multi-lingual but mono-national: Exploring and explaining Switzerland's exceptionalism. In Federalism, plurinationality, and democratic constitutionalism – theory and cases, ed. F. Requejo and M. Caminal, 295–323. Abingdon: Routledge.

Dardanelli, Paolo, John Kincaid, Alan Fenna, André Kaiser, André Lecours, and Ajay Kumar Singh. 2019. Conceptualizing, Measuring, and Theorizing Dynamic De/Centralization in Federations. Publius 49 (1): 1-29.

Dardanelli, Paolo, and Sean Mueller. 2019. Dynamic De/Centralization in Switzerland, 1848-2010. Publius 49 (1): 138-165.

Davis, S. Rufus. 1978. The federal principle – a journey through time in quest of a meaning. Berkeley, CA: University of California Press.

Döring, Thomas, and Jan Schnellenbach. 2011. A tale of two federalisms: Germany, the United States and the ubiquity of centralization. Constitutional Political Economy 22 (1): 83–102.

Duchacek, Ivo. 1970. Comparative federalism – the territorial dimension of politics. New York, NY: Holt, Rinehart and Winston.

Elazar, Daniel J. 1981. Is federalism compatible with prefectorial administration? Publius 11 (2): 1–22.

Erk, Jan, and Edward Koning. 2010. New structuralism and institutional change: Federalism between centralization and decentralization. Comparative Political Studies 43 (3): 353–378.

Esman, Milton. 1984. Federalism and modernization: Canada and the United States. Publius 14 (1): 21–38.

Fenna, Alan. 2019. The Centralization of Australian Federalism 1901–2010: Measurement and Interpretation. Publius 49 (1): 30-56.

Friedrich, Carl J. 1968. Trends of federalism in theory and practice. London: Pall Mall Press.

Gerber, Elisabeth, and Ken Kollman. 2004. Introduction – authority migration: Defining an emerging research agenda. PS: Political Science and Politics 37 (3): 397–401.

Hall, Matthew. 2016. Judicial review as a limit on government domination: Reframing, resolving, and replacing the (counter)majoritarian difficulty. Perspectives on Politics 14 (2): 391–409.

Hofferbert, Richard I. 1974. The study of public policy. Indianapolis, IN: Bobbs-Merrill.

Kincaid, John. 2019b. Dynamic De/Centralization in the United States, 1790-2010. Publius 49 (1): 166-193.

Kölz, Alfred, ed. [1992] 2006. Histoire constitutionnelle de la Suisse moderne – Vol. 1 Ses fondements idéologiques et son évolution institutionnelle dans le contexte européen, de la fin de l'Ancien Régime à 1848. Berne: Stämpfli.

Lazar, Harvey, Hamish Telford, and Ronald L. Watts. 2003. Divergent trajectories: The impact of global and regional integration on federal systems. In The impact of global and regional integration on federal systems – a comparative analysis, ed. H.

Lazar, H. Telford and R.L. Watts, 1–36. Montreal, QC, and Kingston, ON: McGill-Queen's University Press.

Lecours, André. 2019. Dynamic De/Centralization in Canada, 1867-2010. Publius 49 (1): 57-83.

Livingston, William S. 1956. Federalism and Constitutional Change. Oxford: Clarendon Press.

Meadwell, Hudson, and Pierre Martin. 1996. Economic integration and the politics of independence. Nations and Nationalism 2 (1): 67–87.

Oates, Wallace. 1972. Fiscal federalism. New York: Harcourt Brace Jovanovich.

Philip, Kjeld. 1954. Intergovernmental fiscal relations. Copenhagen: Ejnar Munksgaard.

Pommerehne, Werner. 1977. Quantitative aspects of federalism: A study of six countries. In The political economy of fiscal federalism, ed. Oates, 275–3555. William, Lexington, MA: Heath.

Riker, William H. 1975. Federalism. In Handbook of political science vol. 5 – governmental institutions and processes, ed. F. Greenstein and N. Polsby, 93–172. Reading, MA: Addison-Wesley.

Riker, William H. 1964. Federalism – origins, operation, significance. Boston, MA: Little, Brown.

Sawer, Geoffrey. 1969. Modern federalism. London: Watts & Co.

Simeon, Richard. 1986. Considerations on centralization and decentralization. Canadian Public Administration 29 (3): 445–461.

Simeon, Richard. 1972. Federal-provincial diplomacy – the making of recent policy in Canada. Toronto, ON: University of Toronto Press.

Simeon, Richard, and Beryl Radin. 2010. Reflections on comparing federalisms: Canada and the United States. Publius 40 (3): 357–365.

Singh, Ajay Kumar. 2019. Dynamic De/Centralization in India, 1950-2010. Publius 49 (1): 112-137.

Smiley, Donald. 1984. Public sector politics, modernization, and federalism: The Canadian and American experiences. Publius 14 (1): 39–59.

Stepan, Alfred, Juan Linz, and Yogendra Yadav. 2011. Crafting state-nations – India and other multinational democracies. Baltimore, MD: Johns Hopkins University Press.

Vaubel, Roland. 1996. Constitutional safeguards against centralization in federal states: An international cross-section analysis. Constitutional Political Economy 7 (2): 79–102.

Watts, Ronald L. 2008. Comparing federal systems. 3rd ed. Montreal, QC and Kingston, ON: McGill-Queen's University Press.

Wheare, K. C. 1946. Federal government. London: Oxford University Press.

Figures A1−A9

Note that Tables 1−13 are in the online appendix.

Figure A1: Mean static de/centralization at the outset
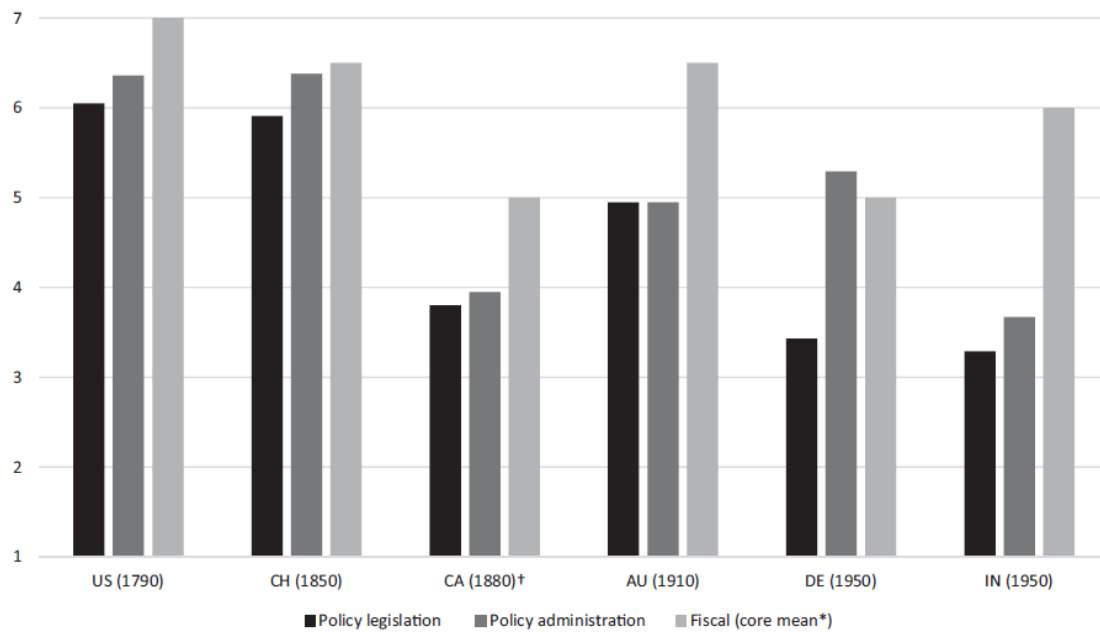
Note: *core mean=proportion of own-source revenues plus proportion of conditional transfers divided by 2; †data for Canada are provided for 1880 because no core fiscal mean is available for 1870.

Figure A2: Frequency of dynamic policy de/centralization by decade*

	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	2010
AU												0	6	6	2	6	2	3	17	10	13	8
CA									0	0	0	0	4	0	8	0	4	5	4	8	1	0
CH							3	0	11	6	4	3	7	2	7	5	6	7	5	2	8	5
DE																	6	7	5	1	1	6
IN																	3	2	8	1	3	0
US	8	8	2	1	4	0	2	9	9	5	4	3	8	6	13	3	6	15	13	7	5	6
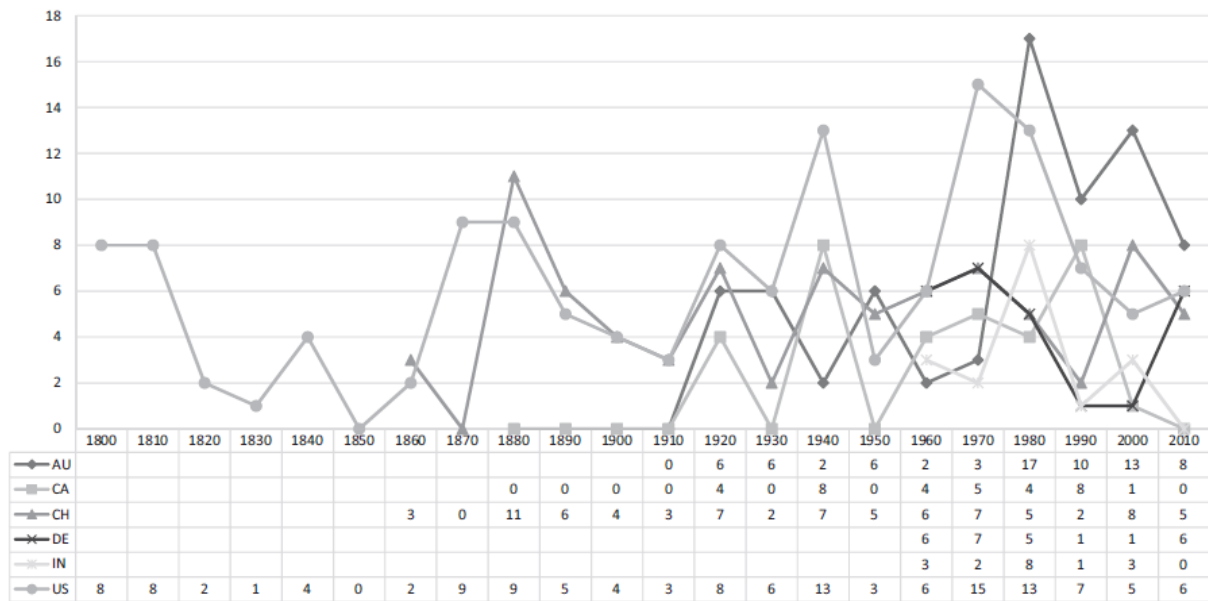
Note: *number of code changes in both the legislative and the administrative dimensions.

Figure A3: Mean static legislative de/centralization, 1790–2010.

	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	2010
AU													4.95	4.81	4.62	4.57	4.33	4.24	4.14	3.62	3.33	3	2.81
CA									3.8	3.8	3.8	3.8	3.8	3.95	3.95	4.09	4.09	4.09	4.05	4.05	3.91	3.91	3.91
CH							5.91	5.82	5.82	5.41	5.18	5.14	5.09	4.73	4.68	4.41	4	3.73	3.55	3.36	3.32	3.05	2.91
DE																	3.43	3.18	3.05	2.86	2.86	2.95	3.05
IN																	3.29	3.24	3.19	2.82	2.82	2.86	2.86
US	6.05	5.77	5.68	5.64	5.68	5.86	5.86	5.77	5.55	5.55	5.41	5.27	5.14	4.91	4.73	4.18	4.14	4.18	3.77	3.36	3.27	3.14	2.95

Figure A4: Mean static administrative de/centralization, 1790–2010

	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	2010
AU													4.95	4.81	4.71	4.67	4.52	4.52	4.48	3.95	3.67	3.38	3.19
CA									3.95	3.95	3.95	3.95	3.95	4.1	4.1	4.23	4.23	4.23	4.23	4.23	4.09	4.14	4.14
CH							6.38	6.09	6.09	5.95	5.91	5.77	5.64	5.55	5.5	5.36	5.32	5.23	5.09	5.05	5	4.82	4.73
DE																	5.29	4.95	4.73	4.77	4.73	4.68	4.68
IN																	3.67	3.71	3.67	3.41	3.5	3.45	3.45
US	6.36	6.09	6	5.95	5.95	6.09	6.09	6.05	5.91	5.86	5.77	5.73	5.73	5.5	5.41	5.09	5	4.86	4.59	4.41	4.18	4.09	4.09

Figure A5: Mean static fiscal de/centralization, 1790-2010*
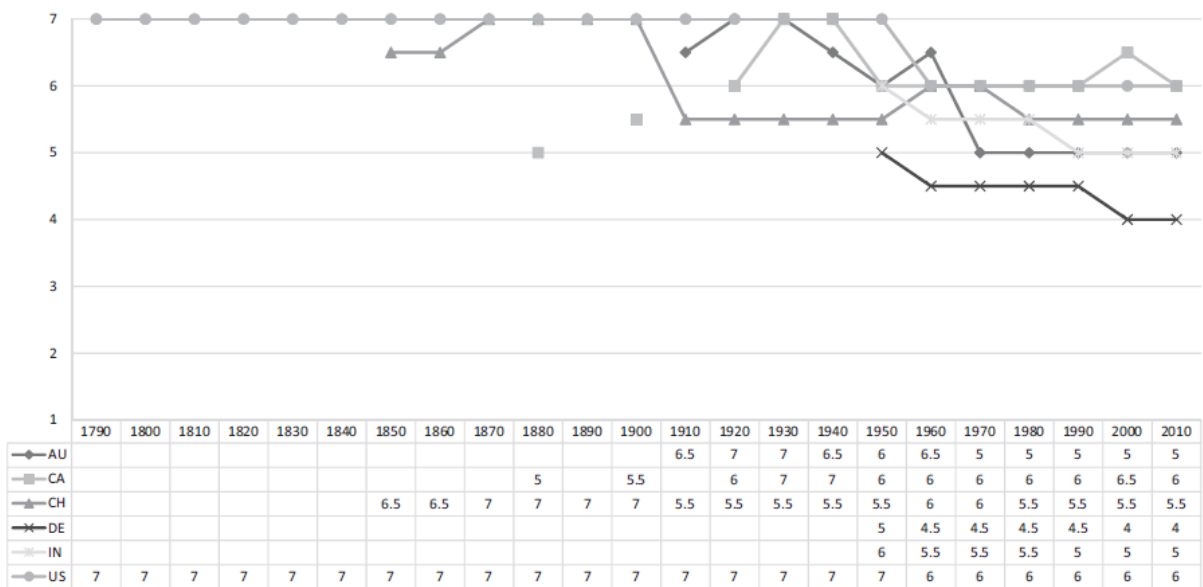
	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	2010
AU													6.5	7	7	6.5	6	6.5	5	5	5	5	5
CA										5		5.5		6	7	7	6	6	6	6	6	6.5	6
CH							6.5	6.5	7	7	7	7	5.5	5.5	5.5	5.5	5.5	6	6	5.5	5.5	5.5	5.5
DE																	5	4.5	4.5	4.5	4.5	4	4
IN																	6	5.5	5.5	5.5	5	5	5
US	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	6	6	6	6	6	6

Note: *core mean = proportion of own-source revenues plus proportion of conditional transfers divided by 2.

Figure A6: Legislative-administrative mean deviation, 1790–2010

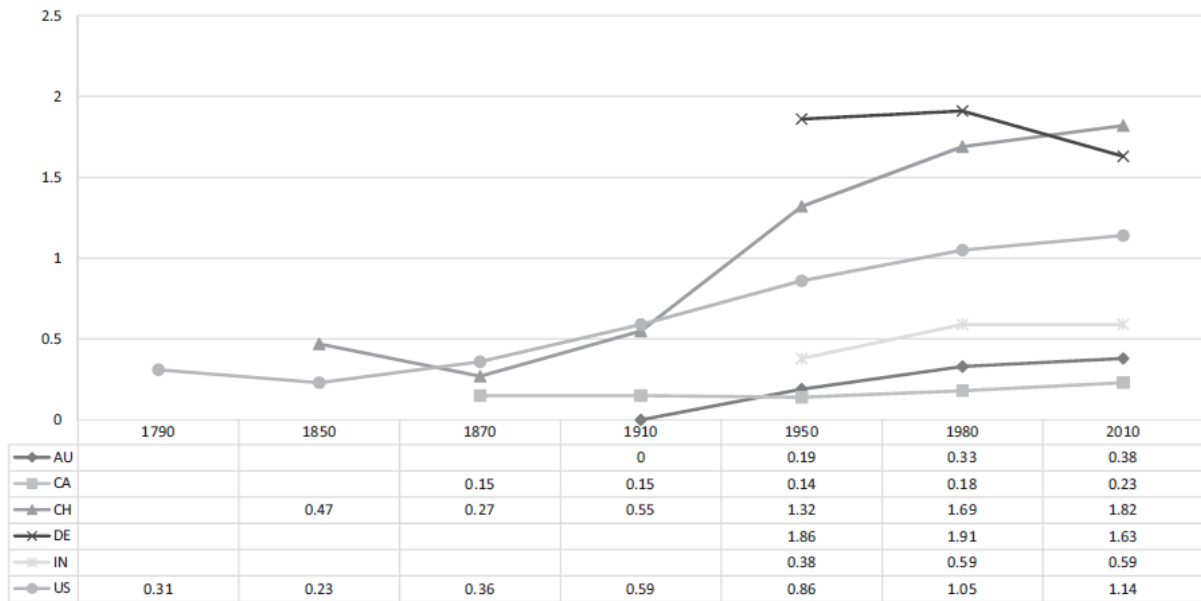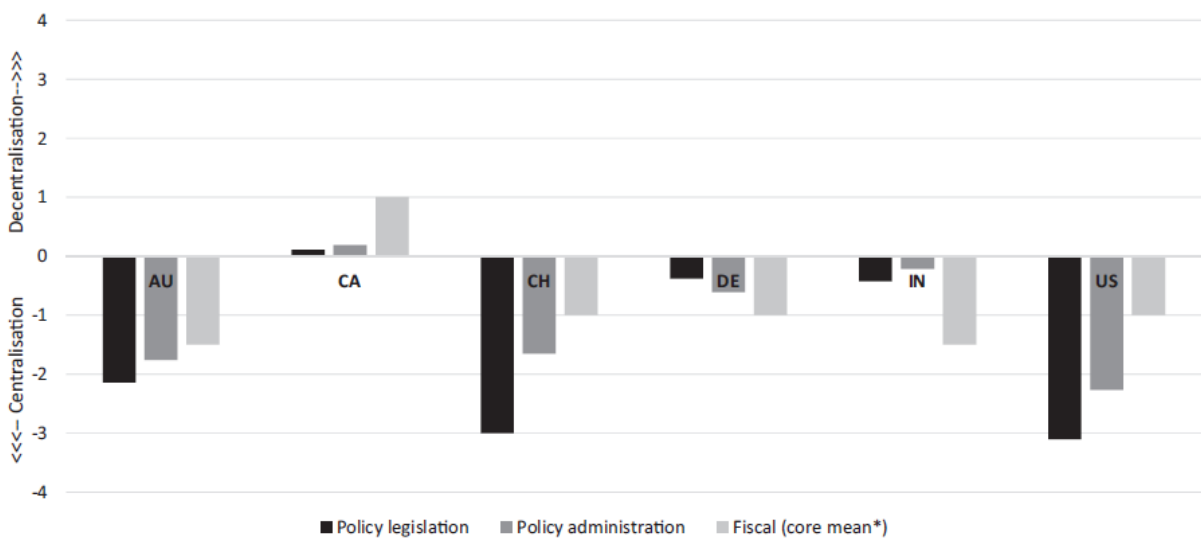|	1790	1850	1870	1910	1950	1980	2010
AU				0	0.19	0.33	0.38
CA			0.15	0.15	0.14	0.18	0.23
CH		0.47	0.27	0.55	1.32	1.69	1.82
DE					1.86	1.91	1.63
IN					0.38	0.59	0.59
US	0.31	0.23	0.36	0.59	0.86	1.05	1.14

Figure A7: Cumulative mean dynamic de/centralization, outset–2010

Note: *core mean = proportion of own-source revenues plus proportion of conditional transfers divided by 2.

Figure A8: Mean static de/centralization, 2010
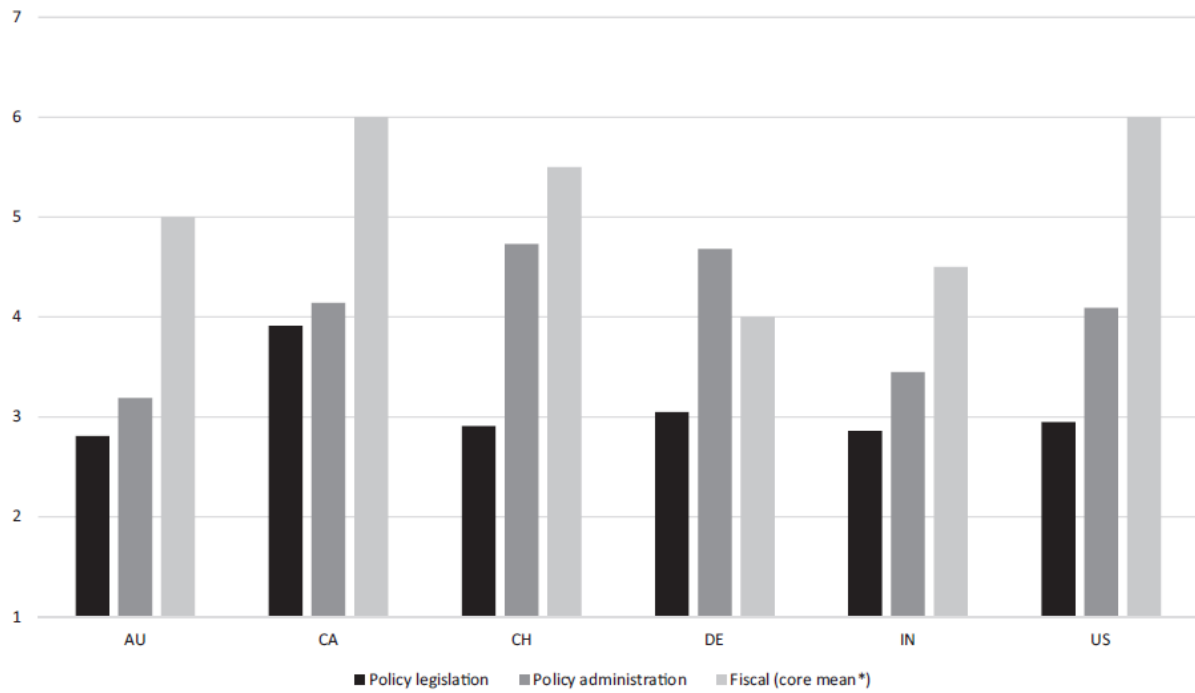
Note: *core mean = proportion of own-source revenues plus proportion of conditional transfers divided by 2.

Figure A9: Stylized causal model of dynamic de/centralization.
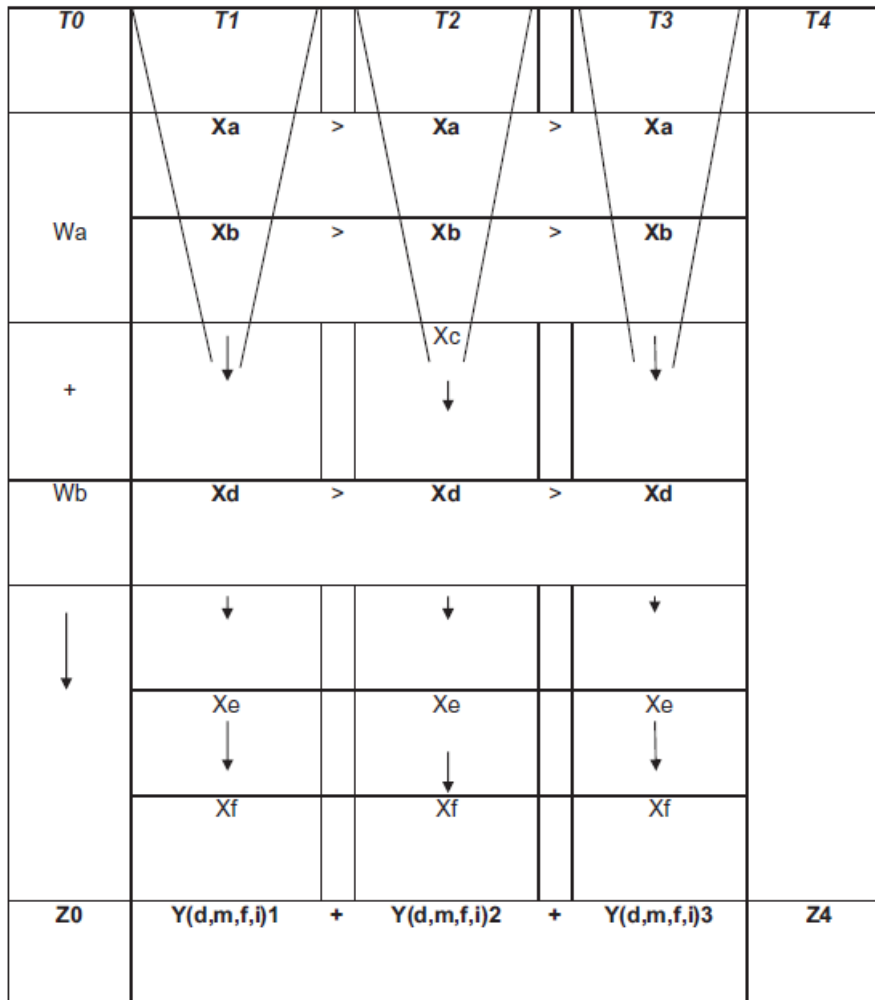
Note: T0, T1, T2, T3, T4: time points; Wa and Wb: antecedents; Z0: static de/centralization at the outset (time 0); Xa: socio-economic trends; Xb: socio-cultural trends; Xc: economic and security shocks; Xd: collective attitudes; Xe: political agency; Xf: institutional properties; Y1, Y2, Y3: instances of dynamic de/centralization; Y(d,m,f,i): properties of dynamic de/centralization; Z4: static de/centralization at the end; > signals change over time; the arrow sign denotes causal effect; bold indicates the more important factors.

4. Policy-Vielfalt zwischen den Bundesländern nach der Föderalismusreform I: Art, Ausmaß und Akteure[28]

Abstract: Dieser Artikel untersucht das Ausmaß und die Art von Policy-Vielfalt zwischen den Bundesländern mit Hilfe eines neuen umfangreichen Datensatzes, der die Gesetzgebung in 15 neuen Landeskompetenzen vollständig erfasst, die durch die Föderalismusreform I (2006) übertragen wurden. Wir knüpfen damit an eine zentrale Debatte der deutschen Föderalismusforschung an: die Verortung des deutschen Bundesstaates zwischen Einheitlichkeit und Vielfalt. Unser methodisch-konzeptioneller Beitrag ist, dass wir den Begriff der Policy-Diversität in verschiedene Aspekte ausdifferenzieren, neue Indikatoren zur Messung von Policy-Diversität entwickeln und systematisch über Politikfelder, Länder und Zeit hinweg untersuchen. Die Analyse ergibt, dass es in den meisten Politikfeldern zu substantieller Policy-Vielfalt zwischen den Ländern gekommen ist. Von den Ländern wird Policy-Diversität in unterschiedlichem Maße befördert, wobei Bayern Vielfalt besonders vorantreibt.

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[28] Dieser Artikel ist mit Iris Reus koautiert.

4.1 Einleitung

Wie viel Policy-Diversität findet sich im einst von Hesse (1962) als „unitarischer Bundesstaat" bezeichneten Föderalismus der Bundesrepublik Deutschland? Die Verortung der BRD im für Bundesstaaten typischen Spannungsfeld zwischen Einheitlichkeit und Vielfalt ist seit jeher eine zentrale Debatte der deutschen Föderalismusforschung, an die wir in diesem Beitrag anknüpfen. Unser Forschungsinteresse richtet sich dabei auf die Landesgesetzgebung, d.h. die Frage nach Unterschieden und Gemeinsamkeiten zwischen dem Policy-Output der Länder. Dies wurde zwar bereits vielfach behandelt, aber häufig anekdotisch und zumindest nicht im umfassenden Vergleich mehrerer Politikfelder mit einem durchgängigen Analyseschema untersucht, so dass hier eine Forschungslücke besteht. Wir untersuchen diese Frage anhand der Föderalismusreform I (2006)[29], durch die den Ländern eine Reihe von neuen ausschließlichen Gesetzgebungskompetenzen übertragen wurde. Unsere Fragestellung lautet: *Welches Ausmaß und welche Art von Policy-Vielfalt kennzeichnet die Landesgesetzgebung nach der Föderalismusreform I?* Die Föderalismusreform I ist als Untersuchungsfall besonders geeignet, weil alle Länder 2006 in ihren neuen Kompetenzbereichen vom gleichen Rechtsstand, dem Bundesrecht, ausgingen. Unser methodisch-konzeptioneller Beitrag ist, dass wir den Begriff der Policy-Diversität in verschiedene Aspekte ausdifferenzieren und systematisch über Politikfelder, Länder und Zeit hinweg untersuchen. Wir haben dazu politikfeldspezifische quantitative Indizes entwickelt, die eine aggregierte Betrachtung erlauben, aber gleichzeitig qualitative Detailtiefe aufweisen. Empirisch ist vor allem die umfangreiche Datenbank hervorzuheben – die Vollerhebung der Landesgesetzgebung in 15 neuen ausschließlichen Kompetenzbereichen im Untersuchungszeitraum führt zu einer Gesamtzahl von 425 Gesetzen, die für die Analyse codiert wurden. Diese ‚Kartographie der Landschaft' der Landesgesetzgebung legt das Fundament für zukünftige Analysen zu Einflussfaktoren von Einheitlichkeit und Vielfalt.

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[29] Gesetz zur Änderung des Grundgesetzes vom 28. August 2006, BGBl. I, S. 2034 (Inkrafttreten 01.09.2006).

Der Beitrag ist folgendermaßen gegliedert: Im zweiten Abschnitt wird zunächst die vorhandene Literatur zur Fragestellung dargelegt und die eigene Arbeit dazu in Beziehung gesetzt. Anschließend werden Fallauswahl und Methodik erläutert. Die empirische Analyse im vierten Abschnitt wird schließlich von einem Fazit abgerundet.

4.2 Theoretischer Hintergrund und Anknüpfung an die Literatur

Bereits kurz nach Gründung der Bundesrepublik prägte Hesse (1962) die Diskussion mit seiner Charakterisierung Deutschlands als „unitarischem Bundesstaat". Darunter subsumierte er Kompetenzverlagerungen von den Ländern auf den Bund und die zunehmende Selbstkoordination der Länder in den ihnen verbleibenden Materien. Im Ergebnis, so Hesse (1962, S. 12, 20), trete an die Stelle der für Bundesstaaten klassischen Gleichzeitigkeit von Vielfalt und Einheit die Dominanz einheitlicher Policies, sogar zwischen den Ländern in ihren ausschließlichen Zuständigkeiten. Für Abromeit (1992, S. 48) ging der „Drang zur Vereinheitlichung" auf Landesebene so weit, dass sie sogar vom „verkappten Einheitsstaat" sprach. Zwar fehlt eine breite empirische Grundlage in Form von Policy-Analysen, doch zeigt der Blick in die Literatur die einhellige Meinung, dass auf Landesebene in den ersten Jahrzehnten der Bundesrepublik keine Policy-Diversität größeren Ausmaßes bestand. Sturm (2008, S. 31) konkludiert, dass sich dem Sog der Rechtsvereinheitlichung „nur wenige 'Inseln' von Diversität" entzogen.

Nachdem schon in den 1980er Jahren einige Studien bedeutsame Policy-Diversität zwischen den Ländern festgestellt hatten (Schmidt 1980; Sturm 1989), war mit der Wiedervereinigung 1990 laut Jeffery (1999, S. 339) nochmal eine deutliche Zunahme der Diversität zu beobachten. Im Zuge des Aufschwungs der Politikfeldanalyse nahm die Zahl empirischer Untersuchungen im Folgenden bis in die 2010er Jahre erheblich zu. Neben einigen politikfeldübergreifenden Sammelbänden (Freitag und Vatter 2010; Hildebrandt und Wolf 2008, 2016; Scheller und Schmid 2008; Schneider und Wehling 2006) und einer politikfeldvergleichenden Studie (Turner 2011) wurden zahlreiche politikfeldspezifische Arbeiten vorgelegt, darunter – stellvertretend für viele – zur Arbeitsmarktpolitik (Blancke 2004), Bildungspolitik (Wolf 2006) und Sozialpolitik (Münch

1997). Die Befunde zeigen neben Einheitlichkeit auch vielfältige Unterschiede zwischen den Policies der Länder. Im Ergebnis ist Landesgesetzgebung im deutschen Bundesstaat des 21. Jahrhunderts durch die Koexistenz von Einheitlichkeit in einigen Bereichen und Vielfalt in anderen Bereichen gekennzeichnet (Jeffery et al. 2016, S. 169; Blumenthal 2009, S. 32; Wolf und Hildebrandt 2008, S. 363). Policy-Diversität zwischen den Ländern zeigte sich insbesondere in der regionalen Wirtschaftspolitik (Benz 1999; Götz 1992; Sturm 1989), von der es laut Jeffery (2005, S. 90) zu *spill over* Effekten in benachbarte Politikfelder wie das Hochschulwesen, die Kulturpolitik und die Politik des ländlichen Raumes kam. Auch im Polizeiwesen und der Innenpolitik beobachtete Jeffery in höherem Maße Policy-Diversität, wobei Bayern als stärkster Abweichler agiert (ebd.). Mit Blick auf die zeitliche Dynamik von Policy-Diversität dominieren über die Politikfelder hinweg zwei Muster: zum einen die Kontinuität einheitlicher bzw. bereits vielfältiger Länderpolicies und zum anderen Divergenz; Konvergenz tritt dagegen lediglich in einzelnen Feldern auf (Schmidt 2016; Wolf und Hildebrandt 2008).

Die Föderalismusreform I öffnete 2006 durch die Kompetenzübertragungen an die Länder ein neues ‚Fenster‘ für Policy-Diversität und stieß daher auf starkes wissenschaftliches Interesse. Laut Jeffery et al. (2016, S. 171) kam es allerdings bisher nicht zu größerer Divergenz; die Länder setzten eigenständige Akzente, doch fänden sich gleichzeitig größere inhaltliche Übereinstimmungen zwischen den Gesetzen (Wolf und Hildebrandt 2016, S. 394, 398). Das Hochschulwesen ist gemäß Pasternack (2011, S. 352) im Bereich des neuen Gestaltungsspielraums eher durch Einheitlichkeit als durch Diversität gekennzeichnet. Auch im Strafvollzug zeigt sich nur eine begrenzte Ausdifferenzierung zwischen den Landesgesetzen (Rowe und Turner 2016). Leber (2014, S. 278) stellt für Jugendstrafvollzug, Nichtraucherschutz und Ladenschluss fest, dass sich stets „unitarische Kompromissmodelle“ herausbildeten, um die sich mehrere Länder mit abweichenden Policy-Lösungen positionierten. Die Analyse von Erwachsenenstrafvollzug, Ladenschluss, Beamtenlaufbahnrecht und Beamtenbesoldung von Dose und Reus (2016, S. 641) hingegen erbrachte, dass sich zwar in einigen Bereichen Einheitlichkeit zeigt, aber teilweise auch beachtliche Diversität. Zum Nichtraucherschutz erließen alle Länder ein generelles Rauchverbot für die Gastronomie, wobei sich ebenfalls eine große

Bandbreite an Ausnahmeregelungen vom Verbot findet (Reus 2016). Bei der Beamten-besoldung hingegen ist ein starkes Gefälle entstanden (Lorse 2013, S. 85; Dose und Wolfes 2016); analog öffnete sich kontinuierlich die „Versorgungsschere" (Knopp und Hagemeister 2013, S. 146).[30] Da aber bislang lediglich Teilergebnisse für ausgewählte Kompetenzen oder Länder vorliegen, besteht hier noch Forschungsbedarf.

Für die geringe Policy-Diversität der ersten Jahrzehnte der BRD wird in der Literatur maßgeblich die Norm der „Gleichwertigkeit [bis 1994: Einheitlichkeit] der Lebens-verhältnisse" (Art. 72,2 GG) verantwortlich gemacht, welche politische und administrative Eliten sowie die Bevölkerung teilten. So wurde statt Vielfalt die Einheitlichkeit zur Leitidee des deutschen Bundesstaats (Renzsch 1991, S. 283). Die unitarische Orientierung der Bevölkerung änderte sich bis heute nur wenig, die große Mehrheit befürwortet weiterhin einheitliche Policies in den Ländern (Grube 2001, S. 109f.; Oberhofer et al. 2011, S. 183). Dies bremst laut Scharpf (2008, S. 515) die Landesparlamente, landesspezifische Gesetze zu erlassen. Mit der Wiedervereinigung stieg jedoch durch die nun größere sozio-ökonomische, politisch-kulturelle und finanzielle Heterogenität der Länder die Wahrscheinlichkeit für Policy-Diversität, da sich infolgedessen auch die Interessen der Länder ausdifferenzierten (Jeffery 1999, S. 330). Die leistungsstärkeren Länder stellten dabei das ehedem konsensuale Ziel der Einheitlichkeit in Frage (Kropp 2010, S. 16) und forderten – anders als die leistungsschwächeren Länder, welche ökonomische Nachteile befürchteten – mehr gesetzgeberischen Spielraum, um im europäischen Binnenmarkt bzw. globalen Wettbewerb ihre Stärken durch eine auf ihren Standort angepasste Wirtschaftspolitik besser ausspielen zu können (Scharpf 2006, S. 8-10). Die Föderalismusreform I verfolgte explizit das Ziel, den Ländern durch neue Gesetzgebungskompetenzen mehr Gestaltungsspielraum und somit auch Raum für Diversität zu geben. Sie institutionalisierte so eine in der Wiedervereinigung strukturell angelegte neue Entwicklungsdynamik (Kaiser und Vogel 2017, S. 14). Laut Sturm (2010, S. 44) wurde damit Policy-Diversität als konzeptioneller Bestandteil des Bundesstaates nun in

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[30] Für weitere Einschätzungen zu den verschiedenen Politikfeldern vgl. die Literatur im Online-Anhang.

der Politik grundsätzlich akzeptiert. Ausgehend von dieser Akzeptanz, der größeren sozio-ökonomischen, politisch-kulturellen und finanziellen Heterogenität sowie Europäisierungs- und Globalisierungseinflüssen lautet unsere These: Es kommt infolge der Föderalismusreform I (2006) zu substantieller Policy-Vielfalt in der Landesgesetzgebung. Bevor wir die These empirisch überprüfen, stellen wir im folgenden Abschnitt zunächst die Fallauswahl vor und erläutern dann unser Verständnis von Policy-Vielfalt sowie die methodischen Grundlagen der Messung.

4.3 Fallauswahl und Methodik

Unsere Ergebnisse basieren auf der Vollerhebung der Landesgesetzgebung in den neuen ausschließlichen Kompetenzbereichen[31] nach der Föderalismusreform I im Zeitraum 2006-2013. Tab. 1 zeigt die 15 untersuchten Kompetenzbereiche, welche die Gesamtheit der Landespolitik mit Blick auf Finanzwirksamkeit, Salienz und die Aufteilung in Wirtschafts- und Gesellschaftspolitik weitgehend repräsentativ abbilden (typischer Fall):

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[31] Wegen Nicht-Nutzung werden die Materien „Presserecht", „Verhaltensbezogener Lärm", „Schaustellung von Personen", „Märkte, Messen und Ausstellungen", „Flurbereinigung", „landwirtschaftlicher Grundstücksverkehr und Pachtwesen" sowie „Siedlungs- und Heimstättenwesen" nicht einbezogen.

Tabelle 1: Untersuchte Kompetenzbereiche

- Beamtenbesoldung	• Jugendstrafvollzug
- Beamtenlaufbahnrecht	• Ladenschluss
- Beamtenversorgung	• Nichtraucherschutz[33]
- Erwachsenenstrafvollzug	• Spielhallen
- Gaststätten	• Untersuchungshaftvollzug
- Grunderwerbsteuer	• Versammlungsrecht
- Heimrecht	• Wohnungswesen
- Hochschulen (Allg. Grundsätze)[32]	

Vielfalt drückt sich auf unterschiedliche Weise aus, daher sind mehrere Aspekte zu betrachten. Zunächst wird die Zahl[34] der verabschiedeten Gesetze untersucht, d.h. der Umfang der Gesetzgebungsaktivität. Die Nutzung der neuen Kompetenzbereiche stellt eine notwendige Bedingung für Policy-Diversität dar, da diese erst entstehen kann, wenn eine gewisse Zahl an Ländern ein eigenes Gesetz verabschiedet hat[35]. Die BRD ist seit jeher durch ein hohes Maß an (GG-induzierter wie freiwilliger) Politikverflechtung gekennzeichnet und auch nach der Reform zeigten sich in etlichen Bereichen Koordinationsbemühungen, d.h. trotz neuer Autonomie wurde Vereinheitlichung angestrebt (vgl. Reus und Zohlnhöfer 2015, S. 262). Hinsichtlich der Gesetzesinhalte ist daher einerseits

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[32] Der neu gewonnene Kompetenzteil umfasst hier lediglich die „Allgemeinen Grundsätze des Hochschulwesens", weshalb sich auch die folgende Analyse ausschließlich auf diesen Teil beschränkt. Andere Kompetenzteile des Hochschulrechts befanden sich schon vor der Föderalismusreform I in der Zuständigkeit der Länder, d.h. in diesen war bereits vor 2006 unterschiedliche Gesetzgebung in den Ländern möglich. Weiterhin beim Bund verbleibt die Regelung von Hochschulzugang und -abschlüssen. Diese kann jedoch auch zum Gegenstand der Abweichungsgesetzgebung werden.

[33] Es handelt sich hier juristisch um einen Teil des Gaststättenrechts, d.h. Regelungen zum Nichtraucherschutz in Gaststätten und nicht bspw. in Schulen oder öffentlichen Verkehrsmitteln.

[34] Dabei werden lediglich diejenigen Gesetze in die Analyse einbezogen, die Policy-Inhalte substantiell verändern.

[35] Umgekehrt ist Gesetzgebungsaktivität keine hinreichende Bedingung für Diversität, da die Länder auch ähnliche Gesetze verabschieden können.

relevant, inwieweit sich die Landesgesetze untereinander, und andererseits vom vor 2006 geltenden Bundesrecht unterscheiden. Jeffery et al. (2016, S. 168f.) folgend, die auf „ebbs and flows in Germany's appetite for policy diversity not only between different Länder (…) but also over time" verweisen, ist dabei immer auch die Entwicklung im Zeitverlauf zu berücksichtigen, d.h. inwieweit sich Muster von Konvergenz und Divergenz zeigen. Angesichts der maßgeblichen Norm der ‚Gleichwertigkeit der Lebensverhältnisse' ist der ‚Policy-Mainstream' – also die mehrheitliche Linie der Länder-Policies – stets ein wichtiger Bezugspunkt. Deshalb untersuchen wir zusätzlich den Grad der Abweichung der einzelnen Landesgesetze vom Policy-Mainstream aller Länder, d.h. wie weit ein Land inhaltlich von den anderen Ländern entfernt ist. Zusammengefasst analysieren wir Policy-Diversität zwischen den Landesgesetzen also anhand folgender drei Aspekte, wobei wir jeweils auf die Varianz zwischen Kompetenzbereichen, Ländern und über Zeit eingehen:

- Die zahlenmäßige Verteilung der Gesetze
- Die Verteilung der Gesetzesinhalte auf einer Links-Rechts-Skala
- Die Abweichung vom Länder-Policy-Mainstream

4.3.1 Policy-spezifische Indizes zur Einordnung der Gesetzesinhalte auf einer Links-Rechts-Skala

Während quantitative Untersuchungen durch den häufigen Rückgriff auf Haushaltsdaten Policy-Unterschiede oft unterschätzen, besteht bei qualitativen Studien das Problem, das Ausmaß der vorgefundenen Unterschiede zu bewerten (vgl. Blumenthal 2009, S. 32f.). Als Lösung entwickeln wir für alle Kompetenzbereiche umfangreiche Indizes mit der Detailtiefe einer qualitativen Studie, die aber so konstruiert sind, dass sich die Ergebnisse aggregieren und quantitativ darstellen lassen.

Die Konstruktion folgt den Prinzipien additiver Indizes (vgl. Munck/Verkuilen 2002, OECD/EU/JRC 2008; siehe Tab. 2). Die Scores in den einzelnen (Sub-)Dimensionen werden zu einem Gesamtscore addiert, wobei ungewollte Gewichte durch Standardisierung entfernt werden. Dies ermöglicht die Einordnung der Gesetze als Ganze

auf einer Links-Rechts-Skala. Damit der gesamte Index zur Skala passt, muss auch jede einzelne (Sub-)Dimension zur Skala passen, d.h. die am meisten rechte Ausprägung erhält immer den geringsten Score und die am meisten linke Ausprägung immer den höchsten Score. Hierdurch wird ein Vergleich über die verschiedenen Kompetenzbereiche hinweg möglich, da der Index-Gesamtwert von den spezifischen Eigenschaften des jeweiligen Politikfeldes unabhängig ist.

Tabelle 2: Indexkonstruktion

DIMENSION	SUBDIMENSION	INDIKATOR
1. [Dimension]	1.1 [Subdimension]	0 = [rechteste Ausprägung] 1 = [weniger rechte Ausprägung] (…) n = [linkeste Ausprägung]
	1.2 [Subdimension]	(…)
	(...)	(…)
	1.n [Subdimension]	(…)
2. [Dimension]	2.1 [Subdimension]	(…)
	2.2 [Subdimension]	(…)
	(...)	(…)
	2.n [Subdimension]	(…)
(...)	(...)	(…)

Die Anzahl der Dimensionen bzw. Subdimensionen des Index ist abhängig von Umfang und Komplexität des jeweiligen Kompetenzbereichs. Um die wesentlichen (Sub-)Dimensionen zu identifizieren, wurde neben den Gesetzen die einschlägige Fachliteratur herangezogen. Zudem wurden die Indizes durch Expertenbefragungen validiert. Für jede (Sub-)Dimension wird ein Indikator festgelegt, der so viele Ausprägungen hat, wie sich unterschiedliche Regelungen in den Gesetzen finden. Insgesamt wurden für die 15

Indizes 184 Indikatoren codiert. Die Codierung[36] wurde durch Diskussion von Zweifelsfällen und stichprobenartige wechselseitige Überprüfung der beiden Autoren validiert.

Da die Indizes ausschließlich aus der Empirie und nicht nach der theoretisch denkbaren Varianz gebildet werden, können nur Policy-Aspekte einbezogen werden, bei denen Varianz zwischen mindestens zwei Gesetzen besteht. Gleiche Regelungen können aus freier gesetzgeberischer Entscheidung resultieren, sind aber häufig auch auf externe Einschränkungen des Gestaltungsspielraums des Gesetzgebers – wie bspw. Gerichtsurteile – zurückzuführen (vgl. Reus und Zohlnhöfer 2015, S. 266f.). In unserem Sample besteht in fünf Kompetenzbereichen bei allen zentralen Aspekten Varianz und in acht beim überwiegenden Teil, während lediglich zwei Kompetenzbereiche weiterhin überwiegend einheitlich geregelt sind[37].

4.3.2 Die Berechnung von Policy-Mainstream und Abweichung

Die Index-Gesamtwerte geben an, inwieweit die Landesgesetze in der Summe ihrer Einzelregelungen ‚linker‘ oder ‚rechter‘ ausgestaltet sind, und ermöglichen damit deren Einordnung relativ zueinander auf einer Links-Rechts-Skala. Der Policy-Mainstream ist graphisch ein Cluster ähnlicher Landesgesetze und wird gemessen als arithmetischer Mittelwert der Index-Gesamtwerte aller geltenden Landesgesetze im jeweiligen Jahr. Davon ausgehend werden Distanzen zwischen den Gesetzen und dem Policy-Mainstream berechnet, wobei die absoluten Beträge der Distanzen (d.h. ohne Vorzeichen) in die Analyse eingehen (Abb. 1). Es spielt also keine Rolle, ob das jeweilige Landesgesetz sich links oder rechts vom Policy-Mainstream befindet; lediglich das Ausmaß der Abweichung ist relevant.

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[36] Eine ausführliche Darstellung der Indizes und Scores befindet sich im Online-Anhang.

[37] Nähere Informationen im Online-Anhang.

Abbildung 1: Illustration der Abweichung der 16 Länder vom Policy-Mainstream in einem Jahr
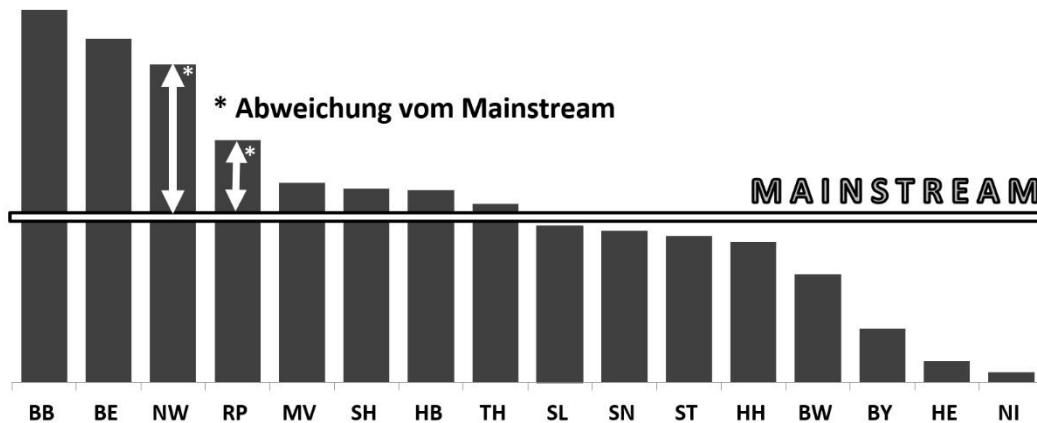
Legende: Fiktive Beispielkompetenz; *hoher Wert* = linkes Gesetz, *niedriger Wert* = rechtes Gesetz.

In der Gesamtbetrachtung dieser Aspekte ergibt sich ein umfassendes Bild des Ausmaßes an Diversität zwischen den Landesgesetzen über Politikfelder, Länder sowie Zeit hinweg. Die empirischen Ergebnisse dazu werden im nächsten Kapitel vorgestellt.

4.4 Policy-Diversität zwischen den neuen Landesgesetzen

4.4.1 Die zahlenmäßige Verteilung der Gesetze

Insgesamt wurden von den 16 Ländern in den 15 analysierten Kompetenzbereichen 425 Gesetze verabschiedet, die mit substantiellen inhaltlichen Veränderungen im Vergleich zum bisherigen Bundesgesetz bzw. zu anderen nach 2006 verabschiedeten Landesgesetzen einhergehen. Dies sind, methodisch gesprochen, Gesetze, die eine Veränderung der Indexwerte herbeiführen. Die Gesetzgebungsaktivitäten der Länder unterscheiden sich dabei erheblich zwischen den Politikfeldern (vgl. Abb. 2).

Abbildung 2: Zahlenmäßige Verteilung der Landesgesetze nach Kompetenzbereichen (2006-2013)
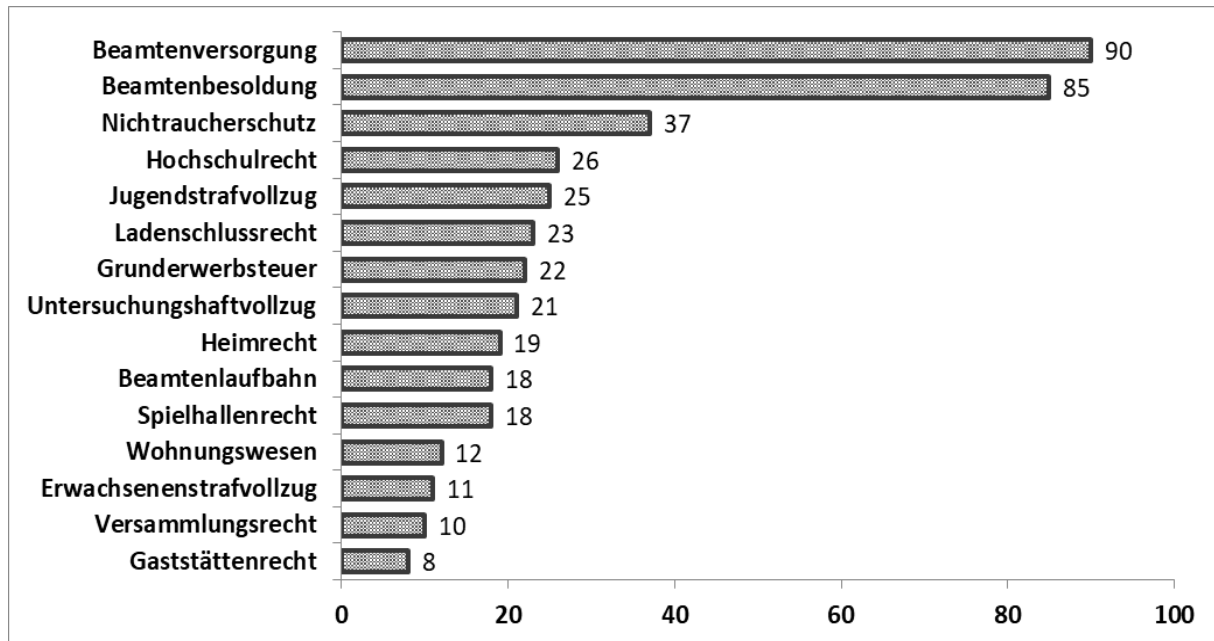

Mit Abstand die größte Zahl an Gesetzen findet sich mit 85 bzw. 90 Gesetzen in den Kompetenzbereichen Beamtenbesoldung und -versorgung, auf die zusammen 41 Prozent aller Landesgesetze entfallen. Dies geht darauf zurück, dass beide Bereiche im ein- oder zweijährlichen Abstand durch Besoldungsrunden angepasst werden, so dass hier ein gewisser Automatismus die erhöhte Gesetzgebungstätigkeit bedingt. Die geringste Zahl an Gesetzen findet sich in den Kompetenzbereichen Gaststättenrecht (acht), Versammlungsrecht (zehn), Erwachsenenstrafvollzug (elf) und Wohnungswesen (zwölf). Die Zahl der Landesgesetzgeber, die aktiv wurden, ist noch geringer (sieben bis zehn), da mehrere Novellen derselben Länder enthalten sind. Etliche Länder ließen also das Bundesrecht unverändert fortgelten. In den übrigen neun Kompetenzbereichen bewegt sich die Zahl der neuen Landesgesetze zwischen 18 und 37. Überwiegend wurden dabei alle Landesgesetzgeber aktiv, mit Ausnahme von Thüringen beim Heimrecht und Beamtenlaufbahnrecht, Bayern beim Ladenschlussrecht sowie Bayern und Sachsen bei der Grunderwerbsteuer. Die größte Zahl an Novellen findet sich beim Nichtraucherschutz, wo alle 16 Landesgesetzgeber mindestens ein weiteres Gesetz verabschiedeten. Beim Hochschulrecht novellierten neun Länder, während in den übrigen sieben Materien jeweils über die Hälfte der Länder das neue Landesrecht nach der Erstnutzung nicht mehr

veränderten. Im Ergebnis ist die notwendige Bedingung für Policy-Diversität, nämlich Gesetzgebung durch viele Länder, in den meisten Politikfeldern erfüllt.

Auch mit Blick auf die einzelnen Länder zeigen sich Unterschiede beim Umfang der Gesetzgebungsaktivität. Wie in Abb. 3 zu sehen, reicht die Spannweite der in allen neuen Kompetenzbereichen verabschiedeten Gesetze von 21 bis 33. Knapp hinter dem Spitzenreiter Hamburg (33 Gesetze) befinden sich Hessen mit 32 und Sachsen mit 31 Gesetzen, während Thüringen und Berlin mit jeweils 21 verabschiedeten Gesetzen am inaktivsten waren. Diese relativ überschaubaren Unterschiede überraschen angesichts der beträchtlichen Differenzen in Größe und Ressourcenausstattung der Parlamente (und Ministerien) der Länder. Eindeutige Muster – wie z.B. Ost / West, arm / reich oder groß / klein – sind bei Betrachtung der reinen Gesetzeszahl nicht erkennbar.

Abbildung 3: Zahl der verabschiedeten Gesetze nach Ländern
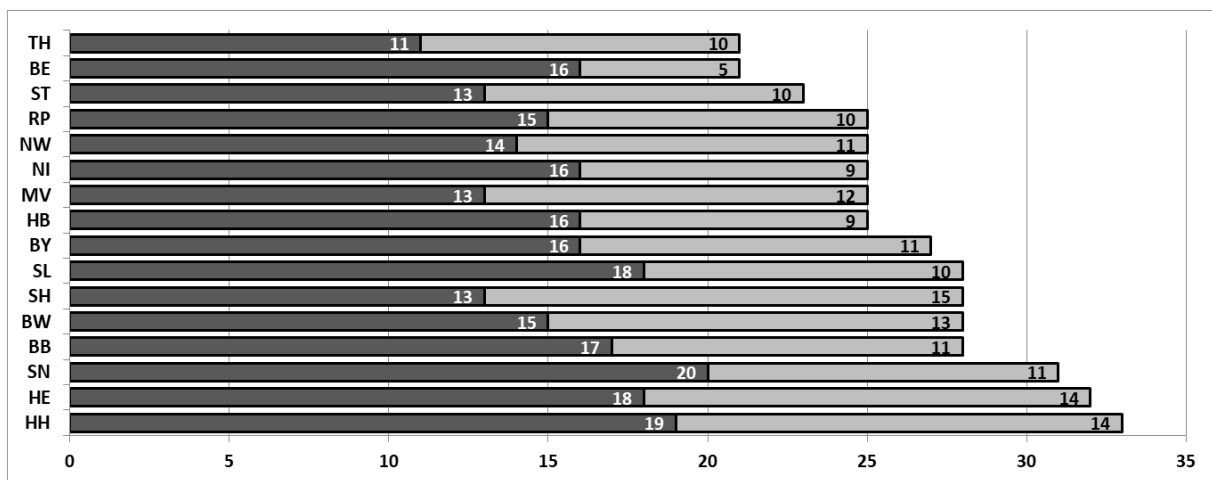
Legende: Sortiert nach der Gesamtzahl der Gesetze pro Land, *helle Fläche* = Besoldung + Versorgung, *dunkle Fläche* = alle anderen Kompetenzbereiche.

Im Zeitverlauf zeigt Abb. 4 in der Gesamtschau, d.h. über alle neuen Kompetenzbereiche hinweg, dass die Gesetzgebung über die Jahre eher kontinuierlich erfolgte. Es gab weder eine starke anfängliche Zurückhaltung noch eine auffallende Anfangseuphorie.

Abbildung 4: Zahl der pro Jahr verabschiedeten Gesetze (alle Länder / Kompetenzen)
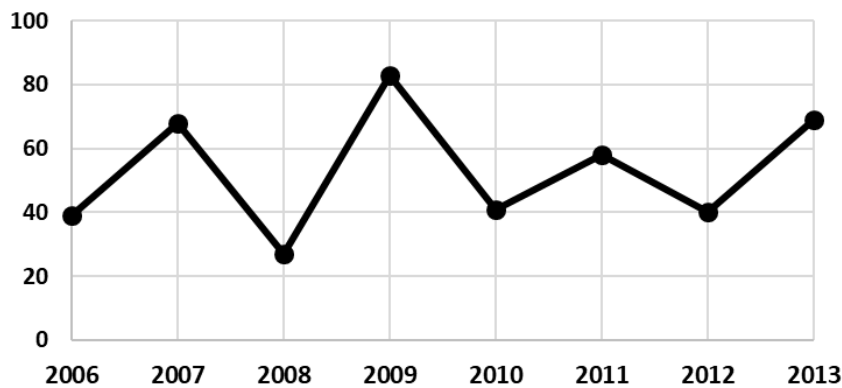
Sieht man sich dagegen die Kompetenzbereiche im Einzelnen an (Abb. 5), lassen sich in vielen deutliche Muster erkennen: Durchgehend Gesetzgebungsaktivitäten auf hohem Niveau finden sich in den Kompetenzbereichen Beamtenbesoldung und Beamtenversorgung. Wie bereits erläutert ist dies auf turnusgemäße Anpassungsrunden zurückzuführen. Größere „Gesetzgebungs-wellen", d.h. die Verabschiedung einer großen Anzahl von Gesetzen innerhalb kurzer Zeit, finden sich in vier Kompetenzbereichen. Beim Spielhallenrecht liegt die Welle im Jahr 2012 und wurde ausgelöst durch einen Staatsvertrag, den bis auf (zunächst) Schleswig-Holstein alle Länder unterzeichneten. Die Welle im Jugendstrafvollzug im Jahr 2007 wurde durch ein Bundesverfassungsgerichtsurteil verursacht, das von allen 16 Ländern separate Strafvollzugsgesetze für jugendliche Strafgefangene forderte. Beim Ladenschlussrecht begann die Gesetzgebungswelle bereits im November 2006 und reichte bis Juni 2007, d.h. dieser Kompetenzbereich wurde frühzeitig und umfassend genutzt. Ein Sonderfall ist das Hochschulrecht, wo der bereits 2006 hohe Ausschlag großteils nicht auf neue Gesetze zurückgeht, sondern auf die vorherige, überwiegend kompetenzrechtlich umstrittene Rechtsetzung der Länder. Ebenfalls eine frühzeitige Welle mit Erstnutzung durch alle 16 Länder bereits im Jahr 2007 findet sich beim Nichtraucherschutz, wobei hier ein Urteil des Bundesverfassungsgerichts in einer zweiten großen Welle im Jahr 2009 resultierte, da fast alle Länder ihre Gesetze anpassen mussten. Niedrigere Spitzen finden sich noch beim Beamtenlaufbahnrecht und dem Untersuchungshaftvollzug im Jahr 2009. Längere Phasen mit mäßig erhöhter Gesetzgebungsaktivität weisen die Kompetenzbereiche Grunderwerbsteuer

(2010-2013) sowie Heimrecht (2008-2012) auf. In den Kompetenzbereichen Erwachsenenstrafvollzug, Wohnungswesen, Versammlungsrecht und Gaststättenrecht schließlich bewegte sich die Gesetzgebungsaktivität durchgängig auf niedrigem Niveau mit lediglich kleineren Erhebungen im Zeitverlauf.

Abbildung 5: Zeitliche Verteilung der Landesgesetzgebung
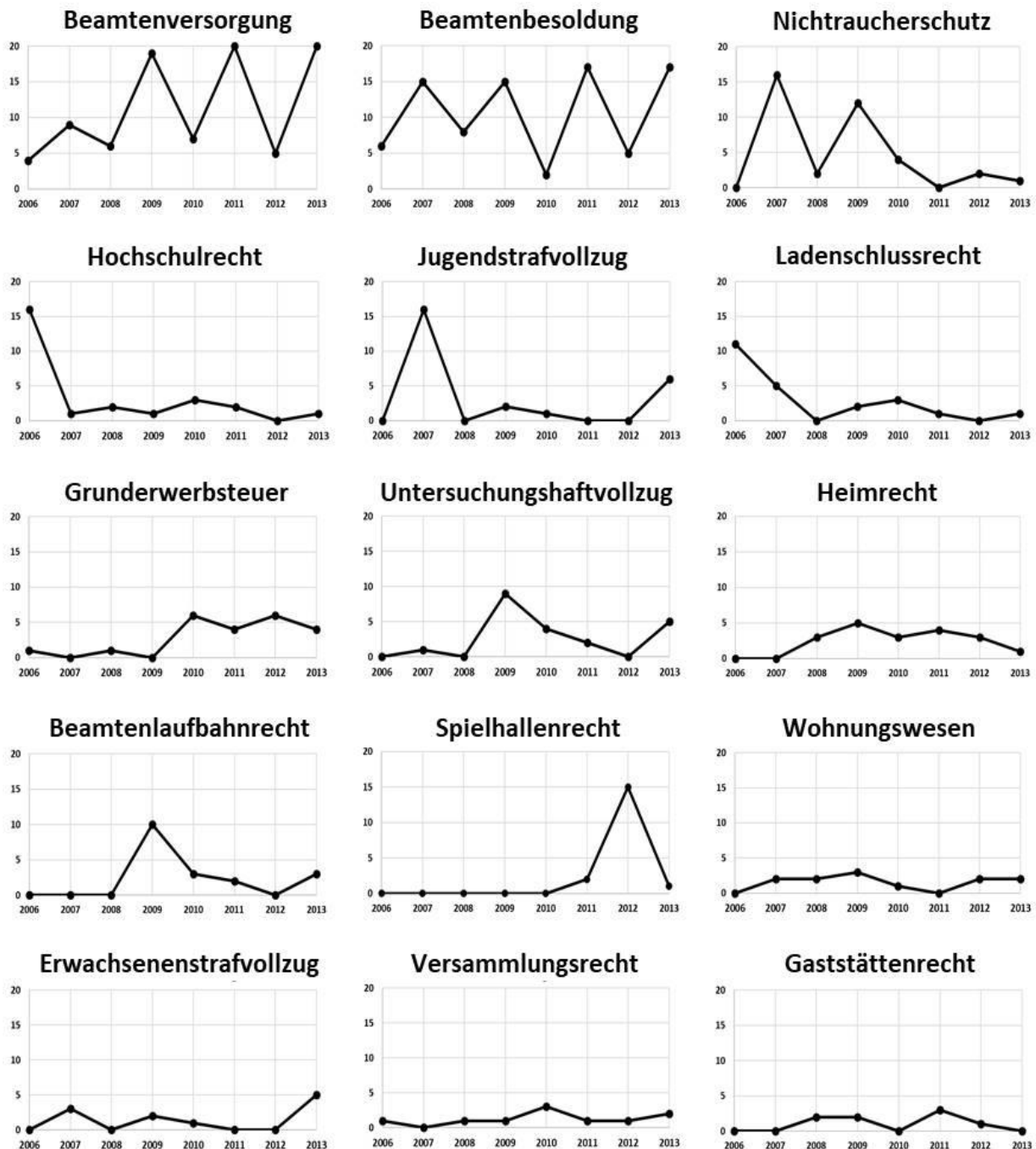
Legende: Sortiert nach Zahl der Gesetze im Kompetenzbereich (*X-Achse* 2006–2013, *Y-Achse* 0–20 Gesetze).

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### 4.4.2 Die Verteilung der Gesetzesinhalte auf einer Links-Rechts-Skala

Die folgenden Säulendiagramme stellen für sämtliche Kompetenzbereiche[38] dar, wie sich die Inhalte der nach 2006 verabschiedeten Landesgesetze in Relation zueinander sowie zum bisherigen Bundesgesetz auf einer Links-Rechts-Skala verteilen. Grundsätzlich werden wirtschaftsrestriktive, gleichheitsorientierte und grundrechtsliberale Positionen dem linken Spektrum sowie wirtschaftsliberale, leistungsorientierte und konservative Positionen dem rechten programmatischen Spektrum zugeordnet. Die jeweilige Zuordnung ist ausführlich im Online-Anhang dokumentiert. Das Bundesgesetz – graphisch gekennzeichnet durch einen schwarzen Punkt – ist zumindest in der ersten Zeit nach Inkrafttreten der Reform ein zentraler Bezugspunkt. Die Skala ist für jeden Kompetenzbereich standardisiert, so dass sie von „0 = kleinster möglicher Gesamtwert" bis hin zu „100 = größter möglicher Gesamtwert" des jeweiligen Index reicht. Es handelt sich hierbei um theoretische Minima und Maxima, die erreicht werden, wenn ein Gesetzgeber in allen Dimensionen des additiven Index die am meisten rechte bzw. linke Ausprägung wählt. Diese Darstellung zeigt auch, welcher Anteil des gesamten möglichen Index-Spektrums von den Ländern tatsächlich abgedeckt wird. Je größer die Abdeckung und je weniger die Gesetze clustern, umso größer ist das Ausmaß an Diversität.

Das volle Spektrum des Index wird in drei Kompetenzbereichen von den Gesetzen des Bundes und der Länder abgedeckt (Abb. 6). Beim Nichtraucherschutz befinden sich – da es bis dato kein Nichtraucherschutzgesetz gab – alle Landesgesetze deutlich links vom Bundesrecht, d.h. sie etablieren (in unterschiedlichem Maße) staatliche Einschränkungen für Gastwirte zum Schutz vor Passivrauchen. Das restriktivste Gesetz ist dabei das bayerische von 2010, welches ein absolutes Rauchverbot festsetzt. Die Landesgesetze zur Grunderwerbsteuer befinden sich ebenfalls alle links des Bundesgesetzes, weil sie allesamt den Steuersatz erhöhten. Die überwiegende Mehrheit bewegt sich bei 4,5 und 5 Prozent, der Spitzenreiter Schleswig-Holstein (2013) übersteigt mit 6,5 Prozent den bisherigen Bundessatz von 3,5 Prozent deutlich. Von den wenigen Gesetzen zum

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[38] Mit Ausnahme von Beamtenbesoldung und -versorgung aufgrund der großen Gesetzeszahl.

Gaststättenrecht befinden sich zwei recht nahe am relativ links ausgerichteten Bundesgesetz, während sechs Gesetze deutlich weiter rechts stehen, was in diesem Fall einer Deregulierung zugunsten der Gastwirte entspricht.

Abbildung 6: Verteilung der Inhalte von Landesgesetzen und Bundesgesetz auf einer Links-Rechts-Skala
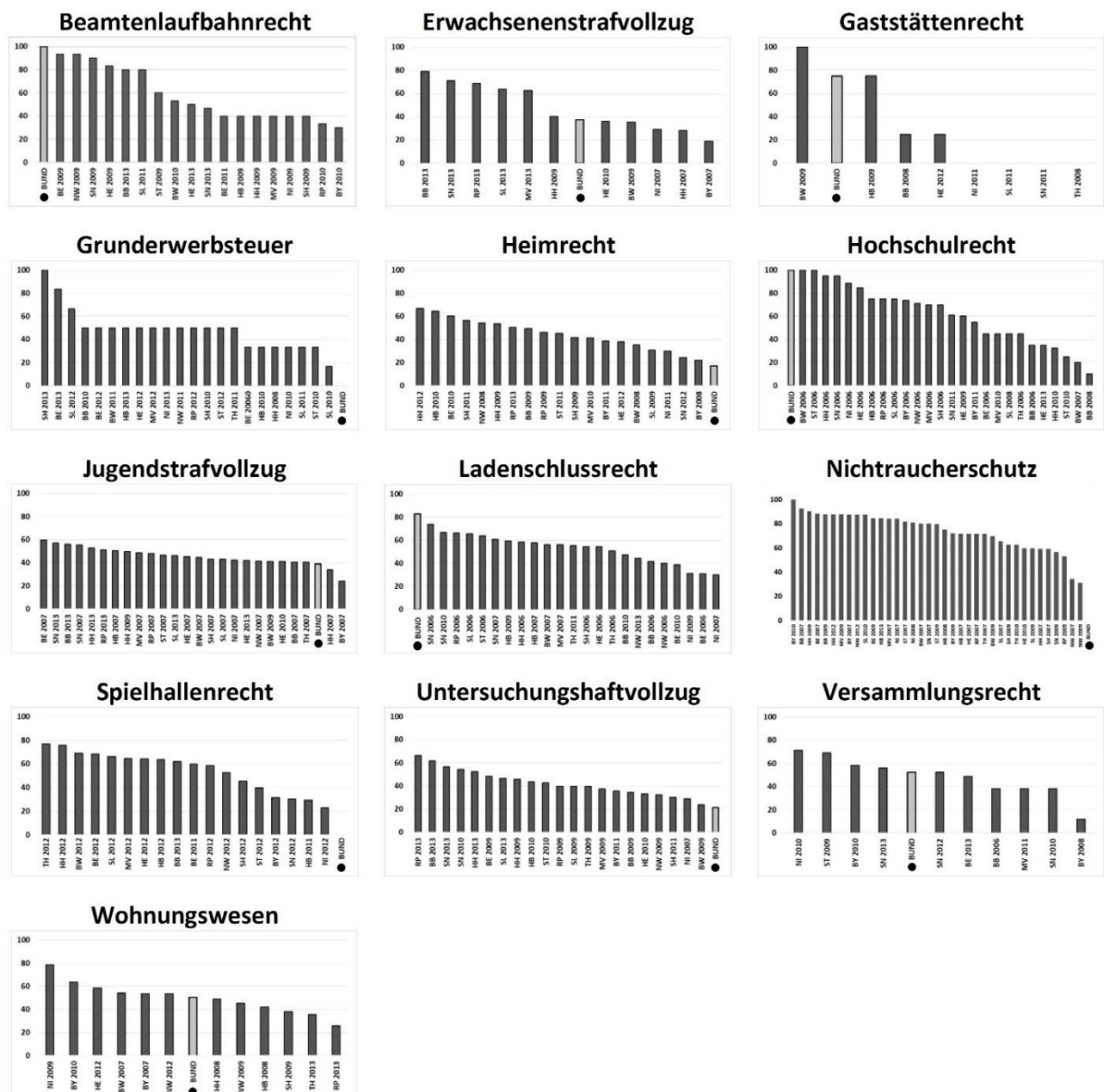
Legende: *Säulen* Index-Gesamtwerte von 0 bis 100, Bundesgesetz gekennzeichnet durch einen *schwarzen Punkt* und *hellere Farbe*, *100* bzw. 0 theoretisches Maximum bzw. Minimum des jeweiligen Index.

Über 60 bis 90 Prozent des Spektrums reichen die Gesetze zu fünf Materien. Beim Hochschulrecht wurde mit 90 Prozent der Großteil des Index-Spektrums genutzt, wobei sich vier Gesetze sehr nahe am ganz links stehenden Bundesgesetz halten, während die anderen sich gleichmäßig nach rechts verteilen. Der rechte Pol steht hier für ein flexibilisiertes und wettbewerbsorientierteres Hochschulsystem. Beim Spielhallenrecht (77 Prozent Abdeckung) wiederum befinden sich alle Landesgesetze mit klarem Abstand links vom Bundesgesetz. Da zuvor auf Bundesebene kein Gesetz bestanden hatte, wurden Spielhallenbetreibern erst mit den neuen Landesgesetzen spezifische Einschränkungen zum Zwecke der Spielsuchtbekämpfung auferlegt. Beim Beamtenlaufbahnrecht (70 Prozent Abdeckung) lassen sich zwei Gruppen unterscheiden, eine in Nähe zum ganz links stehenden Bundesgesetz und eine zweite deutlich abgesetzt rechts davon. Diese beiden Gruppen haben in unterschiedlichem Maße das Laufbahnrecht flexibilisiert und damit die Verfügungsmöglichkeiten des Dienstherrn hinsichtlich des Einsatzes der Beamten erhöht. Eine Aufteilung in zwei Gruppen zeigt sich ebenfalls beim Erwachsenenstrafvollzug (60 Prozent Abdeckung). Das Bundesgesetz befindet sich dabei in der rechten Gruppe, wobei einige dieser Gesetze noch rechter, d.h. sicherheits- und straforientierter, sind. Die andere Gruppe setzt sich davon deutlich nach links ab, was mit mehr Rechten für Strafgefangene einhergeht. Von den wenigen Gesetzen zum Versammlungsrecht verbleiben die meisten relativ nahe am eher mittig stehenden Bundesgesetz. Weit abgeschlagen am rechten Rand befindet sich das – später vom Bundesverfassungsgericht teilweise beanstandete – bayerische Gesetz von 2008, welches viele zusätzliche Einschränkungen und Verpflichtungen für an Versammlungen Mitwirkende sowie korrespondierend viele Rechte für Polizei und Behörden etablierte.

Etwa die Hälfte des Index-Spektrums oder weniger wird bei fünf Kompetenzbereichen abgedeckt. Am unteren Ende befindet sich mit 35 Prozent der Jugendstrafvollzug. Hier liegen fast alle neuen Landesgesetze sowohl sehr eng beieinander als auch sehr nahe am bisherigen Bundesrecht, d.h. es kam zu keinen erheblichen Veränderungen die Rechte und Pflichten der jugendlichen Strafgefangenen betreffend. Eine etwas höhere Bandbreite von 45 Prozent findet sich beim Untersuchungshaftvollzug, wobei sich hier alle Landesgesetze links vom Bundesgesetz finden, also die Rechte der Untersuchungshäftlinge moderat ausweiten. Die Hälfte des Index-Spektrums decken die Gesetze zum

Heimrecht ab. Dabei verteilen sich die Landesgesetze vom ganz rechts stehenden Bundesgesetz aus sehr gleichmäßig nach links, was bedeutet, dass von allen Ländern zusätzliche Verpflichtungen für Heimträger sowie Kontrollen zum Schutz der Heimbewohner eingeführt wurden. Beim Ladenschluss (53 Prozent Abdeckung) hingegen befinden sich alle Landesgesetze, relativ gleichmäßig verteilt, rechts vom bisherigen Bundesgesetz. Der rechte Pol steht hier für eine liberale Ausgestaltung, d.h. weniger Einschränkungen für Ladenbesitzer und bspw. mehr Möglichkeiten ausnahmsweiser Sonntagsöffnung. Beim Wohnungswesen schließlich verteilen sich die Gesetze ebenfalls über 53 Prozent des Index-Spektrums, wobei das bisherige Bundesgesetz etwa mittig zu verorten ist. Ganz links, mit deutlichem Abstand zum nächsten Gesetz, befindet sich das niedersächsische Gesetz von 2009, welches besonders die einkommensschwächsten Teilnehmer am Wohnungsmarkt fördert, während die rechten Gesetze mehr den Interessen der Wohnungswirtschaft entgegenkommen.

Neben der Gesamtschau der Gesetzesinhalte ist insbesondere von Bedeutung, wie sich die Positionierung der Länder zueinander über Zeit verändert. Im Falle von substantieller Policy-Diversität sollte eine zunehmende Ausdifferenzierung (Divergenz) zu beobachten sein. Umgekehrt würde Konvergenz die Entwicklung von Diversität hin zu neuerlicher Einheitlichkeit abbilden. Die *violin plots* in Abb. 7 zeigen auf, dass es in den meisten Kompetenzbereichen zu erheblicher Diversität gekommen ist. Einheitlichkeit bleibt überwiegend nur in den Jahren unmittelbar nach Inkrafttreten der Föderalismusreform I bestehen.[39] Wie oben bereits näher beschrieben kam es dabei meist in Form einer einmaligen ‚Welle' von Gesetzgebung oder seltener durch schrittweise Verabschiedungen von Gesetzen zum Anstieg der Diversität bis zu einem Niveau, das im Folgenden dann konstant blieb. Fälle von Konvergenz sind im Gegenzug dazu weitaus sel-

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[39] Daneben bestand in einigen Teilen der Kompetenzbereiche durchgängig Einheitlichkeit von Bundesgesetz und Landesgesetzen (vgl. Online-Anhang). Aufgrund der Art der Indexkonstruktion, die Varianz in mindestens einem Jahr und von einem Gesetz erfordert, konnten diese Aspekte aber nicht einbezogen werden.

tener und von deutlich geringerem Umfang. Sie treten meist als einmaliger Konvergenz-schritt von einem Jahr zum nächsten auf, d.h. kaum über mehrere Jahre hinweg. Berück-sichtigt man beispielsweise Veränderungen der Standardabweichung der standardisier-ten Policy-Scores um mehr als 3 von Jahr zu Jahr in den Kompetenzbereichen, zeigen sich 25 Divergenzfälle und 8 Konvergenzfälle. Die maximale Änderung der Standardab-weichung bei Konvergenz beträgt 6, bei Divergenz 38, zudem liegen 17 Divergenzfälle bei mehr als 6.

Im Einzelnen findet sich eine höhere Streuung der Gesetze im gesamten Untersu-chungszeitraum in den Kompetenzbereichen Ladenschlussrecht und Hochschulrecht, in ersterem wurde das höchste Niveau an Streuung bereits 2006 erreicht. Eine durchgängig mittlere Streubreite findet sich bei der Beamtenbesoldung und eine durchgängig geringe beim Versammlungsrecht. In den übrigen elf Kompetenzbereichen kam es in unter-schiedlichen Jahren zu Divergenzsprüngen, d.h. relativ starkem Anstieg der Diversität, auf ein dann gehobenes (nur im Fall des Nichtraucherschutzes geringes) Niveau. Die *violin plots* und die Standardabweichung zeigen, dass dabei die Gesetze im Beamten-laufbahn-, Heim- und Gaststättenrecht sowie im Erwachsenenstrafvollzug besonders breit im Links-Rechts-Spektrum streuen.

Eine weitere Facette von Diversität ist, wie viele unterschiedliche Regelungen von den Ländern insgesamt zu den einzelnen Policy-Aspekten (technisch: Indikatoren) ge-troffen wurden. Diese instrumentelle Regelungsvielfalt operationalisieren wir als die durchschnittliche Anzahl an Ausprägungen pro Indikator eines Index (Abb. 8). Dabei erleichtern ‚natürliche' theoretische *benchmarks* auf beiden Seiten die Interpretation. Minimale Diversität besteht bei nur zwei unterschiedlichen Ausprägungen in allen Ge-setzen[40], maximale Diversität geht mit 16 unterschiedlichen Regelungen in den Ländern einher.

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[40] Die Zahl eins, d.h. die gleiche Ausprägung in allen Gesetzen ist nicht möglich, da die Indizes so konstruiert sind, dass nur Aspekte mit Varianz aufgenommen werden können.

Abbildung 7: Divergenz und Konvergenz der Landesgesetze nach Kompetenzbereichen
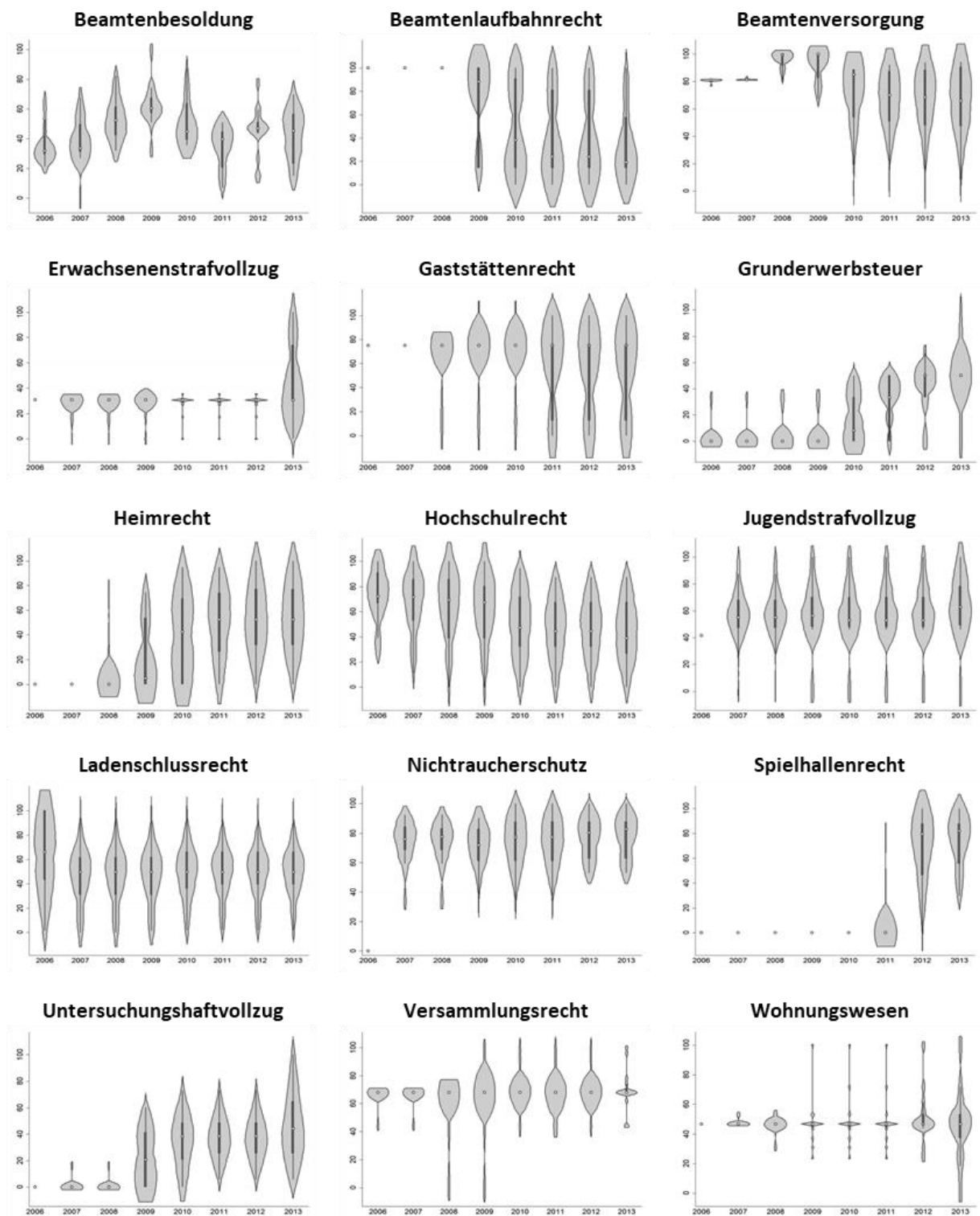
Legende: *X-Achse* 2006–2013, *Y-Achse* Index-Gesamtwerte von 0 bis 100, *100* bzw. 0 = empirisches Maximum bzw. Minimum, d. h. höchster bzw. niedrigster vorkommender Index-Gesamtwert.

Abbildung 8: Durchschnittliche Anzahl der Ausprägungen pro Indikator des jeweiligen Index
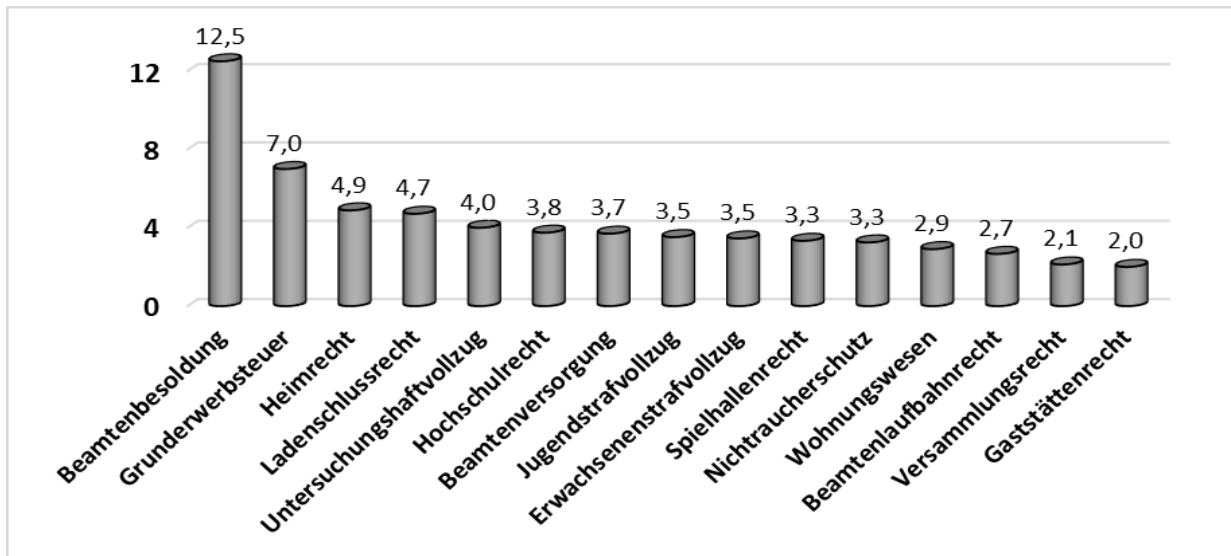
Die höchste Anzahl an Ausprägungen findet sich mit durchschnittlich 12,5 pro Indikator bei der Beamtenbesoldung. Hier basieren drei Viertel der Indikatoren auf präzisen finanziellen Beträgen, die in allen Ländern eine unterschiedliche Ausprägung aufweisen, wobei die Unterschiede auch in absoluten Beträgen gewichtig sind. Danach folgt die Grunderwerbsteuer mit sieben Ausprägungen – von 3,5 bis 6,5 Prozentpunkten reichend – beim Steuersatz, hier dem einzigen Indikator des Index. Ebenfalls eine große Vielfalt unterschiedlicher Ausprägungen bei zumeist nicht-metrischer Ausgestaltung zeigt sich beim Heimrecht mit durchschnittlich 4,9 und beim Ladenschlussrecht mit durchschnittlich 4,7 Ausprägungen pro Indikator. Ein Durchschnitt von lediglich 2,0 bzw. 2,1 Ausprägungen pro Indikator findet sich, korrespondierend mit der geringen Gesetzeszahl, beim Gaststätten- bzw. Versammlungsrecht. Bei den übrigen neun Kompetenzbereichen besteht eine mäßige Ausdifferenzierung von durchschnittlich 2,7 bis 4,0 Ausprägungen pro Indikator.

4.4.3 Policy-Mainstream und Abweichung

Da hier der Fokus auf den einzelnen Ländern als diversitätsbefördernden oder -bremsenden Akteuren liegt, sind wir besonders an politikfeldübergreifenden Mustern interessiert und aggregieren deshalb die Abweichungen jedes Landes in den 15 Kompetenzbereichen zu einem umfassenden Abweichungsgrad pro Jahr. Dazu wandeln wir in jedem Kompetenzbereich die absoluten Beträge der Abweichung in Prozentwerte von 0 (kleinste vorkommende Abweichung) bis 100 (größte vorkommende Abweichung) um, damit die Politikfelder gleichmäßig eingehen, und bilden dann die Summe der Abweichungen für jedes Landesjahr. Da der aggregierte Abweichungsgrad über alle Länder hinweg zwischen 2006 und 2010 stark ansteigt, standardisieren wir zusätzlich den aggregierten Abweichungsgrad zwischen den Jahren, um Verzerrungen in der Interpretation zu vermeiden. Der durchschnittliche Abweichungsgrad (Abb. 9) entspricht dem Abweichungsgrad, den ein Land im Durchschnitt aller Jahre auf einer Skala vom niedrigsten (0) zum höchsten (100) aggregierten Abweichungsgrad eines Jahres erreicht.

Abbildung 9: Durchschnittlicher Abweichungsgrad der Länder über alle Kompetenzbereiche hinweg von 2007−2013 in Prozent (Min=0, Max=100)
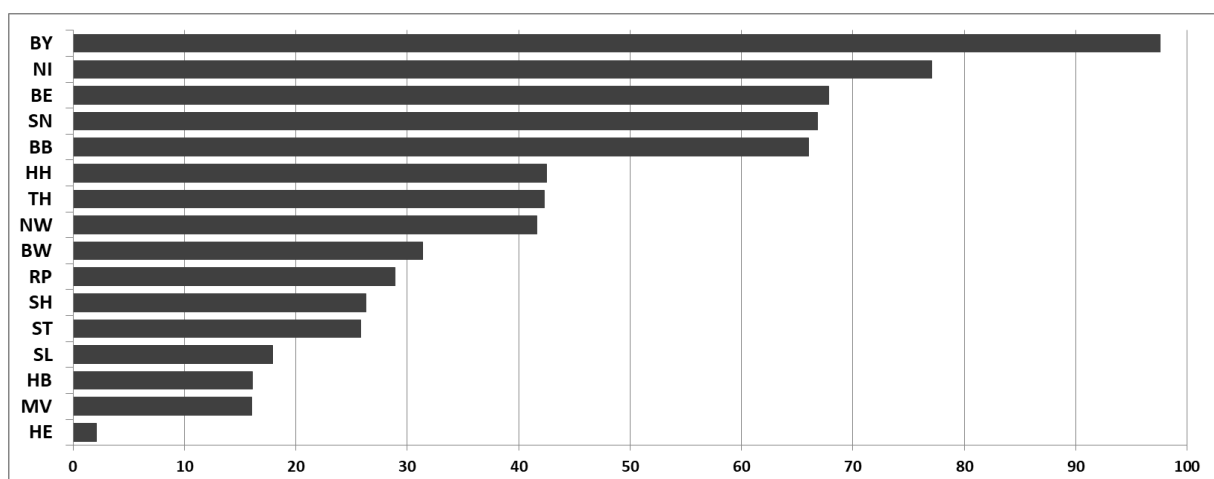
Wie in Abb. 9 zu sehen weicht Bayern durchgängig sehr stark und deutlich mehr als alle anderen Länder vom Policy-Mainstream ab. Mit einem durchschnittlichen Abweichungsgrad von 98% weist es in nahezu jedem Jahr den höchsten Abweichungsgrad

aller 16 Länder auf. Dies spiegelt die besondere Rolle Bayerns im deutschen Bundesstaat wider, wie sie die Literatur regelmäßig aufzeigt. Niedersachsen und Sachsen, aber auch Berlin und Brandenburg, die nicht als typische Abweichler gelten, befinden sich ebenfalls häufig abseits des Mainstreams (66 bis 77% Abweichung). Das Gegenstück zu Bayern bildet überraschend Hessen, welches eher als Verfechter einer starken Rolle der Länder bekannt ist, aber hier eine durchschnittliche Abweichung von nur 2% aufweist. Die „üblichen Verdächtigen" Bremen, Mecklenburg-Vorpommern und das Saarland, die in der Regel einheitlichkeitsorientiert auftreten, weichen ebenfalls wenig vom Policy-Mainstream ab (16 bis 18% Abweichung).

Sieht man sich die Abweichungsgrade der Länder im Zeitverlauf an (Abb. 10), zeigen sich in den meisten Ländern große Unterschiede zwischen den Jahren. Lediglich in Baden-Württemberg, Bayern, Brandenburg, Hessen und Thüringen variiert der Abweichungsgrad nur wenig von Jahr zu Jahr. Gleichwohl lassen sich auch diese Länder *cum grano salis* als durchgängig mehr oder weniger diversitätsinduzierend einordnen.

Abbildung 10: Abweichungsgrade der Länder über alle Kompetenzbereiche hinweg nach Jahren
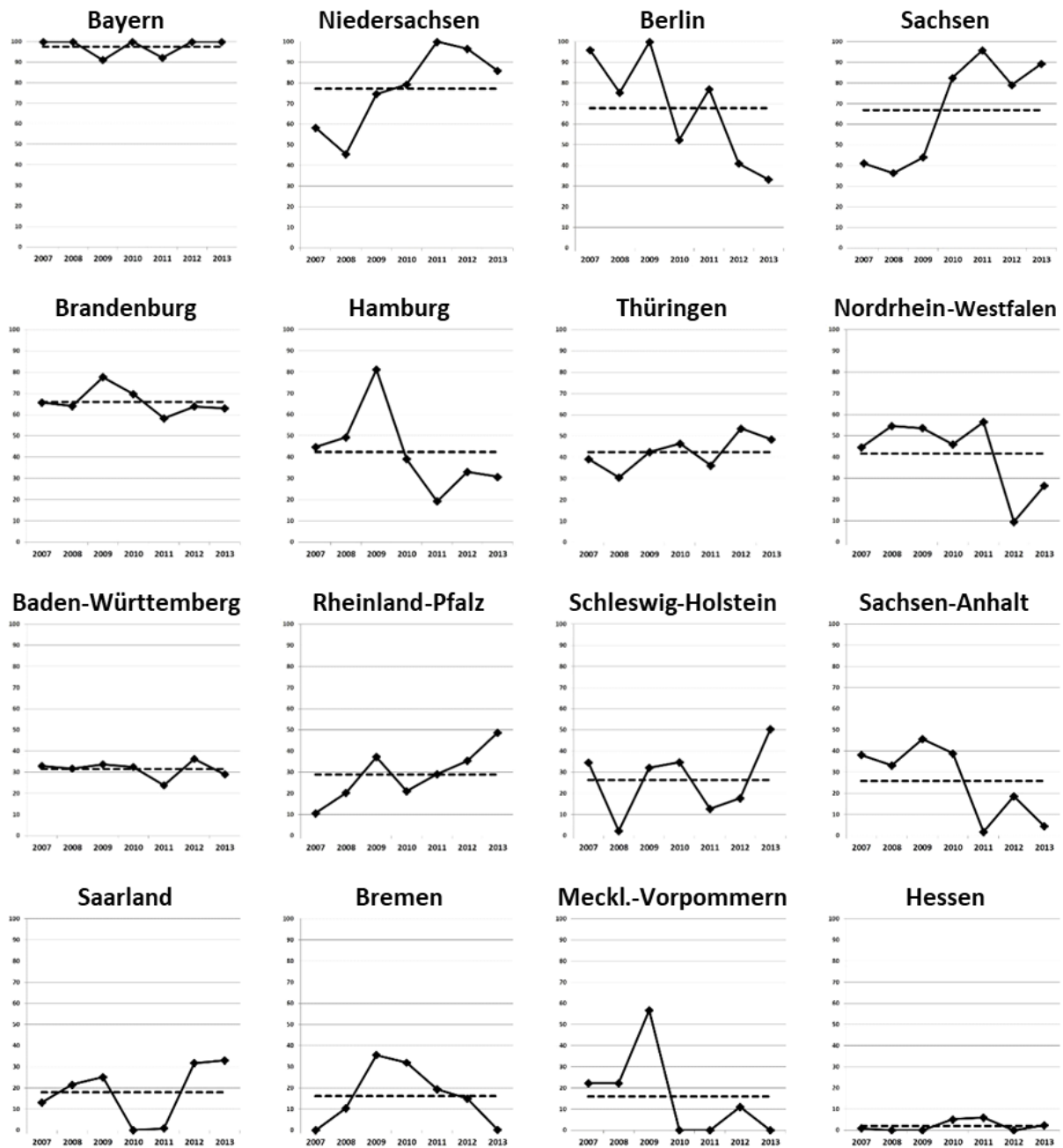
Legende: *X-Achse* = Jahre (2007−2013), *Y-Achse* = Abweichungsgrad in Prozent; *durchgehende Linie* = Abweichungsgrad der einzelnen Jahre, *gestrichelte Linie* = Mittelwert der Abweichung der Jahre 2007−2013.

4.5 Fazit

In diesem Beitrag haben wir Policy-Vielfalt in der Landesgesetzgebung nach der Föderalismusreform I in 15 neuen ausschließlichen Kompetenzen zwischen 2006 und 2013 untersucht. Dazu haben wir mittels policy-spezifischer Indizes jene Aspekte analysiert, bei denen Varianz zwischen den Landesgesetzen bzw. zum bisherigen Bundesgesetz bestand. Für die meisten Politikfelder bestätigt sich unsere These, dass es infolge der Reform zwischen 2006 und 2013 zu substantieller Policy-Vielfalt gekommen ist.[41] Lediglich im Versammlungsrecht und Wohnungswesen überwiegt eindeutig die Einheitlichkeit, vor allem weil nur sieben bzw. zehn Länder legislativ aktiv wurden. In den anderen 13 Politikfeldern findet sich hingegen mindestens mittlere Diversität. Dabei entfällt hohe Diversität auf das Beamtenlaufbahn- und Heimrecht. In diesen Bereichen haben jeweils 15 Länder Gesetze verabschiedet, die auf einer aggregierten Links-Rechts-Skala sehr breit streuen. Danach folgen sechs Kompetenzbereiche, die etwas über mittlerem Diversitätsniveau liegen: Grunderwerbsteuer, Beamtenversorgung, Untersuchungshaftvollzug, Hochschul-, Spielhallen- und Ladenschlussrecht. In diesen Politikfeldern wurden mindestens 14 Landesgesetzgeber aktiv, deren Gesetze sich relativ breit über das Links-Rechts-Spektrum verteilen. Ein mittleres Ausmaß an Diversität erreichen schließlich die Beamtenbesoldung, der Nichtraucherschutz, der Jugend- und Erwachsenenstrafvollzug sowie das Gaststättenrecht. Bezieht man zusätzlich jene (aus methodischen Gründen nicht in den Indizes enthaltenen) Policy-Aspekte mit gleichen Regelungen in Bund und Ländern ein, fällt in 9 der 15 Kompetenzbereiche die Einschätzung des Diversitätsniveaus geringer aus. Da sich jedoch lediglich im Hochschulrecht[42] die Einschätzung gravierend verändert, bleibt der Befund substantieller Policy-Vielfalt in den meisten Kompetenzbereichen weitgehend erhalten. Im Zeitverlauf stieg die Policy-Diversität

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[41] Vgl. die ausführliche Darstellung im Online-Anhang.

[42] Wie oben erläutert, bezieht sich dieser Befund geringer Diversität ausschließlich auf den neuen Kompetenzteil, die „Allgemeinen Grundsätze des Hochschulwesens". In anderen Kompetenzteilen des Hochschulrechts findet sich beträchtliche Diversität, die allerdings nicht auf die Föderalismusreform I zurückzuführen ist.

stark an, in den meisten Kompetenzbereichen als ein- oder zweimaliger „Divergenz-sprung" von einem zum nächsten Jahr. Konvergenz war in den Politikfeldern nur selten zu beobachten.

Die Länder beförderten Policy-Diversität in deutlich unterschiedlichem Maße. Bay-ern wich mit klarem Abstand am stärksten vom Policy-Mainstream der Länder ab. Da-mit bestätigen wir Literaturbefunde, die das Land als wichtigsten Treiber von Diversität im deutschen Bundesstaat kennzeichnen. Auf der anderen Seite verblieben die „üblichen Verdächtigen" Bremen, Mecklenburg-Vorpommern und das Saarland sowie überra-schenderweise Hessen häufig im Policy-Mainstream der Länder. Die Gesetzeszahl zwi-schen den Ländern unterscheidet sich wenig, die Bereitschaft bedeutsam abzuweichen hingegen schon.

Ausgehend von der vorgefundenen Vielfalt in den untersuchten neuen Kompetenz-bereichen stellt sich die Frage, wie nachhaltig die Föderalismusreform I auf das Ausmaß von Diversität in der Landesgesetzgebung generell wirkt. Hier schließen wir uns der Einschätzung der Literatur (stellvertretend für viele: Wolf und Hildebrandt 2016) an, dass es zu einer grundlegenden Neuausrichtung des deutschen Bundesstaates sicher nicht gekommen ist. Ebenfalls ist Scharpf (2009) zuzustimmen, dass es sich bei den neuen Landeskompetenzen meist um enger begrenzte Kompetenzbereiche handelt, die nicht unmittelbar auf andere Politikfelder ausstrahlen. In den Bereichen allerdings, die umfangreicheren Gestaltungsspielraum für die Länder bereithalten, ist es durchaus zu substantieller Diversität gekommen, d.h. das durch die Föderalismusreform I entstan-dene Gelegenheitsfenster wurde von den Ländern genutzt. Langfristig könnte sich so eine ‚Gewöhnung' an Diversität bei Bevölkerung und politischen Akteuren einstellen und dadurch das in Deutschland weit verbreitete Unbehagen gegenüber landesspezifisch unterschiedlichen Policies zurückgehen. Ob dies eintritt, lässt sich jedoch erst mit grö-ßerem zeitlichen Abstand zur Reform sagen. Dass sich die Befürchtungen negativer Fol-gen des neuen Wettbewerbs – bspw. ein „Wettbewerb der Schäbigkeit" beim Strafvoll-zug (Köhne 2009) – weitgehend nicht bewahrheitet haben, hat jedenfalls diesem Argu-ment mit Blick auf zukünftige Verhandlungen über die bundesstaatliche Kompetenzver-teilung an Überzeugungskraft genommen.

Unsere Analyse bestätigt den in der Literatur vorherrschenden Befund substantieller Diversität im deutschen Bundesstaat auf breiter empirischer Basis über verschiedene Politikfelder, alle Länder und mehrere Jahre hinweg. Durch die systematische Messung von Policy-Diversität zwischen den Landesgesetzen wird das Fundament gelegt für weitere, auch kausale Analysen. Der vorliegende Beitrag ist dabei Teil eines größeren Projektes, bei dem wir im nächsten Schritt den Einfluss von in der Literatur benannten Faktoren – von Parteien über sozio-ökonomische Bedingungen bis hin zu Größe und finanzieller Leistungskraft – auf die Unterschiede zwischen den Landesgesetzen untersuchen.

Literaturverzeichnis

Abromeit, Heidrun. 1992. Der verkappte Einheitsstaat. Opladen: Leske+Budrich.

Benz, Arthur. 1999. Rediscovering regional economic policy. In Recasting German federalism, Hrsg. Charlie Jeffery, 177–196. London: Pinter.

Blancke, Susanne. 2004. Politikinnovationen im Schatten des Bundes. Wiesbaden: VS.

Blumenthal, Julia von. 2009. Das Kopftuch in der Landesgesetzgebung. Baden-Baden: Nomos.

Dose, Nicolai und Iris Reus. 2016. The effect of reformed legislative competences on Länder policy-making. Regional & Federal Studies 26: 625–644.

Dose, Nicolai und Felix Wolfes. 2016. Die Höhe der Beamtenbesoldung in den Ländern. Der Versuch einer Erklärung: Parteiendifferenzhypothese oder Verschuldungsdruck? Zeitschrift für Vergleichende Politikwissenschaft 9: 267–293.

Freitag, Markus und Adrian Vatter (Hrsg.). 2010. Vergleichende subnationale Analysen für Deutschland. Münster/Berlin: LIT.

Götz, Klaus. 1992. Intergovernmental relations and state government discretion. Baden-Baden: Nomos.

Grube, Norbert. 2001. Föderalismus in der öffentlichen Meinung. In Jahrbuch des Föderalismus 2001, Hrsg. EZFF, 101–114. Baden-Baden: Nomos.

Hesse, Konrad. 1962. Der unitarische Bundesstaat. Karlsruhe: C.F. Müller.

Hildebrandt, Achim und Frieder Wolf (Hrsg.), 2008: Die Politik der Bundesländer. Wiesbaden: VS.

Hildebrandt, Achim und Frieder Wolf (Hrsg.). 2016. Die Politik der Bundesländer. 2. Aufl. Wiesbaden: VS.

Jeffery, Charlie. 2005. Federalism. In Governance in contemporary Germany, Hrsg. Simon Green und William E. Paterson, 78–93. Cambridge: Cambridge University Press.

Jeffery, Charlie. 1999. From cooperative federalism to a 'Sinatra doctrine' of the Länder? In Recasting German federalism, Hrsg. ders., 329–342. London: Pinter.

Jeffery, Charlie, Niccole M. Pamphilis, Carolyn Rowe und Ed Turner. 2016. Introduction to the special issue. German Politics 25: 165–175.

Kaiser, André und Stephan Vogel. 2017. Dynamic De/Centralization in Germany, 1949-2010. Publius. https://doi.org/10.1093/publius/pjx054.

Knopp, Lothar und Bernadette Hagemeister. 2013. Aktuelle Befunde zu den Auswirkungen der Föderalismusreform I auf Landesbeamte. Landes- und Kommunalverwaltung 23: 145–151.

Köhne, Michael. 2009. 3 Landesstrafvollzugsgesetze – Beiträge zum „Wettbewerb der Schäbigkeit"? Neue Zeitschrift für Strafrecht 29: 130–133.

Kropp, Sabine. 2010. Kooperativer Föderalismus und Politikverflechtung. Wiesbaden: VS.

Leber, Fabian. 2014. Landesgesetzgebung im neuen Bundesstaat. Baden-Baden: Nomos.

Lorse, Jürgen. 2013. Das neue Dienstrecht zwischen Anspruch und Wirklichkeit. Zeitschrift für Beamtenrecht 61: 79–88.

Münch, Ursula. 1997. Sozialpolitik und Föderalismus. Opladen: Leske+Budrich.

Munck, Gerardo L. und Jay Verkuilen. 2002. Conceptualizing and measuring democracy. Comparative Political Studies 35: 5–34.

Oberhofer, Julia, Julia Stehlin und Roland Sturm. 2011. Citizenship im unitarischen Bundesstaat. Politische Vierteljahresschrift 52: 163–194.

OECD/EU/JRC. 2008. Handbook on constructing composite indicators. Paris: OECD Publishing.

Pasternack, Peer. 2011. Fazit. In Hochschulen nach der Föderalismusreform, Hrsg. ders., 340–353. Leipzig: Akademische Verlagsanstalt.

Renzsch, Wolfgang. 1991. Finanzverfassung und Finanzausgleich. Bonn: Dietz.

Reus, Iris. 2016. On a Successful Road to 'More Federalism' in Länder Politics? German Politics 25: 210–226.

Reus, Iris und Reimut Zohlnhöfer. 2015. Die christlich-liberale Koalition als Nutznießer der Föderalismusreform? In Politik im Schatten der Krise, Hrsg. Reimut Zohlnhöfer und Thomas Saalfeld, 245–272. Wiesbaden: VS.

Rowe, Carolyn und Ed Turner. 2016. Let's Stick Together? German Politics 25: 193–209.

Scharpf, Fritz W. 2006. Föderalismusreform. Aus Politik und Zeitgeschichte 50: 6–11.

Scharpf, Fritz W. 2008. Community, diversity and autonomy. German Politics 17: 509–521.

Scharpf, Fritz W. 2009. Föderalismusreform. Frankfurt a.M./New York: Campus.

Scheller, Henrik und Josef Schmid (Hrsg.). 2008. Föderale Politikgestaltung im deutschen Bundesstaat. Baden-Baden: Nomos.

Schmidt, Manfred G. 1980. CDU und SPD an der Regierung. Frankfurt/New York: Campus.

Schmidt, Manfred G. 2016. Conclusion: Policy diversity in Germany's federalism. German Politics 25: 301–314.

Schneider, Herbert und Hans-Georg Wehling (Hrsg.). 2006. Landespolitik in Deutschland. Wiesbaden: VS.

Sturm, Roland. 1989. The industrial policy debate in the Federal Republic of Germany. In The Changing Agenda of West German Public Policy, Hrsg. Simon Bulmer, 155–174. Aldershot: Gower.

Sturm, Roland. 2008. Von der Symmetrie zur Asymmetrie. In Jahrbuch des Föderalismus 2007, Hrsg. EZFF, 27–41. Baden-Baden: Nomos.

Sturm, Roland. 2010. More courageous than expected? In New Directions in Federalism Studies, Hrsg. Jan Erk und Wilfred Swenden, 34–49. Abingdon/New York: Routledge.

Turner, Ed. 2011. Political parties and public policy in the German Länder. Basingstoke: Palgrave Macmillan.

Wolf, Frieder. 2006. Die Bildungsausgaben der Bundesländer im Vergleich. Münster: LIT.

Wolf, Frieder und Achim Hildebrandt. 2008. Sechzehn Länder, sechzehn Felder. In Die Politik der Bundesländer, Hrsg. dies., 363–370. Wiesbaden: VS.

Wolf, Frieder und Achim Hildebrandt. 2016. Länderpolitik revisited. In Die Politik der Bundesländer, Hrsg. dies., 2. Aufl., 391–399. Wiesbaden: VS.

5. Taking Stock after 40 Years of Comparative Land Policy Analysis (1980−2020). A Review of the Predictors of Regional Policy Output in Germany[43]

Abstract: The number of policy analyses at the Land level has been rapidly increasing, yet we lack a comprehensive and systematic review of this literature. To close this gap, we have collected the entire population of eighty-five analyses of policy output from the last four decades and evaluated their research designs and findings. This evaluation reveals a gap in cultural and law enforcement policies as well as in comparative analyses across several policy fields. Methodologically, there is a need for policy content to be captured in a way that facilitates statistical analysis over time. We then examine to which extent established theories of policy-making predict variance in policy output. The partisan composition of government is clearly the strongest predictor. Since institutions and public opinion are rarely rejected, they should be included more frequently in future policy analyses. Our findings are of interest for both federalism research and policy analysis in general.

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[43] This article is co-authored with Iris Reus.

5.1 Introduction

Although there has been a marked proliferation of policy analyses of German states (Länder) recently, we lack a systematic review of the state of the art which discusses results and provides recommendations for future research. This literature review investigates how Land policy analyses have been conducted (regarding investigation period, policy fields, method, etc.) and what factors predict the variance in policy output among Länder (such as parties, socioeconomic conditions, and institutions). It is the first literature review to evaluate the findings on these questions over the last four decades comprehensively and systematically and to identify the resulting research gaps. This contributes to federalism research which seeks to understand regional politics as a whole (Jeffery 2005) and is thus interested in the factors causing regional policy diversity across many policy fields. It is also relevant for policy analysis in general as we evaluate established theories of policy analysis over a long period of time and across policy fields (using the Länder as homogeneous cases).

Researchers have become more interested in the Land level since reunification in 1990 (on elections: e.g. Burkhart 2005; on parties: e.g. Bräuninger et al. 2020; on institutions: e.g. Leunig 2012). In this context, Land policies came increasingly into focus (e.g. Münch 2011; Schmid and Blancke 2001; Sturm 2005). In 2008, Hildebrandt and Wolf published the first edited volume focusing solely on Land policies (a second edition appeared in 2016), followed by special issues of *German Politics* (Jeffery et al. 2016) and *Zeitschrift für Vergleichende Politikwissenschaft* (Sack and Töller 2018).

While Wolf and Hildebrandt (2008, 2016) and Sack and Töller (2018) summarise the state of the art partially, the only extensive literature overview across policy fields and policy theories so far was compiled by Blumenthal (2009, 30–9), who includes thirty-two publications on Land policies. Beyond Germany, two broad literature reviews on regional policy analysis were conducted by Peterson (1995, 85–103) and Miller (2004) who cover the US states. While these literature reviews are instructive, none of them comprehensively evaluates research designs and results.

Thus, we lack a systematic review of the state of the art of regional policy analysis (for Germany as well as for other federations). Our evaluation addresses the following limitations of existing literature reviews of regional policy analysis. None of the aforementioned reviews gathers the entire population of policy analyses. Moreover, none of the reviews measures how much influence the predictors have on regional policy-making relative to each other. Our contribution is therefore that we gathered the whole population of eighty-five Land policy analyses published since the founding of the Federal Republic of Germany. This limits typical biases of literature reviews, such as publication bias resulting from sampling only from (specific) journals. Furthermore, we systematically evaluate the policy analyses according to a uniform scheme to rank the predictive power of theories. This scheme allows us to include policy analyses with different methodologies (quantitative, qualitative, and mixed), whereas most meta-analyses are limited to quantitative studies.

The article is structured as follows. In the second section, we present our database. Then we examine the research designs of the Land policy analyses. In the fourth section, we outline our analytic approach. We then show the empirical results for the predictors of Land policy output, before concluding.

5.2 Database

By carrying out a broad search combining various strategies we obtained the whole population of Land policy analyses (see online appendix A for details) and avoid publication-type related biases (see online appendix B which also discusses publication bias). First, a comprehensive search with search terms for the period 1949 to September 2020 was conducted in the Bavarian Library Network, which contains books and articles purchased by the member libraries. The same search was conducted in the catalogue of the German National Library, which contains all books and journals published in Germany. To ensure wide coverage of English-language articles, a topic search (title, abstract, keywords) with search terms from 1956 to September 2020 was carried out in the Social Sciences Citation Index. Next, we checked the references in all selected literature titles

to identify further relevant works (snowball principle). In addition, we checked all publications of researchers who have published frequently on Land policy-making. Since the snowball system is less effective for recent years, we validated the results by carrying out a full search of articles – without limitation to specific search terms – in titles and partly in abstracts of nine relevant German (at least since 2010) and twenty-one relevant English journals (from 2014 to September 2020).

The policy analyses thereby collected are included if they fulfil the following requirements (for details, see online appendix C). The first prerequisite is that it be a theory-based empirical study. Each study must have a clearly specified object of investigation. It can be any substantive policy, including the expenditures associated with it. This means that we exclude analyses of overall spending, debt, budget balance, administrative policy, and local government law because they are not substantive policies. Since our focus is on (primary and secondary) legislation, we only consider analyses of policy outputs, not policy outcomes. Policy implementation is excluded. Within a study, several Länder have to be compared; studies of a single Land are excluded.

Our unit of analysis is a single policy field within a publication. If several dependent variables within one policy field are examined, we assess them jointly. If dependent variables from several policy fields are analysed within one publication, we evaluate them separately for each policy field. The number of units of analysis is therefore slightly larger (eighty-five) than the number of publications (seventy-six).

5.3 Research Designs of Land Policy Analyses

We now examine how policy analyses across Länder have been conducted and lay out the resulting research gaps.

5.3.1 Publication Dates and Investigation Period

Research on Land policies began in 1980 with Schmidt's seminal study, *CDU und SPD an der Regierung*. Between then and 1999 (see figure 1, left), only two articles and one monograph were published. From 2000 onwards, interest in Land policy-making increased strongly, from nine publications in the period 2000–4 to an all-time high of thirty-two in the most recent period (2015–20). Thus, 95 per cent of the publications appeared in the second half of the 40-year publication period. The spike in 2008 and 2016 is due to the edited volumes by Hildebrandt and Wolf.

The investigation period of the policy analyses (see figure 1, right) covers the entire period from the foundation of the Federal Republic. The years from 1949 to the mid-1970s, however, have been little investigated, while the most recent years are naturally also still underrepresented. The most-studied period is from shortly after reunification to the beginning of the 2010s. Overall, there is a need for analyses that span the 1970s to the 2020s. Such analyses could examine how Land policy-making has changed over time.

Figure 1: Publication dates (left) and investigation period (right)
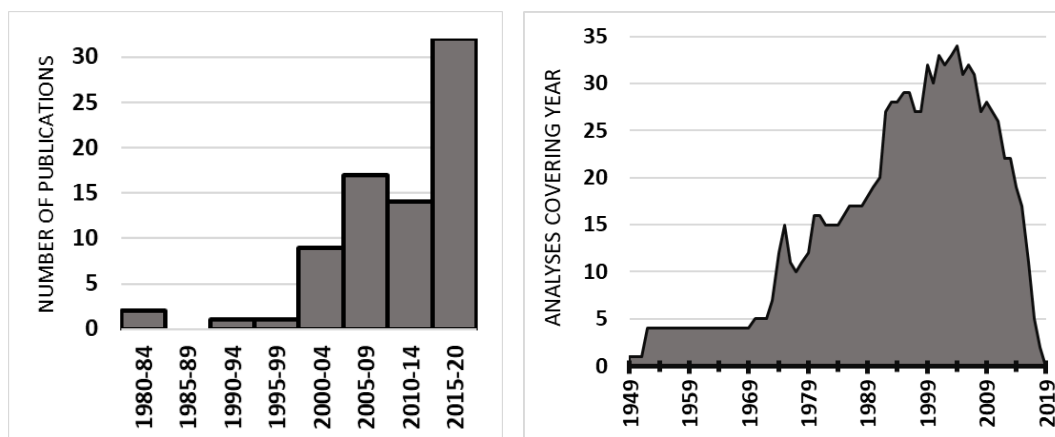
5.3.2 Number of Länder and Policy Fields

Looking at the number of Länder investigated per policy analysis (see figure 2, left), we find that 76 per cent of the studies include all Länder, which is positive for generalisability. Another 9 per cent of the policy analyses cover more than half of the Länder (at least six Länder before reunification and at least nine after). The remaining 15 per cent of the analyses are limited to a maximum of half the Länder.

Figure 2 (right) shows the number of policy fields examined per publication. The size of the boxes indicates the proportion of all publications. Thus, 89 per cent of the publications cover only a single policy field. Only eight of the seventy-six publications analyse several policy fields: Schmidt 1980 (six); Schmid 2002 (four); Dose and Reus 2016, Galli and Rossi 2002, Turner 2011 (three each); as well as Berzel 2019, Potrafke 2011 and Schniewind et al. 2010 (two each). Therefore, a significant research gap exists in studies that compare policy fields with a uniform scheme.

Figure 2: Percentage of Länder analysed (left) and number of policy fields covered (right)
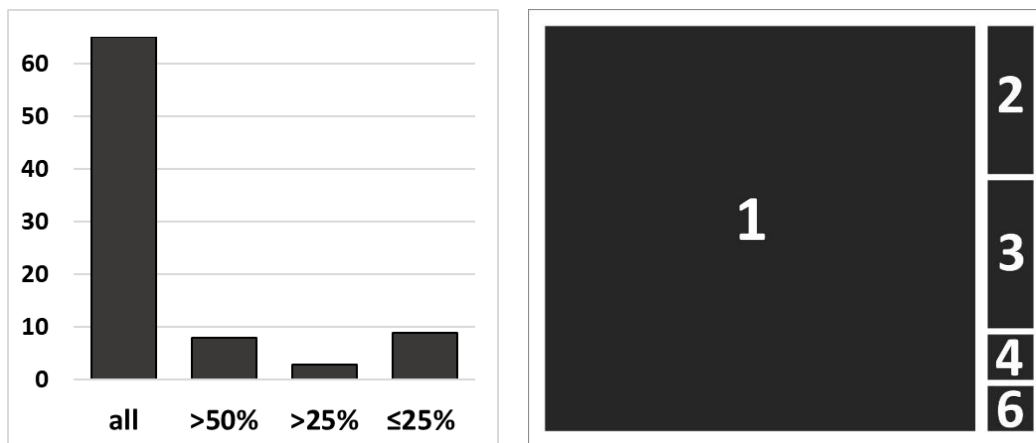
Note: The treemap on the right shows – by the varying sizes of the boxes – how many publications analyse the displayed number of policy fields.

5.3.3 Selected Policy Fields

Mapping the number of policy analyses by policy field reveals major differences (see figure 3; for details, see online appendix D). Education is the front-runner with twenty policy analyses – one in every four. Employment and labour market with fifteen policy analyses and social welfare and health care with twelve policy analyses are next. Together, these three policy fields account for more than half of the analyses. The next policy fields trail far behind. Agriculture is at the bottom with only two policy analyses.

Figure 3: Number of analyses by policy field
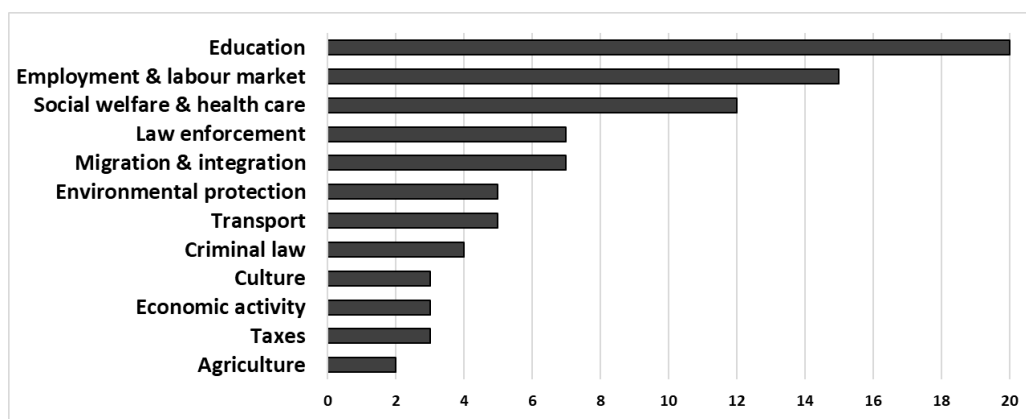
Now we test whether Land policies are examined all the more frequently, the greater the legislative power of the Länder in the respective policy field (data on legislative power from Kaiser and Vogel 2019; for details see online appendix E). Disproportionality in this regard might bias statements about the overall predictive power of the theories, given the overrepresentation of some policy fields. The results show partial proportionality: in about half of the policy fields, the number of policy analyses tracks the extent of legislative power. A misfit is found in employment and labour, as well as in social welfare and health care, where numerous policy analyses were carried out despite low legislative autonomy. The reversed misfit applies to culture and, to a lesser extent, law enforcement, which indicates the need for more analyses in these policy fields.

5.3.4 Methods

A survey of the methods used across all three publication periods shows a relatively balanced distribution, with forty-one quantitative (48 per cent), thirty-five qualitative (41 per cent) and nine mixed (11 per cent) policy analyses (see figure 4, left). Contrary to the general trend in political science towards quantitative methods, their proportion decreased for the period 2010–20. Previously, in 2000–9, twice as many quantitative as qualitative analyses had been published. In the most recent years, QCA has established itself as a new method. First used in 2016, it has since been employed in almost every fourth policy analysis.

Figure 4: Method by publication date (left) and type of dependent variable (right)
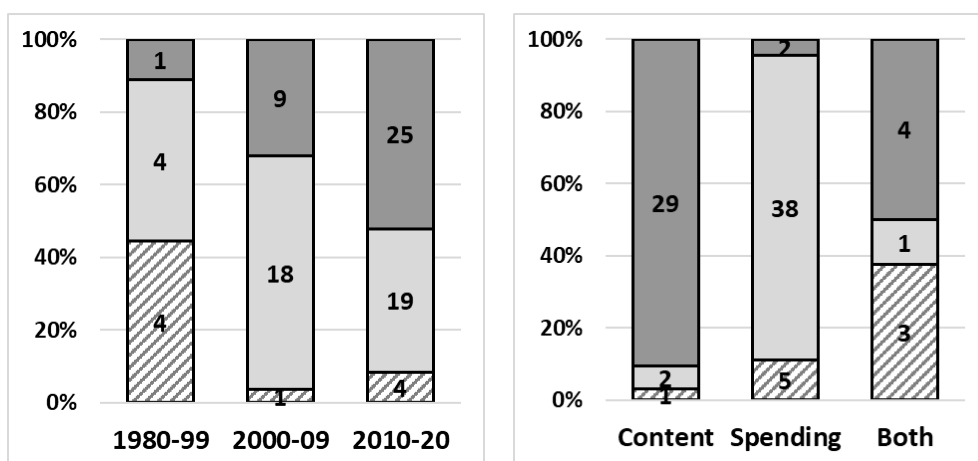
Note: The column sections on the left represent the share of policy analyses that are qualitative (dark grey), quantitative (light grey), and mixed (striped), by publication date. The column sections on the right show these shares for all publication dates by type of dependent variable.

Figure 4 (right) shows the methods used for the entire publication period in conjunction with the type of dependent variable. The focus is on spending, with forty-five analyses (53 per cent); policy content was analysed thirty-two times (38 per cent) and spending and policy content together eight times (9 per cent). Until the 2000s, studies on spending dominated; by the 2010s policy content and spending were researched equally. This trend is to be welcomed because policy-making is not adequately reflected by spending

alone. We find that almost all content analyses were examined qualitatively – only Bauer-Blaschkowski (2020) and Payk (2009) carried out a quantitative analysis (however, just for one policy field). A challenge for future research, therefore, is to capture policy content more often in a way that increases the number of cases and facilitates statistical analysis over time.

5.4 Analytical Approach

We now describe how we build the theoretical categories, on which this evaluation is based, from public policy theories. We then present the methodological guidelines leading to the assessment of the predictive power of the theories, before we derive expectations from the literature.[44]

5.4.1 Theoretical Categories

The aim of our evaluation is to assess the predictive power of public policy theories. We thus seek to make a statement across all policy fields about the extent to which the factors belonging to a theory have an impact on the respective dependent variables (for example, whether parties make a difference). We derived the theoretical categories for our evaluation from two strands of literature (for details, see online appendix F). On the one hand, we consulted textbooks on policy analysis in general; on the other hand, we conducted a wide-ranging search on empirical policy analyses at the regional level.[45]

Our theoretical categories are intentionally designed broadly and focus in each case on the factor that is decisive for policy-making decisions (such as parties). They form the wider framework for a number of variables, which can take many different forms in

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[44] The focus of this article is on the independent variables and their effects. We do not categorise policy differences reported by the authors by type or extent.

[45] While our theoretical categories largely reflect established and widely used public policy theories, the East/West distinction is a factor specific to Germany.

individual cases but, importantly, are linked by a common mechanism. These theoretical categories treat theories less differentiatedly but allow us to assign all indicators from the policy analyses we evaluate over the entire investigation period into distinct classifications. This is necessary to compare them at a more abstract level. We enumerate our theoretical categories in Table 1 and present them in detail in online appendix F.

Although we acknowledge that public policy theories are occasionally interlinked, we treat them as separate here because policy analysts do not agree on the nature of these links, rendering a comparative analysis unfeasible. The theories have been established since the beginning of Land policy analysis and thus policy analysts could have tested any of them during the full investigation period (no bias). Empirically, their test frequency also does not change over time in a way that creates bias (see online appendix B). As our research interest is on policy variance, we only include independent variables that differ across Länder and can therefore predict policy variance among them.

5.4.2 Assessing Predictive Power

In order to evaluate the policy analyses uniformly and systematically despite varying methods (quantitative, qualitative, mixed) and operationalisations, we use a deliberately simple rating system with three values (for details and examples see online appendix G):

- \+ = indicator has high predictive power
- o = indicator has partial predictive power
- − = indicator has no predictive power

Table 1: Assignment of indicators to theoretical categories

Theoretical category	Common mechanism and exemplary operationalisations
Parties	• Indicators relating to different ideologies and aims of parties on which politicians base policy-making • E.g. left vs. right governments, specific coalition formats
Socioeconomic determinism	• Indicators comprise socioeconomic conditions in terms of functional problems and needs in society to which politicians react • Four subcategories: economic factors (e.g. unemployment rate), demographic conditions (e.g. proportion of senior citizens), degree of urbanisation (e.g. city states vs. territorial states, population density in territorial states), social factors (e.g. rate of incarceration)
Financial power	• Indicators relating to financial resources which define the affordable options for action • E.g. debt per capita, tax revenues per capita
Institutions	• Indicators are formal and informal rules and conventions which structure political decision-making (including path dependencies) • E.g. constitutional provisions, coalition partners as veto players
Interest groups	• Indicators relating to voluntary organisations (such as trade unions or environmental organisations) which seek to influence policy-making through lobbying or participation in corporatist structures • E.g. degree of organisation of associations, access to decision-makers
Public opinion	• Indicators comprise values and attitudes of citizens (cross-policy fields and issue-specific attitudes, as well as attitudes derived from religion) which politicians take into account when making policy decisions, in order to be re-elected • E.g. attitudes measured by surveys, share of Catholics, public opinion presented by the media

Theoretical category	Common mechanism and exemplary operationalisations
East/West divide	• Indicators relating to the area-specific combination of economic and societal structures and needs, attitudes and values, and path dependencies, resulting from the 40-year division before reunification • Dummy for Eastern vs. Western Länder

We measure the predictive power by examining whether certain values of the independent variable are systematically associated with certain values of the dependent variable (in quantitative analyses: significance of an effect). For our assessment, we generally follow the author; if an explicit evaluation is missing, we gather it ourselves from the regression tables or the text (for details see online appendix G). In order to arrive at an overall assessment for a theoretical category, the individual assessments of the corresponding indicators are aggregated. These indicators are considered equal unless the author deems any indicator particularly valid. All evaluations and the corresponding text references from the policy analyses can be found in the online appendix H. To ensure intercoder reliability, the authors checked each other's assessments and discussed doubtful cases.

The predictive power of a theory can be assessed in two ways: as a proportion of all policy analyses (including 'non-tests') or as a proportion of only those policy analyses in which a theory was tested. We assume that the predictive power of most theories can best be assessed using all policy analyses. Since authors usually test the variables for which they expect effects based on theoretical considerations and previous studies and should include the relevant control variables, the non-test of an established theory should in principle equate to no predictive power (–). However, a non-test may also be due to missing or difficult to obtain data. For the predictors considered here, this applies in particular to public opinion, interest groups, qualitative studies on path dependency (quantitatively, the lag of the dependent variable is available), and partly to policy field-specific indicators of socioeconomic determinism. Moreover, a non-test could reflect that certain factors, particularly relating to culture and religion, are less common in the

literature generally. Therefore, we also include a measure of predictive power in tests only.

5.4.3 Expectations Derived from the Literature

We now derive – due to the limited availability of research rather tentative – expectations about the predictive power of the theories based on three strands of literature. First, we summarise the findings from regional policy analysis in the US which is the only federation that has attracted broad scholarship on that question. Second, we report the results from existing literature reviews on Land policy-making. Third, we draw on literature on characteristics of German federalism.

Beginning with US state policy analysis, the predictive power of *parties* differs greatly by the object of study and the period under investigation (showing stronger effects in times of higher polarisation). It reaches a medium level overall if one takes into account that the lack of partisan effects in some studies can be attributed to inappropriate research designs and methodologies (Caughey at al. 2017, 1342−4; Kousser 2002, 642−4). While *socioeconomic conditions* were considered key predictors in the first decades of state-level policy analysis in the US (from the 1960s onwards), they are still deemed frequent predictors in more recent research (Lax and Phillips 2009, 369; Miller 2004, 35−7). *Financial power* is mentioned as one of many predictors (Miller 2004, 35; Peterson 1995, 80). Owing to the lack of literature reviews on it, we cannot make any statement on its predictive power. This also applies to *institutions* such as the power of governors or legislative professionalism which are commonly tested (Miller 2004, 35−6; Tandberg 2010, 742−3), but rarely the focus of analyses. *Interest groups* are seldomly tested but turn out to be quite predictive when tested (Anzia 2019, 343, 349; Tandberg 2010, 741). *Public opinion* has proven to be a strong predictor (Tausanovitch 2019, 334). While initially this influence was not recognised, Erikson et al. (1993) and numerous subsequent studies on responsiveness established this strong link.

Turning to the German federation, a few statements about the predictive power of theories across many policy fields can be found in literature reviews on the Länder (their

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limitations are discussed in the introduction). Blumenthal (2009, 30–9) concludes that the main predictors are first of all, party differences (yet providing only limited predictive power), and then political culture, path dependencies, and socioeconomic differences. Wolf and Hildebrandt's (2008, 363–5) overall picture of sixteen policy fields shows the greatest differences to lie between East and West Länder, as well as between territorial and city states, often deriving from socioeconomic differences. They also found historical path dependencies and, to some extent, effects of political institutions and organised interests. Party effects were also confirmed, whereas according to the new edition (Wolf and Hildebrandt 2016, 395), they have partially decreased. In the latest Special Issue (Sack and Töller 2018, 611–612), some partisan effects are found. Other influential factors mentioned include socioeconomic problem pressure and, occasionally, interest groups.

We now present our rather tentative expectations on the predictive power of the theories, drawing on the general literature on German federalism. Where information is available, we use the extent of variation on the independent variable (i.e. the theoretical category) to inform our expectation, assuming that larger variation ceteris paribus leads to higher predictive power (concerning differences in policy outputs). *Parties* are important actors in the German federation and much studied (Bräuninger et al. 2020; Jun et al. 2008). Moreover, the parties-do-matter hypothesis is tested frequently in policy analysis in general (Wenzelburger and Zohlnhöfer 2020, 1). Thus, we expect a rather high predictive power among all policy analyses. *Socioeconomic heterogeneity* among the Länder has increased since reunification, for example regarding economic development or demographics such as age structure, proportion of foreigners or the proportion of welfare recipients (Jeffery et al. 2016, 168; Schmidt 2016, 303). This suggests a rather high predictive power of socioeconomic conditions.

Fiscal differences among Länder are extensively levelled out through vertical and horizontal fiscal equalisation (Renzsch 2011). Moreover, not all policies have financial implications. Thus, we expect *financial power* to not be a crucial predictor. Regarding *institutions*, no clear expectation can be derived. Various institutions are fundamentally

similar across Länder (e.g. existence of proportional representation, or veto players beyond the coalition government), however, their detailed design differs, for example the proportionality of electoral law or the extent of direct democracy (Freitag and Vatter 2008).

Since interest mediation is moderately corporatist throughout the federation (Siaroff 1999), the balance of power between interest groups (capital and labour) should not differ profoundly among Länder (compared to the free competition of pluralism). Thus, we expect rather little predictive power for *interest groups*. Compared to other federations, *public opinion* does not differ immensely among Länder because there are no large territorially concentrated ethnic or religious minorities (Bendel and Sturm 2010, 168−70). Given this relative homogeneity, we expect public opinion to have at most medium predictive power.

Reflecting the particular situation in Germany, *East/West* represents a specific combination of economic and societal structures and needs, attitudes and values, and path dependencies, resulting from the 40-year division before reunification. Lacking international equivalents, we do not formulate an expectation.

5.5 Predictors of Land Policy Output

In this section, we assess the predictive power of the theories in the policy analyses:[46] first, for all policy analyses, and second, split by type of dependent variable (content versus spending). All graphs follow the same scheme. The length of a bar indicates the proportion of all policy analyses in which a theoretical category was tested. The different colours represent the proportion of high (black), partial (dark grey) and no (light grey) predictive power in the tests (for exact numbers, see online appendix J). To add more concrete policy insights, we also analyse the substantive policy effects of frequently

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[46] In the bivariate analyses, we do not run significance tests because we collected the entire population.

tested indicators (for example, which effect left parties have). Details on these effects are provided in online appendix K and L. A further analysis on the predictive power of the theories before and after reunification in 1990 is reported in online appendix M.

5.5.1 All Policy Analyses

❖ **Parties**

Parties are by far the most frequently tested predictor (in 95 per cent of policy analyses; see figure 5), which reflects that they are a preeminent object of study in policy analysis. They have high predictive power in 45 per cent of all policy analyses and partial predictive power in another third (31 per cent), thus contributing to the prediction of policy differences in three out of four cases. In the tests, parties fare reasonably well compared to factors from other theoretical categories. Clearly, then, party differences are the strongest predictor.

Figure 5: Predictive power for all policy analyses
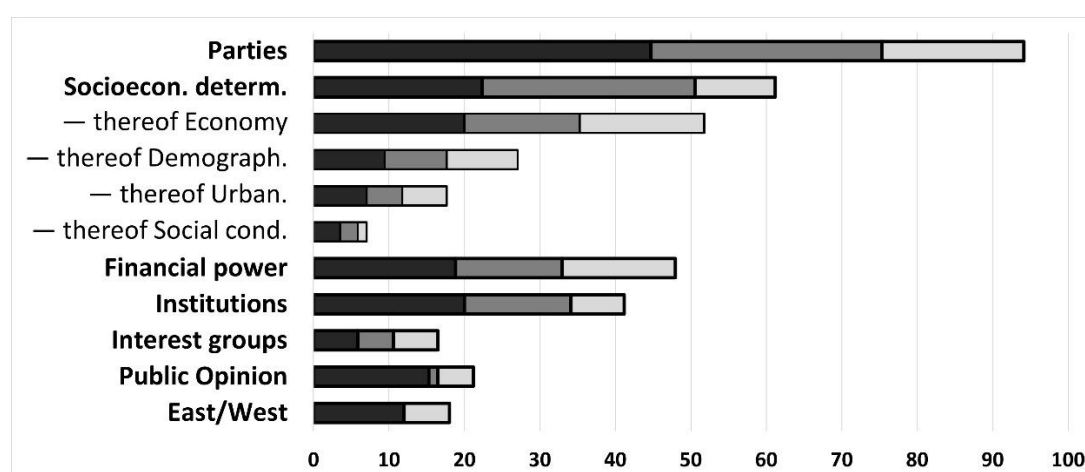
When classifying the various operationalisations into the overarching scheme 'right vs. left parties', we find that both right and left parties have the strongest effect in the theoretically expected direction on policy content. In more than five sixths of these analyses

on economic and social policy, left parties are associated with 'left' (state-intervention-ist/egalitarian) policies. This includes limited shop opening hours to protect employees (Dose and Reus 2016), the rapid extension of institutional childcare (Turner 2011), and less selectivity and a focus on integration in the school system (Payk 2009). Right parties passed 'right' (market-liberal/meritocratic) policies in four fifths of these analyses. The effect is even more pronounced in societal policy, where left parties have pushed through progressive and/or libertarian policies in twelve out of thirteen tests, such as more rights for prisoners (e.g. Rowe and Turner 2016) or more measures for equal rights for women (Schuster 1997). Likewise in eleven out of twelve tests, right parties enacted conservative and/or authoritarian policies such as a ban on the Muslim headscarf (e.g. Blumenthal 2009) or deportations to the insecure Afghanistan (Hörisch 2018).

However, contrary to general theoretical expectations, left parties correlate with higher expenditures – compared to other parties – only in two fifths of the spending analyses. Similarly, right parties lead to lower expenditures only in slightly less than every third analysis. Left parties are associated with higher spending on childcare (Andronescu and Carnes 2015), benefits for asylum seekers (Hörisch 2018), and active labour market policies (e.g. Schmid and Hedrich 2008). Right parties are associated with lower spending in the afore-mentioned areas, yet with higher spending in higher education (e.g. Oberndorfer and Steiner 2007; Potrafke 2011). Thus, across all parties, spending decisions appear to be constrained by external factors, which limit party differences.

The participation of the Greens in the government systematically correlates with ecologically left policies: stricter regulations on fracking (Töller 2017) and genetically modified organisms (Hartung and Hörisch 2018) and a spending focus on agri-environmental measures (Ewert 2016). Surprisingly, the Greens do not increase spending more than other parties, even in education (e.g. Galli and Rossi 2002; Wolf 2006), culture (e.g. Tepe and Vanhuysse 2014), and public transportation (Schöller-Schwedes and Ruhrort 2008).

Grand Coalitions are associated with higher expenditures for internal security (Schniewind et al. 2010), while evidence on social security (Galli and Rossi 2002; Schneider 2010), culture (Potrafke 2011; Schniewind et al. 2010), and education (e.g.

Galli and Rossi 2002; Potrafke 2011) is mixed. This mostly confirms the theoretical expectation that Grand Coalitions increase spending for both left and right policies as they cater to the claims of many voters.

❖ **Socioeconomic conditions**

The second strongest predictor is socioeconomic conditions, which have high predictive power in 22 per cent of all policy analyses (and are tested in 61 per cent of analyses). Even more frequently, in a further 28 per cent of policy analyses, they partially predict the output. When considering only the tests, socioeconomic conditions show both a high and a lack of predictive power more rarely than most other factors but offer a partial prediction most often among all predictors, resulting overall in an average performance in the tests. This can be attributed to the fact that socioeconomic determinism is usually operationalised by numerous indicators, which makes a medium overall rating more likely.

Socioeconomic indicators are very heterogeneous. Thus, for most of them, not enough similar analyses are available to evaluate concrete effects. For the unemployment rate, which we investigate subsequently, we find that higher unemployment is often associated with higher spending (in seven out of twelve tests). A consistent influence in this respect was shown for social (Rothgang and Wessel 2008) and educational spending (e.g. Arends 2017; Baum and Seitz 2003). For labour market expenditures, the effect of higher unemployment reversed over time as it led to higher expenditures from the 1990s until about 2000 (Schmid and Blancke 2001), but to lower expenditures afterwards (Schmid and Hedrich 2008).

Comparing the four subcategories of socioeconomic determinism, *economic factors* are by the far most influential as they predict the policy output in more than a third of all analyses (35 per cent) at least partially. This is a remarkable figure, because limited data access makes it occasionally difficult to test policy field-specific indicators. In the tests, economic factors perform at an average level. *Demographic variables* provide a systematic or partial prediction in only every sixth policy analysis (17 per cent). Their

rejection rate of 35 per cent in the tests is the second highest of all factors examined. The proportion of high or partial predictive power is even lower for *urbanisation* (12 per cent) and *social conditions* (6 per cent). Both subcategories are rarely tested, namely in 18 per cent (urbanisation) and 7 per cent (social conditions) of all policy analyses. In these tests, urbanisation performs poorly compared to other predictors, while social conditions fare very well.

While urbanisation has a low predictive power overall, it can explain why some city specific needs such as longer shop opening hours (Dose and Reus 2016) or the focus of social housing on flats instead of owner-occupied homes (Jaedicke and Wollmann 1983) are taken into account in urban areas. Urbanisation correlates positively with expenditures for culture (Stocker 2010) and labour market promotion (Schmid and Hedrich 2008). There is contradictory evidence on expenditures for police officers (Birkel 2008; Tepe and Vanhuysse 2013).

❖ **Institutions**

Institutional factors predict policy output systematically in 20 per cent of all analyses and partially in another 14 per cent. When tested, institutional factors perform at an above-average level compared to other predictors. They are only rejected in every sixth test (17 per cent) which is a remarkably low rate because various institutions among the Länder are fundamentally similar as mentioned before. We therefore recommend including institutional factors more frequently in future analyses.

Since this theoretical approach combines many different factors (e.g. veto players [Reus 2016; Stocker 2010] and direct democracy [Turner 2011]), which also unfold specific influences depending on the policy field, it is difficult to summarise concrete effects across policy fields. The policy analyses show path dependencies, for instance, for agricultural and educational spending, which is based on previous spending patterns (e.g. Ewert 2016; Wolf 2006), and for the regulation of fracking, which is influenced by the established economic structure (Töller 2017). We notice a large research gap with regard to detailed qualitative studies of long-term path dependencies.

❖ Financial power

The financial power of the Länder yields similar results to institutional factors, with a share of 19 per cent high and 14 per cent partial predictive power. These numbers reflect that financial power is only expected to predict differences between policies with financial implications. Considering only the tests, financial power performs worse than most factors as it is often rejected.

Concrete effects can be summarised over many analyses, since almost all indicators can be classified into the overarching scheme 'low vs. high financial power'. We find that financial power correlates positively with spending in slightly more than half of the tests. This positive association applies to public employment (e.g. Schmidt 1980) as well as expenditures on youth policy (Beinborn et al. 2018) and (partially) on care and childcare (e.g. Busemeyer and Seitzl 2018). It is also mostly confirmed in education (e.g. Wolf and Heinz 2016). The influence of financial power on economic activity in a narrower sense has not yet been investigated, which constitutes a research desideratum.

❖ Public opinion

Public opinion was tested very rarely – in only every fifth policy analysis (21 per cent) – and predicted the policy output systematically or partially in only every seventh analysis (15 per cent). However, it showed high predictive power in 72 per cent of the tests (highest value of all factors). It therefore seems plausible that its actual predictive power is significantly higher. This is all the more likely as the effect of public opinion has been often shown in other federations.

Due to the small number of cases, concrete effects across several analyses can only be summarised for the Catholics share, which is part of the indicator group 'religion'. Four out of five studies show that a higher Catholics share correlates with lower spending (e.g. Andronescu and Carnes 2015; Wolf 2006). Since these tests relate primarily to expenditures for education and childcare, the lower spending by the government might

be due to higher church engagement in these areas. The low number of tests of general and issue-specific citizens' attitudes (such as Töller 2017) results to some extent from limited survey availability at the Land level. In contrast, it is inexplicable that public opinion as reported by the media (easily accessible via digital archives by now) has only been tested in a single analysis (Reus 2016) – this constitutes a major research gap.

❖ East and West

The differentiation between Eastern and Western Länder has, of course, only been a factor since reunification. It was tested in every fourth (24 per cent) and demonstrated high predictive value in every seventh post reunification policy analysis (16 per cent). As with public opinion, the proportion of the tests revealing high predictive power is sizeable at 67 per cent.

We find that in slightly more than half of the tests the Eastern Länder spend more (childcare [Andronescu and Carnes 2015], sports promotion [Haring 2010] and mostly in education [e.g. Wolf 2006]). No effect for spending was shown in culture (Stocker 2010) and domestic policy (Schniewind et al. 2010). Furthermore, all tests control for socioeconomic conditions and most tests also for financial power, which points to the unique predictive value of the East/West distinction. A considerable research gap concerns how this factor shapes policy contents.

❖ Interest groups

The influence of interest groups, finally, is low, given a share of only 11 per cent of high or partial predictive power in the policy analyses and the highest rejection rate among all factors at 36 per cent of the tests. A systematic effect of interest groups in the theoretically expected direction was only shown for civil servants' salaries (collective bargaining organisation of the Länder, Dose and Wolfes 2016), expenditures for development programmes for rural areas (farmers' associations, Ewert 2016), expenditures for

culture (Federal Association of Artists, Stocker 2010), and the presence of Islamic religious education (Muslim religious organisations, Euchner 2018). The low number of tests is partly due to the lack of relevant interest groups in some policy fields and to limited availability of membership numbers. There is a large research gap in analyses that examine the influence of interest groups in qualitative detail.

5.5.2 Policy Content and Spending Compared

If one differentiates by the type of dependent variable (see figure 6), we see that some predictors are better at accounting for either spending or content. Interestingly, despite substantial differences in individual percentages, similar rankings of the predictors emerge: the most frequent prediction originates from parties, socioeconomic conditions, institutions and – only regarding contents – public opinion.

Figure 6: Predictive power: policy content (left) and spending (right)
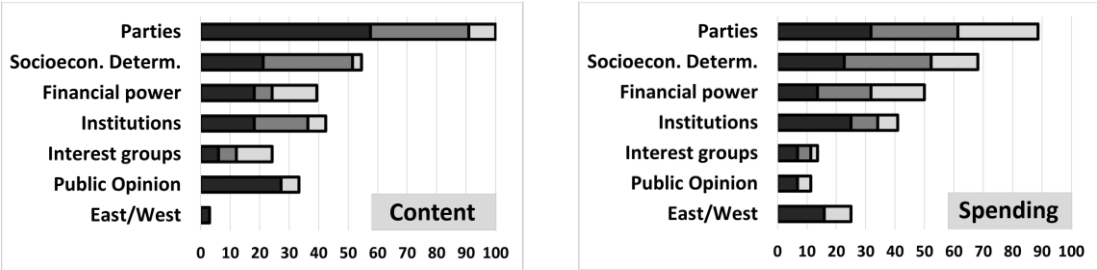
Partisan effects are markedly more frequent in policy content than in spending.[47] They predict the variance well in slightly more than half of all policy content analyses (56 per cent) and almost always (90 per cent) at least partially. For spending, the share of high predictive power is only 33 per cent and of at least partial predictive power merely 62

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[47] Further analysis on this aspect is conducted in the earlier section '5.1 All Policy-Analyses − Parties'. For other theoretical categories such a detailed analysis was infeasible due to the lower number of tests.

per cent. This could be due to low Land tax autonomy which limits governing parties' ability to implement their spending-related preferences. In the analyses evaluated, partisan effects on policy content are particularly strong in education as well as in social welfare and health care. For example, governments led by Social Democrats (SPD) reduce the selectivity of the school system (Payk 2009) and extend comprehensive schools (Turner 2011). Moreover, SPD government participation strengthens the protection of non-smokers (Reus 2016) and the integration of the disabled (Schmidt 1980).

Socioeconomic conditions predict policy content and spending similarly well: 22 per cent high predictive power and 28/31 per cent partial predictive power. Regarding contents, for example, the higher the unemployment rate, the more labour market measures are taken (Schmid and Blancke 2001). In terms of spending, higher unemployment increases expenditures for asylum seekers (Hörisch 2018). Generally, socioeconomic conditions should be included more frequently in content analyses because they have predicted the output in almost every test.

Financial power also has a similar effect on spending and contents. While it provides a systematic prediction in only every eighth spending analysis (compared with every fifth content analysis), it offers an at least partial prediction in every third spending analysis (compared with every fourth content study). This surprisingly small difference presumably results from policy contents often having financial implications. Regarding spending, higher financial power, for example, increases expenditures for employment relations and labour market (e.g. Dose and Wolfes 2016) and for law enforcement (e.g. Schmidt 1980).

Institutions predict spending better than policy content. They systematically predict the output in every fourth spending analysis as opposed to every seventh content analysis. This is not offset by the fact that institutions offer a partial prediction in only every eleventh spending analysis, compared to a fifth of the content analyses. Substantively, veto players should receive greater consideration in content analyses (e.g. Reus 2016).

Based on the few policy analyses, *public opinion* has stronger effects on policy content than on spending, with a high predictive power of 28 compared to 15 per cent,

whereas *interest groups* appear similarly influential in content and spending. For the *East/West* differentiation, no comparison can be made due to the number of cases.

5.6 Conclusion

To examine the state of the art of Land policy analysis, we have evaluated all eighty-five policy analyses published since 1949 systematically and arrive at the following conclusions.

Governing *parties* are tested in almost all policy analyses (confirming our expectation), fare reasonably well in these tests and are thus clearly the strongest predictor. Compared to the literature reviews mentioned before (Blumenthal 2009; Sack and Töller 2018; Wolf and Hildebrandt 2008), we find an even higher predictive power of parties. This strong partisan effect has even increased since the mid-2000s, whereas Wolf and Hildebrandt (2016, 395–96) identified a decline for their sample in this period. Parties also appear more influential in the German Länder than in the US states. For most of the following predictors we cannot compare our findings with the existing literature reviews on Germany because the latter lack clear statements about the level or change of predictive power. We are thus the first to rank the predictive power of these theories. The second strongest predictor in our evaluation is *socioeconomic conditions* which are often tested and frequently provide a partial prediction. This rather high predictive power is in line with our theoretical expectation (due to socioeconomic heterogeneity) and mirrors the American case. Trailing these two theories, *institutional factors* are on a par with *financial power*. This reflects our consideration that the variance among Länder regarding both factors is consequential yet also limited. *Public opinion* fares best among all theories in the tests but is not frequently tested, suggesting that its predictive power is actually higher than determined here and higher than we expected. If so, the relevance of this factor might come close to the USA where public opinion constitutes a major predictor of state policy. The unique German factor, *East/West differentiation,* highlighted by Wolf and Hildebrandt (2016, 391), is not often tested but has a rather high

predictive power when tested. The influence of *interest groups* has been both hardly studied and infrequently confirmed in the tests, following our expectation.

We derive the following recommendations for future research, beginning with substantive desiderata. Due to their low rejection rates, institutions and public opinion warrant more frequent inclusion in policy analyses. This is particularly the case for public opinion whose effects have been far more frequently tested and shown in other federations using survey data. As an example, the effect of Catholic belief should be tested across many policy fields (including social welfare). For institutions, we found large research gaps with regard to detailed qualitative studies of long-term path dependencies as well as the rarely tested (at the Land level), yet generally prominent veto player theory. To complement the existing spending analyses, future research should investigate how the East/West differentiation shapes policy contents. Besides, further studies are encouraged to reconcile the contradictory findings on the spending effects of Grand Coalitions in social security, education, and culture. Moreover, it should be investigated why the Greens do not increase spending more than other parties in education, culture, and public transportation.

Turning to research designs, there is a need for analyses on culture and law enforcement as well as for comparisons across policy fields with a uniform scheme. Additionally, studies are encouraged that span the 1970s to the 2020s to better understand how Land policy-making has changed over time. Policy content should be captured more often in a way that increases the number of cases and facilitates statistical analysis over time. We also suggest applying mixed methods more frequently to combine the advantages of quantitative and qualitative work (e.g. Andronescu and Carnes 2015).

Regarding data, we recommend operationalising fiscal power with a fiscal indicator (see the list in online appendix N) instead of the less valid GDP. Moreover, membership numbers of the Land branches of interest groups are publicly available or provided upon request for more interest groups than researchers might assume. This allows calculating the degree of organisation at the Land level and test the influence of interest groups in quantitative analyses, which has hardly been done so far. We also recommend that qualitative studies seek to unfold the causal mechanism of these often informal processes.

Similarly, public opinion as reported by the media is easily accessible via digital archives and warrants more research. Partisan indicators are very often operationalised based on party names. We recommend using finely graduated, metric party positions in quantitative analyses more frequently, especially Land-specific party positions (across policy fields: Bräuninger et al. 2020; policy field-specific: e.g. Ewert et al. 2018). In some cases, however, data is actually missing. This speaks to the need to conduct more surveys that are representative at the Land level to facilitate testing the impact of citizens' attitudes more frequently.

This article is a first step to address an important gap in policy analysis research, namely that we lack literature reviews that compare the predictive power of established public policy theories over long periods of time across many policy fields for a significant number of units. Our evaluation also contributes to federalism research which is interested in the drivers of interregional policy diversity. Finally, we list the 235 indicators used in the policy analyses and their sources in online appendix N. We hope this will help researchers to find fitting indicators, make data collection easier, and inspire future research.

References

Andronescu, Cristina G., and Matthew E. Carnes. 2015. "Value Coalitions and Policy Change: The Impact of Gendered Patterns of Work, Religion and Partisanship on Childcare Policy across German States." Journal of European Social Policy 25 (2): 159–174.

Anzia, Sarah. F. 2019. "How Studying Subnational Policy Can Revive Research on Interest Groups." The Journal of Politics 81 (1): 343–351.

Arends, Helge. 2017. "Equal Living Conditions vs. Cultural Sovereignty? Federalism Reform, Educational Poverty and Spatial Inequalities in Germany." Publius 47 (4): 673–706.

Baum, Britta, and Helmut Seitz. 2003. "Demographischer Wandel und Bildungsausgaben." Vierteljahreshefte zur Wirtschaftsforschung 72 (2): 205–219.

Bauer-Blaschkowski, Svenja. 2020. "Politik nach Präferenzlage oder pragmatisches Problemlösen? Landesregierungen und die Unterbringung von Asylbewerbern (1995-2016)." der moderne staat 13 (1): 1–26.

Beinborn, Niclas, Stephan Grohs, Renate Reiter, and Nicolas Ullrich. 2018. "Eigenständige Jugendpolitik: Varianz in den Ländern." Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 743–762.

Berzel, Alexander. 2019. "Trade-offs zwischen Arbeitsmarkt- und Wirtschaftspolitik." der moderne staat 12 (2): 434–463.

Birkel, Christoph. 2008. "Gewaltkriminalität." In Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 89–112. Wiesbaden: VS.

Blumenthal, Julia von. 2009. Das Kopftuch in der Landesgesetzgebung. Baden-Baden: Nomos.

Bräuninger, Thomas, Marc Debus, Jochen Müller, and Christian Stecker. 2020. Parteienwettbewerb in den deutschen Bundesländern. 2nd ed. Wiesbaden: VS.

Burkhart, Simone. 2005. "Parteipolitikverflechtung. Über den Einfluss der Bundespolitik auf Landtagswahlentscheidungen von 1976 bis 2000." Politische Vierteljahresschrift 46 (1): 14–38.

Busemeyer, Marius, and Lina Seitzl. 2018. "The Partisan Politics of Early Childhood Education in the German Länder." Journal of Public Policy 38 (2): 243–274.

Caughey, Devin, Yiqing Xu, and Christopher Warshaw. 2017. "Incremental Democracy: The Policy Effects of Partisan Control of State Government." The Journal of Politics 79 (4): 1342–1358.

Dose, Nicolai, and Felix Wolfes. 2016. "Die Höhe der Beamtenbesoldung in den Ländern." Zeitschrift für Vergleichende Politikwissenschaft 9 (4): 267–293.

Dose, Nicolai, and Iris Reus. 2016. "The Effect of Reformed Legislative Competences on Länder Policy-Making." Regional & Federal Studies 26 (5): 625–644.

Erikson, Robert S., Gerald C. Wright and John P. McIver. 1993. Statehouse Democracy. Cambridge: Cambridge University Press.

Euchner, Eva-Maria. 2018. "Regulating Islamic Religious Education in German States." Zeitschrift für Vergleichende Politikwissenschaft 12 (1): 93–109.

Ewert, Stefan. 2016. "Landwirtschaftspolitik und die Entwicklung des ländlichen Raums." In Die Politik der Bundesländer, 2nd ed., edited by Achim Hildebrandt and Frieder Wolf, 233–257. Wiesbaden: VS.

Ewert, Stefan, Michael Jankowski, and Jochen Müller. 2018. "Politikpositionen von Regierungen im Ländervergleich." Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 683–702.

Freitag, Markus, and Adrian Vatter. 2008. Die Demokratien der deutschen Bundesländer. Opladen: Barbara Budrich.

Galli, Emma, and Stefania Rossi. 2002. "Political Budget Cycles. The Case of the Western German Lander." Public Choice 110 (3-4): 283–303.

Haring, Merten. 2010. Sportförderung in Deutschland. Wiesbaden: VS.

Hartung, Ulrich, and Felix Hörisch. 2018. "Regulation vs Symbolic Policy-making. Genetically Modified Organisms in the German States." German Politics 27 (3): 380–400.

Hildebrandt, Achim, and Frieder Wolf, eds. 2008. Die Politik der Bundesländer. Wiesbaden: VS.

Hildebrandt, Achim, and Frieder Wolf, eds. 2016. Die Politik der Bundesländer. 2nd ed. Wiesbaden: VS.

Hörisch, Felix. 2018. "Asylpolitik im Bundesländervergleich. Eine fuzzy-set Qualitative Comparative Analysis." Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 783–803.

Jaedicke, Wolfgang, and Hellmut Wollmann. 1983. "Wohnungsbauförderung im Bundesländervergleich." Bauwelt 74 (12): 437–443.

Jeffery, Charlie. 2005. "Federalism: The New Territorialism." In Governance in Contemporary Germany, edited by Simon Green and William E. Paterson, 78–93. Cambridge: Cambridge University Press.

Jeffery, Charlie, Niccole M. Pamphilis, Carolyn Rowe, and Ed Turner. 2016. "Introduction to the Special Issue: Reframing German Federalism." German Politics 25 (2): 165–175.

Jun, Uwe, Melanie Haas, and Oskar Niedermayer. 2008. Parteien und Parteiensysteme in den deutschen Bundesländern. Wiesbaden: VS.

Kaiser, André, and Stephan Vogel. 2019. "Dynamic De/Centralization in Germany, 1949–2010." Publius 49 (1): 84–111.

Kousser, Thad. 2002. "The Politics of Discretionary Medicaid Spending, 1980–1993." Journal of Health Politics, Policy and Law 27 (4): 639–672.

Lax, Jeffrey R., and Justin H. Phillips. 2009. "Gay Rights in the States: Public Opinion and Policy Responsiveness." American Political Science Review 103 (3): 367–386.

Leunig, Sven. 2012. Die Regierungssysteme der deutschen Länder im Vergleich. Wiesbaden: VS.

Miller, Edward Alan. 2004. "Advancing Comparative State Policy Research: Toward Conceptual Integration and Methodological Expansion." State and Local Government Review 36 (1): 35–58.

Münch, Ursula. 2011. "Deutscher Bildungsföderalismus." In Föderalismus als Verfassungsrealität, edited by Alain-G. Gagnon and Roland Sturm, 173–191. Baden-Baden: Nomos.

Oberndorfer, Ulrich, and Viktor Steiner. 2007. "Generationen- oder Parteienkonflikt? Eine empirische Analyse der deutschen Hochschulausgaben." Perspektiven der Wirtschaftspolitik 8 (2): 165–183.

Payk, Bernhard. 2009. Deutsche Schulpolitik nach dem PISA-Schock. Hamburg: Dr. Kovac.

Peterson, Paul E. 1995. The Price of Federalism. Washington: Brookings Inst.

Potrafke, Niklas. 2011. "Public Expenditures on Education and Cultural Affairs in the West German States. Does Government Ideology Influence the Budget Composition?" German Economic Review 12 (1): 124–145.

Renzsch, Wolfgang. 2011. "Der bundesstaatliche Finanzausgleich." In Föderalismus in Deutschland, edited by Klaus Detterbeck et al., 119–144. München: Oldenbourg.

Reus, Iris. 2016. "On a Successful Road to 'More Federalism' in Länder Politics? The Case of Smoking Bans After Germany's Federalism Reform." German Politics 25 (2): 210–226.

Rothgang, Heinz, and Anna Caroline Wessel. 2008. "Sozialpolitik in den Bundesländern." In Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 137–172. Wiesbaden: VS.

Rowe, Carolyn, and Ed Turner. 2016. "Let's Stick Together? Explaining Boundaries to Territorial Policy Variation: The Case of Germany's Prisons Legislation." German Politics 25 (2): 193–209.

Sack, Detlef, and Annette Elisabeth Töller. 2018. "Einleitung." Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 603–619.

Schmid, Josef. 2002. "Sozialpolitik und Wohlfahrtsstaat in Bundesstaaten." In Föderalismus, edited by Arthur Benz and Gerhard Lehmbruch, 279–305. Wiesbaden: Westdeutscher Verlag.

Schmid, Josef, and Horst Hedrich. 2008. "Arbeitslosigkeit und Arbeitsmarktpolitik in den Bundesländern." In Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 193–214. Wiesbaden: VS.

Schmid, Josef, and Susanne Blancke. 2001. Arbeitsmarktpolitik der Bundesländer. Berlin: edition sigma.

Schmidt, Manfred G. 1980. CDU und SPD an der Regierung. Frankfurt/New York: Campus.

Schmidt, Manfred G. 2016. "Conclusion: Policy Diversity in Germany's Federalism." German Politics 25 (2): 301–314.

Schneider, Christina J. 2010. "Fighting with One Hand Tied Behind the Back. Political Budget Cycles in the West German States." Public Choice 142 (1–2): 125–150.

Schniewind, Aline, Markus Freitag, and Adrian Vatter. 2010. "Die Staatstätigkeit großer Koalitionen." In Vergleichende subnationale Analysen für Deutschland, edited by Markus Freitag and Adrian Vatter, 179–201. Münster: LIT.

Schöller-Schwedes, Oliver, and Lisa Ruhrort. 2008. "Länderverkehrspolitik." In Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 235–256. Wiesbaden: VS.

Schuster, Anke. 1997. Frauenpolitik zwischen parteipolitischer Programmatik und Wirklichkeit. Berlin: Pro Universitate.

Siaroff, Alan. 1999. "Corporatism in 24 Industrial Democracies." European Journal of Political Research 36 (2): 175–205.

Stocker, Rainer. 2010. "Die Kulturpolitik der deutschen Bundesländer im Vergleich." In Vergleichende subnationale Analysen für Deutschland, edited by Markus Freitag and Adrian Vatter, 203–233. Berlin: LIT.

Sturm, Roland. 2005. "Economic Reform at the Länder Level: New Life for Regional Interventionism." German Politics 14 (2): 208–223.

Sturm, Roland, and Petra Bendel. 2010. "Federal Republic of Germany." In Diversity and Unity in Federal Countries, edited by Luis Moreno and César Colino, 168–199. Montreal: McGill-Queen's University Press.

Tandberg, David. 2010. "Interest Groups and Governmental Institutions." Educational Policy 24 (5): 735–778.

Tausanovitch, Chris. 2019. "Why Are Subnational Governments Responsive?" The Journal of Politics 81 (1): 334–342.

Tepe, Markus, and Pieter Vanhuysse. 2013: "Cops for Hire? The Political Economy of Police Employment in the German States." Journal of Public Policy 33 (2): 165–199.

Tepe, Markus, and Pieter Vanhuysse. 2014: "A Vote at the Opera? The Political Economy of Public Theaters and Orchestras in the German States." European Journal of Political Economy 36: 254–273.

Töller, Annette Elisabeth. 2017. "Verkehrte Welt? Parteien(in)differenz in der Umweltpolitik am Beispiel der Regulierung des Frackings." Zeitschrift für Politikwissenschaft 27 (2): 131–160.

Turner, Ed. 2011. Political Parties and Public Policy in the German Länder. Basingstoke: Palgrave Macmillan.

Wenzelburger, Georg, and Reimut Zohlnhöfer. 2020. "Bringing Agency Back into the Study of Partisan Politics." Party Politics, online first.

Wolf, Frieder. 2006. Die Bildungsausgaben der Bundesländer im Vergleich. Berlin: LIT.

Wolf, Frieder, and Achim Hildebrandt. 2008. "Sechzehn Länder, sechzehn Felder." In Die Politik der Bundesländer, edited by Achim Hildebrandt and Frieder Wolf, 363–370. Wiesbaden: VS.

Wolf, Frieder, and Achim Hildebrandt. 2016. "Länderpolitik revisited." In Die Politik der Bundesländer, 2nd ed., edited by Achim Hildebrandt and Frieder Wolf, 391–399. Wiesbaden: VS.

Wolf, Frieder, and Dominic Heinz. 2016. "Schulpolitik." In Die Politik der Bundesländer, 2nd ed., edited by Achim Hildebrandt and Frieder Wolf, 10–34. Wiesbaden: VS.

6. What drives the general orientation of economic and societal state policies? Evidence from the German federation[48]

Abstract: Policy analysis at the regional level is surging but has been mostly limited to single policy areas. Only a handful of studies have measured and explained the overall policy orientation of constituent units. We are the first to do this outside of the US states, namely for the German Länder. For this purpose, we create a large database covering the laws of all sixteen Länder in numerous policies between 2006 and 2013. We code more than 4,600 regulations of laws. A comprehensive literature review of the predictors of Land policy-making moreover reveals a lack of quantitative analyses of policy content over time, which our analysis addresses as well. Results shows that the partisan composition of government and the share of Catholics drive economic policy-making while socioeconomic conditions, citizens' attitudes, and, again, the share of Catholics influence societal policy-making. This modifies previous findings and facilitates a comparison with the US states.

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[48] This article is co-authored with Iris Reus.

6.1 Introduction

What drives regional policy-making? This research question is of interest to both policy analysis and federalism research. Methodologically, regional policy analysis benefits from explaining policy differences among political systems which are fundamentally similar, yet display sufficient variance in theoretically relevant variables. The predictors of regional policy analysis have been investigated since the 1960s and in many federations by now, particularly in the US (for literature reviews on the US see Peterson 1995, 85–103; Miller 2004). Yet, still "not enough research has been conducted on policy analysis at the sub-national level" (Newman 2017, 118).

Most regional policy analyses investigate a single policy area. We are however interested in measuring and explaining the overall policy orientation of constituent units. We are the first to do this outside of the US (for the US: Caughey and Warshaw 2016; Erikson et al. 1993; Gray et al. 2004; Klingman and Lammers 1984), namely for the German Länder. The overall orientation of constituent units' policies is relevant for several reasons. First, it allows to rank and compare constituent units vis-à-vis each other at a point in time and over time beyond single policies. This is relevant for federalism scholarship which focuses inter alia on individual constituent units and whether their policy-making shows consistent patterns across policies, such as a more state-interventionist or economically liberal policy over time. Second, analyzing the overall orientation of constituent units' policies allows to detect time trends across all units, i.e. for the federation as a whole, for example, whether polarization among constituent units increases.

Moreover, the overall policy orientation can be used as a dependent variable to identify what predictors influence regional policy-making beyond single policies. This article addresses precisely this research question. To this end, we develop a concept at the aggregate level for both the dependent and the independent variables. Following the literatures on parties and the dimensionality of political space (e.g. Franzmann and Kaiser 2006), we distinguish between economic and societal policy because they are characterized by different fundamental conflicts. Economic policy is conceptualized between the poles 'state-interventionist/egalitarian' vs. 'economically liberal/meritocratic'

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whereas societal policy runs between the poles 'libertarian/progressive' vs. 'authoritarian/conservative'. Hence, we conduct a separate analysis for each.

Germany is an interesting case for regional policy analysis since the socioeconomic, political-cultural, and financial differences among the Länder have increased substantially after the reunification of 1990. Accordingly, there is more research on policy diversity (Jeffery et al. 2016; Reus and Vogel 2018; Wolf und Hildebrandt 2008). Moreover, the Länder gained additional rights to pass laws owing to the Federalism Reform of 2006. Thus, we selected these laws to examine how such differences shape Land policy output. To identify the state of research for the German federation, we conducted a systematic literature review of comparative Land policy studies and found similar gaps as for other federations. First, we largely lack policy analyses that include many policy areas. Second, policy content – as opposed to spending – is rarely captured in a way that increases the number of cases and facilitates quantitative analysis over time. Addressing these gaps, we created a comprehensive database covering the laws of all sixteen Länder in fifteen single policies between 2006 and 2013. Overall, we coded more than 4,600 regulations of laws. We created indices for economic and societal policy that use this empirical wealth and allow for quantitative analysis. These indices are not limited to central aspects of the policy, but cover it broadly (similarly but for smaller policy areas only: Helbling et al. 2017). The fifteen single policies are largely representative for Land policies in general.

We derive hypotheses for the frequently tested theories in the literature review and test them with a pooled time-series cross-sectional and a random effects panel data analysis. We find that economic policy is influenced by governmental parties' positions and the share of Catholics. Societal policy is associated with citizens' attitudes, socioeconomic conditions and again the share of Catholics.

The article proceeds as follows: After the literature review, we present theories and derive hypotheses. Subsequently, we elaborate the concept of this article, lay out the operationalization of the variables and discuss the method. Finally, we show the empirical findings and conclude.

6.2 Literature Review

The literature on the general policy orientation of constituent units has been limited to the US states. It has shown the effects of parties (Caughey et al. 2017), citizens' attitudes (Caughey and Warshaw 2018; Eriksson et al. 1993; Klingman and Lammers 1984), interest groups (Gray et al. 2004) and socioeconomic conditions (Klingman and Lammers 1984). We also examined the international research on regional policy analyses in one or a small number of policies (see online appendix A). It highlights the effects of institutions and financial resources in addition to the afore-mentioned factors.

To capture the state of research for the German federation, we evaluated all eighty-five theory-based empirical Land policy analyses published between 1980 and 2020 (for details, see chapter 5 of this dissertation and online appendix A). This literature review shows that 89 percent of all publications cover only a single policy area. This reveals a research gap in analyses that include several policy areas. Methodologically, we find that 91 percent of the policy content analyses were qualitative. Hence, policy content should be captured more often in a way that facilitates statistical analysis over time.

In the literature review, the effects of the predictors differ among policy areas. In line with our empirical analysis, we therefore differentiate between economic and societal policies (see Figure 1). Our evaluation demonstrates that party differences are tested in almost all policy analyses and are clearly the strongest predictor in both economic and societal policies. They have high predictive power in 43 percent of the economic policy analyses (partial predictive power in another 32 percent), while these values lie even at 61 and 22 percent for societal policies. Socioeconomic conditions are the second strongest predictor in both policies and are tested in more than half of the policy analyses. They provide a systematic prediction in 27 percent of the economic policy analyses (partial: 23 percent). In societal policy, they have a high predictive value in only 11 percent of the analyses but a partial one in another 33 percent. When socioeconomic conditions are divided into four sub-categories, economic factors are by far the most influential for economic policies, followed by a wide margin by urbanization, whereas

demographic conditions have the highest impact on societal policies. Institutions have high predictive power in 20 percent of the economic policy analyses (partial: 18 percent). For societal policies, these shares similarly amount to 22 and 6 percent. Financial resources reach values of 18 and 7 percent for economic and 17 and 11 percent for societal policies. Citizens' attitudes fare better at predicting societal policy (28 percent full prediction) than economic policy (11 percent). The remaining two predictors predict variance less frequently. The East/West divide is rarely tested, yet very influential in these tests, with high predictive power in 75 percent of economic and 67 percent of societal policy tests. In contrast, interest groups are not only rarely tested, but also display low predictive power in tests in both policies.

Figure 1: Predictive power in literature review: economic (left) and societal (right) policies
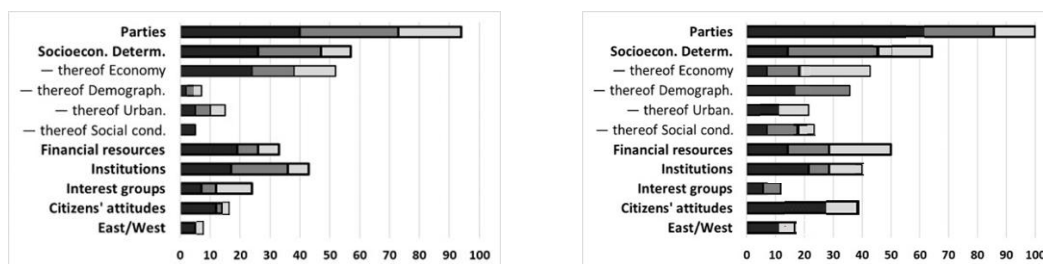
Note: The length of a bar indicates the proportion of all policy analyses in which a theory was tested. The different colors represent the proportion of high (black), partial (dark grey) and no (light grey) predictive power in the tests.

Policy analyses of the new Land competences after the Federalism Reform I, which form the sample we investigate in this article, have shown the influence of parties and, to a lesser extent, socioeconomic conditions and financial power (e.g. Dose and Wolfes 2016; Reus 2016; Rowe and Turner 2016). Causal policy analyses have only been carried out in about half of these competencies, revealing another research gap. This gap exists although Federalism Reform I was the most extensive constitutional reform since the entry into force of the Basic Law in 1949.

6.3 Theory and Hypotheses

For our empirical analysis, we adopt the theories from the afore-mentioned evaluation of the literature (see online appendix B). Only institutions are excluded as we are not aware of an institution for which we can hypothesize the direction of the effect on our dependent variable. Our research design is thus y-centered. We aggregate many policies; therefore, we formulate our hypotheses abstractly so that they apply to each policy included. We summarize the hypotheses in Figures 2 and 3.

Partisan composition of government

Partisan theory expects policy differences when different parties form the government. According to Edmund Burke, parties are associations of people who share fundamental political values and assumptions on how to realize them (cf. Zohlnhöfer 2013, 268). Party members and manifestos reciprocally influence each other, in that individuals join parties based on their policy orientation and subsequently co-determine the manifestos (Wenzelburger 2015, 87). Members are socialized in their party and draw on the basic values of the party as an information shortcut when deciding on policies (ibid.). The resulting policy position of parties can be located on scales representing major political conflicts, such as the one between extensive governmental regulation and a free market economy, analogous to our dependent variable. Party ideologies have been stable over time and thus the ordering of parties on the afore-mentioned scales has remained very largely the same (Klingemann et al. 2006, 74). In accordance with these differences in ideology, parties make a difference in policy output (e.g. Häusermann et al. 2013; Caughey et al. 2017).

- $H1_{Eco}$: The more state-interventionist positions that aim at reducing inequality governing parties in a Land have, the more state-interventionist/egalitarian are the Land laws.

- H1$_{Soc}$: The more libertarian-progressive positions governing parties in a Land have, the more libertarian/progressive are the Land laws.

Socioeconomic conditions

The theory of socioeconomic determinism (functionalism) assumes that politicians react quasi-deterministically to certain functional problems and needs (Wilensky 1974), which are due to structural changes in economy, society, and technology (Obinger 2015: 50–1). In contrast to the original theory, there are less pronounced differences in development within federations, but rather gradual differences in socioeconomic conditions, which are nevertheless impactful in specific policy areas (Barclay and Fisher 2003). By comparing with other Länder, politicians have a wide range of socioeconomic conditions and associated policy options in mind and, against this background, select the option that fits their Land's conditions (Reus 2016, 213). For the policies we examine in this article, the Federalism Reform provided an additional impulse to adapt the previously uniform federal law to Land-specific conditions. How certain socioeconomic conditions are associated with the poles of our scales is explained in online appendix C.

- H2$_{Eco}$: The more socioeconomic conditions in a Land require protecting resource-poor participants in the market and solving functional problems, the more state-interventionist/egalitarian are the Land laws.
- H2$_{Soc}$: The more socioeconomic conditions in a Land require protecting individual rights and promoting diversity and emancipation, the more libertarian/progressive are the Land laws.

Urbanization

The variable urbanization is part of the theory of socioeconomic determinism but exerts influence across policy areas (while the afore-mentioned socioeconomic conditions are policy-specific). Urbanization cuts off the support and cushioning of risks by family and neighbors. As a result, government has to take compensatory measures in economic policy, for example regarding (child)care and poverty (Peterson 1995, 98–99). Cities also display a greater heterogeneity of lifestyles and lower attachment to tradition. Thus, from a societal policy perspective, peaceful coexistence in a narrower space requires more tolerance towards other people, especially minorities such as homosexuals (Wilson 1995) or migrants (Garcia and Davidson 2013).

- $H3_{Eco}$: The higher the degree of urbanisation, the more state-interventionist/egalitarian are the Land laws.
- $H3_{Soc}$: The higher the degree of urbanisation, the more libertarian/progressive are the Land laws.

Financial resources

Socioeconomic theory points not only to needs but also to the financial resources required to fulfil them (Obinger 2015). Some policies have a direct financial impact, while many others have an indirect financial impact owing to implementation costs. The available budgetary resources define the options for action: The more a Land possesses, the more cost-intensive policies it can afford (Wenzelburger 2014, 6-7, 13). Since the Länder can hardly reduce taxes autonomously, greater fiscal power should lead to higher spending (exemplarily Dose and Wolfes 2016). In economic policy, higher spending is clearly linked to costly state intervention in the market and welfare benefits. In societal policy in general, there is no definite direction of influence; in our sample, higher spending is associated with libertarian/progressive policy, as explained in online appendix D.

- $H4_{Eco}$: The more budgetary resources a Land possesses, the more state-interventionist/egalitarian are the Land laws.

- H4$_{Soc}$: The more budgetary resources a Land possesses, the more libertarian/progressive are the Land laws.

Citizens' attitudes

Citizens' attitudes matter based on the following theoretical assumptions: Citizens elect politicians whose manifestos are in line with their preferences. Thus, politicians in office either anticipate citizens' attitudes and adapt to them or they will be replaced after the next election by candidates more in line with citizens' preferences (Pacheco 2013, 308). Accordingly, politicians are responsive to citizens' attitudes when making policy decisions in order to be re-elected (Powell 2004, 92). Politicians take into account general citizens' attitudes which express the fundamental convictions of citizens with regard to economic and societal policy-making (Stimson 1995, 545) and can be assigned on scales with gradations. Or as Busemeyer (2020, 16) puts it: "The signals that public opinion sends to policymakers are rather vague and unspecific, resembling particular "moods" on a scale from left to right, but nevertheless, they are meaningful and consequential signals."

- H5$_{Eco}$: The more citizens' attitudes favour state intervention to reduce inequality, the more state-interventionist/egalitarian are the Land laws.
- H5$_{Soc}$: The more citizens' attitudes favour individual rights and emancipation, the more libertarian/progressive are the Land laws.

Religious denomination

The respective religion of the citizens is associated with fundamental values that influence their political behavior. These values can become the yardstick even for nonbelievers and people of other faiths in a community over time (Budde et al. 2018, 48). In Germany, Christianity with the denominations Catholic and Protestant dominates. Both in principle lead to egalitarian economic policy (support of the welfare state) and conservative societal policy (rejection of abortion, human genetics, and same-sex marriage,

etc.). These effects are particularly pronounced for Catholics, since the Catholic Church is more traditional and forms its preferences more top-down than the Protestant Church (Fink 2008, 83). While according to Catholic social doctrine redistribution and help for the poor are paramount, the Protestant work ethic also emphasizes personal responsibility (Jordan 2014).

- H6$_{Eco}$: The higher the share of Catholics, the more state-interventionist/egalitarian are the Land laws.
- H6$_{Soc}$: The lower the share of Catholics, the more libertarian/progressive are the Land laws.

East/West Germany

One factor specific to Germany is the differentiation between East and West. The 40-year division resulted in differences between the new Länder (East), which joined with reunification in 1990, and the old Länder (West). This factor is based on an area-specific combination of socioeconomic conditions, citizens' attitudes and path dependencies. The Eastern Länder are still catching up economically despite governmental adjustment payments. Their productivity is lower, while unemployment is higher (Brenke and Zimmermann 2009). Furthermore, surveys continue to show different attitudes. Regarding societal policy, East Germans are more progressive (e.g. regarding women's equality), yet also more authoritarian (e.g. towards foreigners and public safety) (Besier 2007). Therefore, we do not expect an overall effect for societal policy (see online appendix E). In economic policy, East Germans attach greater importance to equality and prefer more state intervention and social security (Arzheimer 2012).

- H7$_{Eco}$: East German Länder pass more state-interventionist/egalitarian laws than West German Länder.
- H7$_{Soc}$: East German Länder do not pass more libertarian/progressive laws than West German Länder.

Interest groups

Our expectations about the influence of interest groups stem from power resource theory (Korpi 1983), which originally addressed the conflict between labor and capital, i.e. trade unions vs. employers' associations. Here, however, we include all organizations based on voluntary membership that influence policy-making, such as welfare organizations. Interest groups take one of the two opposing positions that usually arise in political issues (Baumgartner et al. 2009, 7). Therefore, they can be assigned to one of the poles of our scales. Interest groups use various strategies to influence policies, such as providing information, donating to politicians and parties, mobilizing their members, and conducting campaigns to change public opinion (Giger and Klüver 2016, 192). The more members an interest group has, the more resources it has to successfully run these strategies. We test the influence of interest groups only for economic policy owing to missing data.

- $H8_{Eco}$: The higher the degree of organisation of interest groups representing resource-poor market participants, the more state-interventionist/egalitarian are the Land laws.

Figure 2: Hypotheses for economic policy

| Governing parties having more state-interventionist positions that aim at reducing inequality |
| Socioeconomic conditions require protecting resource-poor participants and solving functional problems |
| Higher degree of urbanisation |
| More budgetary resources |
| Citizens' attitudes that favour more state intervention |
| Higher share of Catholics |
| East German Länder |
| Higher degree of organisation of interest groups representing resource-poor market participants |

STATE-INTERVENTIONIST / EGALITARIAN Policies

Figure 3: Hypotheses for societal policy
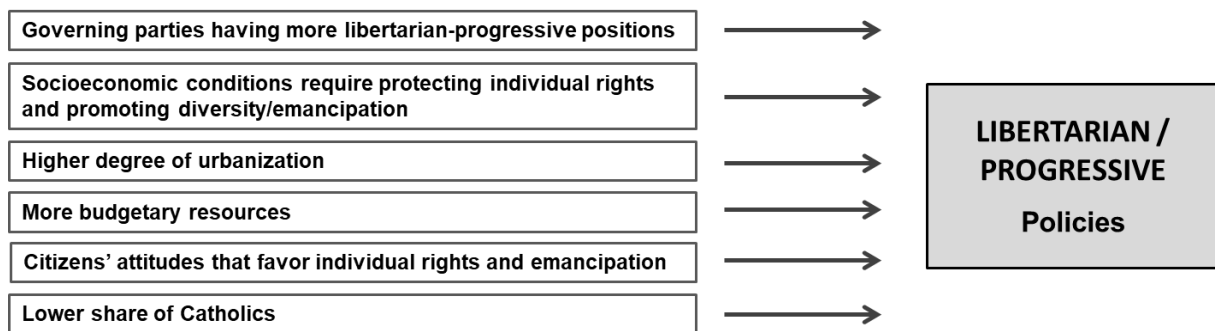
6.4 Data and Research Design

In the following, we further outline our concept (6.4.1) and then present the operation-alization of the dependent variable (6.4.2) and the independent variables (6.4.3). Finally, we discuss the method (6.4.4).

6.4.1 The Concept

We are interested in measuring and explaining the overall orientation of Land policies, i.e. how the Länder shape their policies across many policies. We are hence not inter-ested in analyzing a single policy or compare various policies to each other.

The policy indices have been constructed to not only measure empirical variance among Land laws but to do so with a uniform scale throughout, thus allowing for aggre-gation. We can hence aggregate the total scores of the laws because the scales and their poles are identical for economic and societal policy, respectively (see Figure 4). In other words, the total scores of the laws are independent of the characteristics of the particular single policy at hand.

Figure 4: Aggregation of policies to economic/societal policy

Economic Policy	OVERALL POLICY	Societal Policy
e.g.	consists of	e.g.
• Housing		• Right of Assembly
• Shop Closing Time	SINGLE POLICIES	• Penitentiary System
• Care Homes		• Protection of Non-smokers
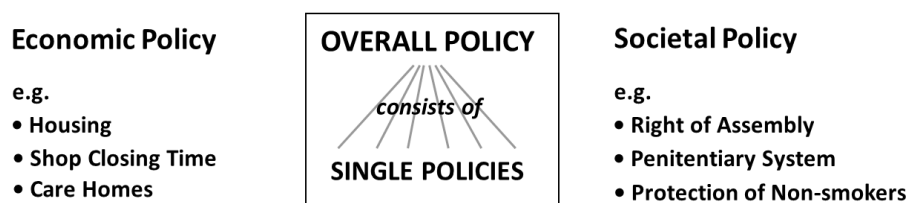
Economic policy and societal policy are distinguished because they are characterized by different fundamental conflicts (see online appendix F). This distinction is common both in the theoretical literature on the dimensionality of political space and party competition (e.g. Franzmann and Kaiser 2006) and in empirical studies (e.g. Bräuninger et al. 2020). Hence, we measure economic and societal policy on separate scales. For economic policy, we identified the poles 'state-interventionist/egalitarian' vs. 'economically liberal/meritocratic' whereas societal policy is conceptualized between the poles 'libertarian/progressive' vs. 'authoritarian/conservative'.

Accordingly, we assigned the single policies analyzed – fifteen new legislative competences the Länder received owing to the Federalism Reform of 2006 – to economic policy or societal policy (see online appendix G). We validated the placement by an expert survey.

- **Economic policy**: civil servants' law (salary, pension, career law), higher education (general principles), care and retirement homes, shop closing time, amusement arcades, gastronomy, housing, real estate transfer tax.
- **Societal policy**: right of assembly, enforcement of sentences (adults, adolescents, imprisonment on remand), protection of non-smokers.

These fifteen policies are not large policy areas such as social welfare policy but smaller policies which the Basic Law delineates as Land competences. We split law enforcement and civil service into several indices as the lawmakers did. The fifteen policies are largely representative for Land policies in general with regard to the content/substance and important characteristics (salience, financial impact) (see online appendix H). Moreover, they have the advantage that the Länder started from the same legal status (in 2006,

when our investigation period), namely the federal law. Hence, our predictors have only affected policies from the beginning of our investigation period onwards (no policy legacy).

Since we are interested in predicting the overall policy orientation of the Länder, our predictors have to be at the same level of aggregation as the dependent variable. Figure 5 lists the independent variables (on the left side; the dependent variable is on the right). It shows that most independent variables are not policy-specific, but have a uniform score across policies. For these predictors, we use indicators that are common in the public policy literature. The exceptions are socioeconomic conditions and interest groups which we will discuss subsequently (the elements that are aggregated are highlighted in grey in the figure). Policy-specific indicators have also been aggregated to an independent variable in other causal analyses of the policy orientation of constituent units (e.g. citizens' attitudes in Caughey and Warshaw 2018).

Figure 5: Aggregation of independent variables
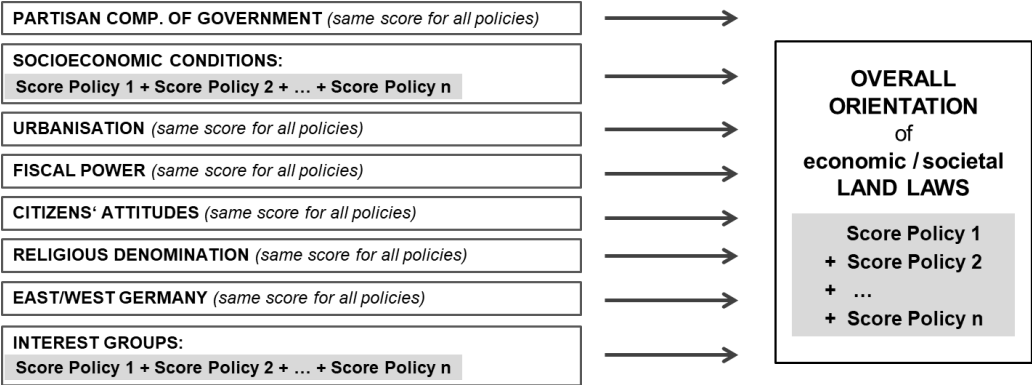
The values of each policy-specific socioeconomic condition we selected can be sorted on a scale with gradations. We assign the policy field-specific socioeconomic conditions for economic policies to the state-interventionist/egalitarian pole if they suggest protecting resource-poor participants in the market and solving functional problems (or to the economically liberal/meritocratic pole if they do not). For societal policies, we assign the policy field-specific socioeconomic conditions to the libertarian/progressive pole if they suggest protecting individual rights and promoting diversity and emancipation (or

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to the authoritarian/conservative pole if they do not). We can then aggregate the selected policy-specific socioeconomic conditions because they are tied to a pole on the respective scale. This means that individual socioeconomic conditions can have diverse policy-specific implications, yet they are united in that at the aggregate level they either suggest state-interventionist/egalitarian or economically liberal/meritocratic policies (for economic policy) – or libertarian/progressive or authoritarian/conservative policies (for societal policy).

For interest groups, we can perform this aggregation (of their degree of organization) because based on their mission they are tied to one of the two opposing poles on a scale which is the same across all policies. While interest groups have different policy-specific aims, they push for either economically liberal/meritocratic or state-interventionist/egalitarian policies in our sample. Looking from an aggregate level, different interest groups in different policies can push for the same broader political goals (economic liberalism/meritocracy or state-interventionism/egalitarianism).

All parts of our research design follow the logic of an aggregated analysis (for a more extensive elaboration, see online appendix J). Regarding the dependent variable, we are interested in the overall policy orientation. Most independent variables are uniform across policies. The few policy-specific independent variables are also aggregated. Thus, the dependent and the independent variables fit to each other. Furthermore, we select a method that analyses the association between the overall policy orientation and the cross-policy predictors at the aggregate level. This method is common for our research question (e.g. Caughey and Warshaw 2018; Gray et al. 2004).

6.4.2 The Dependent Variable: Content of Land laws

We have developed an index for economic and societal policy, respectively. It includes the corresponding single policies as dimensions. Within each dimension, subdimensions are created which cover all important aspects of the single policy (following Plutzer et al. 2019: 720 who recommend not selecting only the most important aspects). Their number depends on the breath and complexity of the competence. Subdimensions are

differentiated into subsubdimensions if necessary. For each (sub)subdimension we define an indicator, coding a total of 184 indicators in the fifteen policies. Table 1 presents the index construction in abstract form (see also Reus 2014, an overview of the policies analyzed here is provided by Reus and Vogel 2018).

Table 1: Index structure, example: economic policy

DIMENSION	SUBDIMENSION	SUBSUBDIMENSION	INDICATOR
1. [Dimension]	1.1 [Subdimension]	1.1.1 [Subsubdimension]	0 = [most liberal/ meritocratic value] 1 = [less liberal/ meritocratic value] (…) n = [most state-interventionist/ egalitarian value]
		1.1.2 [Subsubdimension]	(…)
		(...)	(…)
		1.1.n [Subsubdimension]	(…)
	1.2 [Subdimension]	(...)	(…)
	(...)	(...)	(…)
	1.n [Subdimension]	(...)	(…)
2. [Dimension]	2.1 [Subdimension]	(...)	(…)
	2.2 [Subdimension]	(...)	(…)
	(...)	(...)	(…)
	2.n [Subdimension]	(...)	(…)
(...)	(...)	(...)	(…)

The indices are exclusively developed from the empirical data, i.e. the variance among the laws and not theoretically conceivable variance. For each indicator we assign as many values as we find different regulations in the laws. Hence, we only include aspects in the index for which we find variance among the Land laws or between the previous federal law and any Land's law. We validated our coding by discussing cases of doubt between the authors and spot-checking each other's coding. Both indices and the scoring are explained in detail in online appendix K. For these policies, we coded more than

4,600 regulations of laws, capturing the contents of the Land laws in detail while also allowing for their quantitative analysis by aggregation.

Since we construct each index so that the Land laws can be sorted on a scale with gradations, each (sub)subdimension and indicator is created according to this scale as well. Thus, for the example of economic policy, the most liberal/meritocratic value on the respective scale is assigned zero (thus the minimum of the total score equals zero), while the most state-interventionist/egalitarian value is assigned the highest value. The indices are additive (cp. Munck and Verkuilen 2002), i.e. the scores assigned to a law in the individual (sub)subdimensions are added up to a total score. We remove unintended weights that result from the varying number of indicators and (sub)subdimensions by standardization.

Each Land is assigned a score in every policy for each year from 2006 to 2013. The score is based on the law in force in the respective year. As long as a Land has not passed its own law, the federal law remains in force and is thus coded for this Land. For the data analysis, the Land year scores are standardized between 0 (for the lowest score) and 100 (for the highest score). Finally, we aggregate the policy scores of each Land year for all economic and for all societal policies. This provides us with the dependent variable: the overall orientation of economic as well as societal policy.

6.4.3 *The Independent Variables: Predictors of Land laws*

Table 2 presents an overview of the operationalization of the independent and control variables (for the descriptive statistics, see online appendix L), followed by further explanations. A full elaboration of all measurements, including their sources, can be found in online appendix M.

Table 2: Operationalization of the independent and control variables

Variable	Indicator
Governmental position	Mean of governmental parties' positions on economic and societal policy, respectively
Socioeconomic conditions	Left vs. right alignment of policy-specific socioeconomic conditions
Urbanization	Share of inhabitants residing in cities with more than 100,000 inhabitants
Budgetary resources*	Balance of Land's core and extra budget, divided by GDP at market prices
Citizens' attitudes	Mean of citizens' self-placement on left-right scale from 1 to 10 (separate data for economic and societal policy is unavailable, hence we interpret results carefully)
Catholics share	Share of Catholics in population
East Germany	Dummy for East German Länder
Interest groups	Degree of organization of policy-specific, particularly important interest group
Control variables	
Economic development	GDP per capita at market prices in thousand €
Size	Area size in thousand sq. km
Statehood tradition	Dummy for historical tradition of statehood (0=no; 1=yes)
Administrative capacity	Full-time equivalent of personnel of Land ministries in thousands

Note: * The indicator for budgetary resources takes into account the substantial differences in both tax revenues, which are only partially reduced by the equalization scheme, and fixed expenditures (interest payments, implementation of federal laws, see Renzsch 2008). To make budgetary resources comparable among Länder, we divide them by GDP.

We lag all independent variables (except for governmental position) by a year to reflect that Land governments and parliamentarians, who decide on the laws, mostly do not know data from the current year due to delay in availability. Moreover, basic principles of laws are typically determined several, sometimes many months before the voting session.

An earlier analysis of the laws investigated here (chapter 7 of the dissertation) – based on the same indices and scales, but from a different perspective – showed a robust significant influence of three variables on the positioning of the law content, even when typical factors of policy analysis, e.g. partisan composition of government, socioeconomic conditions, and financial resources, were controlled for (see online appendix N). This concerns a Land's administrative capacity as well as its size and historical tradition of statehood. The first variable represents resources for law-drafting while the latter stand for the self-understanding of a Land as either a subordinate or independent part of the federation. We include these variables as controls.

6.4.4 Method

Our unit of analysis is a Land year. We gathered data of all sixteen Länder over eight years (2006-2013), totaling 128 cases. To reflect this time-series and cross-sectional data structure, we estimate two different types of models. First, we estimate pooled time-series cross-sectional models, broadly following Beck and Katz (1995). That means we use panel corrected standard errors to account for panel heteroscedasticity which was detected by the modified Wald test (Greene test). We also add a lagged dependent variable to the models because the dependent variable is serially correlated, as shown by the Wooldridge test for autocorrelation in panel data. However, we do not include Land dummies because we are interested in explaining variance between units, in addition to variance within units. Second, we estimate Random Effects panel data models. Due to panel heteroscedasticity we use clustered standard errors here. We do not run Fixed Effects models because this would not allow us to explain variance between Länder.

For all models, we add a linear time trend to account for the increase of the dependent variable over time, which reflects that policy-making became more state-interventionist/egalitarian and libertarian/progressive over time in our data. Thereby, we avoid biased estimations especially for independent variables that also systematically increase or decrease over time. The residuals are stationary as evidenced by an autoregression of

the residuals on the lagged residuals and a unit-roots test (Levin-Lin-Chu test). Further-more, the residuals are normally distributed according to the Shapiro-Wilk normality test and a graphical inspection (kernel density estimation, P-P and Q-Q plots). None of the estimated models suffers from multicollinearity as the variance inflation factor for the whole models does not exceed 3.6 and for individual variables remains below 9.0, thus below conventional thresholds of 4─10 (O'Brien 2007). Bivariate correlations also do not exceed the conventional threshold of 0.6. For societal policy, we exclude one to two cases (Brandenburg 2013 and in some models Rhineland-Palatinate 2013) because they are outliers with high leverage in the respective models and lead to a non-normal distribution of the residuals (see online appendix O). In both cases, Land policies turned conservative/authoritarian enormously from 2012 to 2013.

6.5 Empirical Results

We estimate pooled time-series cross-sectional (models 1─3) and random effects models (models 4─6). Within each set of three models, we start with a model including the time trend, three control variables (size, historical statehood, and administrative capacity) and the independent variables except for citizens' attitudes and East Germany which both correlate highly with the included share of Catholics (models 1&4). Then follows a model which replaces urbanization rate by the control variable GDP per capita with which it correlates highly (models 2&5). Finally, the share of Catholics is removed to include citizens' attitudes and East Germany (models 3&6). For economic policy, models 1 and 4 are split up into models that either include socioeconomic conditions (a) or urbanization rate (b) as these two variables correlate strongly.

6.5.1 Economic Policy

The regression results (see Table 3) show that across all models economic policy is all the more state-interventionist, the more left the position of the governing parties. Neither the policy-specific socioeconomic conditions nor the urbanization rate correlate with

economic policy, with the former showing at least the expected sign. The budget balance displays the expected sign in all models, reaching a significance level of 90 percent in half of the models. Thus, there are weak indications of a potential association. This seems plausible as we assume that state-interventionist policies are more expensive in eight out of ten policies, but laws have a direct and full financial impact in only two of them (civil servants' salary and pension). We confirm that as the share of Catholics increases, more state-interventionist policies are adopted. This effect is highly significant across all models. It mainly predicts differences among Länder, as the Catholics share changes only slightly over time. The ideological orientation of the citizens has the expected sign but is insignificant.

The East/West differentiation is not influential in the RE model. In the TSCS model, however, contrary to the theoretical expectation, we find that East Länder adopt ceteris paribus a more liberal economic policy. This might reflect that in our investigation period the East Länder have not yet completed their economic transformation, which in post-Soviet countries was partly characterized by market-radical policies (Bohle and Greskovits 2012). This could at least apply to the regulatory issues we analyze (e.g. shop closing time, amusement arcades, gastronomy). Finally, interest groups show the expected sign, but are insignificant.

We run several robustness tests to validate the results (see online appendix P). First, we use the current year value instead of the lag for the independent variables, beginning with interest groups and budget balance (for which this is most plausible) and then for all independent variables. Second, we successively remove each Land and then each single policy from the analysis to control whether individual Länder or policies drive the results. Third, we weigh the government position by seat shares of the composing parties. In all tests, the effects of government position and Catholics share remain robust.

The size of the partisan and Catholic effect is on par and moderate, as the following two measures demonstrate. A change from the most right to the most left government within our sample would lead to a five percentage points more state-interventionist policy (as the average across all models) on a scale that ranges theoretically from zero to hundred and empirically from thirty-four to sixty-four. The Land with the highest

Table 3: Regression models for economic policy

	TSCS				RE			
	(1a)	(1b)	(2)	(3)	(4a)	(4b)	(5)	(6)
Lagged policy position	0.407*	0.386*	0.399*	0.435**	0.441***	0.422***	0.434***	0.479***
	(0.167)	(0.170)	(0.165)	(0.162)	(0.0875)	(0.0881)	(0.0866)	(0.0871)
Time trend	0.246	0.348	0.290	0.362	0.388	0.475	0.430	0.449
	(0.491)	(0.476)	(0.466)	(0.474)	(0.334)	(0.337)	(0.329)	(0.321)
Government position	1.060**	0.966**	1.066***	0.914**	0.823*	0.701+	0.778*	0.738*
	(0.329)	(0.337)	(0.314)	(0.347)	(0.357)	(0.361)	(0.353)	(0.353)
Budget balance	22.62+	23.42+	23.53+	23.48+	15.21	13.24	13.94	14.02
	(13.06)	(12.69)	(12.40)	(12.98)	(14.66)	(14.41)	(14.04)	(15.58)
Interest groups	0.0277	0.0871	0.0775	0.0562	0.0090	0.0456	0.0329	-0.0077
	(0.0946)	(0.100)	(0.0981)	(0.0855)	(0.0847)	(0.0789)	(0.0716)	(0.0954)
Catholics share	0.118**	0.107***	0.0938**		0.108*	0.0910***	0.0791***	
	(0.0370)	(0.0306)	(0.0309)		(0.0422)	(0.0226)	(0.0240)	
Socioecon. conditions	0.0438				0.0626			
	(0.0658)				(0.111)			
Urbanization		3.675		-4.914		3.012		-2.018
		(2.436)		(4.200)		(2.753)		(4.998)
Citizens' attitudes				2.710				0.631
				(3.083)				(2.549)
East Germany				-6.30**				-3.517
				(2.30)				(2.630)
GDP per capita			0.0945				0.0663	
			(0.0763)				(0.0568)	
Size	-0.890*	-0.0615	-0.382	-0.362	-0.820	-0.0578	-0.392	-0.294
	(0.446)	(0.470)	(0.479)	(0.499)	(0.691)	(0.609)	(0.375)	(0.790)
Historical statehood	0.705	-0.531	-0.0367	1.743	0.403	-0.640	-0.269	0.458
	(1.194)	(1.429)	(1.210)	(1.820)	(1.006)	(1.082)	(0.929)	(2.072)
Administrative capacity	1.888+	0.242	0.790	0.584	1.512	0.0865	0.672	0.631
	(0.991)	(1.010)	(0.937)	(1.040)	(1.589)	(1.326)	(0.862)	(1.595)
Constant	13.45	16.36**	13.85**	5.616	13.20	17.98***	16.27***	17.32
	(9.273)	(6.230)	(5.294)	(19.07)	(8.109)	(3.089)	(3.760)	(14.21)
N	112	112	112	112	112	112	112	112
R^2	0.854	0.857	0.863	0.857				

Standard errors in parentheses, *** $p<0.001$, ** $p<0.01$, * $p<0.05$, + $p<0.1$

Catholics share is estimated to have a six percentage points more state-interventionist policy than the Land with the lowest share. The level importance (Achen 1982) shows the reversed order and amounts to four for the government position and two for the Catholics share.

6.5.2 Societal Policy

While a partisan effect was found for economic policy, it is rejected for societal policy (see Table 4): the governmental parties' position bears the expected sign but is statistically insignificant. In contrast, policy-specific socioeconomic conditions have an impact across all models. We thus conclude that the more socioeconomic conditions in a Land require protecting individual rights and promoting diversity and emancipation, the more libertarian/progressive are the Land laws. In contrast, urbanization does not matter.

The budget balance also does not correlate with societal policy. This is not surprising because laws in none of the five policies have a direct and full financial impact. Only in three policies do they have a partial direct financial impact (penitentiary system for adults and adolescents, imprisonment on remand). As in economic policy, the share of Catholics is highly significant in all models. As it increases, Land policy becomes more conservative/authoritarian. The ideological orientation of citizens is also associated with societal policy: the more right the political views of citizens, the more conservative/authoritarian the policy. Since both factors are highly correlated, we cannot differentiate whether the Catholic faith, the ideological orientation, or both matter. Yet, this finding confirms Caughey and Warshaw's (2018: 4) expectation that citizens' attitudes are more impactful in societal than in economic policy. Finally, the East German dummy has the expected sign but is statistically insignificant.

We run the same robustness tests as before except for the weighting of the government position which has no impact on societal policy in our main models. Results show that the effect of citizens' attitudes is robust in all tests (see online appendix P). The impact of socioeconomic conditions and the Catholics share is robust towards using current year values of the independent variables and the removal of Länder. However, the

former loses significance when either the penitentiary system of adolescents or the protection of non-smokers is removed and the latter when the protection of non-smokers is excluded.

Table 4: Regression models for societal policy

	TSCS			RE		
	(1)	(2)	(3)	(4)	(5)	(6)
Lagged policy position	0.293**	0.259*	0.287**	0.419***	0.408***	0.406***
	(0.103)	(0.101)	(0.105)	(0.0815)	(0.0763)	(0.0627)
Time trend	1.447*	1.661**	1.121*	0.814	0.764	0.598
	(0.563)	(0.529)	(0.565)	(0.555)	(0.559)	(0.475)
Government position	0.246	0.214	0.781	0.275	0.310	0.239
	(0.508)	(0.473)	(0.604)	(0.515)	(0.349)	(0.514)
Budget balance	-3.701	-3.426	-5.338	-3.873	-4.629	-2.673
	(12.87)	(12.26)	(13.70)	(19.53)	(18.99)	(19.56)
Catholics share	-0.146***	-0.119***		-0.128***	-0.108**	
	(0.0260)	(0.0332)		(0.0380)	(0.0352)	
Socioecon. condition	0.371***	0.356**	0.252***	0.367**	0.359***	0.197*
	(0.109)	(0.114)	(0.0662)	(0.138)	(0.108)	(0.0919)
Urbanization	-3.424		-2.183	-3.179		-1.564
	(2.754)		(4.325)	(4.088)		(4.213)
Citizens' attitudes			7.462***			6.420*
			(2.012)			(2.873)
East Germany			2.727			2.038
			(1.743)			(2.376)
GDP per capita		-0.210*			-0.198*	
		(0.106)			(0.0833)	
Size	-2.940***	-2.833***	-2.673***	-2.490**	-2.394***	-2.410***
	(0.614)	(0.399)	(0.550)	(0.785)	(0.455)	(0.730)
Historical statehood	-2.153*	-0.778	-1.608	-0.844	-0.0397	-0.533
	(1.080)	(1.649)	(1.172)	(1.882)	(1.539)	(1.966)
Administrative capacity	1.007	0.703	1.826*	0.910	0.873	1.805
	(0.658)	(0.492)	(0.831)	(1.094)	(0.671)	(1.117)
Constant	21.74***	27.78***	-25.74*	16.13**	20.73***	-19.23
	(5.654)	(6.424)	(12.27)	(5.288)	(5.172)	(18.01)
N	111	111	111	111	110	110
R²	0.972	0.976	0.962	0.691	0.727	0.728

Standard errors in parentheses
*** p<0.001, ** p<0.01, * p<0.05, + p<0.1

The effect size is greatest for citizens' attitudes, followed by socioeconomic conditions and the Catholics share (for the first two it reaches a medium level, for the latter a moderate one). A change from the most right to the most left citizens' orientation within our

sample would lead to a twelve percentage points more authoritarian/conservative policy on a scale that ranges empirically from fourteen to eighty-two. In the Land year in which the socioeconomic conditions suggest the most authoritarian/conservative policy, we expect societal policy to be ten percentage points more authoritarian/conservative than in the Land year with the conditions suggesting the most libertarian/progressive policy. The size of the Catholics effect is similarly moderate as for economic policy: the Land with the highest Catholics share is estimated to have an eight percentage points more authoritarian/conservative policy than the Land with the lowest share. The level importance of forty-two, fifteen and three confirms this ordering of the sizes of the attitudinal, socioeconomic, and religious effects.

6.5.3 Summary

Overall, we find that the share of Catholics is associated with both economic and societal policy (see Table 5). However, differences between the two policies also exist: parties only correlate with economic policy, while citizens' attitudes and socioeconomic conditions only affect societal policy.

Table 5: Summary of findings

Predictor	Economic policy	Societal policy
Governmental parties' position	+	−
Socioeconomic conditions	−	+*
Urbanization	−	−
Budget balance	−	−
Citizens' attitudes	−	+
Catholics share	+	+*
East Germany	o	−
Interest groups	−	n.a.

Note: '+' denotes high, 'o' partial and '−' no predictive power. * loses significance when certain single policies are removed.

6.6 Conclusion

This article analyzed which predictors account for the general orientation of Land economic and societal policy. To this end, we created a large database covering the laws of all Länder in fifteen single policies between 2006 and 2013, coding more than 4,600 regulations of laws. We find that the effects differ between economic and societal policy. The only factor that predicts both policies is the share of Catholics. We ascribe this strong effect of Catholic belief to the theoretical argument that the dominant religion in a Land shapes the fundamental values even of nonbelievers and people of other faiths. Moreover, policy-makers have been socialized in this value environment.

In Table 6, we compare our findings to previous research. For economic policy, we confirm the strong predictive power of parties and the general lack thereof for urbanization, citizens' attitudes and interest groups. Economic conditions and financial resources show no effect in our analysis, largely in line with their impact in only some previous policy analyses. Similarly, we find ambivalent results for the East Länder, which were rarely influential in the literature review. In societal policy, we confirm the general lack of predictive power of urbanization, the East/West differentiation and interest groups (there are not even relevant interest groups in three policies). Financial resources also show no effect largely in line with their impact in only some previous policy analyses. Social and demographic conditions as well as citizens' attitudes are, however, influential in our analysis, opposite to the literature review. Conversely, we find no partisan effect.

This article addresses several gaps in the literature. First, it offered a systematic and theory-based analysis of the link between many predictors and the overall orientation of Land policies. Measuring the general policy orientation of constituent units other than the US states and analyzing its predictors allows us to compare regional policy-making, albeit tentatively due to differences in research design and particularly in measurement of the variables. The literature on the US states highlighted the effects of parties, citizens' attitudes, interest groups, and socioeconomic conditions, as reported before. We found these factors to be influential also in the German Länder for either economic or societal policy (or both) − except for interest groups. Clearly, similar analyses for other federations are needed. Second, we captured policy content in a way that increases the

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number of cases and facilitates quantitative analysis over time. Substantially, we highlight the importance of Catholic belief for Land policy-making and recommend to consistently include it in future analyses.

Table 6: Comparison of findings with literature review

Predictor	Economic policy		Societal policy	
	Literature review	Empirical analysis	Literature review	Empirical analysis
Governmental parties' pos.	+	+	+	–
Socioeconomic conditions	o	–	o	+
Urbanization	–	–	–	–
Budget balance	o	–	o	–
Citizens' attitudes	–	–	o	+
Catholics share		+		+
East Germany	–	o	–	–
Interest groups	–	–	–	n.a.

Note: '+' denotes high, 'o' partial and '–' no predictive power.

References

Achen, Christopher. 1982. Interpreting and Using Regression. Thousand Oaks: Sage.

Arzheimer, Kai. 2012. Twenty Years After: Sozial- und wirtschaftspolitische Einstellungen von Ost- und Westdeutschen im Vergleich. In Zivile Bürgergesellschaft und Demokratie, edited by Silke Keil and Isabell Thaidigsmann, 299–336. Wiesbaden: VS.

Barclay, Scott, and Shauna Fisher. 2003. The States and the Differing Impetus for Divergent Paths on Same-Sex Marriage. The Policy Studies Journal 31 (3): 331–352.

Baumgartner, Frank, Jeffrey Berry, Marie Hojnacki, David Kimball, and Beth Leech. 2009. Lobbying and Policy Change. Chicago: University of Chicago Press.

Beck, Nathaniel, and Jonathan Katz. 1995. What to Do (and not to Do) with Time-Series Cross-Section Data. American Political Science Review 89 (3): 634–647.

Besier, Gerhard. 2007. Das Ost-West-Verhältnis in Deutschland. In 15 Jahre Deutsche Einheit, edited by id. and Katarzyna Stoklosa, 25–39. Berlin: LIT.

Bohle, Dorothee, and Béla Greskovits. 2012. Capitalist Diversity on Europe's Periphery. Ithaca: Cornell University Press.

Bräuninger, Thomas, Marc Debus, Jochen Müller, and Christian Stecker. 2020. Parteienwettbewerb in den deutschen Bundesländern. Wiesbaden: Springer.

Brenke, Karl, and Klaus Zimmermann. 2009. Ostdeutschland 20 Jahre nach dem Mauerfall. Vierteljahrshefte zur Wirtschaftsforschung 78 (2): 32–62.

Budde, Emma, Christoph Knill, Xavier Fernández-i-Marín, and Caroline Preidel. 2018. A Matter of Timing: The Religious Factor and Morality Policies. Governance 31 (1): 45–63.

Busemeyer, Marius. 2020. Neo-corporatism and the responsiveness of democracy. In The European Social Model under Pressure, edited by Romana Careja, Patrick Emmenegger, and Nathalie Giger, 15–31. Wiesbaden: Springer.

Caughey, Devin, and Christopher Warshaw. 2018. Policy Preferences and Policy Change. American Political Science Review 112 (2): 249–266.

Caughey, Devin, and Christopher Warshaw. 2016. "The dynamics of state policy liberalism, 1936–2014." American Journal of Political Science 60 (4): 899–913.

Caughey, Devin, Yiqing Xu, and Christopher Warshaw. 2017. "Incremental democracy." The Journal of Politics 79 (4): 1342–1358.

Dose, Nicolai, and Felix Wolfes. 2016. Die Höhe der Beamtenbesoldung in den Ländern. Zeitschrift für Vergleichende Politikwissenschaft 9 (4): 267–293.

Erikson, Robert, Gerald Wright, and John McIver. 1993. Statehouse democracy. New York: Cambridge University Press.

Fink, Simon. 2009. Churches as Societal Veto Players. West European Politics 32 (1): 77–96.

Franzmann, Simon, and André Kaiser. 2006. Locating Political Parties in Policy Space. Party Politics 12 (2): 163–188.

Garcia, Carlos, and Theresa Davidson. 2013. Are Rural People more Anti-Immigrant than Urban People? Journal of Rural Social Sciences 28 (1): 80–105.

Giger, Nathalie, and Heike Klüver. 2016. Voting Against Your Constituents? American Journal of Political Science 60 (1): 190–205.

Gray, Virginia, David Lowery, Matthew Fellowes, and Andrea McAtee. 2004. Public opinion, public policy, and organized interests in the American states. Political Research Quarterly 57 (3): 411–420.

Häusermann, Silja, Georg Picot, and Dominik Geering. 2013. 'Rethinking Party Politics and the Welfare State.' British Journal of Political Science 43 (1): 221–240.

Helbling, Marc, Liv Bjerre, Friederike Römer, and Malisa Zobel. 2017. Measuring immigration policies. European Political Science 16 (1): 79–98.

Jeffery, Charlie, Nicole Pamphilis, Carolyn Rowe, and Ed Turner. 2016. Introduction to the Special Issue. German Politics 25 (2): 165–175.

Jordan, Jason. 2014. Religious Belief, Religious Denomination, and Preferences for Redistribution. West European Politics 37 (1): 19–41.

Klingemann Hans-Dieter, Andrea Volkens, Judith Bara, Ian Budge, and Michael McDonald. 2006. Mapping policy preferences II. New York: Oxford University Press.

Klingman, David, and William Lammers. 1984. The "General Policy Liberalism" Factor in American State Politics. American Journal of Political Science 28 (3): 598–610.

Korpi, Walter. 1983: The Democratic Class Struggle. London: Routledge & Kegan Paul.

Miller, Edward Alan. 2004. Advancing Comparative State Policy Research. State and Local Government Review 36 (1): 35—58.

Munck, Gerardo, and Jay Verkuilen. 2002. Conceptualizing and Measuring Democracy. Comparative Political Studies 35 (5): 5—34.

Newman, Joshua. 2017. Policy Analysis in Sub-national Governments. In Routledge Handbook of Comparative Policy Analysis, edited by Marleen Brans, Iris Geva-May, and Michael Howlett, 118—130. New York: Routledge.

O'Brien, Robert. 2007. A Caution Regarding Rules of Thumb for Variance Inflation Factors. Quality & Quantity 41 (5): 673—690.

Obinger, Herbert. 2015. Funktionalismus. In Handbuch Policy-Forschung, edited by Georg Wenzelburger and Reimut Zohlnhöfer, 35—53. Wiesbaden: Springer.

Pacheco, Julianna. 2013. The Thermostatic Model of Responsiveness in the American States. State Politics & Policy Quarterly 13 (3): 306—332.

Peterson, Paul. 1995. The Price of Federalism. Washington: Brookings Institution Press.

Plutzer, Eric, Michael Berkman, James Honaker, Christopher Ojeda, and Anne Whitesell. 2019. Measuring Complex State Policies. Policy Studies Journal 47 (3): 712—734.

Powell, Bingham. 2004. The quality of democracy. Journal of Democracy 15 (4): 91—105.

Renzsch, Wolfgang. 2008. Ausgaberestriktionen der Länder in Deutschland. Baden-Baden: Nomos.

Reus, Iris. 2014. Neue Eigenständigkeit oder Unitarismus wie bisher? der moderne staat 7 (1): 157—172.

Reus, Iris. 2016: On a Successful Road to 'More Federalism' in Länder Politics? German Politics 25 (2): 210—226.

Reus, Iris, and Stephan Vogel. 2018. Policy-Vielfalt zwischen den Bundesländern nach der Föderalismusreform I. Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 621—642.

Rowe, Carolyn, and Ed Turner. 2016. "Let's stick together?" German Politics 25 (2): 193—209.

Stimson, James, Michael MacKuen, and Robert Erikson. 1995. Dynamic Representation. American Political Science Review 89 (3): 543—565.

Wenzelburger, Georg. 2014. Parties, Institutions and the Politics of Law and Order. British Journal of Political Science 45 (3): 1—25.

Wenzelburger, Georg. 2015. Parteien. In Handbuch Policy-Forschung, edited by id. and Reimut Zohlnhöfer, 81—112. Wiesbaden: Springer.

Wilensky, Harold. 1974. The Welfare State and Equality. Berkeley: University of California Press.

Wilson, Thomas. 1995. Urbanism and Unconventionality. Social Science Quarterly 76 (2): 346—363.

Wolf, Frieder, and Achim Hildebrandt. 2008. Sechzehn Länder, sechzehn Felder. In Die Politik der Bundesländer, edited by id., 363‒370. Wiesbaden: VS.

Zohlnhöfer, Reimut. 2013. Politische Parteien und öffentliche Politik. In Handbuch Regierungsforschung, edited by Karl-Rudolf Korte and Timo Grunden, 267‒276. Wiesbaden: Springer.

7. Deviation from the Policy Mainstream in a Federation: Why Subnational Governments 'Do their Own Thing'[49]

Abstract: A common pattern in federal states is that constituent units either pass policies which resemble those of most constituent units or deviate from this 'policy mainstream'. We are the first to conceptualise and measure the notion of a policy mainstream in a federation and the deviation from it. Moreover, we analyse which resources and historical and cultural factors account for the deviation of a constituent unit from the policy mainstream, using the German case. For the investigation, we create a comprehensive database covering the laws of all sixteen Länder in numerous policies between 2006 and 2013. Overall, we code more than 4,600 single regulations of laws. Our time-series cross-sectional analysis shows that large Länder and Länder with historical tradition of statehood deviate more from the policy mainstream. Theoretically, we argue that these Länder have developed a self-conception of following their own legislative path und resisting the trend in a 'unitary federal state'.

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[49] This article is co-authored with Iris Reus.

7.1 Introduction

One key characteristic of federations is that constituent units are allowed to pass their own policies in defined areas. Normatively, this is supposed to lead to policy diversity across the federation. Empirically, the extent of policy diversity differs by federation. A common pattern is that many constituent units adopt a similar policy, thereby forming a policy mainstream, while some constituent units opt for a different policy, thereby deviating from the mainstream. In this article, we do not investigate why a constituent unit follows the policy mainstream, instead we analyse why a constituent unit deviates from it.

This research question is tied to a central topic of federalism research, namely similarities and differences in policies between constituent units. These patterns have been analysed in the literature from a cross-sectional perspective, identifying patterns of homogeneity and diversity in a federation (Gallego et al. 2005; Subirats 2005), but also over time. With regard to the latter, research has focused on convergence and divergence (Celis and Meier 2011; Greer 2006; McEwen 2005: 539, 542-3; Xhardez 2020) as well as on policy diffusion (Gilardi and Füglister 2008; Yu et al. 2020). Our analysis adds an analytical perspective to studies on policy divergence. Policy divergence effectively means that more and more constituent units deviate from the policy mainstream.

Public policy analysis traces differences in policies to factors such as the partisan composition of the government, socioeconomic conditions, public opinion, and interest groups. While these general factors are also influential at the regional level (Reus and Vogel 2021), several additional factors that are specific to constituent units in a federation influence regional policy-making as well and hence possibly also the deviation from the policy mainstream. These specific factors from federalism research pertain to capacities and resources on the one hand, and history and culture on the other. While federalism research has established their importance, the policy effects of both groups have not been comprehensively analysed in the same study.

Starting with capacities and resources, federations are characterised by huge differences among their constituent units with regard to wealth, territorial and

population size, geographic and climatic conditions, administration and natural resources (Burgess 2006: 218). The literature focuses particularly on financial differences and shows that they affect policy-making (Gottschalk 2010; Pickup 2006; Rössel and Weingartner 2015). Furthermore, small constituent units have problems fulfilling their policy-related tasks (Swenden 2006: 237).

History and culture connect the inhabitants in a region while also distinguishing them from other regions. The foundation of such a community relates to distinct characteristics such as language, culture and traditions, history, religion, and values. Often these characteristics foster a strong regional identity as well as a distinct ideological orientation that differs from the rest of the federation, typically resulting in deviating policies (Swenden 2006: 238-243; Béland and Lecours 2005). Some of these communities even consider themselves a minority nation (within a plurinational federation) that has the right to set its own policies. Adopting distinct policies facilitates the protection and development of the (minority) nation (Guibernau 2012: 149). For example, Scotland pursues a national project of social-democratic policy making, i.e. a more generous welfare state and stronger environmental protection (Keating 2012; McEwen 2005: 542-3; Swenden 2006: 240). Conversely, Catalonia adopted market-oriented policies that mirror its entrepreneurial culture (Swenden 2006: 238). Importantly, it is not just particular parties that favour these policies, but the nation as a whole. Such national projects relate to general ideological orientations, not elaborate preferences about single policy items.

The afore-mentioned factors are relevant for many federations. For our empirical investigation, we focus on one case: Germany. In German federalism research, the policy mainstream and the deviation from it matter as shown in chapters 2 and 3.1. We applied the afore-mentioned factors to the German case, and found that in terms of capacities and resources particularly the budgetary resources, economic power, administrative capacity and size of a Land are relevant, whereas culture and history can be best expressed by a Land's historical tradition of statehood (as detailed in chapter 3.2). Additionally, we test general public policy theories.

Our contribution is threefold: First, we conceptualise the notion of a policy mainstream in a federation and the deviation from it. Moreover, we develop a measurement for this concept. Second, we are the first to systematically analyse the predictors of the deviation from the policy mainstream in a federation. For this purpose, we have determined potential predictors, differentiated them from each other, assigned theoretical mechanisms to them and tested them empirically with a large data set. Third, we created a comprehensive data set covering the laws of all sixteen Länder in fifteen single policies, which are largely representative for Land policies in general, between 2006 and 2013. Overall, we coded more than 4,600 regulations of laws. This database captures the contents of the Land laws in detail, and, at the same time, allows for their quantitative analysis.

We find that the larger the Land and the more administrative resources it has, the more it deviates from the Land policy mainstream. Länder with a historical tradition of statehood also deviate more. The article proceeds as follows: After the literature review we introduce the concept and the theory and derive hypotheses. Subsequently, we present the operationalisation of the variables as well as the method. Then, we show the empirical findings and conclude.

7.2 Literature Review

In this chapter, we review the literature related to our research interest (deviation from the policy mainstream) for the German Länder. Policy diversity among Länder has been increasingly studied (Hildebrandt and Wolf 2008, 2016; Jeffery et al. 2014; Sack and Töller 2018), becoming a major object of study in German federalism research. An increasing number of studies reveal different degrees of policy diversity, while in some areas policy uniformity is shown.

Empirical Land policy analyses frequently mention policy deviations, identifying policy clusters on the one hand and single deviating Länder on the other hand. Our comprehensive review of literature on Land policies has revealed seventy-one publications that mention deviating Länder (see online appendix A). Leber (2013: 278)

found that in three new Land competences, following the Federalism Reform of 2006, several Länder deviated from the policy that the majority of Länder chose. While this strand of literature has identified an important empirical pattern, it can be advanced which we aim to do in this article: Specifically, policy mainstream and the deviation from it have not been conceptualized yet. Consequently, there are also no measurement instruments, which in turn renders a comparison of deviation across Länder, policies and time unfeasible.

Regarding the predictors of the deviation from the Land policy mainstream, our afore-mentioned review of the literature on Land policies shows that large and economically/fiscally strong Länder are often mentioned as deviating Länder (see online appendix A). Other general public policy predictors (such as parties) are also occasionally mentioned as deviation-enhancing factors in Land policy analyses (for them, see Reus and Vogel 2021). The hypothesis that large and fiscally strong Länder deviate more is not explicitly expressed in the literature, but can be deducted from it. While in some instances the authors explicitly link policy deviation to the size or fiscal power of a Land (Reintjes 2018; Schmid et al. 2004), most of the anecdotal evidence points to the name of a Land that deviates – and these named Länder are again and again large and/or fiscally strong. Overall, seventy-one publications report policy deviations by large and rich Länder. The Länder that are both large and fiscally strong have the most mentions of deviation among all Länder: Bavaria (Jeffery 2005; Lanzendorf and Pasternack 2016; Münch 2017), Baden-Wuerttemberg (Blancke 2004; Busemeyer and Seitzl 2018; Sturm 2005), and North Rhine-Westphalia (Andronescu and Carnes 2015; Böcher and Töller 2016; Wolf and Heinz 2016).

While almost all statements in the literature refer to a single policy, a few authors discuss deviation across policies: Hildebrandt and Wolf (2016: 230-1) hypothesise that large Länder require large administration for political steering which in turn makes it easier for them to develop their own policy goals and solutions. Moreover, they assume that affluent Länder can rather fund their own, potentially expensive political agenda. Regarding the new Land competences in law enforcement, care homes and civil servants' salary and pension, Turner and Rowe (2015: 7) find that "the large, rich,

powerful Länder […] took advantage of the new powers straight away", implying that they at least temporarily deviated from the other Länder. Jeffery (1999: 336-7) emphasizes the unique role of Bavaria among the Länder which seek to deviate more. The overview by Reus and Zohlnhöfer (2015: 262) across the Land competences gained by the Federalism Reform of 2006 found first indications that the large and fiscally strong Länder acted as forerunners more frequently, thereby deviating from the other Länder. Dose and Reus (2016) show that in three out of four of these new Land competences some Länder deviate considerably from others.

With regard to the predictors of the deviation from the policy mainstream, the literature suffers from several shortcomings. First, often only the name of the deviating Land is stated, whereas the underlying predictor is at most implied. Second, causal mechanisms are not specified (for fiscal power, it is at least implied in some cases, for size, no causal mechanism is suggested). Third, the literature overall presents only anecdotal evidence (for single cases) instead of a broad and systematic empirical overview. It mentions cases of deviation but does not conceptualise or empirically analyse deviation. We address each of these shortcomings. Specifically, we differentiate and conceptualise all relevant predictors of a Land's deviation from the policy mainstream (particularly size and strength) and systematically test them in a large setting (across many policies and all Länder). In particular, we differentiate the concepts of 'size' and 'strength' into strictly separated, theoretically founded and operationalisable explanatory factors.

7.3 Concept and Theory

We now explain the concept of the article, present the dependent variable and the independent variables, and derive the hypotheses.

### 7.3.1 The Dependent Variable: Deviation from the Policy Mainstream

While we are the first to conceptualise the deviation from the policy mainstream in a federation, policy-making by constituent units has been conceptualized from related perspectives. What these conceptualisations have in common is that they analytically capture that constituent units in a federation are typically formally independent in adopting laws, yet in reality relate to each other in various ways. The other conceptualisations take the viewpoint of the federation as a whole, whereas we take the perspective of the individual constituent unit. One perspective taken is to analyse policy homogeneity or diversity (Gallego et al. 2005; Subirats 2005), i.e. to determine to which extent at a given point in time constituent units have the same or different policies in place. Such analyses can analytically benefit from investigating whether a policy mainstream and deviations from it have emerged. Research on policy convergence or divergence adds a temporal dimension to the study of policy-making, assessing whether constituent unit policies become more or less similar over time (Celis and Meier 2011; Greer 2006; McEwen 2005: 539-43; Knill 2005: 768; Xhardez 2020). Policy divergence effectively means that more and more constituent units deviate from the policy mainstream. Conversely, policy convergence implies that a policy mainstream is being established as an increasing number of constituent units gravitate towards a particular policy. A more process-oriented perspective is provided by policy diffusion research (Gilardi and Füglister 2008; Yu et al. 2020). Diffusion is a mechanism how more and more constituent units follow the policy choice of a pioneer. Thereby, a policy mainstream is created, while other constituent units deviate from it by keeping their policy. Diffusion researchers often use the observation of a clustering of policies as a motivation to run a diffusion analysis (Gilardi 2012).

The federation we analyse in this article, Germany, was considered a unitary federation with low policy diversity for a long time. Since reunification in 1990, an increasing number of publications shows policy diversity among the Länder, reflecting the growing socioeconomic and political-cultural heterogeneity. On the other hand, there is still strong pressure towards uniformity, particularly by the citizenry (Scharpf 2009) and the media which regularly uses the policy mainstream as a point of reference (Reus

2016). In other contexts, further factors such as functional pressure (e.g. from globalisation) or institutions (coordination fora) facilitate a policy mainstream. As a result, in Germany, policy uniformity in some areas and policy diversity in others coexist (Hildebrandt and Wolf 2008, 2016). As shown in the literature review, research on German federalism is highly interested in deviation from the policy mainstream. The anecdotal evidence suggests some Länder deviate more than others.

This article analyses the deviation of a Land's policy from the policy mainstream of all Länder. We define 'policy mainstream' as the gravity of the enacted policies of the Länder, i.e. the concentration of similar laws (on a scale with gradations). The dependent variable represents how much a Land passes its 'own laws' in terms of content or follows the other Länder's policies (see Figure 1). This is typically a deliberate decision by each Land as the Länder generally know the laws in force of (at least some) other Länder. This is due to comparisons of Land laws in the media (Reus 2016) and by interest groups (e.g. Dehoga 2010, dbb 2011) as well as to regular, encompassing horizontal coordination (Kropp 2010). Our argument is not that Länder base their policy-making solely on a preference to stay within the mainstream or deviate from it. Rather, we argue that Länder take other Land laws into account as well as other factors such as partisan convictions or the institutional context. While we use the Länder as our case, the concept of the 'deviation of a constituent unit from the policy mainstream of all constituent units' applies to constituent units in general, well beyond Germany.

Figure 1: Illustration of the deviation of two Länder from the Land policy mainstream
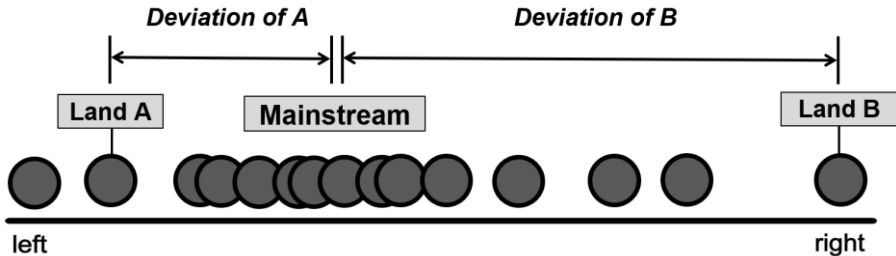
The single policies we selected belong to either economic policy (with the poles 'state-interventionist/egalitarian' vs. 'liberal/meritocratic') or societal policy (with the poles 'libertarian/progressive' vs. 'authoritarian/conservative') based on the fundamental conflict of the policy. These fundamental scales and poles are described in detail in online appendix B. Using policy indices, we assign a total score to each Land's law which allows us to rank all Land laws on scales with gradations. This score indicates how state-interventionist/egalitarian or libertarian/progressive a Land's law is once we have summed up all aspects of the law. Based on this, we calculate distances between the laws and the policy mainstream, as shown in Figure 1. Only the absolute values of the distances are used in the analysis. Hence, it does not matter in which direction in terms of content a Land's law deviates from the policy mainstream. Only the magnitude of the deviation from the policy mainstream is taken into account.

We are interested in measuring and explaining the deviation of a Land from the Land policy mainstream across many policies (see Figure 2). Hence our epistemological aim is not to analyse this deviation in only a single policy or to compare it between policies. We are able to aggregate the degree of deviation across economic and societal policies for two reasons. First, the scales are constructed identically (unidimensional, metric). Second, we do not use a Land's substantive position on the respective scale, i.e. its policy, but the deviation of a Land from the Land policy mainstream.

Figure 2: Aggregation of the dependent variable
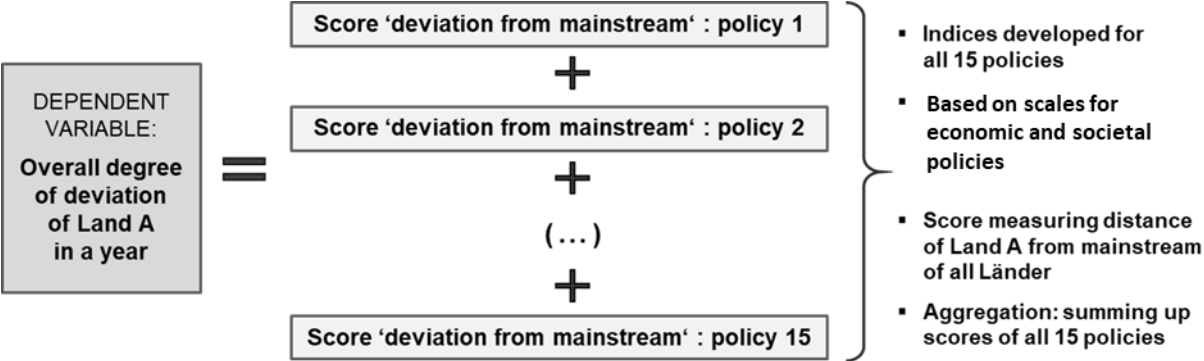
All parts of our research design follow the logic of an aggregated analysis (for a more extensive elaboration, see online appendix C). Regarding the dependent variable, we are interested in the overall deviation from the policy mainstream. The independent variables are uniform across policies, except for socioeconomic conditions which are thus aggregated (as outlined in chapter 4.2). Thus, the dependent and the independent variables fit to each other. Furthermore, we select a method that analyses the association between the overall degree of deviation and the cross-policy predictors at the aggregate level.

7.3.2 The Independent Variables: Predictors of Deviation

In this section, we discuss the predictors which are derived from federalism scholarship and from policy analysis. In particular, we translate the notion of 'larger and stronger Länder' (from the literature review) into distinct variables.

State territory: Size of a Land

The self-conception of a Land within the federation is crucial for answering our research question. This refers to whether a Land considers itself a subordinate part of a federation or has a pronounced state consciousness, so that it legislates independently within its competences. With regard to 'size'[50], we argue that large Länder resemble nation states which naturally formulate their policies on their own. Some Länder are even larger than some EU member states. According to Scharpf (2009: 65–67), these Länder wish to extend their scope because they consider it an "insult to their statehood that their legislative and fiscal powers trail behind even the smallest Swiss canton". Put differently, these Länder could act independently in international politics like EU member states of comparable size, if they were not restricted by the federal constitution. The importance of a state has – beside other characteristics – always been defined by

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[50] Population size as a potential predictor is discussed in online appendix D.

the size of the territory it governs. A large territory, in turn, requires a differentiated and multi-level state structure to implement policies across the entire territory (Grotz et al. 2017). Large Länder cope with typical challenges of nation states: They identify, take into account and balance out the numerous and heterogeneous needs of different parts of the territory. All of these aspects further the self-understanding as a state. As a result, a large Land can develop a self-conception of not lining itself up with the other Länder but possibly even setting the direction. We thus hypothesise:

- H1: The larger a Land's size, the larger its deviation from the policy mainstream.

State history: Tradition of statehood

This variable does not refer to the current position of a Land but to its historical strength. The history of Germany as a federation goes back many centuries, during which the demarcations of German states have been changed manifold (cf. Funk 2010). Some of today's Länder were founded for the first time only after the Second World War, while others have enjoyed historical continuity as a state under their current name and approximately in today's demarcation. Furthermore, the predecessors of most Länder in Northern Germany were Prussian provinces with limited scope, while others have already acted independently as a state over a long period of time. Jeffery (1999: 336, 2005: 88) argues that such a "historical tradition of statehood" has induced a strong feeling of identification as a separate state, first and foremost in Bavaria, but also in the 'Free and Hanseatic City' of Hamburg and in the 'free states' Saxony and Thuringia. Hildebrandt and Trüdinger (2021) confirm that citizens in Länder with a historical tradition have a stronger regional identity. We assume that this feeling of identification is connected with a general sense of pride and self-confidence, which is also reflected in political decision-making. It is anchored in the collective memory of the Land's population and passed over from generation to generation by education (schools) and culturally in museums, landmarks, etc. Therefore, we hypothesise:

- H2: If a Land has a historical tradition of statehood, it deviates more from the policy mainstream than Länder lacking this tradition.

Economic prosperity

The willingness to deviate from the mainstream can be influenced by a Land's self-confidence which results from prosperity and success. Additional Länder competences have been mostly requested by the economically strong Länder (Jeffery 2005: 83). We assume that strong economic power provides the Land elites with more self-confidence to follow an own legislative path. The government feels vindicated based on its previous success and develops more confidence in its problem solving capacity. Economic success also creates a cushion of trust for the government to pass individual, even innovative policies. Economically prosperous Länder are donors in the fiscal equalisation scheme and know that based on their fiscal power they could finance their policies if given more legislative scope. In contrast, for economically weak Länder, the uniformity norm consistently puts pressure on the government to orientate itself towards the mainstream (cf. Reus 2016). If a Land government opts for deviating policies, which result in a worse performance compared to other Länder, criticism is readily placed on the 'outlier'. Conversely, individual policies that yield a better performance are not necessarily rewarded. 'Hiding' in the Land policy mainstream is thus a risk-averse electoral strategy. Economically weaker Länder depend on redistribution among Länder to fulfil their tasks. They connect an increase in Land autonomy to competitive federalism and less solidarity among the Länder (Jeffery 1999: 334, 2005: 82-3). Thus, they consider new scope a risk, not an opportunity (Scharpf 2009: 9). Hence, we assume:

- H3: The more economically prosperous a Land, the larger its deviation from the policy mainstream.

Human resources: Administrative capacity

While laws are passed in parliament, they are usually prepared by the ministries. By administrative capacity, we refer to the capabilities of Land ministries to monitor social, economic and legal processes and draft laws accordingly. If a Land has a high

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administrative capacity, more employees are responsible for drafting laws. They work in smaller areas of responsibility, allowing them to address policy aspects in depth (Verhoest and Bouckaert 2005: 94-5). They can do more own policy research and exchange with civil society more frequently, beyond their day-to-day activities (Howlett 2009: 162-3). Thus, they can react more specifically to problems, societal needs and political demands in their Land and develop innovative policies beyond the mainstream (Callaghan and Jacobs 2014: 547-8). In contrast, low administrative capacity might result in overload and a reactive attitude toward impulses and needs in the Land. We expect these Länder to rather stick with the policy mainstream in a federation. Our hypothesis is:

- H4: The larger the Land's administrative capacity, the larger its deviation from the policy mainstream.

Financial resources: Budget balance

While economic prosperity (H3) stands for the tax revenues a Land levies and could fully keep if it was not a constituent unit in a federation and subject to fiscal equalisation, budgetary resources represent the funds actually available to the Land policy-maker. They take into account (1) equalisation payments from/to other Länder and from the federal government and (2) Land expenditures mandated by federal law (social assistance, residence allowance, educational grants, etc.) (Renzsch 2008). The scope of Land budgeting is further limited as expenditures are dominated by personnel expenditures which cannot be substantially changed in the medium-term. Since these factors considerably tie the hands of Land policy-makers, the budget balance (rather than revenues) best represents the de facto budgetary resources. Länder with a positive budget balance can select more policies than other Länder. Only Länder that possess the required investment funds can deviate from the Land policy mainstream to reach a higher (and more costly) level (cf. Jeffery 1999: 333). With regard to the Federalism Reform of 2006, Sturm (2008: 37) notes that Länder with budgetary problems will find it more difficult to use their new scope than rich Länder. We hypothesise:

- H5: The more positive the Land's budget balance, the larger its deviation from the policy mainstream

Socioeconomic differences

The theory of socioeconomic determinism (functionalism) assumes that politicians react quasi-deterministically to certain functional problems and needs (Wilensky 1974), which are due to structural changes in economy, society, and technology (Obinger 2015: 50-1). In contrast to the original theory, there are less pronounced differences in development within federations, but rather gradual differences in socioeconomic conditions, which are nevertheless impactful in specific policies (Barclay and Fisher 2003; Tandberg 2010). By comparing with other Länder, politicians have a wide range of socioeconomic conditions and associated policy options in mind and, against this background, select the option that fits their Land's conditions (Reus 2016: 213). If the socioeconomic conditions are similar to those of other Länder, a Land follows the policy mainstream. If it faces unique problems, however, its policy reaction deviates from the mainstream. After the unification in 1990, the socioeconomic heterogeneity of the Länder increased substantially, enhancing the potential for different Länder policies (Blumenthal 2010: 182). Thus, we assume:

- H6: The more the Land's socioeconomic conditions differ from the mean socioeconomic conditions of all Länder, the larger its deviation from the policy mainstream.

Government parties' positions

Partisan theory expects policy differences when different parties form the government. According to the policy-seeking motivation, the members of a party share fundamental political values and aims. Party members and party manifestos reciprocally influence each other, in that individuals join parties based on their policy orientation and subsequently co-determine the manifestos (Wenzelburger 2015: 87). Members draw on

the basic values of the party as an information shortcut when deciding on policies (ibid.). Thus, party differences arise because the members and elites of different parties adhere to different ideologies. According to the vote-seeking motivation, certain parties are associated with certain population groups whose interests they advance in policy-making when in government (Hibbs 1977). In return, they secure the votes of their electoral groups. Thus, party differences exist because parties are linked to different population groups. These linkages have weakened over the last decades, yet remain relevant (Häusermann et al. 2013: 226–9). The resulting policy positions of parties can be located on scales representing major political conflicts (Budge et al. 2001). Partisan effects in Land policy-making were first shown by Schmidt (1980). Recent research confirms that parties are a mayor explanatory factor at the Land level (cf. Hildebrandt and Wolf 2008, 2016; Turner 2011). Our hypothesis is:

- H7: The more the Land's government parties' position differs from the mean government parties' position of all Länder, the larger its deviation from the policy mainstream.

7.4 Operationalisation and Method

In this section, we explain the operationalisation of the dependent and independent variables and then discuss the method.

7.4.1 The Dependent Variable: Deviation from the Land Policy Mainstream

The dependent variable refers to the policy decisions of the Länder, i.e. the laws passed by Land parliaments in all sixteen Länder. More concretely, we measure to which extent a Land deviates from the Land policy mainstream. As our sample, we use the law making from 2006 to 2013 in fifteen new legislative competences the Länder received owing to the Federalism Reform of 2006 (see online appendix E):

- **Economic policy**: civil servants' law (salary, pension, career law), higher education (general principles), care and retirement homes, shop closing time, amusement arcades, gastronomy, housing, real estate transfer tax.
- **Societal policy**: right of assembly, enforcement of sentences (adults, adolescents, imprisonment on remand), protection of non-smokers.

These fifteen policies are not large policy areas such as social welfare policy but smaller policies which the Basic Law delineates as Land competences. We split law enforcement and civil service into several indices as the lawmakers did. The fifteen policies are largely representative for Land policies in general with regard to both the content and important characteristics (salience, financial impact) (see online appendix F). Moreover, they have the advantage that the Länder started from the same legal status (in 2006, when our investigation period), namely the federal law. Hence, our predictors have only affected policies from the beginning of our investigation period onwards (no policy legacy).

Step one: Developing policy indices

To facilitate the quantitative analysis of the laws we have developed an index for each of the fifteen policies mentioned above (for details, see online appendix G). The indices are exclusively developed from the empirical data, i.e. the variance among the laws and not theoretically conceivable variance. For each indicator, we assign as many values as we find different regulations in the laws. Hence, we only include aspects in the index for which we find variance among the Land laws or between the previous federal law and any Land's law. To identify (sub)dimensions, indicators, and their values, we draw on the new Land laws and the previous federal laws as well as secondary literature. To validate the selection and configuration of the dimensions we consulted policy area experts.

The construction of the indices follows the principles of additive indices (cp. Munck and Verkuilen 2002). Each index includes all important aspects of the policy (following Plutzer et al. 2019: 720 who recommend not selecting only the most important aspects).

The number of dimensions depends on the breath and complexity of the competence. Dimensions are differentiated into subdimensions, if necessary. For each (sub)dimension we define an indicator (altogether 184 indicators). Table 2 presents the index construction in abstract form (see also Reus 2014, an overview of the policies analysed here is provided by Reus and Vogel 2018).

Table 2: Index structure, using the example of economic policy

DIMENSION	SUBDIMENSION	INDICATOR
1. [Dimension]	1.1 [Subdimension]	0 = [most liberal value] 1 = [less liberal value] (…) n = [most state-interventionist value]
	1.2 [Subdimension]	(…)
	(...)	(…)
	1.n [Subdimension]	(…)
2. [Dimension]	2.1 [Subdimension]	(…)
	2.2 [Subdimension]	(…)
	(...)	(…)
	2.n [Subdimension]	(…)
(...)	(...)	(…)

We construct each index so that the Land laws can be sorted on a scale with gradations. For this reason, each (sub)dimension and indicator is created according to this scale as well. Thus, for the example of economic policy, the most liberal/meritocratic value on the respective scale is assigned zero (thus the minimum of the total score equals zero), while the most state-interventionist/egalitarian value is assigned the highest value. The scores assigned to a law in the individual (sub)dimensions are added up to a total score. We remove unintended weights that result from the varying number of indicators and (sub)dimensions by standardisation.

Overall, we coded more than 4,600 regulations of law. We validated our coding by discussing cases of doubt between the authors and spot-checking each other's coding.

As a result of this first step, we have a total score for each Land year which we use in a second step to calculate the dependent variable, i.e. determine how much a Land's law deviates from the policy mainstream.

Step two: Calculating the deviation from the Länder policy mainstream

We find that the policy mainstream is a cluster of similar policies on the respective scales (with regard to the total scores). We measure this mainstream as the arithmetic mean of the index total scores of all Land laws[51] that are in effect because the mean as a measure of concentration represents the 'centre of gravity' of the distribution.[52] This operationalisation has the benefit of taking into account the full empirical variance of deviation metrically (in per cent) instead of treating deviation as a dichotomous concept (deviation vs. no deviation). The difference between the index total score of a Land and the arithmetic mean of all Länder is the value of the dependent variable for the Land in a given year (cf. Figure 2). If a Land has not yet passed a law, the total score of the federal law still in place is taken.

Thereby we have calculated the deviation of all Länder in fifteen policies in each year. We aggregate the deviation of a Land in each of the fifteen policies to a total degree of deviation of a Land in a given year. To ensure that policies have the same weight in the aggregated variable, we transform the absolute values of deviation in each policy into percentage points from zero (lowest occurring deviation in the policy) to hundred

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[51] Calculating the mainstream based on the other fifteen Länder (instead of all sixteen Länder) would lead to the same value of deviation because the deviation of a Land from itself always equals zero.

[52] Empirically, our data shows that many Land laws are close to the mean and thus indeed form a policy mainstream. In 90% of all cases (i.e. policy years) half of the Länder are less than 22.1 percentage points away from the mean on a 0-100 scale. In 75% of all cases, half of the Länder are even within 17.8 percentage points of the mean.

(highest occurring deviation). Then we sum up the deviation for each Land in a given year.

Finally, we observe in our data that the average aggregated degree of deviation per year increases significantly between 2006 and 2013, as law making cumulates over time. To avoid bias in the data analysis, we standardise the aggregated degree of deviation according to years.

7.4.2 The Independent Variables: Predictors of Land Law making

Table 3 presents an overview of the *operationalisation of the independent variables* and control variable (for the descriptive statistics, see online appendix H), followed by further explanations for variables whose measurement is not already well established. A full elaboration of all measurements can be found in online appendix J.

Table 3: Operationalisation of the independent and control variables

Variable	Indicator	Source
Size	Area size in thousand sq. km	Federal and Länder Statistical Offices (2014)
Statehood tradition	Dummy for historical tradition of statehood (0=no; 1=yes)	Own data
Economic power	GDP per capita at market prices in thousand €	Federal Statistical Office (2015)
Administrative capacity	Full-time equivalent of personnel of Land ministries in thousands	Länder Statistical Offices (2014)
Budget balance	Balance of Land's core and extra budget, divided by GDP at market prices, one-year lag	Federal Statistical Office (2007—2014, 2015)
Socioeconomic conditions	Mean 'deviation of a Land's socioeconomic condition from mean socioeconomic conditions of all Länder' across all policies in per cent	See online appendix J.6

Variable	Indicator	Source
Governmental parties' position	Absolute value of difference between a Land's governmental position and the mean governmental position of all Länder (on economic policies; positions of coalition governments are calculated (1) unweighted and (2) by seat shares)	Franzmann and Kaiser (2006)
Control variable		
East Germany	Dummy for East German Länder	Own data

We measure the *historical tradition of statehood* as a dummy variable. The value '1' is assigned to Länder which have a long tradition as a state under their current name and approximately today's demarcation (for coding, see online appendix J.2). This applies to the free states Bavaria, Saxony and Thuringia as well as to the Free and Hanseatic Cities of Bremen and Hamburg. The other eleven Länder do not possess such a tradition of statehood, for example because they originate from former Prussian provinces or have been put together out of previously separate German states.

We measure the *budgetary resources* as the balance of a Land's core and extra budget, divided by GDP at market prices. We use a one-year lag to avoid bias owing to endogeneity and reverse causation as law making may influence the budget balance in the same year.

The independent variables are uniform across policies, except for *socioeconomic conditions* which are policy-specific and hence have to be aggregated to be at the same level of aggregation as the dependent variable. We first define an indicator for each policy that describes societal needs and problems (see online appendix J.6). The values of each policy-specific socioeconomic condition we selected can be sorted on a scale with gradations. The policy field-specific socioeconomic conditions for economic policies are assigned to the state-interventionist/egalitarian pole if they suggest protecting resource-poor participants in the market and solving functional problems (or to the economically liberal/meritocratic pole if they do not). For societal policies, the policy field-specific socioeconomic conditions are assigned to the

libertarian/progressive pole if they suggest protecting individual rights and promoting diversity and emancipation (or to the authoritarian/conservative pole if they do not). As a next step, the deviation between the socioeconomic conditions of the Land in question and all other Länder in each policy is determined. Then we aggregate the socioeconomic deviation of this Land across all policies. This aggregation can be performed for the same two reasons stated for the dependent variable in the previous chapter.

7.4.3 Method

Our unit of analysis is a Land year. We gathered data of all 16 Länder over eight years (2006-2013), which represents a time-series cross-sectional data structure. To reflect this data structure, we estimate time-series cross-sectional models, largely following the approach by Beck and Katz (1995). That means we use panel corrected standard errors to account for panel heteroscedasticity which was detected by the modified Wald test (Greene test). We also add a lagged dependent variable to the models because the dependent variable is serially correlated, as shown by the Wooldridge test for autocorrelation in panel data. However, we do not include Land dummies because we are theoretically interested in explaining variance between units, in addition to variance within units. The residuals are stationary as evidenced by an autoregression of the residuals on the lagged residuals and a unit-roots test (Levin-Lin-Chu test). Furthermore, the residuals are normally distributed according to the Shapiro-Wilk normality test and a graphical inspection (kernel density estimation, P-P and Q-Q plots). The models do not suffer from multicollinearity as the variance inflation factor (VIF) for the whole models does not exceed 1.9 and for individual variables remains below 2.9, thus below conventional thresholds of 4-10 (O'Brien 2007); bivariate correlations also do not exceed the conventional threshold of 0.6 (see online appendix K). We also estimate random effects models as a robustness check, as explained in the robustness section later on.

7.5 Results

Figure 3 shows that our dependent variable, the overall degree of deviation, varies markedly among the Länder. Bavaria deviates very strongly from the policy mainstream (98 per cent on average) – in very many policies and years more than all other Länder. This reflects the special role of Bavaria in the federation (Jeffery 1999: 336-7), as identified in the literature review. Lower Saxony and Saxony but also Berlin and Brandenburg – the latter two are not known as deviating Länder – frequently 'do their own legislative thing' (average degree of deviation between 66 and 77 per cent). The counterpart to Bavaria is surprisingly Hesse, which has been promoting more legislative rights for the Länder (Scharpf 2009), yet has an average deviation of merely 2 per cent in our analysis. The 'usual suspects' Bremen, Mecklenburg-Western Pomerania and Saarland, which commonly advocate uniformity (ibid.), hardly deviate from the policy mainstream (16 to 18 per cent). After this short descriptive cross-sectional analysis, we now explain variance both across Länder and over time.

Figure 3: Mean degree of deviation across policies in per cent (min=0, max=100) by Länder
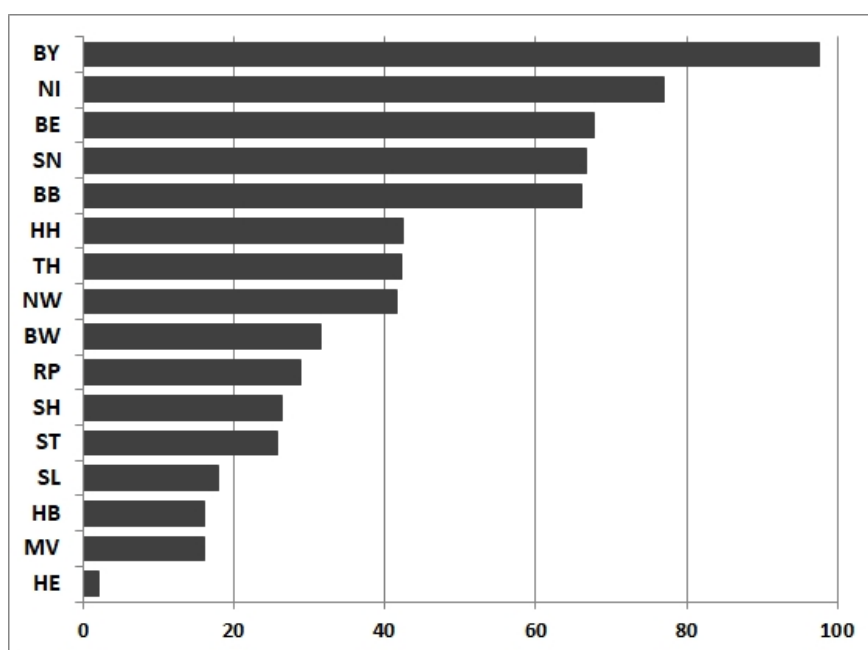
Note: Calculated for 2007-2013 (2006 is omitted because it is used for lagged dependent variable)

Table 4: Time-series cross-sectional analysis[53]

	Model 1	Model 2	Model 3	Model 4	Model 5
Lag policy deviation	0.446***	0.365**	0.403**	0.389**	0.428***
	(0.131)	(0.127)	(0.124)	(0.131)	(0.126)
Size	2.845**	3.180**	3.409**	3.221**	3.475**
	(1.027)	(1.114)	(1.182)	(1.064)	(1.120)
Statehood tradition	14.04**	15.84***	12.54***	15.06**	12.30***
	(4.600)	(4.645)	(2.577)	(4.785)	(2.637)
Economic power	-0.0469	-0.0812		-0.0672	
	(0.0783)	(0.0993)		(0.0984)	
Administrative capacity	9.659*	8.546*	7.347*	8.988*	7.441*
	(3.779)	(3.432)	(3.331)	(3.608)	(3.433)
Budget balance	64.36+	66.73*	74.87*	67.62*	76.02*
	(36.14)	(32.44)	(32.85)	(33.72)	(34.17)
Socioeconomic conditions	0.0173	0.0216	0.0186	0.0202	0.0179
	(0.0196)	(0.0188)	(0.0194)	(0.0191)	(0.0195)
Gov. parties' pos. (unweighted)		6.280**	5.777**		
		(1.947)	(2.090)		
East Germany			-0.145		-1.875
			(3.624)		(3.291)
Gov. parties' pos. (seat share)				5.160*	4.444*
				(2.147)	(2.239)
Constant	-19.72	-23.46*	-20.89+	-23.40*	-19.32
	(12.13)	(11.56)	(11.98)	(11.68)	(12.19)
N	112	112	112	112	112
R²	0.798	0.828	0.827	0.817	0.819
Wald chi²	429	826.7	1189	626.2	946.5

Panel corrected standard errors in parentheses
*** $p<0.001$, ** $p<0.01$, * $p<0.05$, + $p<0.1$

Table 4 presents the results of the time-series cross-sectional analysis for six models. Model 1 tests the main independent variables of size, statehood tradition, administrative capacity, budget balance and economic power against each other, in addition to socioeconomic conditions. These variables do not correlate highly with each other (<0.6) and thus can be included in the same model. Models 2 through 5 introduce government parties' position and the control variable East Germany (which correlates highly with economic power and is thus tested separately). First, the position of coalition

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[53] The very high R² values are typical for time-series cross-sectional analysis and should be interpreted carefully (Wooldridge 2013).

governments is based on equal influence of government parties (models 2-3), then on their seat shares (models 4-5).

Across all models, we find a significant effect of *size*, which confirms hypothesis 1. Hence, larger Länder deviate more from the Länder policy mainstream than smaller Länder. Among the four largest Länder, Bavaria and Lower Saxony deviate overproportionally, while Baden-Wuerttemberg and North Rhine-Westphalia display an average degree of deviation (Figure 4). Among the smallest Länder, Bremen and Saarland remain mostly in the mainstream, whereas Berlin has passed laws that deviate considerably and Hamburg reaches a medium degree of deviation. The magnitude of the effect is considerable: an increase by merely 10.000 sq. km in size elevates the degree of deviation *ceteris paribus* by 3.4 percentage points (on a scale from zero to hundred) (Figure 5).

Figure 5: Marginal effect of size on deviation from the Länder policy mainstream
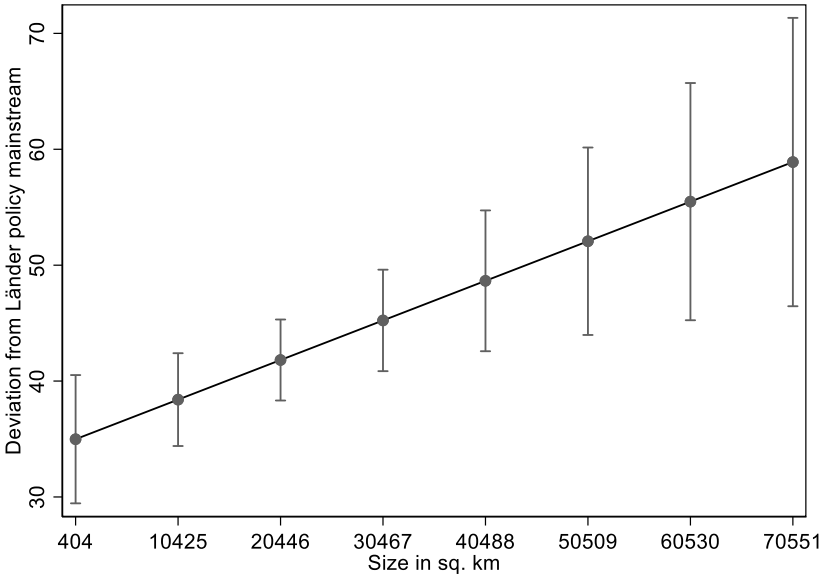
Note: Coefficients calculated based on model 3, Table 4. Error bars indicate 95 per cent confidence intervals around coefficient estimates.

Furthermore, we find that Länder with *historical tradition of statehood* systematically deviate more from the Land policy mainstream than Länder lacking this tradition, i.e.

Länder that were founded in their current form only after the Second World War. Hypothesis 2 is thus confirmed. The magnitude of the effect is also substantial: Länder with historical tradition of statehood deviate twelve to sixteen percentage points more than the other Länder.

The results thus confirm our theoretical argument that large Länder and Länder with historical tradition of statehood have developed a distinct self-conception as a state in the federation of following their own legislative path. We distinguish two theoretical mechanisms through which the self-conception is shaped. With regard to 'size', we argue that large Länder resemble nation states which naturally decide on policies independently. 'Historical tradition of statehood' indicates that a Land acted independently as a state over a long period. The theoretical distinction between the concepts of size and historical tradition of statehood is confirmed empirically as both variables are hardly correlated (-0.04). Bavaria is the only Land that has both a historical tradition of statehood and large size, combining two values that increase the deviation from the mainstream, according to our theory. Our data shows that Bavaria has indeed the largest deviation from the Land policy mainstream. This perspective may help to better understand Bavaria's special role in the German federation and its strong push for autonomy.

The *economic success* of a Land does not have a systematic influence on its deviation from the policy mainstream. Hence, hypothesis 3 is rejected.

The analysis reveals a significant association between a Land's *resources* and its deviation from the policy mainstream across all models, confirming hypotheses 4 and 5. We find that the higher a Land's administrative capacity, the higher its deviation, as theoretically expected. Moreover, *budgetary resources* are a relevant predictor. The more positive the Land's budget balance, the more it deviates from the Land policy mainstream. Interestingly, this effect exists although eight out of fifteen analysed policies have only minor financial implications.

How much *socioeconomic conditions* in a Land differ from the Länder average does not influence a Land's deviation from the Land policy mainstream. While the direction

of the coefficient shows the predicted sign, it does not reach common significance levels, leading us to reject hypothesis 6. This finding has to be treated very cautiously, however, because possible effects in individual policies may have been lost in the aggregation.

The data analysis confirms hypothesis 7 about the impact of the *partisan composition of government*. In line with our theoretical expectation, we find that the more a Land government's position differs from the position of all other Land governments, the more the Land deviates from the Länder policy mainstream. A closer analysis of individual government formats shows that this effect can be attributed mostly to Grand Coalitions (CDU/SPD governments), whose position is close to the mean position of all Land governments. While Grand Coalitions deviate significantly less from the Land policy mainstream, the individual left and right government formats do not make a difference with regard to the deviation from the Land policy mainstream.

The control variable, an East Germany dummy, is not associated with the degree of deviation.

Robustness checks

We run two robustness checks to validate the results. First, we successively remove each Land and the three city states together (as they have the smallest size) – and then subsequently each policy – from the analysis to control whether individual Länder or policies drive the results. For these tests, the effects of *size* and *historical tradition of statehood* remain robust. The effects of *administrative capacity* and *government parties' position* are – unlike *budget balance* – robust to the removal of policies. Yet, these three effects are sensitive to the removal of at least one of the Länder.

Second, we estimate random effects models with clustered standard errors and a lagged dependent variable (see online appendix L). We choose random effects over fixed effects modelling because of our substantial interest in variance between units (Bell and Jones 2015). Moreover, the Hausman test shows no significant differences

between the regressors of random and fixed effect models. We confirm the significance of the results with the exception of government parties' position and budget balance.

Overall, the robustness tests show that our findings on the impact of *size* and *historical tradition of statehood* on the deviation from the Land mainstream are highly robust, the effect of *administrative capacity* is robust in most alternative specifications. The impact of *government parties' position* can only be confirmed in some of the robustness tests, whereas *budget balance* did not pass the robustness checks. Table 5 summarises the results of the hypotheses tests in light of the robustness checks.

Table 5: Overview over results of hypotheses tests

Hypothesis / Variable		**Result**	
H1	Size	[strongly confirmed]	The larger a Land's size, the larger its deviation from the policy mainstream.
H2	Statehood tradition	[strongly confirmed]	Länder with historical tradition of statehood deviate more from the policy mainstream.
H3	Economic power	[rejected]	The Land's economic power does not influence its deviation from the policy mainstream.
H4	Administrative capacity	[mostly confirmed]	The larger a Land's administrative capacity, the larger its deviation from the policy mainstream.
H5	Budgetary balance	[partly confirmed]	The more positive the Land's budget balance, the larger its deviation from the policy mainstream (according to some models).
H6	Socioeconomic conditions	[rejected]	Differences in socioeconomic conditions do not have an effect on a Land's deviation from the policy mainstream.
H7	Government parties' position	[partly confirmed]	The more a Land's government parties' position differs from those of other Länder, the larger its deviation from the policy mainstream (according to some models).

7.6 Conclusion

In this article, we analysed why some constituent units 'do their own thing' when passing laws rather than following the mainstream of the other constituent units with regard to law content. The analysis of a large body of Land legislation (encompassing more than 4,600 regulations of law) shows that large Länder and Länder with historical tradition of statehood deviate significantly more than other Länder. Theoretically, we argue that these Länder have developed a marked self-conception of following their own legislative path, willing to resist the uniformity pressure in the German 'unitary federal state'. Additionally, we show that deviation depends on Land resources: the higher the administrative capacity, the more a Land deviates from the policy mainstream. This confirms our theoretical expectation that a larger staff enables ministries to more frequently develop Land-specific and innovative policies beyond the mainstream. Our article thereby shows the policy implications of factors often mentioned in federalism research but hardly tested as predictors of regional policy-making.

These findings contribute to our understanding of drivers of policy deviation by subnational units. Size and administrative capacity are the most relevant resources and capacities in the German case, whereas in other federations fiscal resources have been shown to influence regional policy. The historical tradition of statehood is the German embodiment of historical and cultural factors that lead to policy deviation. This has further implications: When a constituent unit whose inhabitants share strong historic and cultural ties with each other adopts policies that frequently differ from the mainstream, this can give reason to providing more competences to such a constituent unit that is apparently not content with the nationwide policy solution.

The anecdotal evidence in the literature that large and strong Länder deviate more from the policy mainstream has to be updated in that fiscal strength does not matter that often.[54] This can help explain the puzzle of the Land Hesse. The affluent but only mid-

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[54] This is not to deny that fiscal power is a driver of policy deviation in certain policy parts with high financial impact which are also prominently reported by the media.

sized Land Hesse has vehemently requested additional legislative Land rights prior to the Federalism Reform of 2006 to not have to follow the 'one size fits all' national policy anymore (Scharpf 2009), however it then hardly deviated from the policy mainstream. Conversely, the large but fiscally weak Land Brandenburg deviated rather strongly. This challenges the understanding in German federalism research which Länder are most 'federalism-friendly'. Out of three Länder typically considered "federalism-friendly", only Bavaria frequently adopted deviating policies, whereas Baden-Wuerttemberg and Hesse did not.

Our data analysis shows that factors from federalism research that have been stable over a long period (size and historical tradition of statehood) explain the deviation from the policy mainstream best. Dynamic factors from general public policy analysis (socioeconomic conditions, government composition and fiscal power), which have been the focal point of policy analysis in federations, were less influential in our investigation. Since the investigation period of our analysis is limited, future research will show whether our findings apply to Land law making over longer periods.

Moreover, similar systematic studies of deviation from the policy mainstream in other federations are desirable to facilitate an international comparison. They can use the conceptualisation and measurement proposed here and add predictors fitting to the respective federation. Researchers of policy convergence and divergence are encouraged to assess for their object of study (i) whether a policy mainstream has formed/dissolved and how deviating units relate to it and (ii) which constituent units in what order are responsible for these changes, to better understand the dynamics behind convergence and divergence processes.

References

Andronescu, Cristina G., and Matthew E. Carnes. 2015. Value coalitions and policy change: the impact of gendered patterns of work, religion and partisanship on childcare policy across German states. Journal of European Social Policy 25:2, 159–174.

Barclay, Scott, and Shauna Fisher. 2003. The states and the differing impetus for divergent paths on same-sex marriage, 1990–2001." Policy Studies Journal 31(3): 331-352.

Beck, Nathaniel, and Jonathan N Katz. 1995. What to Do (and not to Do) with Time-Series Cross-Section Data. American Political Science Review, 89: 3, 634‒647.

Béland, Daniel, and André Lecours. 2005. The politics of territorial solidarity. Comparative Political Studies, 38: 6, 676-703.

Bell, Andrew, and Kelvyn Jones. 2015. Explaining fixed effects: Random effects modeling of time-series cross-sectional and panel data. Political Science Research and Methods 3:1: 133‒153.

Blancke, Susanne. 2004. Politikinnovationen im Schatten des Bundes, Wiesbaden: VS.

Blumenthal, Julia von. 2010. Im Zweifel für die Einheit(lichkeit), in: id. and Stephan Bröchler (eds.), Föderalismusreform in Deutschland, Wiesbaden: VS, 177‒196.

Böcher, Michael, and Annette Elisabeth Töller. 2016. Umwelt- und Naturschutzpolitik der Bundesländer, in: Frieder Wolf and Achim Hildebrandt (eds.), Die Politik der Bundesländer. Zwischen Föderalismusreform und Schuldenbremse, Wiesbaden: VS Springer, 259–281.

Budge, Ian, Hans-Dieter Klingemann, Andrea Volkens, Judith Bara, and Eric Tanenbaum. 2001. Mapping Policy Preferences. Oxford: Oxford University Press.

Burgess, Michael. 2006. Comparative Federalism. London: Routledge.

Busemeyer, Marius, and Lina Seitzl. 2018. The partisan politics of early childhood education in the German Länder. Journal of Public Policy 38:2, 243–274.

Callaghan, Timothy, and Lawrence R. Jacobs. 2014. Process learning and the implementation of Medicaid reform. Publius: The Journal of Federalism 44(4): 541-563.

Celis, Karen and Petra Meier. 2011. Convergence and Divergence: the Federalization of Belgian Equality Policies. Regional and Federal Studies, 21:1, 55-71.

Dbb. 2011. Sachstand, Laufbahnsystem und Regelaltersgrenzen in Bund und Ländern.

Dehoga Bundesverband. 2010. Nichtraucherschutzgesetze in den Bundesländern – Synopse zu den Landesgesetzen.

Dose, Nicolai, and Iris Reus. 2016. The effect of reformed legislative competences on Länder policy-making: determinants of fragmentation and uniformity. Regional & Federal Studies 26:5, 625–644.

Federal and Länder Statistical Offices. 2014. Regionaldatenbank Deutschland.

Federal Statistical Office. 2007‒2014. Vierteljährliche Kassenergebnisse des öffentlichen Gesamthaushalts 2006‒2013. Fachserie 14, Reihe 2, Wiesbaden.

Federal Statistical Office. 2015. Genesis Online Database.

Franzmann, Simon, and André Kaiser. 2006. Locating Political Parties in Policy Space. A Reanalysis of Party Manifesto Data. Party Politics 12: 163‒188.

Freitag, Markus, and Adrian Vatter (eds.). 2010. Vergleichende subnationale Analysen für Deutschland, Münster: LIT.

Funk, Albert. 2010. Föderalismus in Deutschland, Bonn: Bundeszentrale für politische Bildung.

Gallego, Raquel, Ricard Gomà, and Joan Subirats. 2005. Spain, from state welfare to regional welfare. In: The territorial politics of welfare, edited by Nicola McEwen and Luis Moreno, London: Routledge, 103-126.

Gilardi, Fabrizio, and Katharina Füglister. 2008. Empirical Modeling of Policy Diffusion in Federal States. Swiss Political Science Review 14(3): 413–50-

Gottschalk, Marie. 2010. 'Cell blocks & red ink: mass incaceration, the great recession & penal reform.' Daedalus 139 (3): 62–73.

Greer, Scott L. 2006. Territory, Democracy and Justice. Houndmills: Palgrave Macmillan.

Grotz, Floran, Alexander Götz, Marcel Lewandowsky, and Henrike Wehrkamp. 2017. Verwaltungsstrukturreformen in den deutschen Ländern. Wiesbaden: Springer VS.

Guibernau, Montserrat. 2012: From Devolution to Secession: The Case of Catalonia. In: Multinational Federalism, edited by Michel Seymour and Alain-G. Gagnon, Houndmills: Palgrave Macmillan, 149-171.

Häusermann, Silja, Georg Picot, and Dominik Geering. 2013. Rethinking Party Politics and the Welfare State. Recent Advances in the Literature. British Journal of Political Science 43 (1): 221–40.

Hibbs, Douglas A. 1977. Political Parties and Macroeconomic Policy. American Political Science Review, 71, 1467–1487.

Hildebrandt, Achim, and Frieder Wolf (eds.). 2008. Die Politik der Bundesländer, Wiesbaden: VS.

Hildebrandt, Achim, and Frieder Wolf (eds.). 2016. Die Politik der Bundesländer, 2nd ed., Wiesbaden: VS.

Hildebrandt, Achim, and Eva-Maria Trüdinger. 2021. History is not Bunk. Tradition, political economy and regional identity in the German Länder. German Politics 30(2): 249-266.

Howlett, Michael. 2009. Policy analytical capacity and evidence-based policy-making: Lessons from Canada. Canadian Public Administration 52(2): 153-175.

Jeffery, Charlie. 1999. From Cooperative Federalism to a 'Sinatra Doctrine' of the Länder? In: id. (ed.), Recasting German Federalism, London: Pinter, 329–342.

Jeffery, Charlie. 2005. Federalism: the new territorialism, in: Simon Green and William E. Paterson (eds.), Governance in contemporary Germany: The semisovereign state revisited, Cambridge: Cambridge University Press, 78–93.

Jeffery, Charlie, Niccole M. Pamphilis, Carolyn Rowe, and Ed Turner. 2014. Regional policy variation in Germany: The diversity of living conditions in a 'unitary federal state'. Journal of European Public Policy 21:9, 1350–1366.

Keating, Michael. 2012. Reforging the Nation: Britain, Scotland and the Crisis of Unionism. In: Multinational Federalism, edited by Michel Seymour and Alain-G. Gagnon, Houndmills: Palgrave Macmillan, 107-128.

Kropp, Sabine. 2010. Kooperativer Föderalismus und Politikverflechtung, Wiesbaden: VS.

Länder Statistical Offices. 2014. Full-time Equivalents of Personnel of Regional Ministries without Subordinate Authorities. Special Analysis on Request of the Authors.

Lanzendorf, Ute, and Peer Pasternack. 2016. Landeshochschulpolitiken nach der Föderalismusreform, in: Achim Hildebrandt and Frieder Wolf (eds.), Die Politik der Bundesländer. Zwischen Föderalismusreform und Schuldenbremse, 2nd ed., Wiesbaden: Springer VS, 35–59.

Leber, Fabian. 2014. Landesgesetzgebung im neuen Bundesstaat, Baden-Baden: Nomos.

McEwen, Nicola. 2005. The territorial politics of social policy development in multi-level states. Regional & Federal Studies, 15:4, 537-554.

Münch, Ursula. 2017. Föderale Aspekte bundesdeutscher Flüchtlingspolitik, in: Europäisches Zentrum für Föderalismus-Forschung (ed.), Jahrbuch des Föderalismus 2017, Baden-Baden: Nomos, 252–264.

Munck, Gerardo L., and Jay Verkuilen. 2002. Conceptualizing and Measuring Democracy: Evaluating Alternative Indices. Comparative Political Studies, 35: 5, 5─34.

Obinger, Herbert. 2015. Funktionalismus. In Handbuch Policy-Forschung, edited by Georg Wenzelburger and Reimut Zohlnhöfer, 35–54. Wiesbaden: Springer VS.

O'Brien, Robert M., 2007. A Caution Regarding Rules of Thumb for Variance Inflation Factors. Quality & Quantity, 41, 673─690.

Pickup, Mark. 2006 'Globalization, Politics and Provincial Government Spending in Canada.' Canadian Journal of Political Science 39 (4): 883–917.

Plutzer, Eric, Michael Berkman, James Honaker, Christopher Ojeda, and Anne Whitesell. 2019. Measuring Complex State Policies. Policy Studies Journal 47 (3): 712─734.

Reintjes, Matthias. 2018. Dienstrechtsreformen der deutschen Länder. Eine vergleichende Politikfeldanalyse. Wiesbaden: VS.

Renzsch, Wolfgang. 2008. Ausgabenrestriktionen der Länder in Deutschland. Das Beispiel Freie Hansestadt Bremen.

Reus, Iris. 2014. Neue Eigenständigkeit oder Unitarismus wie bisher? Landespolitik nach der Föderalismusreform I am Beispiel der Nichtraucherschutzgesetzgebung. der moderne staat 7(1): 157-172.

Reus, Iris. 2016. On a Successful Road to 'More Federalism' in Länder Politics? The Case of Smoking Bans after Germany's Federalism Reform. German Politics, 25: 2, 210─225.

Reus, Iris, and Reimut Zohlnhöfer. 2015. Die christlich-liberale Koalition als Nutznießer der Föderalismusreform? In: Zohlnhöfer, Reimut and Thomas Saalfeld (eds.), Politik im Schatten der Krise, Wiesbaden: VS, 245─272.

Reus, Iris, and Stephan Vogel. 2018. Policy-Vielfalt zwischen den Bundesländern nach der Föderalismusreform I: Art, Ausmaß und Akteure. Zeitschrift für Vergleichende Politikwissenschaft 12(4), 621–642.

Reus, Iris, and Stephan Vogel. 2021. Taking Stock after 40 Years of Comparative Land Policy Analysis (1980─2020). A Review of the Predictors of Regional Policy Output in Germany. German Politics, online first.

Rössel, Jörg, and Sebastian Weingartner. 2015. 'Nothing but the cuckoo clock? Determinants of public funding of culture in Switzerland, 1977–2010.' Poetics 49: 43–59.

Sack, Detlef, and Annette Elisabeth Töller. 2018. Einleitung. Zeitschrift für Vergleichende Politikwissenschaft 12 (4): 603–619.

Scharpf, Fritz W. 2009. Föderalismusreform. Kein Ausweg aus der Politikverflechtungsfalle? Frankfurt: Campus.

Schmid, Josef, Ute Hörmann, Dirk Maier, and Christian Steffen. 2004. Wer macht was in der Arbeitsmarktpolitik? Maßnahmen und Mitteleinsatz in den westdeutschen Bundesländern, Münster: LIT.

Schmidt, Manfred G. 1980. CDU und SPD an der Regierung, Frankfurt: Campus.

Sturm, Roland. 2005. Economic reform at the Länder level: New life for regional interventionism. German Politics 14:2, 208–223.

Sturm, Roland. 2008. Von der Symmetrie zur Asymmetrie, in: EZFF (ed.), Jahrbuch des deutschen Föderalismus 2007, Baden-Baden: Nomos, 27–41.

Subirats, Joan. 2005. Social exclusion and devolution among Spanish autonomous communities. Regional & Federal Studies, 15:4, 471-483.

Swenden, Wilfried. 2006. Federalism and Regionalism in Western Europe. Houndmills: Palgrave Macmillan.

Tandberg, David. 2010. Politics, Interest Groups and State Funding of Public Higher Education. Research in Higher Education 51 (5): 416–450.

Turner, Ed. 2011. Political Parties and Public Policy in the German Länder, Basingstoke: Palgrave Macmillan.

Turner, Ed, and Carolyn Rowe. 2015. A race to the top, middle or bottom? The consequences of decentralisation in Germany. Manchester: Institute for Policy Research North.

Verhoest, Koen, and Geert Bouckaert. 2005. Machinery of government and policy capacity: The effects of specialization and coordination. In: Challenges to state policy capacity, edited by Martin Painter and Jon Pierre, 92-111, London: Palgrave Macmillan.

Wenzelburger, Georg. 2015. Parteien. In Handbuch Policy-Forschung, edited by id. and Reimut Zohlnhöfer, 81–112. Wiesbaden: Springer.

Wilensky, Harold L. 2002. Rich Democracies. Berkeley: University of California Press.

Wolf, Frieder, and Dominic Heinz. 2016. Schulpolitik: neue Koordination und neue Unterschiede, in: Achim Hildebrandt and Frieder Wolf (eds.), Die Politik der Bundesländer. Zwischen Föderalismusreform und Schuldenbremse, 2nd ed., Wiesbaden: Springer VS, 11–34.

Wooldridge, Jeffrey M. 2013. Introductory Econometrics: A Modern Approach. Mason: South-Western Cengage Learning.

Xhardez, Catherine. 2020. From different paths to a similar road? Understanding the convergence of subnational immigrant integration policies in Belgium. Regional Studies, 54:11, 1508-1518.

Yu, Jinhai, Jennings, Edward T. Jr, and J. S. Butler. 2020. Lobbying, learning and policy reinvention. Journal of Public Policy, 40, 259–279.