

UC Berkeley

Working Papers

Title

Federalism and public policy : a comparative view

Permalink

<https://escholarship.org/uc/item/00s4m9hv>

Author

Baldi, Brunetta

Publication Date

1997

A1458
no. 97-2

Federalism and Public Policy: A Comparative View

Brunetta Baldi
University of Bologna

Working Paper 97-2

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

DEC -9 1997

UNIVERSITY OF CALIFORNIA



UNIVERSITY OF CALIFORNIA AT BERKELEY

Federalism and Public Policy: A Comparative View

**Brunetta Baldi
University of Bologna**

Working Paper 97-2

Working Papers published by the Institute of Governmental Studies provide quick dissemination of draft reports and papers, preliminary analysis, and papers with a limited audience. The objective is to assist authors in refining their ideas by circulating research results and to stimulate discussion about public policy. Working Papers are reproduced unedited directly from the author's pages.

Federalism and public policy: a comparative view

by Brunetta Baldi

University of Bologna

Working paper

Institute of Governmental Studies

University of California, Berkeley

June 1997

1. Federalism and public policy

The relationship between federalism and public policy in contemporary federal systems is, on the one hand, very complex and multiform to be comprehensively analyzed and, on the other, often “forgotten” by public policy analysis. The two are connected: federalism is given a contextual role within policy models because it is perceived as a “maze of institutions” producing unpredictable influences (Krane, 1993). Consequently, the relationship between federalism and public policy is typically explored just within specific and narrow-focused policy studies, referring to single policy issues. Even though this is probably the most viable approach to the complexity of policy-making within contemporary federal systems, it is possible to develop more general observations on the relationship between federalism and public policy on the basis of some analytical tools and in a comparative perspective. A general and comparative analysis, of course, can not apply to all micro-dynamics of public policy, nor be comprehensive of all public policies, but can give a broad overview of the complex interaction between institutions, federalism and public policy today.

Federalism is a form of political organization where power is constitutionally divided among a general, or federal, government and the constituent governments. More specifically, with reference to public policy, federalism can be defined as “a system of rules for the division of public policy responsibilities among a number of autonomous governmental agencies” (Anton, 1989, 3). Given the pluralistic nature and the constitutional setting of federalism, two important characteristics of public policy are typically expected within a federal system:

- a) policy diversity, with reference to policy content;
- b) multi-governmental complexity, with reference to policy-making process.

Policy uniformity is considered to be antithetical to federalism. “The existence of states free to disagree with one another and with the central government inevitably leads to differentiation” (Wildavsky, 1984, 57). Policy diversity is expected among the different constituent polities of a federal system. At the same time, the existence of multiple autonomous governments increases the complexity of policy-making, where complexity can be defined as a function of the number of the components, the differentiation or variety of these components, and the degree of interdependence among them (La Porte, 1975). The complexity of policy-making within a federal system ends up in recurrent and severe problems of policy coordination, which can be framed in terms of “costs of federalism” as “the price of more pluralism is less orderly political life” (Polsby, 1984, 5).

Even though policy diversity and multi-governmental complexity are generally considered to be typical of federal systems, these dimensions vary from federation to

federation, and from time to time, depending on both the institutional framework and the types of public policy. Institutions, on the one hand, and types of public policy, on the other, do affect the relationship between federalism and public policy, and have to be taken into consideration in order to explore this relationship accurately. In terms of institutions, federalism has developed more than one arrangement. Instead of just one constitutional model of federalism, several different institutional ways have been used to organize the federal principle. Classic federations (Australia, Canada, Germany, Switzerland, USA) share common basic federal features, but they portray variations in the precise form of their institutions and present different organizational arrangements in place (Watts, 1991). Institutional differences affect the relationship between federalism and public policy, allowing more or less policy diversity, more or less policy coordination. Moreover, “policy matters” and the types of public policy make a difference in the relationship with federalism. With reference to Lowi’s useful typology of policy issues (1964, 1972), types of policy are typically classified as distributive, regulative, redistributive, and constituent. Distributive policies distribute public goods and services, and are disaggregable in discrete programs which concentrate benefits and disperse costs; regulative policies define coercive standards and requirements, and involve focused costs and dispersed benefits; redistributive policies redirect wealth to particular segments of society, involving both concentrated costs and benefits; and constituent policies set institutional arrangements and governmental jurisdictions. All of them present different patterns of policy-making, and are likely to structure different relationships among levels of government. As a matter of fact, the expansion and evolution of modern public policy has challenged federal arrangements, developing new and articulated patterns of intergovernmental relations. All together, institutional differences among federations, and variations in the nature of policy issues have made the relationship between federalism and public policy very composite, and far away from being either univocal or universal. However, rather than, or in addition to, leaving its comprehension to partial and contextual policy studies, it seems analytically important to try to enter this composition as a whole, in the attempt to broadly explore and systematize it.

This paper analyzes the relationship between federalism and public policy within two federations, the United States and Germany, focusing on both their institutional designs and their actual functionings with reference to types of policy issues. The analytical tools able to explore this relationship and grasp variations within and between the two federations are represented by four models of federalism identified and selected from the broad literature of federal studies. The choice to compare American federalism and German federalism is based on the fact that these two systems are the most different among existing federations, and their institutional differences can enrich the comparison both in terms of divergences and convergences.

2. Models of federalism as analytical tools

Federalism as a principle of political organization has experienced different forms and evolutions throughout the world.¹ Federations vary significantly in how they organize the power of their constituent units, and within the same federation organizational arrangements can change through time. This has brought an enormous proliferating of definitions, labels and metaphors of federalism, able to catch several different features of the federal organization.² Among this broad literature, it is possible to identify and select four distinct, and quite developed, models of federalism: dual federalism, cooperative federalism, functional (coercive) federalism, and competitive federalism. Each of them organizes policy responsibilities differently among levels of government, designs different patterns of intergovernmental relations, and presents different implications for public policy. These models, which have been developed on the basis of both theory and practice, can become analytical tools able to explore the composite and multiform relationship between federalism and public policy.

2.1. Dual federalism

The model of dual federalism is well expressed by Wheare's definition of federalism as "division of power between general and regional authorities each of which in its own sphere is coordinate with the others and independent of them "(1956, 32). Within this model, constituent members of the federation are wholly autonomous and independent one from the other. There is a clear separation of responsibilities: national government, on the one hand, and subnational governments on the other are all given different powers, established for different purposes, within different jurisdictions (policy areas).

The absence of overlap, the rigid separation of jurisdictions, and the full autonomy of governments minimize both intergovernmental relations and governmental complexity. Public policies are developed by separate polities, not interfering with each other. Separation of policy domains comes along with policy diversity.³

Given the assumption of perfect independence and separation of policy domains, the model of dual federalism has revealed itself as unable to describe the intergovernmental complexity of contemporary federations.⁴ However, this model does express the dualistic

¹ On the different kind of federal forms and arrangements, see Elazar 1987b.

² For a comprehensive collection of definitions and concepts of federalism, see Stewart, 1984.

³ Subnational governments share the same functions, but over different territorial jurisdictions.

⁴ It is consistent with the minimal state of the nineteenth century, and it has been a partial description of the American federalism until the the 1930s. See Dye (1990), Elazar (1962), Grodzins (1966).

structure of most modern federal constitutions, emphasizing the constitutional identity and legitimation of both national government and subnational governments.

2.2. Cooperative federalism

Cooperative federalism is the most dominant model of federalism, both in theory and in practice, because it is able to describe and analyze most current functioning of all contemporary federal systems (Stewart, 1984, 55). It was theorized during the 1960s by M.Grodzins and D.Elazar (1962, 1966), mainly in reaction to the dominant view of federalism as dual federalism.

In terms of public policy and organization of policy-making, the specificity of this model is that no level of government has full autonomous power on any jurisdiction or policy area. Cooperative federalism is based on the sharing of policy responsibilities by the federal and the subnational governments. Shared governance means the involvement of all levels of government in policy-making activities: policy jurisdictions are so mixed that it is hard to draw divisions of authority. Responsibilities are shared, and partnerships are designed, in a way which varies from policy to policy. Interdependence, shared governance and overlapping jurisdictions are the main characteristics of this model, which proposes itself as opposite to dual federalism.

Cooperative federalism has been defined as “associated with extraordinarily complex patterns of relationships” (Sundquist, 1969). As a matter of fact, intergovernmental relations within this model are very complex: policy programs are developed and carried out through a long process of negotiation among multiple and interdependent governmental units. The achievement of policy coordination represents a very difficult task.

The condition of shared governance, and the development of intergovernmental cooperation are likely to produce policy uniformity, or at least to weaken policy diversity among governments..

2.3. Functional (coercive) federalism

The model of functional federalism has been developed as either a variation or an evolution of the cooperative model (Stewart, 1984, 84). It portrays an executive role performed by subnational governments which carry out and implement national legislation. In this sense, it emphasizes functional interdependence in the process of policy making: policy formulation is concentrated at the national level while policy implementation at the state and local level. Functional federalism still portrays a cooperative matrix: it is based on the principle of shared governance and implies intergovernmental partnership for policy-implementation and enforcement. However, it differs from the cooperative model because it

recognizes the existence of a “center” of government where most of the legislative power is concentrated. The different levels of government perform distinct and complementary roles, and interdependence is more structured and framed within a hierarchical architecture. Functional federalism becomes “coercive” when the concentration of decision-making and legislative power in the hand of national government is produced through preemption of powers formerly given to subnational governments.⁵

Intergovernmental relations within functional/coercive federalism are still crucial for the working of the federal system, but they are less complex than in the case of cooperative federalism: the roles performed by the different levels of government are clearly and better defined, and the system of intergovernmental relations shows a centralized nature, governed by formal rules. Sundquist (1969) recognizes in this arrangements the possibility to provide policy coordination, lessening the “unworkable” intergovernmental complexity of cooperative federalism. So, in comparison to the cooperative model, functional/coercive federalism comes along with lower complexity in intergovernmental relations, but higher policy uniformity. The concentration of legislative power at the federal level of government provides national public policy, which spreads uniformity throughout the nation.

2.4. Competitive federalism

This model, as the one of dual federalism, is based on a principle of separation and independence among governments, but it portrays a context of overlapping policy domains, where multiple governments, each autonomous from the other, offer different and competing packages of services and policies. Competitive federalism envisions a sort of marketplace for governments where consumer-taxpayers can choose the public goods and service they prefer, at the cost they wish to pay, by locating in the territorial jurisdiction that best fits their policy preferences (Breton, 1987; Dye, 1990). Governments compete vertically (among different levels) and horizontally (among different constituent members) in the same policy areas (Breton, 1987; Brosio, 1994).

The model of competitive federalism presents a high level of abstraction which makes it distant from political feasibility - it moves from ideal assumptions of perfect rationality and perfect competition which do not exist in the real world of government.⁶ However, the principle of competition expressed by the model has been defined by several scholars as the essence of federalism.⁷ Competitive federalism produces high policy diversity, which has a greater probability to meet citizens’ preferences rather than national

⁵ As a matter of fact, this model has also been defined “centralized federalism”. See Stewart, 1984, pp. 39,43, 73.

⁶ For an analysis of the imperfections of the model see, Dye, 1990, pp. 29-31.

⁷ See Buchanan, 1995; Dye, 1990; Ostrom, 1973; and Wildavsky, 1984b.

policy uniformity. In this sense, competitive federalism is perceived able to provide more policy responsiveness, a better match between demand-side and supply-side of public policy.

Within this model, high policy diversity comes with a high level of redundancy and governmental complexity, with multiple competing arenas of government and policy-making. Given these characteristics, competitive federalism is challenged by redistributive issues, which specifically address the problem of social inequality. As a matter of fact, inequality of opportunity (disparities among citizens), which is a problem in the real social world, is denied by the assumptions of the model.

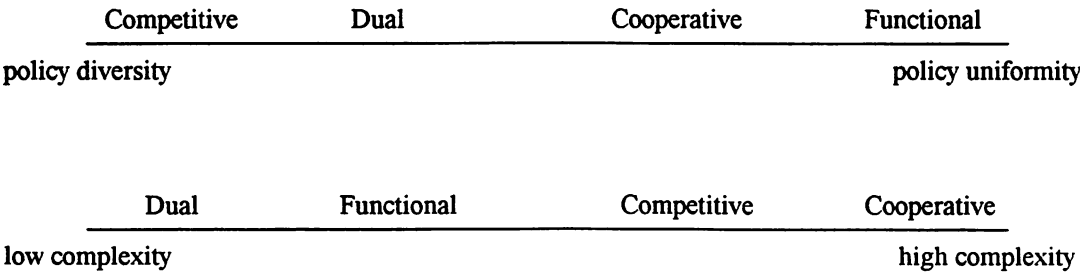
2.5. Implications for public policy

The four models of federalism analyzed present different criteria to organize policy responsibilities among levels of government (intergovernmental relations) and different implications for public policy. The table below summarizes their characteristics.

MODELS OF FEDERALISM	INTERGOVERNMENTAL RELATIONS	PUBLIC POLICY
Dual	Independence Autonomy Distinctiveness and separation of jurisdictions	Policy diversity Low complexity
Cooperative	Interdependence Shared governance Overlapping jurisdictions	Policy uniformity High complexity
Functional (coercive)	Interdependence Distinctiveness of policy functions Overlapping jurisdictions (centralizing dynamics)	Policy uniformity Low complexity
Competitive	Independence Autonomy Overlapping and competing jurisdictions	Policy diversity High complexity

Tab. 1 - Models of federalism and public policy

The four models of federalism analyzed portray different degree of policy diversity and governmental complexity which can be ordered as following.



	Low complexity	High complexity
Policy diversity	Dual	Competitive
Policy uniformity	Functional	Cooperative

Tab. 2 - Models of federalism as analytical tools

This classification helps in exploring the potential of the models of federalism as analytical tools: all of them grasp different degrees of complexity and diversity in policy-making. On the basis of these models, the paper takes a comparative view of contemporary American and German federalism, trying to explore their relationship with public policy.

3. American federalism

The American Constitution sets an institutional framework that, with reference to our models of federalism, can be defined as “dual” and “competitive” at the same time. However, the evolution of American federalism at work has broadly developed also cooperative and coercive federal arrangements.

3.1. Institutional structure

American federalism is based on a constitutional division of authority and functions between the national government and the state governments. A “jurisdictional” division of power sets a dual structure of federalism: each level of government is separate, autonomous and independent in its own jurisdiction. The Constitution grants the national (federal) government certain powers (delegated or enumerated powers), and “residual powers” are guaranteed to the states. Yet, the ambiguity which comes from the “implied powers” of the national government (those which are not specifically mentioned in the Constitution but derive by implication from delegated powers) has affected the definition of the “residual powers” reserved to the states, producing a situation of concurrent and overlapping powers which is not explicitly regulated by the Constitution. Concurrent and overlapping powers between the federal and the state governments set the basis for (vertical) “competitive federalism”. The Sixteenth Amendment (the income-tax amendment of 1913), which gave fiscal power to the national government, has provided even more constitutional basis for vertical competition among level of governments. Furthermore, also horizontal competition (among states) finds its basis in the U.S. Constitution: each state is given the same autonomous power in the same policy jurisdictions. This implies that, territorially speaking, states can be seen as competing in providing different packages of goods and services referring to the same policy issues.

The dual and competitive nature of American federalism finds also basis in the composition of the U.S. Senate (the representative institution of state members). Since 1913, senators have represented state electorates, and not state legislatures as it used to be. In this sense, the U.S. Constitution does not provide for any institutional linkages to coordinate policy-making among the different states, and between them and the national government. This strengthens the dual and competitive structure of policy-making within the U.S. federal system.

Besides the jurisdictional division of power and the composition of the U.S. Senate, which specifically addresses the institution of federalism, the American Constitution states another basic arrangement which does have important implication for federalism: the

separation of powers. The separation between legislative and executive authority within the same level of government increases the diffusion of power and the complexity of the American system of government. It does produce a multitude of differentiated governmental units, both horizontal and vertical, increasing problems in policy coordination.

3.2. Federalism at work

Dual federalism

Even though this model well expresses the spirit of the American Constitution -- which structures two levels of government, independent one from the other in their jurisdictions, each of them deriving authority from the people --, it has never had the ability to describe the real functioning of American federalism. As a matter of fact, it has been shown that even in the earliest days of the U.S. Constitution, the national government involved itself in public activities reserved to the states, showing more intergovernmental interdependence than separation and independence (Elazar, 1962).

The evolution of American public policy along the twentieth century has produced an increasing development of intergovernmental relations and intergovernmental policy-making, which have proved the model of dual federalism largely useless for analytical purposes. Basically, dual federalism has been overwhelmed by the growth of the public sector and the evolution of the American federal system.

Yet, dual federalism still comes up when the federal system has to deal with constituent issues, such as jurisdictional and boundary conflicts among levels of government. The frequency and the intensity of intergovernmental conflict above policy and jurisdictional areas have been increasing, and the framework for courts and the Supreme Court to settle those conflicts is still that of dual federalism (Wright, 1988, 333). The legal side of federalism, and the spread of intergovernmental conflict, have kept dual federalism alive. Emblematic from this point of view is the case of the U.S. Supreme Court's *Garcia* decision (1985)⁸, and the strong reactions it produced. The decision focused on the boundaries of national and state powers, and had to deal with the dual structure of American federalism: states' rights on the one hand, and national government on the other.

Cooperative federalism

Since the New Deal, cooperative federalism has broadly developed within the American system of government. The maturing of American federalism has been defined as marked by the spreading of intergovernmentalism, where "nearly everything has become

⁸ *Garcia v. San Antonio Metropolitan Transit Authority*. The Court majority rejected "as unsound in principle and unworkable in practice, a rule of state immunity from federal regulation". 469 U.S. 546. See, Wright, 1988, 42.

intergovernmental (and) federal grants have come to touch every state and general-purpose local government in the country” (Kettl, 1984, 73). Shared governance and interdependence between levels of government has become the rule in every policy area, changing the nature of intergovernmental relations.

Cooperative federalism has mainly developed through federal categorical grants and grants-in-aid programs which have been supportive of subnational policy making. The size and scope of federal grant-in-aids have progressively grown and hundreds of grant programs have been issued. Federal grants-in-aid to state and local governments increased, as a percentage of GNP, from 0.8 in 1950 to 3.3 in 1975 (Dye, 1990, 105). Federal government became an important partner for state and local government policy-making, performing roles as supporter and promoter. However, the enormous expansion of federal programs soon started developing much more intrusive dynamics and intergovernmental regulation. During the 1980s, President Reagan’s “new federalism” tried to limit federal interventions through a reduction of the rate of growth in federal intergovernmental transfers; however total federal aid to state and local governments continued to rise, from \$91.5 billion in 1980 to \$106.3 billion in 1988 (*ibidem*).

In terms of policy making process, the spread of intergovernmental relations has been mainly governed by either informal cooperation between levels of government or federal-state agreements more or less formalized (Elazar, 1966). However, the increasing complexity of intergovernmental relations, with overlapping jurisdictions and shared governance, has made policy coordination very difficult, calling for more specific mechanisms of integration. A growing experience has been that of “intergovernmental bodies” (Agranoff, 1990), quasi-formal committees composed by representatives of different levels of government, specifically set up in order to achieve intergovernmental coordination on specific policy programs.

Coercive federalism

Starting from the 1970s, the role of federal government has become more and more intrusive in sub-national policy-making, moving from supporting state and local initiatives to taking the initiative and requiring the state and local governments to conform to federally established directions. In several policy areas the federal government has become “the” policymaker, where the state and local governments have been administrative arms to be subjected to federal regulation (Elazar, 1986).

The era of regulatory federalism, characterized by the federal government’s increasing reliance on regulatory instruments in its relationships with state and local government (ACIR, 1984), has become that of coercive federalism, bringing a concentration of regulative power and decision-making to the hands of national government. This process has been mainly connected with the evolution of public policy: the redistributive nature of

most federal grants-in-aid programs has led to the setting of national goals and the issuing of federal legislation. General welfare issues like security, public health, civil rights, environmental protection, natural resources, and nuclear energy have become more and more subjected to federal regulation.

Coercive federalism has been marked by reduced federal grant funding for state and local governments, increased conditions attached to aid (crosscutting requirements, crossover sanctions), increased mandates and increased preemption of state and local authority (Kincaid, 1993; Zimmerman, 1991, 1993). However, the use of direct orders, federal preemption, and, moreover, the phenomenon of “unfunded mandates”⁹ to induce state and local governments to comply with national policies has been seen as going far beyond the role of national government as guardian of general welfare, challenging the bases of the U.S. constitutional system of checks and balances, and producing wide concern. Recently, some attempts to lessen the coercive dynamics of American federalism have been made. Among them, the Executive Order n.12875 in 1993 to limit administrative unfunded mandates, and more important the Unfunded Mandate Reform Act in 1995 (Conlan, Riggle, Schwartz, 1995).

Competitive federalism

According to data provided by several different policy studies,¹⁰ American states differ greatly in the volume and content of their lawmaking activities, and state and local governments offer a wide variety of public policies, especially in the field of tax and revenues, education, welfare, and transportation. In this sense, horizontal competitive federalism is largely in place. Dye (1990) shows how, at least in terms of expenditures and revenues, policy differences among the states have been maintained over time despite the process of “nationalization” which has been characterizing state political systems and political economies.

Yet, in the same policy sectors, and mainly in welfare policy, federal intervention has increased strongly in the past few decades, threatening the basis of competition. Actually, to a certain extent, federal intervention can be perceived as a confirmation of American federalism as competitive: horizontal policy competition (among states) comes along with vertical competition (between federal and state governments). As a matter of fact, federal and state-local shares of expenditure for welfare policy changed from 6% (federal) - 94% (state-local) in 1927 to 72% (federal) - 28% (state-local) in 1985 (Dye, 101). Moreover, as it has been proved, federal policy making and aid has progressively shifted toward persons, producing benefits directly to citizens (Kincaid, 1993). However, taking a different perspective, federal intervention does bring evidence of cooperative and coercive

⁹ See ACIR 1984, 1992, 1993; Kelly, 1994; and Kincaid, 1993..

¹⁰ See particularly ACIR, 1990, Dye, 1990 and Rose, 1985.

intergovernmental dynamics which interfere with competition: overlapping jurisdictions are likely to develop interdependence which is not consistent with the model of competitive federalism. Evidence can be found in the fact that federal aid to state and local governments has increased, as a percentage of their expenditures, from 10.4% in 1950 to 20.6 % in 1988. Moreover, federal intervention as a threat for the competitive nature of American federalism was broadly addressed by President Reagan's version of "new federalism", which tried to restructure the system in place through turning back a variety of policy responsibilities to the states. In his first mandate, federal intergovernmental transfers were strongly reduced, falling from 22% of total state-local revenue to 18% (Dye, 1990, 103).

4. German Federalism

The German Basic Law of 1949 sets a federal system which can be defined, with reference to our models of federalism, as barely "dual" and strongly "functional". However, the peculiar institutional structure designed by the Basic Law provides also basis and framework for the development of "cooperative federalism" which has become the most common definition of German federalism.

4.1. Institutional structure

German federalism is institutionally different from American federalism. The two most important differences, which also express the distinctiveness of this federal system among existing federations, are (Sbragia, 1992):

1) power is divided between levels of government in a way which is usually described as horizontal instead of vertical or, better, "functional" instead of "jurisdictional". This means that responsibilities are not divided by policy jurisdictions, but by functions in the policy-making process. Each level of government is primarily responsible for either legislative or administrative functions in the policy-making process, and it performs these functions within almost all policy jurisdictions. In other words, law-making is concentrated at the federal government, while policy-implementation at the state (Land) level;

2) the system of territorial representation is based on the representation of state governments instead of representation of state electorates. The Bundesrat, the upper house of the German Parliament, represents the Laender governments, and it is not composed by elected officials but by representatives of the executive branch of the Laender. Laender cabinets select and instruct their representatives. The Bundesrat plays a very important key role in German policy-making: it allows the Laender to participate in the federal law-making

process. The Bundesrat exercises an absolute veto over legislation affecting the Laender, and a suspensive veto over all other bills.

The reasons which brought German constitution-makers in 1949 to choose a federal system of government with these peculiar institutional arrangements were both historical and contingent. First of all, Germany had already, in its past history, experienced federal arrangements and federal constitutions, including the functioning of the Bundesrat as upper house representing the government of the member states.¹¹ After the collapse of the authoritarian and centralized Nazi government, the re-establishing of German democracy took place through the strengthening of its previous political and cultural tradition.¹² Secondly, post-war social and economic conditions of Germany called for national policy-making in order to re-build the nation throughout. The American New Deal experience had already proved the need of strong federal government in order to provide an answer to deep social and economic crises intractable at the level of the states (Sullivan, 1997, 11). Moreover, Germany would portray cultural and ethnic homogeneity, without basis for strong distinctiveness of the Laender, which were artificially created as constituent political units (Watts, 1991).

4.2. Federalism at work

Dual federalism

As we have seen, the Basic Law of 1949 is dominated by the principle of a functional division of responsibilities between the federation and the Laender. However, a limited number of jurisdictional areas in legislation, administration and especially finance¹³ are given to the federal or to Laender governments separately (artt 70, 83). In this sense, there is not just a horizontal but also some seeds of vertical division of power (Burkett, 1986). Art. 73 assigns certain powers exclusively to the Bund, and residual powers are by inference a matter for the legislative and executive competences of the Laender. As in the U.S. Constitution, all powers not delegated to the federation (Bund) are reserved to the states (Laender).

Yet, in contrast to the U.S. Constitution, the German Basic Law delegates a long list of powers to the Bund, and does not leave much to the Laender. Moreover, the number of residual powers left for the Laender to exercise are minimized by the category of "current powers" (art.74) where both Federation and Laender can pass laws. Finally, within this category of powers, the evolution of public policy experienced in Germany has seen the

¹¹ Both the Bismarck constitution of 1871, which led to German unification, and the Weimer Constitution of 1919 had a federal structure. See Johnson, 1991, Paterson and Southern, 1991.

¹² For an analysis of the German Basic Law in terms of continuity with past experience of constitution-making, see Johnson, 1991, Paterson and Southern, 1991.

¹³ Tax revenues are assigned separately either to the federal or to the Laender governments.

primacy of the federal legislation. Today, only a few important subjects (education, cultural activities, local government, protection of law and order) are still under the control of the Land legislatures. This development of German federalism has changed the dualistical relationship between the Federation and the Laender as it was originally designed by the Basic Law.

However, the dual structure of German federalism is still expressed in the role played by the Federal Constitutional Court in relation to disputes over the rights and duties of the Federation and the member States. The Federal Constitutional Court has always acted defending the modest autonomy left to the Laender legislatures (Kisker, 1989). Interesting from this point of view is the case of telecommunications policy, where disagreement between the Federal Government and the Laender over legislative authority have developed. The Federal Constitutional Court has defended the “constitutionally embedded jurisdictional authority of Laender and local governments” (Conrad, 1986).

Functional (coercive) federalism

The principle of horizontal division of power within the policy-making process set up by the Basic Law calls for functional federalism, that is concentration of law-making at the federal level, and policy-implementation and administration at the state level. The institution of Bundesrat playing a key role in making the Laender participants in the federal law-making process, as well as the provision of constitutional “concurrent powers”, where also the Laender can exercise legislative power, would not provide for a dominating role of the Federation. Yet, the evolution of public policy after 1949 has developed dynamics of centralization which have made areas of federal authority expand at the cost of the autonomy of the Laender legislatures.

The legislative and administrative powers of the federal government have been increased, mainly because of changing political, economic and social conditions. New responsibilities and policies which were not foreseen in the Basic Law have been claimed and developed, requiring national grants, laws and regulations (welfare state, equality in public services, nuclear power, infrastructures, etc.). As a result, the federal government has concentrated power of policy initiation, formulation and legislation, while the Laender governments have left just that of policy implementation and administration. This concentration of legislative power at the federal level of government was not planned by the Basic Law of 1949, and has been more and more portrayed as a coercive evolution of German federalism.¹⁴

The policy areas which have become more and more “centralized”, strengthening the role of the federal government, are mainly those of industrial policy, welfare policy and fiscal

¹⁴ Since 1949 there have been 35 amendements to the Basic Law, and most of them have had a direct or indirect effect on federal-Land relations (Klatt, 1989).

policy. The industrial policy, based on subsidies to industries, has developed through a multitude of federal programs designed to stimulate economic development, and implemented on regional basis (Benz, 1989; Picht, 1986). At the same time, the mid-1970s economic crises (with economic stagnation and high unemployment) pushed for more centralization, which has brought all social security systems under the federal responsibility. Finally, fiscal policy has attempted to reduce regional economic and social disparities, through regulation of minimum standards of public services and vertical and horizontal fiscal equalization.¹⁵ Basically, all the main redistributive policies have been developed under federal legislation and national policy-making, strengthening the primacy of the federal government.

Cooperative federalism

Given the principle of functional separation, the Basic Law calls for cooperation among the federation and the Laender, and the Bundesrat provides the institutional arena for this cooperation to take place. However, it is just with the constitutional reform of 1969 that the era of German cooperative federalism started really developing (Gunlincks, 1987; Hesse, 1987). The reform introduced the principle of "Joint Tasks": planning and decision-making authority, including financing responsibilities, were no longer found at one level, but assigned both to federal and Land governments for joint action. Joint planning and financing for projects started developing with reference to issues of national importance requiring investments which could not be afforded by the Laender.

Cooperative federalism has partially balanced the coercive trends of German federalism, strengthening the participation of the Laender in the political process both through the Bundesrat (the matters subjected to its approval have been increased by joint tasks) and through a complex intergovernmental network which has been developing in order to manage joint responsibilities. There has been a proliferation of combined Bund-Laender bodies and conferences, as well as horizontal committees, such as conferences of first ministers or Land ministers. In this sense, cooperative federalism, even though framed within the Basic Law, has developed outside it, through intergovernmental activities like interstate and federal-state written agreements, coordination structures, and joint procedures concerning different fields of public policy (Marheineke, 1986).

Environmental policy provides a good example of cooperative federalism at work. It has consisted primarily of nation-wide legislation, with the Laender participating directly in the federal legislative process. Joint planning has produced common guiding principles to

¹⁵ As a result, financial relations between the federal and Laender governments have changed a lot from the Basic Law design, and in favour of the federation. The originally separation of taxation powers of Bund and Laender have been modified through the introduction of a system of joint income and corporate taxation. See Gunlincks, 1987; Klatt, 1991.

implement public environmental protection. The Laender have acted both as enforcement bodies and as policy agents through supplementary regulations to complete and fulfill the requirements of federal law (Busch, 1986).

5. Comparative remarks

The analysis of both American and German federal systems on the basis of our analytical models of federalism has portrayed several divergences but also some convergences.

5.1. Institutions and federalism: divergences

Institutionally and constitutionally, American federalism and German federalism are different. The most remarkable differences are summarized in the table below.

Institutional dimensions:	U.S. federalism	German federalism
• Division of power among levels of government	Jurisdictional / vertical	Functional / horizontal
• Territorial representation	Electoral (Senate)	Institutional (Bundesrat)
• Relationship between legislative and executive	Separation of powers	Parliamentary fusion

Tab. 3 - Institutional differences between American and German federalism

Jurisdictional division of power calls for coexisting policy formulation and policy implementation responsibilities for policy domains (jurisdictions) within the same level of government. Functional division of power, in contrast, calls for an articulation of the policy-making process: policy formulation (law-making) is concentrated at the federal government, while policy implementation at the state and local governments.

Institutional representation of Laender governmental institutions is the most innovative peculiarity of German federalism, able to allow direct participation of state governments in the federal policy-making. It is contrasted by electoral representation of the U.S. state electorate which does not provide for any institutional linkage between national and subnational governments.

Separation of legislative and executive power produces higher pluralism, and multi-governmental complexity within the U.S. federal systems, while the parliamentary nature of the German system of government reduce such complexity, strengthening even more the representativeness and the integrative role of the Bundesrat.

These institutional differences explain most of the differences found in the functioning of the two federations compared: the different evidence of the models of federalism, and consequently the different level of policy diversity and governmental complexity.

First of all, institutional differences, and especially jurisdictional vs. functional division of power among levels of government, explain why competitive federalism has not and can not be developed in Germany. The dual structure of German federalism is barely defined in comparison to that of American federalism, and does not provide for two separate level of governments, each fully equipped in its own fields of competence, able to provide different and competing packages of services and goods. Moreover, the role of negotiation and integration performed by the Bundesrat, as well as the several intergovernmental agreements and committees developed by cooperative federalism, minimize policy diversity among the constituent units.

Secondly, these differences explain the higher degree of institutionalization of both functional and cooperative federalism in Germany in comparison to the United States. Each of them has further developed according to the expansion of public policy, but always in a way which has been widely structured and constrained by the constitutional framework of the Basic Law. More specifically, coercive and cooperative arrangements have been mediated and shaped by the powerful institution of Bundesrat, which allows direct participation of Laender governments. Within the American federalism, instead, cooperative arrangements have developed totally outside, even though not in opposition to, the U.S. Constitution, also as a result of the evolution of the public sector. Coercive federalism has been perceived much more harmful by state governments which do not have institutional representation within the U.S. Congress. U.S. senators do not act as negotiators or integrators between the two levels of government: within the U.S. federal system there are not institutional mechanisms in place to mediate trends of coercive federalism.

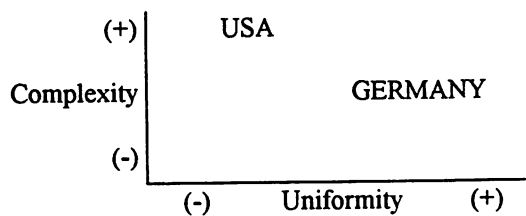
The table below summarizes the different evidence of the models of federalism within the two federal systems at work, distinguishing the origins of such evidence as constitutional and paraconstitutional.¹⁶

¹⁶ For the definition of paraconstitutional development of federalism, see Lehbruch, 1985, 34.

	Dual	Cooperative	Functional/ coercive	Competitive
U.S. federalism	X	Y	Y	X
German federalism	(X) ¹⁷	XY	XY	—

Tab. 4 - Different evidence of the models of federalism
 X = constitutional provision Y= paraconstitutional development

Given the institutional differences and the different models of federalism in place, public policy presents different general tendencies and characteristics within the two compared federations. Public policy is oriented toward uniformity in the case of Germany, while more addressed toward diversity in the case of the United States. At the same time, policy-making is characterized by a lower degree of complexity in Germany than in the United States. The table below expresses such differences in public policy.



Tab. 5 - Differences in public policy

German federalism is broadly oriented towards policy uniformity. Institutional arrangements for policy uniformity were set up by the Basic Law of 1949, but they have been strengthened by the paraconstitutional arrangements of coercive and cooperative federalism connected with the evolution of public policy. The development of a high industrialized society, the growth of welfare state and public services, and the homogeneity of German ethnicity and culture, have called for fiscal equalization and national policy-making. Policy uniformity has been mainly achieved through nationwide legislation and regulation promulgated by the federal government, with the support of the Bundesrat (which secures the input of the Laender governments into the formulation of federal legislation); implementation and administrative functions carried out by the Laender on the basis of

¹⁷ The German Basic Law provides for dual federalism, but barely. See section 4.2.

platforms provided by national legislation and interstate agreements (which push for uniform applications throughout the nation); joint-policy making supported by several mechanisms of cooperation and coordination in the area of current powers. In this sense, intergovernmental agreements and joint policy-making have strengthened institutional arrangements in order to perform high uniformity in every policy area, and maintain similar living conditions throughout Germany (Klatt, 1989).

The institutionalized nature of cooperative and functional federalism as well as the parliamentary fusion of legislative and executive power have reduced multi-governmental complexity, and provided for mechanisms of policy coordination. The important role of integration performed by the Bundesrat has been supported by a vast array of institutionalized bilateral and multilateral intergovernmental agreements, joint policy-making procedures and coordination structures (committees and conferences). The German system of intergovernmental relations today still portrays itself as complex and articulated at many levels and in numerous policy areas; however, this complexity has been rationalized, and in this sense reduced, through different institutional arrangements and formalized mechanisms of coordination.

The dual structure of American federalism, with its vertical division of power, has provided the basis for competitive federalism which has produced policy diversity. Both state and federal governments have acted autonomously and directly on persons and property. The distinctiveness of each level of government and the absence of institutional linkages among them have addressed policy diversity. However, the competitive side of American federalism has been lessened by the paraconstitutional development of cooperative and coercive federalism which have produced hundreds of national programs, and increased intergovernmental regulation, reducing diversity.

Both the institutional structure and the evolution of American federalism have helped in developing a very complex system of government. Four different, and even contradictory, models of federalism are in place at once in the functioning of the U.S. federal system. The co-existence of dual, cooperative, coercive and competitive federal arrangements, has brought to a high composite complexity, characterized by fragmented policy-making, overlapping policy responsibilities, multilevel administration and legislation, variety of roles performed by the federal government (which acts as supporter, promoter, coercer, and competitor at the same time), and different degree of pervasiveness of its intervention. Such a system has faced severe problems of integration and policy coordination, which have been approached within a framework of de facto arrangements, conventional rules, and informal structures.

5.2. Federalism and types of public policy: convergences

American and German federalism have shown also convergences, mainly in reference to cooperative and coercive arrangements, which both systems have had to develop in order to adjust themselves to the evolution of public policy, and which had not been foreseen by their Constitutions. The process of modernization and industrialization have multiplied not only the number of problems (new demand for public services and goods) in the public agenda but also their scope. Modern policy dilemmas, like those referring to industrial development or a welfare system, could not and cannot be solved without intergovernmental cooperation, and national policy-making. Such transformations have expanded policy interdependence and set bases for cooperation, harmonization and policy uniformity even within the U.S. federal system (Rose, 1985). This has brought to what has been defined “paraconstitutional” development of federalism that means the emergence of elaborate systems of organizational arrangements, rules and procedures, that are not provided by the Constitution (Lehmbruch, 1985). Paraconstitutional development has affected broadly the U.S. federalism, but even in the case of Germany cooperative and functional federalism have evolved quite beyond the constitutional structure of Basic Law (Hesse, 1987). In this sense, both systems have shown institutional flexibility and intergovernmental capability to maintain a system able to face the expansion and increased complexity of contemporary public policy.

The different models of federalism in place within the two compared federations have shown a similar relationship with types of public policy. Redistributive and regulative policies are those which have been more likely to experience centralizing dynamics, requiring strong federal intervention and cooperation. This is not completely surprising with reference to redistributive policies, that typically require negotiation, policy harmonization, and overall coordination. Starting with the American New Deal, redistributive policies have developed through patterns of intergovernmental cooperation, which sometime have ended in coercive dynamics. More than 60% of the current American welfare policy is nationally financed (Wright, 1988, 438), as well as the German welfare policy has experienced the highest level of centralization within the German system. Also several regulative issues have experienced federal intervention, with intergovernmental regulation and the development of coercive arrangements. These issues have been mainly those referring to national public goods and values: environment, natural resources, energy, infrastructures, civil rights, nuclear safety, public health. These issues have induced federal regulation (nation-wide standards) and required the states to perform an implementation and enforcement role, even within the U.S. system. Distributive policies, instead, have portrayed more competition and diversity within

the American federalism,¹⁸ even though most of the federal grants-in-aid programs have been developmental in nature. In this sense, intergovernmental cooperation has expanded in both systems also with reference to distributive issues. Finally, constituent issues, and especially those referring to boundary and jurisdictional disputes, have portrayed elements of dual federalism, even within German federalism.

These convergences portray a correlation between the type of public policy and the model of federal arrangement typically, but not exclusively, in place. Such correlation, which is summarized in the table below, needs more empirical evidence to be validated as causal relationship. Yet, it does already show an interesting trend.

	Constituent	Distributive	Redistributive	Regulative
Dual				
Competitive				
Cooperative				
Coercive				

Tab. 6 - Correlation between types of policy issues and federal arrangements

Convergences between American and German federalism do not overcome the institutional differences, and their implications for public policy, between the two federations. However, showing similar trends and intergovernmental dynamics, they underline the impact of public policy on federal arrangements, which have been challenged, adjusted, and to a certain extent re-shaped by it.

6. Conclusions

In the evolution and growth of governmental activities and public policy, the two federal systems compared in this paper have become more similar one to each other. German federalism has evolved as well as American federalism. Cooperative and coercive federalism, even though more constitutionally based and constrained, have been a development of German federalism as well as they have been for American federalism. Both systems today portray different federal arrangements in place at once, expressing a composite and multiform relationship with public policy. Such relationship has been explored through the use of analytical models of federalism which have revealed themselves quite useful, to be able to classify and systematize a multitude of overlapping patterns of

¹⁸ For a more detailed analysis, see Dye 1990.

policy-making. As a matter of fact, the most important aspect of the use of these models as analytical tools has been their concurrency. The complexity of contemporary federal systems can not fit just within one definition or model of federalism. The simultaneous use of the different models has helped in decomposing and systematizing the complex interaction between federal institutions, intergovernmental relations and public policy.

Institutions do make a difference, and the comparative analysis has shown their impact on structuring federal arrangements and the possibility of their development. The institutional structure of German federalism, while conform to requisites of modern federation, does not allow “competitive federalism”, expressing the most remarkable difference from American federalism. Policy diversity is adversely affected by the institutional framework of German federalism, while it is still an important feature of American federalism. Germany portrays a high level of policy uniformity which is unusual for what is typically expected by a federal system. Besides the historical reasons which brought the adoption of Basic Law in 1949 (re-establishment of the German institutional tradition, and post-war reconstruction), the choice of policy uniformity has been recurrent and consistent all along the development of German federalism. Since also the paraconstitutional evolution of American federalism has moved much more toward uniformity than diversity, it is possible to question if policy diversity is still to be considered a typical characteristic of contemporary federalism.

References

- ACIR, U.S. Advisory Commission on Intergovernmental Relations (1984), *Regulatory Federalism: Policy, Process, Impact And Reform*, Washington.
- ACIR, U.S. Advisory Commission on Intergovernmental Relations (1990), *Representative Expenditures*, M-174, December, Washington.
- ACIR, U.S. Advisory Commission on Intergovernmental Relations (1992), *Federal Statutory Preemption of State and Local Authority: History, Inventory, and Issues*, Washington
- ACIR, U.S. Advisory Commission on Intergovernmental Relations (1993), *Federal Regulation of State and Local Governments*, Washington.
- Adrian, C. (1976), *State and Local Governments*, McGraw-Hill, New York, IV° edizione.
- Agranoff R., (1990), *Managing Federalism Through Metropolitan Human Services Intergovernmental Bodies*, «Publius: The Journal of Federalism», XX, n.1, pp.1-22.
- Anderson, W. (1960), *Intergovernmental Relations in Review*, University of Minnesota Press, Minneapolis.
- Anton, T. (1989), *American Federalism and Public Policy: How the System Works*, Temple University Press, Philadelphia.
- Anton, T. (1985), *Decay and Reconstruction In the Study of American Intergovernmental Relations*, «Publius: The Journal of Federalism», XV, n.1, pp.65-97
- Axelrod, R. (1984), *The Evolution of Cooperation*, New York: Basic Books.
- Banting, K., Simeon, R. (eds), (1985), *Redesigning the State*, University of Toronto Press, Toronto.
- Banting, K., Simeon, R. (1985), *The Politics of Constitutional Change*, in Banting, K., Simeon, R., pp. 1-30.
- Beer, S. (1973), *The Modernization of American Federalism*, in «Publius: The Journal of Federalism», III, n.2, pp.49-96.
- Beer, S. (1978), *Federalism, Nationalism, and Democracy in America*, in “American Political Science Review”, vol.72, March, pp. 9-21.
- Benton E., Morgan, D. (eds), (1986), *Intergovernmental Relations and Public Policy*, Greenwood Press, New York.
- Benz, A. (1989), *Intergovernmental Relations in the 1980s*, «Publius: The Journal of Federalism», XIX, n.4, pp.203-220.
- Brecht, A., (1945), *Federalism and Regionalism in Germany: The Division of Prussia*, Oxford University Press.
- Breton, A. (1987), *Towards a Theory of Competitive Federalism*, “European Journal of Political Economy”, Special Issue, Vol.3, No. 1-2, pp.263-329
- Brinkley, A., Polsby, N., Sullivan, K., (1997), *New Federalist Papers. Essays in Defense of the Constitution*, W.W.Norton, New York.
- Brosio, G. (1994), *Equilibri instabili*, Bollati Boringhieri, Torino.
- Bryson J.M., Einsweiler R.C. (eds), (1991) *Shared Power*, University Press of America, Lanham.
- Buchanan, J. (1995), *Federalism As an Ideal Political Order and an Objective for Constitutional Reform*, “Publius: The Journal of Federalism”, Vol. 25, No.2, pp. 19-27
- Burkett, T. (1986), *The Ambivalent Role of the Bundesrat in the West Germany Federation*, in Burgess M. (ed.), pp. 204-219
- Busch, J., (1986), *Environmental Policy-Making and Administration in a Federal State: The Impact of Overlapping Jurisdiction in Canada*, in Chandler, W., Zöllner, C. (eds), pp. 265-286.
- Burgess, M. (1993), *Federalism and Federation in Western Europe*, in M.Burgess (ed). *Federalism and Federation in Western Europe*, Croom Helm, London, pp. 15-33.
- Burgess, M. (ed.), (1986), *Federalism and Federation in Western Europe*, Croom Helm, London
- Chandler, W., (1986), *Challenges to Federalism: Comparative Themes*, in Chandler, W., Zöllner, C. (eds), pp. 3-21

Chandler, W., Zoellner, C. (eds), (1986) *Challenges to Federalism: Policy-Making in Canada and the Federal Republic of Germany*, Institute of Intergovernmental Relations, Queen's University, Kingston, Canada.

Chandler, W., Zoellner, C., (1986) *Federalism in Canada and West Germany: Some Concluding Remarks*, in Chandler, W., Zoellner, C. (eds), pp 291-300.

Conlan, T., Riggle, J., Schwartz, D., (1995) *Deregulating Federalism? The Politics of Mandate Reform*, «Publius: The Journal of Federalism», XXV, n.3, pp.23-40.

Conrand, C. (1986), *Post and Telecommunications in the Federal Republic of Germany*, in Chandler, W., Zoellner, C. (eds), pp. 161-170.

Cranston, R.F. (1979), *From Co-operative to Coercive Federalism and Back*, «Federal Law Review», X, June, pp.121-142.

De Vergottini, G. (1990), *Stato federale*, Voce in Enciclopedia del Diritto, XLIII, Milano, pp.831-859.

Diamond, M. (1973), *The Ends of Federalism*, in "Publius", vol.3, n.2, pp.129-152

Dilger, R.J. (ed.), (1986), *American Intergovernmental Relations Today*, Prentice-Hall, Englewood Cliffs.

Dye, T. (1990), *American Federalism. Competition Among Governments*, Lexington Books.

Elazar, D. (1962), *The American Partnership*, University of Chicago Press, Chicago.

Elazar, D. (1984), *American Federalism: A View from the States*, Harper & Row, New York, III^o edizione.

Elazar, D. (1986), *Is the Federal System still There?*, in R.Dilger (eds), pp.281-289

Elazar, D. (1987a), *Exploring Federalism*, The University of Alabama Press, Tuscaloosa.

Elazar, D., (1987b), *Federalism, Intergovernmental Relations, and Changing Models of the Polity*, in L. Picard and R. Zariski (eds), *Subnational Politics in the 1980s*, pp. 5-20.

Fabbrini, S. (1994), *Quale democrazia*, Laterza, Roma-Bari.

Friedrich, C., (1968), *Trends of Federalism in Theory and Practice*, Praeger, New York

Gage, R., Mandell, M.. (eds), (1990), *Strategies for Managing Intergovernmental Policies and Networks*, Praeger, New York.

Galston W., Tibbetts G. (1994), *Reinventing Federalism: The Clinton/Gore Program for a New Partnership Among the Federal, State, Local and Tribal*, «Publius: The Journal of Federalism», XXIV, n.3, pp.23-48.

Giannetti, D. (1995), *Modelli teorici di federalismo*, in "Rivista Italiana di Scienza Politica", XXV, n.2, agosto, pp. 319-329.

Golembiewsky, R., Wildavsky, A. (eds), (1984), *The Costs of Federalism*, Transaction Inc., New Brunswick, NJ.

Grodzins, M. (1962), *Centralization and Decentralization in the American Federal System*, in Goldwin R. (eds), *A Nation of States*, Rand McNally & Co, Chicago, pp.1-23.

Grodzins, M. (1966), *The American System*, D.Elazar (ed.), Rand McNally, Chicago.

Gunlicks, A. (1987), *The German Federal System Today: national, State, and Local Relations in an Era of Cooperative Federalism*, in L. Picard and R. Zariski (eds), *Subnational Politics in the 1980s*, pp. 89-102.

Hanf, K., Toonen, T. (eds), (1985), *Policy Implementation in Federal and Unitary Systems*, Martinus Nijhoff Publishers, Dordrecht.

Heclo, H. (1975), *Frontiers of Social Policy in Europe and America*, in "Policy Sciences", VI, pp. 403-421.

Hesse, J. (1987), *The Federal Republic of Germany: From Co-operative Federalism to Joint Policy-Making*, «West European Politics», X, n. 4, pp.70-87.

Ingram, H. (1977), *Policy Implementation Through Bargaining: The Case of Federal Grants-in-Aid*, «Public Policy», XXV, n.4, pp.499-526.

Jeffery, C., Savigear P. (eds), (1991), *German Federalism Today*, Leicester University Press, Leicester.

- Johnson, N., (1991), *Territory and power: some historical determinants of the constitutional structure of the Federal Republic of Germany*, in Jeffery-Savigear (eds), pp. 8-22
- Kaufmann, F. (eds), (1991), *The Public Sector - Challenge for Coordination and Learning*, Walter de Gruyter, Berlin.
- Kelly, J. (1994), *Unfunded Mandates: The View from the States*, «Public Administration Review», LIV, n.4, pp.405-409.
- Kettl, D. (1984), *The Maturing of American Federalism*, in Golembiewsky, R., Wildavsky, A. (eds), pp.73-88.
- Kincaid, J. (1993), *From Cooperation to Coercion in American Federalism: Housing, Fragmentation and Preemption, 1780-1992*, «The Journal of Law and Politics», IX, n. 2, pp.333-433.
- Kisker, G. (1989), *The West German Federal Constitutional Court as Guardian of the Federal System*, in «Publius: The Journal of Federalism», XIX, n.4, pp.35-52.
- Klatt, H. (1989), *Forty Years of German Federalism: Past Trends and New Developments*, «Publius: The Journal of Federalism», XIX, n.4, pp.185-202
- Klatt, H. (1991), *Centralising trends in the Federal Republic: the record of the Kohl Chancellorship*, in Jeffery - Savigear (eds), pp.120-137
- Krane, D., (1987), *Does the Federal-Unitary Dichotomy Make Any Difference? One Answer Derived from Macrocomparative Analysis*, in L. Picard and R. Zariski (eds), *Subnational Politics in the 1980s*, pp. 35-44.
- Krane, D. (1993), *American Federalism, State Governments, and Public Policy: Weaving Together Loose Theoretical Threads*, «PS: Political Science & Politics», pp.186-190.
- Landau, M., (1973), *Federalism, Redundancy and System Reliability*, «Publius: The Journal of Federalism», III, n.2, pp.173-196.
- Lanzalaco, L. (1995), *Istituzioni, organizzazioni, potere*, NIS, Roma.
- La Porte, T.R. (1975), *Organized Social Complexity: Explication of a Concept*, in La Porte (ed), *Organized Social Complexity*, Princeton University Press, Princeton, pp.3-39.
- Lehmbruch, G., (1985), *Constitution-making in Young and Aging Federal System*, in Banting, K.-Simeon, R. (eds), pp. 30-41.
- Lehmbruch, G. (1989), *Institutional Linkages and Policy Networks in the Federal System of West Germany*, «Publius: The Journal of Federalism», XIX, n.4, pp. 221-235
- Leonardy, U. (1991) *The working relationships between Bund and Länder in the Federal Republic of Germany*, in Jeffery C. and Savigear P. (eds), *German Federalism Today*, Leicester University Press, Leicester, 40-62.
- Lowi, T.J. (1964), *American Business, Public Policy, Case-Studies, and Political Theory*, "World Politics", vol. XVI, n.4, pp.677-715.
- Lowi, T.J. (1972), *Four Systems of Policy, Politics, and Choice*, in "Public Administration Review", Vol. XXXII, n.4, pp.298-310.
- Marheineke, H., (1986) *The Workability of Federal Arrangements: the Case of Germany*, in Chandler, W., Zoellner, C. (eds), pp. 23-29.
- May, P. (1996), *Coercive Versus Cooperative Policies: Comparing Intergovernmental Mandate Performance*, «Journal of Policy Analysis and Management», XV, n. 2, pp.171-201.
- Nathan, R. (1992), *Defining Modern Federalism*, in Scheiber, H. (ed), *North American and Comparative Federalism*, Institute of Governmental Studies Press, University of California, Berkeley, pp.89-99.
- Odershook, P., Shvetsova, O., (1997), *Federalism and constitutional design*, in "Journal of Democracy", n.1, pp. 27-42.
- Ostrom, V. (1973), *Can Federalism Make a Difference*, in «Publius: The Journal of Federalism», III, n.2, Fall, pp.197-237
- Ostrom, V. (1974), *The Study of Federalism at Work*, «Publius: The Journal of Federalism», IV, n.4, pp.1-17.

- Ostrom, V. (1987), *The Political Theory of a Compound Republic*, Univerisity of Nebraska Press, Lincoln, II° edizione.
- Ostrom, V. (1991), *The Meaning of American Federalism*, ICS Press, San Francisco.
- Pagano, M., Bowman, A. (1995), *The State of American Federalism, 1994-1995*, «Publius: The Journal of Federalism», XXV, n.3, pp.1-22.
- Pasquino, G. (1996), *Lo Stato federale*, Il Saggiatore, Milano.
- Pacini, M. (ed), (1996), *Un federalismo dei valori. Percorso e conclusioni di un programma della Fondazione Agnelli (1992-1996)*, Fondazione Giovanni Agnelli, Torino.
- Paterson, W., Southern, D. (1991), *Governing Germany*, Basil Blackwell, UK.
- Peterson, P. (1995), *The Price of Federalism*, The Brookings Institution, Washington.
- Peterson, P., Rabe, B., Wong, K. (1986), *When Federalism Works*, The Brookings Institution, Washington.
- Picht, H. (1986), *Structural Policy in the Federal Republic of Germany*, in Chandler, W., Zoellner, C. (eds), pp. 47-62.
- Polsby, N. (1984), *Prospects for Pluralism in the American Federal System: Trends in Unofficial Public Sector Intermediation*, in Golembiewsky, R., Wildavsky, A. (eds), pp.21-36.
- Polsby, N. (1997), *On the Distinctiveness of the American Political System*, in Brinkley, A., Polsby, N., Sullivan, K., pp. 29-34.
- Riker, W. (1975), *Federalism*, in Greenstein, F., Polsby, N. (eds), *Handbook of Political Science*, Addison-Wesley Publ. Co., Reading Mass., Vol. 5, pp. 93-172.
- Rose, R. (1981), *What if Anything is Wrong with Big Government*, Studies in Public Policy # 76, Centre for the Study of Public Policy, University of Strathclyde, Glasgow.
- Rose, R. (1985), *How Exceptional is American Government?*, Studies in Public Policy # 150, Centre for the Study of Public Policy, University of Strathclyde, Glasgow.
- Sbragia, A. (1992), *Thinking about the European Future: The Uses of Comparison*, in Sbragia A. (ed.) *Europolitics*, The Brookings Institution, Washington DC, 1992, pp. 257-291
- Scharpf, F. (1988), *The Joint-Decision Trap: Lessons from German Federalism and European Integration*, «Public Administration», LXVI, Autumn, pp.239-278.
- Schneider, H. (1996), *Nascita e sviluppo del federalismo in Germania*, in “Amministrare”, vol. XXVI, n.1, pp. 5-16.
- Scicchitano, M., Hedge, D. (1993), *From Coercion to Partnership in Federal Partial Preemption: SMCRA, RCRA, and OSH Act*, «Publius: The Journal of Federalism», XXIII, n.4, pp.107-121.
- Stewart, W. (1984), *Concepts of Federalism*, University Press of America, Lanham.
- Stoker R. (1991), *Reluctant Partners. Implementing Federal Policy*, University of Pittsburgh Press, Pittsburgh.
- Sundquist, J. (1969), *Making Federalism Work*, The Brookings Institution, Washington, D.C.
- Tarlton, C. (1965), *Symmetry and asymmetry as elements of federalism: A theoretical speculation*, in “Journal of Poltics”, 1965, Vol.27, No 4, pp.861-74.
- Tolley, M., Wallin, B. (1995), *Coercive Federalism and the Search for Constiitutional Limits*, «Publius: The Journal of Federalism», XXV, n.4, pp.73-90.
- Sullivan, K. (1997), *The Balance of Power between the Federal Government and the States*, in Brinkley, A., Polsby, N., Sullivan, K., pp. 111-122.
- Vile, M. (1977), *Federal Theory and the “New Federalism”*, in “Journal of Australasian Political Studies Association”, Vol. 12, n. 2.
- Volpi, M. (1995), *Stato federale e Stato regionale: due modelli a confronto*, «Quaderni Costituzionali», XV, n. 3, pp. 367-409.
- Walker, D. (1995), *The Rebirth of Federalism*, Chatham House, Chatham.
- Walker, D. (1996), *The Advent of an Ambiguous Federalism and the Emergence of New Federalism III*, «Public Administration Review», LVI, n.3, pp. 271-280.
- Watts, R., (1991), *West German federalism: comparative perspectives*, in Jeffery-Savigear (eds), pp. 23-39.

- Wehling, H. (1989), *The Bundesrat*, «Publius: The Journal of Federalism», XIX, n.4, pp.53-64
- Wheare, K. (1956), *Federal Government*, 3d ed., Oxford University Press, London
- Wildavsky, A. (1979), *A Bias Toward Federalism*, in *Speaking Truth to Power*, Little, Brown, and Company, pp.142-154.
- Wildavsky, A. (1984a), *Introduction*, in Golembiewsky, R., Wildavsky, A. (eds), pp. 3-20
- Wildavsky, A., (1984b), *Federalism Means Inequality: Political Geometry, Political Sociology, and Political Culture*, in Golembiewsky, R., Wildavsky, A. (eds), pp.55-72.
- Wright, D. S. (1988), *Understanding Intergovernmental Relations*, third ed., Brooks Cole, Pacific Grove.
- Zimmerman J. (1991), *Federal Preemption. The Silent Revolution*, Iowa State University Press, Ames.
- Zimmerman, J. (1992), *Contemporary American Federalism*, Praeger, New York.
- Zimmerman, J. (1993), *Preemption in the U.S. Federal System*, «Publius: The Journal of Federalism», XXIII, n.4, pp.1-13.

U.C. BERKELEY LIBRARIES



C114006895
