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**Paper No. 91**

**“Nations, States, Unions:  
Institutional Design and State-  
Breaking in the Developed West”**

**Hudson Meadwell**

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**NATIONS, STATES, UNIONS:  
INSTITUTIONAL DESIGN AND STATE-BREAKING IN THE DEVELOPED WEST**

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**NATIONS, STATES, UNIONS:  
INSTITUTIONAL DESIGN AND STATE-BREAKING IN THE DEVELOPED WEST**

**Introduction**

Most comparative analysis of nationalism argues that separation is difficult in the developed West (Hall, 1995; Dion, 1996; Newman, 1996). Quebec, however, has advanced farther toward independence than any other case. Political entrepreneurs and nationalist activists in other regions such as Scotland, Wales, Brittany, Catalonia, Flanders, Wallonia or northern Italy have not organized movements that match the success of the independence movement in Quebec. Although independence has not been gained, even in Quebec, this case threatens to break the historical mould.

Two referendums have been held in fifteen years in Quebec (1980 and 1995)<sup>1</sup>. The last referendum was virtually a dead heat. Among francophones, the support for the "Yes" side increased by almost 20%, from 40% in 1980. Three provincial governments since 1976 have been controlled by a party that supports significant change to the territorial status-quo. Failure in constitutional negotiations (the Meech Lake Accord) also had the effect of notching up the level of support for sovereignty, over more than the short-term, although these effects may be declining with time. Despite the sensitivity of survey results to the wording of questions, there is consistent support for independence in polls and surveys (Cloutier *et. al.*, 1992; Nadeau, 1992; Martin, 1994). In no other case in the developed West, is there this combination of political leadership and organization, popular support and referendum results. Other movements lag behind

Quebec. The purpose of this paper is to explain why this case has led other substate nations and regions within the developed West.

I develop an explanation that has these two components: (1) The institutional design of the Canadian state encourages substate nationalist mobilization. (2) There are no overarching supranational political institutions in North America that might compensate for the centrifugal tendencies of territorially decentralized power sharing in Canada. The design of the Canadian state encourages secessionist challenges, and is not nested in a larger design that could encourage cohesion. I summarize this argument here; it is developed in more detail in later sections.

The Canadian state was differently designed than other states in the developed West and these differences are the key to the anomalous status of the case of Quebec. The fact that Quebec has advanced so far along the path to independence rests on the pattern of state rationalization in Canada, which blurred the conventional distinction between domestic hierarchy and interstate anarchy<sup>2</sup> via the institutional arrangements of consociational power-sharing and federation, and which did not settle the issue of statehood through civil war, as in the United States. And, unlike contemporary Europe, there are no overarching supranational political institutions in North America that might raise the institutional barriers to secession, independent of the barriers that are associated with domestic institutions.

The major elements of this argument are developed in the following four sections. I first consider alternative explanations of secession. I describe the institutional design of the Canadian state as consociational federalism<sup>3</sup>, and specify those properties that increase the likelihood of secession in the second section. In the third section, I examine those facilitating conditions that made consociational federalism possible in Canada. I find that some of the systemic conditions that contributed to consociational federalism also made a supranational union unlikely. And, conversely in Europe, the systemic conditions that made consociational federalism a highly unusual institutional design also contributed to the post-war pattern of political integration. In the final,

concluding section, I examine the implications of these arguments for the politics of substate nations in the European Union.

### **Some Explanations of Secession**

In this section, I survey some prominent explanations of support for secession in substate nations. I consider two arguments about facilitating conditions and two arguments about proximate causes of secessionist movements. Finally, I also examine an institutional explanation of variations for support for secession that emphasizes the effects of political inclusion on demands for radical change.

1. Supranational political integration encourages territorial fragmentation. This proposition suggests that supranational integration creates new institutions that weaken constituent states and strengthen the position of substate nationalists. According to this proposition, Quebec should lag behind other regions and substate nations in Europe because there is much more supranational political integration in Europe than in North America. But this is clearly not the case: Quebec is closer to separation than any substate unit in Europe (Dion, 1996: 275; Newman, 1996: 141), and there is no supranational political integration in North America.

2. Economic integration encourages territorial fragmentation. Freer trade in a regional trading system lowers regional economic dependence on the national economy, lowers the transition costs of independence, and contributes to economic viability when independence is achieved (Meadwell, 1989). These effects should make the political mobilization of support for secession easier. However, economic interdependence and regional economic integration are features of the environments of all substate nationalist movements in the developed West. While it is true that the European Community entrenches a deeper form of economic integration than NAFTA, it is clear that, despite these differences, interdependence and integration are characteristic of both Europe and North America. Thus it is not obvious that economic integration can account for the comparative strength of the secessionist option in Quebec.

3. Unique economic specialization contributes to secession. Specialization in

3. Unique economic specialization contributes to secession. Specialization in production creates common interests among people (Hechter, 1992). Leaving aside the relationship between common interests and secession, a gap which is often addressed through a version of proposition (4), specified below, the Quebec economy should be highly specialized, particularly in those activities occupied by francophones, if this proposition is true. But the timing of nationalist mobilization in Quebec, and the introduction of demands for independence in the late 1960s, strongly suggests that these changes occurred in a period of declining economic specialization (Meadwell, 1993).

4. Nationalist identity-formation contributes to secession. Political nationalists are motivated to make the national and political congruent (Gellner, 1983). The stronger the sense of nationhood in stateless nations, the easier it is to mobilize support for secession. While I agree, I also argue that this type of identity-formation is endogenous to institutional design.

The institutional design of the Canadian state has provided the infrastructure to shape the substate identities that contribute to a sense of national difference, and makes it easier also to politicize these differences. The processes of identity-formation facilitated by consociational federalism should increase the likelihood that the baseline level of support for nationalism will be higher than in circumstances where this design is not present, or no substitutes exist for it. The same institutional design also provides political entrepreneurs and activists the opportunity to mobilize a greater degree of support for independence for any given level of nationalism than could be mobilized were this design absent.

5. Increased voice lowers the likelihood of exit. Increased inclusion weakens political radicalism. Conversely, according to the usual argument, political exclusion should increase the likelihood of radical political challenge. In the case of political nationalism, according to this argument, exclusion should increase the likelihood of secession and inclusion should lower it. One version of this argument makes an analogy between the inclusion of classes, particularly the working class, and the political inclusion of substate nations (Hall, 1995).



Nationalism is not about winning inclusion in the political institutions of another nation, however. The basic reason is that substate nationalism has an important territorial dimension. Substate nationalists do not seek to capture the state or change the regime, while holding constant the boundaries of the state. Political accomodation is a second-best outcome for political nationalists. The systematic differences between secession and revolution undermine the analogy. Socialists could and did hold out the hope of a peaceful transition to socialism through inclusion in political institutions, access to political power in the center, and the transformation of economic relations through the instrument of political power. Substate nationalists do not hold out the hope of a peaceful transition to independence via equivalent participation in political institutions. So the analogy fails.

There is no other way within nationalism to achieve nationalist goals than to preserve differences. The commitments of nationalists are to separateness and autonomy. Political inclusion modelled on class inclusion would not recognize these differences. Separateness and autonomy are precisely what communitarian socialists gave up when they decided to participate in democratic political institutions (Prezworski, 1985). There is no equivalent in patterns of class inclusion to consociational federalism.

Consociational federalism supplies a distinctive type of political inclusion. The Québécois nation is not excluded; indeed it has a substantial jurisdictional presence in the Canadian federation via provincial institutions, and political weight in federal governments and institutions. Sovereignists were even the official opposition in the last federal government and continue to dominate the representation of Quebec in the Canadian House of Commons. For 28 of the last 30 years, the Canadian prime minister has been from the province of Quebec, and for 20 odd years, the prime minister has been francophone. Despite this inclusion, the likelihood of secession is higher in Quebec than in any other part of the developed West. I argue that institutional design is the explanation for this inversion of the sociological truism.

Consociational federalism is a deep form of territorially decentralized power-sharing among substate nations. It is an unusual design in the West. Aside

from Switzerland, which has a long federal history, European states have tended to be unitary. Consociational arrangements, moreover, were not implemented to accommodate nations per se, but more specific subcultures. Switzerland, for example, is multilingual, rather than multinational. The Dutch zuilen, the classic site of consociationalism, were not nations. In European society, the use of federal decentralization to accommodate the demands of substate nations is both relatively recent and limited. In the late 1970s, Spain began to move towards asymmetric internal arrangements that recognized the historic nations of Catalonia and the Basque country. Belgium completed a complicated process of federal decentralization in 1993. Westminster authorized referendums on the creation of local legislatures in Scotland and Wales in 1997. The latter changes did not create federal institutions.

Yet in Canada, federal institutions have been used to accommodate French and English from Confederation onwards. The design of the Canadian state has been distinctive. It has been described as consociational federalism (LaSelva, 1996; Noel, 1993, 1987; Lijphart, 1985, Bakvis, 1987: 282-284). Canadian consociationalism has two core features of consociational politics: power-sharing between corporate groups and internal subgroup autonomy (Lijphart, 1977, 1968). These features are nested within federal institutions and parliamentary government. There is little intrastate federalism in Canada because there is no effective elected upper legislature. As a result, interstate mechanisms of negotiation and bargaining among the executives of the governments within the federation ("executive federalism" [Smiley, 1970]) dominate intrastate institutions. Research by Barrie and Gibbins is consistent with this point: Parliament has served less and less as a vehicle through which provincial political elites are drawn into national politics (Barrie and Gibbins, 1989: 145). "Political ambitions in Canada do not knit elected offices into a hierarchical, national structure". Provincial office serves as an alternative to rather than as a stepping stone towards national office (1989: 138). The result of this combination of some features of consociationalism and a federal polity that lacks integrating institutions is a deep form of decentralized power-

sharing.

### **Consociational Federalism**

Consociational federalism preserves differences and encourages substate nationalism, while providing nationalists with an embryonic state. It increases the feasibility of secession and, at the same time, its institutional arrangements help to resolve problems of coordination and free-riding in nationalist collective action. Lijphart (1990), however, argues that the feasibility of separation should have a moderating effect on intergroup bargaining. This means that the leaders of one group will demand less and the leaders of another group will concede more than they would otherwise, if separation was not feasible.

I will examine two results in this section, associated with feasibility, that he does not emphasize. First, feasibility should increase sincere support for secession. Why should a substate nationalist not take advantage of the feasibility of secession and pursue independence? Second, feasibility should also increase insincere support for secession. Why, for example, should political entrepreneurs in one group demand less, when they know that they can achieve more by threatening to secede? These results are consistent with the proposition that, as feasibility increases, agreements produced through power-sharing are less likely to be self-enforcing<sup>4</sup>.

In order to specify the effects of consociational federalism, I assume that preferences can be distinguished at four different levels: (a) real preferences, the preferences actors would have if unconstrained by external circumstances, (b) constrained preferences, including preferences that have been formed by adaptation to a set of feasible alternatives, (c), truthful preferences, that is preference revelation within the set of feasible alternatives, and (d) misrevealed preferences that are expressed for strategic purposes. The number of real and sincere secessionists is related to institutional design because design shapes political identity, the political feasibility of secession, and the opportunity structures of activists and entrepreneurs.

I argue that, when sampling within the institutional design of

consociational federalism, the probability of drawing a real preference for secession is higher, the probability of drawing a constrained preference for something other than secession is lower, the probability that secession is the revealed-preference within the feasible set is higher, and the probability that there is one type (discussed below) of insincere support for secession (misrevealed preferences) is higher, than the probabilities for all of these types of preference within other institutional designs in the developed West.

In general, such a design should produce a larger proportion of sincere secessionists than within other institutional designs in the developed West because, first, the more feasible is withdrawal the larger, all else equal, the number of individuals whose sincere preference is withdrawal and, second, the political feasibility of withdrawal varies with institutional design.

Consociational federalism thus encourages sincere support for secession. This support is not a result of strategic misrepresentation of preferences. When support for secession is sincere, secession is not used as a threat; rather, secession is a means to a desired goal. Moreover, sincere supporters of secession do not understate their demand for the collective goal of independence in order to free-ride on the active support of others in the group. This is true by virtue of the technical meaning of free-riding which, by definition, is a case of strategic misrepresentation of preferences.

This does not mean that sincere support is not sensitive to the political costs of transition. In a consociational federation, however, these costs should be relatively lower. Individuals are habituated to a central state whose agents have not established a reputation for toughness<sup>5</sup>, and the barriers to transition should be relatively lower than in other designs that include different political institutions that shape political agendas and forms of political organization, and also produce a predisposition for policies that deter challenges to the territorial state.

For the purposes of discussion, I assume that there are two subsets of sincere supporters, as long as preference-formation and public expressions of preferences are not determined completely by community norms and identity and

political institutions. These subsets are distinguished by significant differences in sensitivities to increasing transition costs. In both subsets, I assume, sincere support for secession falls as transition costs increase but, in one subset, it declines substantially more for every unit increase in transition costs than in the other subset. The stickiness of this second subset is a dynamic effect of consociational federalism, absent in other designs, related to the organizational capacity that substate nations are endowed with inside its institutional arrangements. Individual preference-formation is less likely to be completely determined by changes in transition costs within a consociational federation than other designs that do not provide equivalent forms of territorially-defined communities and state-like political institutions that help to solve problems of coordination and free-riding. So, there may continue to be sincere supporters of secession, even if transition costs increase. Not all support for secession is strategic. In other words, sensitivity to transition costs can be consistent with sincere preference representation, and the choice dynamics of a cost-sensitive actor with sincere preferences are different from the dynamics associated with preference misrepresentation.

However, there is also another result of consociational federalism. It can permit the strategic misrepresentation of preferences. Consociational federalism is a non-dictatorial institutional design, and nondictatorial mechanisms are susceptible to manipulation by misrepresented preferences (Ordeshook, 1986: 235ff., 82-89). Its infrastructure encourages sincere support for secession, as I have argued, but insincere or strategic support for secession can be present at the same time. Indeed, I will argue that credible threats to secede, which are one important form of strategic behavior in these cases, are associated with the presence of sincere support for secession. In general, feasibility produces both more sincere supporters and more strategic supporters of secession. It feeds support for secession in more than one way. This conclusion is consistent with the earlier argument about the two ways in which the feasibility of secession produces results that run counter to the expectations of Lijphart and others. For a given level of feasibility, there will be sincere and strategic secessionists.

Two different forms of preference misrevelation (strategic preferences) can be distinguished. An insincere secessionist is either someone who prefers some alternative to secession, but publicizes a preference for secession, or who actually prefers secession but publicizes a preference for some alternative. I focus here on the first type of insincere support for secession and its incentive structure.

There may be incentives to mimick the public attitudes and behavior of sincere secessionists. There are sophisticated strategies that can be played by political entrepreneurs who use exit as a threat. Voters can vote tactically and misrepresent their preferences. Strategic supporters of secession are in effect free-riding on the institutional status-quo, purposely overstating their interest in secession in order to extract resources from the state. Threats of withdrawal are more credible when the act of withdrawal is more feasible politically, and threats are less credible if withdrawal is less feasible. The credibility of the threat of withdrawal varies with political feasibility, but feasibility also tends to produce relatively more sincere supporters of secession than in other designs.

Agents of the state would prefer to be able to reliably distinguish these two sets of individuals -- sincere and strategic supporters of secession. It should be remembered that a strategy-proof mechanism that was designed to eliminate insincere support for secession would not eliminate all support for secession. From the point of view of a state agent, therefore, the key is not to "strategy-proof" institutions, but to lower the number of sincere supporters of secession. A move that successfully lowered the number of sincere supporters would also have indirect effects on actors who threaten secession. It would make these threats less credible because credibility should vary with the number of sincere supporters.

The existence of incentives for strategic supporters to mimick sincere supporters implies that the agents of the state are operating under informational constraints. Otherwise, under an assumption of perfect information, sincere and strategic secessionists can be distinguished and there are no incentives for

imitation via preference misrepresentation. This is an heroic assumption, however, and information failures can be exploited.

Although state agents may not have complete information, they can take advantage of the relationship between real preferences and the feasible set of alternatives in the following way. If they can narrow the boundaries of the feasible set or change the weights of alternatives within it, they can force actors to rethink their prior decisions. There are two ways in which boundaries of the feasible set may be modified. One is through institutional redesign; the other is through more informal commitments about the future behavior of state agents. The political problem for state agents is that institutional redesign is difficult without the agreement of those substate nations protected by the institutional arrangements of consociational federalism. Institutional redesign may be preferable in the long run because it should induce more fundamental preference change over the longer term, if preference formation is endogenous to institutional design. While institutional innovation is preferable, it is hard to achieve, and the fallback is to try to establish credible commitments to deter secession. It is difficult as well, however, to make these more informal commitments about behavior in the future credible and effective. These commitments rest ultimately on the threat of the use of force. If institutional innovation could be accomplished, such threats would not be needed.

The intention of either redesign or commitment is to make an institutional design less vulnerable to fundamental challenge by, in effect, introducing de jure or de facto restrictions on the domain of preferences. These moves may not completely eliminate sincere support for secession but, to the extent that such responses do have effects on sincere supporters, it is by changing sincere support for secession into constrained support for some state of affairs that stops short of new state formation.

State agents can also make the threat of secession less credible by making the process of withdrawal more costly. Agents of the state who can credibly manipulate the boundaries of the feasible set by narrowing the range of alternatives within the set might be able to separate sincere secessionists from

strategic secessionists. If it is credibly communicated that resistance from the central state will increase the costs of transition to independence, and is planned if the need arises, a threat to secede loses some of its efficacy.

In this response, state agents can benefit from another feature of the situation of strategic secessionists, if the structure of sincere support for secession proves to be very sticky in the face of a tougher state stance. Strategic secessionists have private information unavailable to state agents. They know that their public preferences for independence are insincere. They can have an interest in revealing this information. These individuals must ensure that sincere secessionists, for whom independence is more than a bargaining position, do not control the political agenda within the group. They will not want to be dragged along toward independence by sincere secessionists. The situation of strategic secessionists is volatile. Their success is associated with a narrow range of sincere support for secession. Too few sincere supporters of secession within the group means that threats to secede are not credible, too many sincere supporters of secession may make threats to secede privately unbearable. For threats of secession to continue to be credible and bearable, a policy of tougher commitments from the state has to reveal a level of sincere support that falls within this range. Hence the volatility of strategic supporters. Their optimal level of sincere support must be high enough to make threat behavior publicly credible, but low enough to make threat behavior privately bearable.

The real problem that state agents face in consociational federalism is not threat behavior but the possibility that the institutions of consociational federalism have shaped the structure of sincere support for secession such that the subset of sticky support is much larger than, not only the subset of insincere supporters, but the subset of cost-sensitive sincere support. And the longer the institutions of consociational federalism have been in place, the greater the communal and political encapsulation of the group and thus the higher the likelihood that sincere support for secession is relatively insensitive to transition costs. The general problem is that consociational federalism is very



decentralized and that, past some threshold point (difficult to specify a priori), the tendency toward fragmentation can be irreversible.

A central government that can credibly communicate its commitment to increasing transition costs will face a less serious threat to the territorial integrity of the state. There will be fewer sincere supporters of secession and less strategic misrepresentation of preferences. A central government that has no credible reputation for toughness, on the other hand, will likely confront more sincere supporters of secession, and will find it difficult late in the game to take up a hardline policy that might work to distinguish sincere and strategic supporters of secession. A hardline policy, in this context, represents a change in a longer pattern of accommodation and may not be believed and thus not change behavior until it is too late. Or it may be so surprising, when set against the prior pattern, that it is interpreted as a potential remaking of the institutional design that fostered accommodation. A tougher stance that comes too late also may be counterproductive, if it increases the intensity of sincere support for secession. The best way to deter secession is through designing institutions rather than through more informal commitments about the future, but in a consociational federation that type of institutional innovation is almost impossible to achieve on a consensual basis (Manfredi and Lusztig, 1998). There are too many interests vested in those very arrangements that need to be modified. Without institutions that tend to limit sincere and strategic support for secession, substate nationalists and state agents will become engaged in a threat game.

#### **The Origins of Consociational Federalism in Canada.**

Consociational federalism is an unusual design within the West. It encourages support for secession. But secession has not been a recurring issue in Canadian political history<sup>6</sup> and consociational federalism has not always been a characteristic feature of the Canadian state or, more accurately perhaps, consociational federalism has become increasingly decentralized in Canada from its origins in Confederation. I move accordingly from an analysis of the incentive structures of this institutional design to a discussion of its origins

and evolution in this particular case. There are two arguments here. First, this design emerged from an institutional starting-point that already embodied substantial corporate group power-sharing and decentralization. Canada is the first case in which the decision to form a federal rather than a unitary state was determined by the desire to accomplish ethnic accommodation (Forysth, 1989: 3). This implies that the causes of the changes to the original design of the Canadian state are partially endogenous. Canada has a distinctive institutional design circa 1998 because it had a unique institutional baseline. So one purpose of this section is to discuss the conditions that contributed to this unusual institutional baseline -- already decentralized by European standards.

There is still nothing, however, in this argument that accounts for the changes to the original design of the Canadian state that produced the incentive structure that I examined in the last section. The second argument is designed to fill this gap by bringing into the analysis a further feature of the original institutional design of the Canadian state. Canada was a part of a supranational constitution -- the imperial constitution that linked Britain and its colonies and Dominions. This constitution was used by political actors to challenge and to modify federal authority.

As Quebec evolved into a modern industrial society, therefore, it was embedded in increasingly decentralized political institutions. Consistent with the general arguments of Gellner (1983, esp. 34-35), political regulation became increasingly important to social and cultural reproduction as Quebec fully modernized after the Second World War. In earlier phases of development, before the transition to a modern industrial society, encapsulating non-statist institutions, particularly the Catholic Church, provided the mechanisms for social and cultural reproduction. This pattern of reproduction depended on, and reinforced, isolation and stasis. In the transition to industrial society, political institutions -- particularly the provincial state -- became increasingly central to the reproduction of national differences, especially with regard to language. Provincial political institutions, supplied by the arrangements of consociational federalism, were the conspicuous solution for

political regulation and social and cultural reproduction in a fully modern Quebec that was no longer isolated nor static. By the time of this transition to industrial society, provincial political institutions were more powerful than they were in the original moment of institutional design in Confederation, as a result of the challenges to federal authority that were made possible by the imperial constitution. These features of the institutional design of the Canadian case -- the combination of consociation and federation -- were related to features of its regional subsystem, first of all, but also to the political status of Dominion within the British empire. I discuss the distinguishing features of this regional subsystem, and the consequences of the imperial constitution, in more detail in the remainder of this section.

State-formation in North America did not occur in the same sort of anarchy as original state-making in Europe. Anarchy, strictly defined as the absence of an overarching sovereign in a subsystem, is consistent with zones of war and zones of peace. The North American subsystem has been a zone of peace (Thompson, 1996). As a consequence, there was some room for variation from the canonical form of state predicted by the literature on state-making. This holds for the United States (eg, Deudney, 1995); it holds as well for Canada, although British North American union was also shaped by the process of state rationalization in the United States.

States and regimes in Europe were systematically different than states and regimes in North American society. Geopolitical competition was an important determinant of the differences between the political experiences in Europe and North America, even if this same variable cannot explain all of the variation in forms of political association in Europe<sup>7</sup>. Although geopolitical competition does not explain all of the differences in European states and regimes (Spruyt, 1994: 155-158ff, Ertman, 1997), there is still some agreement that the territorial state dominated other possible forms of political organization in Europe because it was a more efficient form of organized self-help. Historical sociologists and realists have argued that the absence of central authority in European society was conducive to war and that warfare contributed to the

emergence of unitary states, indirectly to liberal institutions, and to nationalism. States were solutions to the problem of self-help under anarchy (Tilly, 1975 and Skocpol, 1979, building on Hintze, 1975 [1906]). National identities emerged from recurring episodes of interstate conflict and, once formed, provided another mechanism to mobilize society (Colley, 1992; Mann, 1992; Posen, 1993). Liberal institutions were made possible by the unique combination of war, commerce and constitutionalism (Hall, 1985; Downing, 1992; Koenisberger, 1978), as subjects gained citizenship rights in exchange for their fiscal contributions to the state and patriotic support (Hofman and Norberg, 1994; Bates and Da-Hiasang, 1985)<sup>9</sup>.

These processes produced territorial states that were stable, and not subject to the statist analogue of fission in stateless societies -- secession. With the emergence, evolution and consolidation of the state, the statist analogue to fission becomes rare and is not a typical means of conflict-regulation (Hirschman, 1978: 93ff.). This is the stylized historical perspective that underlies the argument that secession is rare in the West. As can be noted, it actually depends as much on an argument about state rationalization as about liberalism or democracy per se.

A federation such as Canada is markedly different from the unitary territorial state associated with European political development. Consociations and federations are political arrangements that are not characterized by as sharp a distinction between hierarchy and anarchy as is implied by the model of the state that is found in realism and in the historical sociology of state-formation and rationalization. In the politics of consociation, relations between autonomous subcultures often imply states that have less autonomy from their subculturally organized societies. The principle of political organization is vertical, and cuts across the boundary between state and society. When consociation and federation are combined, serious challenges to the territorial integrity of the state are likely to emerge. Indeed, from the point of the challengers, the arrangements of consociational federalism are such that there is no such thing as a Canadian state that is more than a political union. This

is what Lucien Bouchard means when he states that there is no such thing as Canada. Canada is not a state, but merely a union.

Canada, however, was not only located in a zone of peace; it also remained a part of a supranational political association. The Canadian state was a Dominion: it retained a special juridicial status within the British imperial constitution. Canada did not make a clean break with the mother country. It did not fully shed its relationship with the Imperial Parliament until the late twentieth century, remaining a part of the Empire, and later the Commonwealth, and did not give up the last vestiges of this imperial relationship until the repatriation of the Canadian Constitution in 1982. The important dates of changes to the imperial relationship were the Treaty of Washington of 1871, when the Canadian Parliament was given the opportunity to ratify the treaty (which concerned American-Canadian relations), the Imperial Conference of 1926, the Statute of Westminster in 1931, which established full legislative equality between the parliament at Westminster and the parliaments of the Dominions, the Canadian Citizenship Act of 1949 and the decision in 1949 to make the Supreme Court of Canada the court of final appeal for Canadians in all matters (Bercuson and Cooper, 1992).

Canadian federalism was imperial (Verney, 1986: 146-147). Power was divided between federal and provincial legislatures, but it was still the Imperial Parliament that was supreme. As the imperial relationship was gradually ended, in piecemeal fashion, the balance between the federal Parliament and the provincial legislatures was also changed (Verney, 1989, 1983). Some of these imperial institutions, particularly the Judicial Committee of the Privy Council (Smith, 1995: 634-635ff.; Vaughan, 1986; Cairns, 1971) had been used to strengthen provincial autonomy. Thus, as the federal authority gradually shed its subordinate status within the imperial Constitution, its position vis à vis the provinces was not held constant or strengthened, but had been weakened as a result of the political uses to which imperial institutions had been put.

Supreme legislative and judicial authority in Canada was vested in imperial institutions (the British Parliament and the Judicial Committee of the Privy

Council) until well into the twentieth century. The imperial constitution was used by political entrepreneurs in Canada to weaken the federal authority. The design of the Canadian state thus provided an institutional mechanism, outside the jurisdiction of the federal authority, by which to successfully challenge the capacities of the federal state. These changes moved Canada from a quasi-centralized federation to one of the most decentralized federations in the world (Watts, 1997).

Under imperial federalism, central features of the Westminster parliamentary system, responsible government and majority rule, shaped Canadian federalism at its founding moment. Consociational power-sharing between anglophone majorities and francophone minorities within Ontario and the Western provinces, essential to a pan-Canadian accommodation of English and French, was discouraged by parliamentary federalism (Sabetti, 1982:20). The incentive structures produced by the imperial constitution limited the formation of a French-Canadian nation that spanned various provinces and encouraged the formation of a nation linked to the province of Quebec. In this way, Québécois nationalists brought together truncated versions of the two compact theories, a compact of provinces and of peoples, that dominated political discourse in Canada. Consociational accommodation and federation became joined at the provincial level as a consequence, but without power-sharing arrangements between the francophone majority and minorities within Quebec.

Efforts at constitutional closure vis à vis the imperial relationship with Britain have been flashpoints of disagreement between the federal government and provincial governments, particularly Quebec, since the 1970s. The contemporary re-mobilization of support for some form of independence after the failure of the Meech Lake Accord came after, and in response to, the repatriation of the Constitution. This indicates the close association between this final phase of the colonial relationship with Great Britain and the question of the status of Quebec (Verney, 1989: 188).

The current crisis in Canada is related to its constitutional endgame -- the withdrawal of Canada from its imperial relationship with Great Britain in

1982. This was the institutional opening for separatists, who had already used the domestic institutional arrangements of consociational federalism to mobilize and create support for national self-determination.

As Canada has become more politically independent, its multinational structure has become unstable. Fuller political self-determination appears incompatible with two centers of internal sovereignty lodged in Ottawa and Quebec City respectively. The Canadian dilemma, then, rests on the incompleteness of its transition to independence and the timing of this final phase of constitutional closure in the late twentieth century. If Quebec is farther along the road to independence than any other case in the developed West, it is not the result of increasing integration into supranational institutions, but rather the result of withdrawal from them. The imperial constitution may have been, by the late twentieth century, a vestigial supranational structure. But it was still important enough that it motivated constitutional change in Canada.

The institutions of consociational federalism encourage support for secession, both sincere and strategic, and these institutions pretty nearly uniquely describe the design of the Canadian state. In sum, these are the reasons why Quebec is farther along the path to independence than any other substate nation in the developed West. Institutional barriers to secession are lower in Canada because of the unit-level properties of consociational federalism.

If liberalism or democracy, or some combination of the two, has worked to limit secession in the developed West (Dion, 1996; Newman, 1996; Hall, 1995), these effects are dependent on a process of state rationalization. Liberal democracy has had an uninterrupted history in Canada. The case of Quebec illustrates that, even where liberal democracy is stably entrenched, economic interdependence is high, and peace reigns, a liberal subsystem in which the internal sovereignty of states is weakly established is still subject to the problems associated with secession. Moreover, there are no overarching political institutions that can integrate second and third level governments in Canada and North America.

One systemic condition of postwar European integration -- an historical

record of recurring interstate war (eg. Gillingham, 1991)) -- has been less relevant in North America. The Community was originally an intergovernmental creation of its constituent states, however much its competences have been expanded over time. In Europe, the resolution of the problem of interstate conflict produced over time another level of supranational institution-making because the problem of war created strong states but no stable hegemon. North American society has had a stable hegemon since the American Civil War. Stability in one of the subsystems of the developed West has been associated with the gradual and piecemeal pooling of sovereignties, absent a hegemon; in the other subsystem, stability has been associated with hegemony without supranational integration.

Although there is no supranational integration currently in North America, and no firm basis to expect much of it in the near future<sup>9</sup>, political unions do have a history in the Americas. But it is a short history. Political unions in Latin America were shortlived; union had a longer life in North America and evolved differently -- into federal territorial states.

The creole societies of the newly independent states of the former Spanish empire had not been originally organized in a union. New state formation occurred along the fault lines of the administrative units of the Spanish empire. Two attempts at union among these new states in the remnants of the Spanish American empire failed: Gran Colombia (in 1830) and the United Provinces of Guatemala (in 1840). These failures occurred only a few years after independence.

The United States, however, was designed as a political union and lasted almost 100 years before the definitive transition to a federal state. Before this transition, marked by the Civil War, the United States was something more than an anarchy. It also was more centralized than the concert which stabilized European politics after 1815. Yet the American political union was not yet a territorial state. Concerts are rare and the European concert quickly decayed (Jervis, 1985). A concert offers no permanent solution to the security dilemmas associated with interstate anarchy, and the European concert was not a stepping-off point for political union (Schroeder, 1994). It collapsed, thus reinforcing



the interstate system in European society.

The American states-union was also unstable but, because it was already more than a concert, its transition path was more likely to be toward deeper political integration. The federal state internalized and domesticated political conflict, unlike the European concert. The Civil War not only consolidated liberal republicanism, it also consolidated the territorial foundations of the American state and eliminated any future threat of secession as America expanded. The War also clearly established an enduring regional economic and military hegemon in the Americas. Consider also interstate and intrastate politics in the other subsystem of the Americas, where there was neither union, nor concert. Relations between the states in the American union were more peaceful than relations between the newly independent states of Latin America. This holds for all types of war, from systemic to extra-systemic wars, to civil wars and small wars (Small and Singer, 1982).

In brief, then, North America evolved distinctively. Unions became federal states, and one of these states -- Canada -- did not make a definitive break with imperial authority, nor experience a formative moment of consolidation. There are, further, no supranational institutions that might compensate for the deep form of territorially decentralized power-sharing characteristic of Canada. The consequence, I have argued, is an institutional design that has encouraged support for secession. There is no other case in the developed West that matches the combination of political leadership and popular support for independence that characterizes the nationalist movement in Quebec.

**Conclusion: Is Quebec the Future of Europe?**

The paper concludes with some discussion of the other subsystem of the developed West -- European society -- in particular, stateless nations within the European Union. To this point, I have described the strategic structure of consociational federalism and briefly outlined some of the conditions that contributed to its emergence in North America<sup>10</sup>. However, I have also assessed the consequences of its strategic structure independently of the developmental path of the Canadian case. There may be more than one path to territorially

decentralized power-sharing, but the effects on political mobilization may be roughly the same or, at least, comparable. I consider this possibility in this section.

Most observers of the Union do not foresee support for separation increasing within substate nations. Some emphasize a pattern of mixed and overlapping sovereignties within the Union. Political nationalism that seeks to make congruent state and nation is not consistent with these emergent features of the Union, and will not be very important as a result. Actors in substate nations will instead maneuver to insert themselves in the interstices of these multiple arrangements (Marks *et. al.*, 1996; Keating, 1996). If there are institutional barriers to separation within the Union, according to this point of view, they have little to do with a true supranational constitution. The latter implies a pattern of sovereignty that is incompatible with the variable geometry they believe will continue to characterize the Union. From this perspective, the Union is a new form of political association and fullblown political nationalism merely a relic of the past.

According to another point of view, support for separation will not increase, not because of changing patterns of sovereignty, but because states will continue to dominate European politics. The barriers to separation that would be invoked here are also not associated with a European constitution because, from this point of view, such a constitution is unlikely to emerge. Rather, the barriers to secession are unit-level and are related to the hierarchical structures and institutions of states. In other words, state institutions will continue to dominate -- both within the Union and within their territorial borders. So intergovernmental relations will continue to be more important than supranational relations and substate nations will be constrained by the hierarchical ordering principles of territorial states.

The implication of this paper is rather different. In general, accomodation in the form of self-government is likely to encourage rather than restrain or satisfy substate nationalists. Scotland is one instance, the historic nations of Spain perhaps another, since the choices of substate nationalists, particularly

in Catalonia, were time-dependent during the democratic transition. They can demand more now than they did during the transition because it is well consolidated. Moreover, as the other regions of Spain also demand more, the historic nations can also bargain for more as well -- in order, they will argue, to preserve the principle of asymmetry in territorial politics<sup>11</sup>. In these cases of Scotland and Catalonia, however, institutional innovations stop well short of consociational federalism. These versions of local government are still embedded in domestic institutions that are more hierarchical than the institutions of consociational federalism. It is very likely, however, that these initial innovations will increase rather than dampen demands for further change. These cases may not be able to avoid the problems associated with consociational federalism if territorially decentralized power-sharing is deepened.

Consider the status-quo in Scotland before the recent referendum. The United Kingdom has been historically a composite, but still a unitary state. It was internally differentiated but there has been one center of political sovereignty -- the King-in-Parliament. Scotland retained distinctive institutions in education, law and religion after the Union of 1707, but gave up its legislature and accepted the Hanoverian succession. Scotland has now been granted a Scottish Parliament. Although this is not a federal institution, Scotland is more complete institutionally. New Labour expected that this version of Home Rule would kill off the nationalist movement and the SNP. It is more likely that the Scottish Parliament will provide an arena of contestation and a locus of power for nationalists, that they will move to enlarge its competences once they control it, and that they will use referenda as a bargaining tool. Indeed, unless Scottish Labour is merely an agent of British Labour, it also will move to enlarge its competences. The electoral system, designed to increase the likelihood of coalition government in the Scottish parliament, may further encourage convergence on a policy of enlarging the competences of the parliament.

Nationalists with a sufficiently long time horizon (and there is no reason to believe that nationalists cannot think in the long term) will bargain, first, for a legislature where one is absent and, if successful, then use this

for a legislature where one is absent and, if successful, then use this institution as a locus of political mobilization for a more complete state. This strategy also changes the incentives of entrepreneurs, who also may make political claims using the institutions of the nation. Whether or not they have a sincere preference for independence, they will threaten it in order to win concessions, and their threats are more credible, all else equal, the higher the institutional capacity of the substate nation.

The substate nations of Catalonia and Scotland have depended historically on the institutions of civil society for their reproduction (Keating, 1996). However, the fact that substate nations have their own civil societies does not imply that they will be able to regulate themselves exclusively through the infrastructure of civil society, nor that substate nationalists will not seek a state of their own. Civil society is not a formal anarchy -- an association in which order is provided without political centralization and specialization. Civil society is not stateless. Indeed, in most definitions, civil society presupposes the state and political society (simply by virtue of the understanding of civil society as non-state associations). If civil society is so segmented that there are civil societies, and the differences can be framed as national differences, substate nationalists are unlikely to be satisfactorily regulated by one state. Civil societies require states, and substate nationalists with civil societies of their own will prefer states of their own. Either the civil societies of these substate nations are not that different from the civil society of the larger political communities of which they are parts, in which case they can be satisfactorily regulated by a single state, or these civil societies are significantly different -- in which case a single state may be accepted only as a second-best alternative because of the costs associated with making congruent state and society (ie. political nationalism). If independence becomes more feasible, this political status-quo may become less tolerable. As the constraints associated with transition costs are lifted, even partially, the status-quo should become more unstable. In other words, as long as politics has an important territorial component, and as long as states continue to dominate

the territorial organization of politics, substate nationalists will prefer territorial states of their own, although they may accept the second-best. That substate nations might have distinctive civil societies is no challenge to this argument. Indeed it seems to reinforce the basic point, since civil societies, by definition, presuppose states. The argument that substate nations are self-regulating because they have, or are, civil societies seems to have force only if states are politically irrelevant, because only then will substate nationalists not prefer one of their own.

The extension to these societies of political institutions will change the politics of these substate nations. It gives them greater institutional capacity. With access to autonomous political institutions, and with the will to use them, the principle of self-determination can be politicized in ways it could not be before by nationalist activists and entrepreneurs. As territorially decentralized power-sharing increases, so too will support for separation.

Thus the trajectories of stateless nations within the European Union are not yet clearly defined. It is not clear that the institutions of the Union are a sufficient capstone to compensate for the centrifugal tendencies associated with territorial decentralized power-sharing, but it is possible to outline a scenario that describes such an endstate in one case where self-government has moved beyond the changes in Britain or Spain. In particular, in Belgium, recent constitutional changes have moved this case toward a deep form of territorially decentralized power-sharing. These changes have occurred at the same time as the European Community was deepened. Supranational integration should modify the incentive structures of consociational federalism. In a larger political union with a supranational constitution, withdrawal of a substate nation from one member state is a matter of constitutional interest to all member states and to the institutional actors of the union. In such an arrangement, stateless nations are still subordinate to a larger sovereign body politic.

A true supranational constitution in Europe<sup>12</sup> might raise the barriers to secession. In practical terms, peaceful secession would not depend merely on the agreement of the "national" state but also on other states in the Union, perhaps

through the Council of Ministers. Further, the political arrangements of the Union have introduced advantages in scale in bargaining that shape the incentives of substate nations. Consider the regions and communities in Belgium which, since 1993, exist within a very decentralized federal system. They are better off working within the Belgian state within the Union. Officials from the regions and communities now can represent Belgium in the Council of Ministers on selected issues related to their competences as assigned in the Constitution, thus controlling all of the votes that Belgium has on the Council, and they can bind Belgium as a whole to the outputs of the Council. They would control fewer votes as a completely independent state. Nor as an independent state could they bind those other parts of Belgium that they now can bind to Union directives (Kerremans and Beyers, 1998). I conjecture that a true supranational constitution in Europe would facilitate power-sharing within its member states but that this power-sharing is more likely to be self-enforcing with less serious challenges to the territorial boundaries of the state than in Canada.

While it is not a race, Quebec has advanced farther toward independence than any other substate nation or region in the developed West. I have argued that this pattern is best explained by the institutional design of the Canadian state, and its consequences for nationalist political mobilization. This design encourages nationalist identity-formation and makes it easier for nationalist activists and political entrepreneurs to mobilize support for independence, both sincere and strategic. The paper thus provides an analysis of how consociational federalism contributes to support for secession and why, within the developed West, this design emerged first of all in North American society. As Western Europe now enters its sixth decade of interstate peace, and after the end of the cold war, the political consequences of institutional change that decentralizes power-sharing among substate nations may become increasingly relevant.

## ENDNOTES

1. The 1980 question asked for a mandate to negotiate "sovereignty-association" that "would enable Quebec to acquire the exclusive power to make its laws, administer its taxes, and establish relations abroad -- in other words, sovereignty -- and, at the same time, to maintain with Canada an economic association including a common currency. Any change in political status resulting from these negotiations will be submitted to the people through referendum". The 1995 question was "Do you agree that Quebec should become sovereign, after having made a formal offer for a new economic and political partnership, within the scope of the Bill respecting the Future of Quebec and of the agreement signed on June 12, 1995". The reference to the Bill is to legislation passed in the Quebec National Assembly in the summer of 1995. The June agreement was an accord signed by three party leaders (Bouchard, Parizeau and Dumont) that committed the souverainistes to a formal offer of partnership after a referendum, rather than an unilateral declaration of independence. There is now evidence that Parizeau, Premier of Quebec at the moment of the referendum, did not plan to honour the commitment. See Parizeau, 1997: 283-288.
2. Some of the theoretical implications of this distinction are discussed critically by Caparso (1997).
3. In using the concept of consociation, I am not committed to the theory of consociational democracy. For effective criticisms of the literature on consociational democracy, see Lustick (1997) and Laitin (1987).
4. For some further discussion, see (Meadwell, 1999).
5. On investments in reputation, see Kreps and Wilson, 1982. For another argument, drawn from work on public good provision and deterrence theory, see Ward, 1987. For an application of the chain store paradox to Canadian politics, see James, forthcoming.
6. The debate about secession in the provincial legislature of Nova Scotia in 1868 can be noted, but does not merit any discussion.

7. For other literature that links war to certain kinds of states see, for example, Herbst, 1990; Job, 1992; Holsti, 1997.
8. There are various ways in which this argument about the origins of citizenship rights needs to be pressed. If subjects become citizens by winning concessions from externally-exposed states, rulers should be aggressively pursuing peace. If peace is not established, rulers are worse-off. They continue to have to prepare for war, but they now do so after having weakened their domestic position. But suppose rulers have two ways of generating wealth: conquest or trade. As long as conquest dominates trade, rulers will have an incentive for forgoing peace and war will result. If peace is sought and achieved, rulers have to use trade rather than conquest to generate wealth. In the long-run, the dynamics of economic exchange will force rulers to make concessions to subjects.
9. Some analysis predicts supranational political integration in the future based on converging value change at the popular level in Canada, Mexico and the United States. This argument does not specify the units that would be integrated in a political union, however. Either a united or a fragmented Canada, within a larger continental political union, is consistent with the prediction of increasing political integration. Nor does the argument explain why, when there has so much convergence in the values and attitudes of Quebecers and other Canadians, there is so much support for separation in Quebec rather than for continuing political integration within Canada.
10. For a more detailed discussion of this historical path, see (Meadwell, 1997), and for one specification of the microfoundations of contemporary nationalist mobilization in Quebec, see (Meadwell, 1993).
11. The same competitive process produced by asymmetrical territorial arrangements can also be anticipated in Great Britain, given the differences in territorial political institutions introduced in Scotland, Wales and England.
12. On the constitution of Europe, see the essays collected in Weiler (1998); Mancini (1991).



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