



Article scientifique

Article

2010

Published version

Open Access

This is the published version of the publication, made available in accordance with the publisher's policy.

The Silent Reform of Swiss Federalism: The New Constitutional Articles on Education

Fischer, Manuel; Sciarini, Pascal; Traber, Denise

How to cite

FISCHER, Manuel, SCIARINI, Pascal, TRABER, Denise. The Silent Reform of Swiss Federalism: The New Constitutional Articles on Education. In: Schweizerische Zeitschrift für Politikwissenschaft, 2010, vol. 16, n° 4, p. 747–771. doi: 10.1002/j.1662-6370.2010.tb00447.x

This publication URL: <https://archive-ouverte.unige.ch/unige:17274>

Publication DOI: [10.1002/j.1662-6370.2010.tb00447.x](https://doi.org/10.1002/j.1662-6370.2010.tb00447.x)

Swiss Political Science Review

Schweizerische Zeitschrift für Politikwissenschaft
Revue Suisse de Science Politique
Rivista Svizzera di Scienza Politica

4

Special Issue

Berufsbildungs- und Hochschulpolitik in
der Schweiz, Österreich und Deutschland

Contributors

Manuel Fischer
Pascal Sciarini
Denise Traber

Guest Editors

Marius R. Busemeyer
Christine Trampusch

SPSR

The Silent Reform of Swiss Federalism: The New Constitutional Articles on Education

MANUEL FISCHER, PASCAL SCIARINI AND DENISE TRABER
University of Geneva

This article examines the decision-making process leading to the new constitutional articles on education in Switzerland. It analyzes how actors from both state levels (Confederation and cantons) could reach consensus in a process that was prone to a “joint-decision trap”. To that end, we hypothesize which factors may be conducive to a “problem-solving” style of policy-making in a compulsory negotiation system. Rich empirical material from various sources supports our theoretical arguments: We show that shared beliefs and a common frame of reference, the procedural separation between constitutional and distributional issues, neutral brokers, and informal structures were all beneficial to the success of the reform project.

KEYWORDS: Education Policy • Federalism • Compulsory Negotiation System • Joint-decision Trap • Problem-solving

Introduction¹

This article studies the decision-making process leading to the new constitutional articles on education in Switzerland. It analyzes how actors from two different state levels, the Confederation and the cantons, could reach consensus under the difficult circumstances of a “compulsory negotiation system” (Scharpf 1988, 2006b). By so doing, our aim is to shed light on a very important reform of education policy and an extraordinary case of federalist decision-making.

The new constitutional articles on education represent an important step towards the centralization of competences and a strengthening of the Confederation’s position in the domain of education policy (Benninghoff

¹ We would like to thank Sandrine Bossy, David Keller and Guenda Malinverni, who conducted several interviews for us. This article is part of a wider research project sponsored by the Swiss Science Foundation (Grant No. 100012-113964).

and Leresche 2009: 12ff.; Braun 2009a: 179; Sciarini and Bochsler 2006: 277ff.). First, while education has for a long time been mainly a cantonal competence, general provisions now require the Confederation and the cantons to collaborate and to coordinate their policies, and to improve the quality and permeability of the Swiss education system (CSEC-N 2005: 5481). Second, the new articles reinforce the steering capacities of the Confederation, especially in higher education, where a joint institution chaired by the Confederation will be responsible for the implementation of education policy with respect to universities, universities of applied sciences, and Federal Technology Institutes (art. 63a Cst.). Third, the new constitutional provisions create a paradigm shift in the way both “horizontal cooperative federalism” (inter-cantonal collaboration) and “vertical cooperative federalism” (cooperation between the Confederation and the cantons) are conceived (Sciarini and Bochsler 2006: 277f.). On the one hand, both basic and higher education become part of the domains covered by art. 48a Cst., which grants the Confederation the competence to force – under some specific conditions – cantons to collaborate. On the other hand, if the cantons fail to cooperate in some selective but important aspects of their education systems, the Confederation will be able to legislate and impose common standards (art. 62 and 63a Cst.). To be sure, this reform is not supposed to have any immediate effect on the distribution of competences between the cantons and the Confederation. However, it may have important consequences in the long term.

In May 2006, the new articles on education were accepted in a referendum by all cantons and an overwhelming majority of the Swiss population (85.6%). The across-the-board support for a constitutional reform that leans towards centralization is puzzling for several reasons. First, education is a policy domain that used to be the cantons’ *domaine réservé* and is indeed one of the last policy fields, together with internal security and health, where they still hold extensive decision-making competences. In international comparison, Switzerland’s education system is among the most decentralized ones (Hega 2000). Second, public education is an important vector for identity formation, and a cornerstone of the ethno-linguistic construction on which Swiss federalism is based (Erk 2003). Third, and most importantly, the cantons would have been able to block the decision-making process. We argue that in this specific policy domain, decisions are taken under the framework of a “compulsory negotiation system” (Scharpf 1988, 2006b), in which constitutional changes require the consent of both levels of the federal state. Such a system constantly faces the threat

of the “joint-decision trap” (Scharpf 1988), that is, of a situation in which policy-making fails or leads to sub-optimal outcomes. As a matter of fact, before the breakthrough of the new constitutional articles, the harmonization of cantonal education systems had been blocked since the first attempt in 1973. More generally, for more than 100 years any radical change in the competence distribution over Switzerland’s school system had been rejected (Hega 2000).² Given this, the fact that cantons have now supported constitutional changes that will lead to a centralization of competences on the federal level and reduce their autonomy over education policy is especially surprising.³ This raises the question: How can such an unexpected consensual outcome in the reform of education policy be explained?

To answer this question we rely on an in-depth study of the decision-making process leading to the new constitutional articles on education: A rich combination of quantitative data, gathered through 30 interviews with the political elite that participated in the process,⁴ and qualitative data from various sources (interviews, protocols of parliamentary committees, and official documents such as reports on the consultation procedure) helps us to identify the factors that enabled policy-makers to escape the joint-decision trap. Our approach resembles that of an “analytic narrative” (e.g. Bates et al. 1998): While moving back and forth between theoretical arguments, case material and interpretation, we also explicitly apply deductive reasoning in order to structure the arguments.

In the next section, we highlight the functioning of compulsory negotiation systems and the related risk of the joint-decision trap. Based on the literature and on empirical evidence from our interviews we show that such a risk indeed existed in the reform of education policy. We then develop a set of hypotheses regarding the factors that presumably helped to over-

² Of course this did not prevent cantons from implementing some substantial reforms regarding education structures and programs or inter-cantonal harmonization.

³ As Hega (2000: 17) states: “Most observers of the Swiss educational mosaic have concluded that there is little likelihood that the policy making structure in the Swiss education system would undergo any radical change in the foreseeable future”.

⁴ We identified the collective actors involved in the decision-making process using positional, decisional, and reputational approaches (see e.g. Knoke 1993: 30). Most of the interviews with representatives of these actors were conducted between February and July 2008, and provide data about the phases of the decision-making process, network data on collaboration and conflict, and additional information about policy issues and actors’ preferences and strategies. These interviews are part of a larger research project on the 11 most important decision-making processes of the early 2000s in Switzerland.

come the trap and to forge a consensus. Next, we give some background information about the decision-making process leading to the constitutional articles, before turning to the empirical tests of our hypotheses.

Compulsory Negotiation Systems and the Joint-decision Trap

The Problem of the Joint-Decision Trap

In political systems that require joint decision-making of both national and sub-national actors, major policy changes and institutional reforms concerning the federal division of competences are very unlikely (Braun 2003: 74). Instead, self-interested bargaining among stakeholders from different state levels can be expected, which runs the risk of sub-optimal policy outcomes, inefficient lowest-denominator compromises, or blockages. This is what Scharpf (1988) initially called the “joint-decision trap” and later referred to as the problem of “compulsory negotiation systems” (Scharpf 2006b). Scharpf (1988: 254) identifies two specific conditions that make changes of the status quo difficult in compulsory negotiation systems. First, the central government’s decisions are dependent on the agreement of the state governments. Second, a unanimous or nearly unanimous agreement from the state governments is required. By adopting a logic of confrontation, actors who favor the status quo can easily block the process or make their support contingent upon substantial side-payments (Scharpf 1988: 259, 2006a: 245).

The Joint-Decision Trap and Swiss Education Policy

The issue of whether the Swiss federal decision-making system is subject to a joint-decision trap is a matter of controversy in the literature. On the one hand, it is argued that cantonal governments are not real veto players in decision-making processes and that there is therefore no danger of a joint-decision trap (e.g. Braun 2003; Kriesi 1998; Linder 2005; Sciarini 2005, 2006): A change of the status quo does not require their agreement, as decision-making on the national level does not – unlike in Germany or in the European Union – rely on a formal system of co-decision between the Confederation and the cantons. On the other hand, some authors have listed the institutions through which cantons can veto decisions at

the national level, and use these to argue that the risk of a joint-decision trap indeed exists in Swiss politics (Kriesi 1998; Sciarini 2005; Vatter and Wälti 2003; Vatter 2005, 2006a; Wälti 1996; Wälti and Bullinger 2000). The two institutions that cantons can use as veto points in constitutional decision-making processes are the upper chamber of Parliament, that is the “Council of States”, in which each canton holds two seats (see Vatter 2006a), and the double majority clause (people and cantons) regarding the popular vote on constitutional amendments (i.e. on the changes in the distribution of competences between the Confederation and the cantons).⁵ Both institutions, and especially the double majority clause in compulsory referendums, provide the small, rural cantons with special veto power over constitutional reforms (Hega 2000: 17).⁶ This line of argumentation follows Scharpf (2006a: 244ff.), who recently relaxed the conditions for the existence of a joint-decision trap: In his view, any situation in which an actor does not have the possibility to realize its goals unilaterally – because of institutionalized co-decision or any other reason – is under the threat of the joint-decision trap.

In this article, we adopt a more balanced position. We argue that the joint-decision trap holds in Swiss politics, but only under specific conditions. First, cantons must have a manifest interest to either activate veto points or at least credibly threaten to do so. Second, cantons are not individual veto players. They become veto players only if they act collectively and form a majority against a given constitutional change; the more they are able to coordinate and to speak with one voice, the stronger they are.⁷ In our view, therefore, the question whether a given policy is threatened by a joint-decision trap depends on the following empirical conditions (see also Ganghof 2003): Are cantons really in the position to credibly threaten to veto policy-making and, assuming they are, would they, if necessary, use this veto power?

⁵ Of course, the two institutions do not provide veto points for cantonal governments, which do not have a direct say in the Council of States or in popular votes. However, governments can strongly influence both the positions held by cantonal MPs in the Council of States, and the popular vote in their own canton (Vatter 2006b).

⁶ The rejection of the “education article” in a compulsory referendum in 1973 is a case in point (see below).

⁷ In 2004, the cantons won the optional referendum against the Confederation’s project of fiscal reform. This success clearly demonstrated that cantons can be highly influential on national decision-making processes, provided they ally and act collectively (see Fischer 2006; Vatter 2006b: 92).

Table 1: Importance of Actors in the Decision-Making Process on Education: Scores of Reputational Power, in%¹

	Very Important Actor	Among the Three Most Important Actors ²
Inter-cantonal Conference of the Ministers of Education (EDK/CDIP)	100	88
Radical Democratic Party (FDP/PRD)	88	18
Socialist Party (SP/PS)	88	18
Swiss Universities' Conference (SUK/CUS)	86	32
Christian Democratic Party (CVP/PDC)	78	15
Conference of Swiss Universities' Rectors (SHRK/CRUS)	78	20
State Secretary for Education and Research (SBF/SER)	73	46
Economiesuisse	69	5
Federal Department of Home Affairs (EDI/DFI)	64	33
Conference of Swiss Universities of Applied Sciences (KFH)	61	10
Federal Office for Professional Education and Technology (BBT/OFFT)	55	18
Experts	53	17
Council of the Federal Technology Institutes	51	20
(N)	(26)	(26)

Notes: ¹ Respondents were asked to name those actors that, in their view, have been influential, from a list comprising about forty actors. The questions were labelled as follows: "In your opinion, which actors were "very important" in the decision-making process on the new constitutional articles on education? And which were the three most important actors?" The table shows only actors that were seen as very important by more than 50% of the interview partners. ² The total exceeds 300% because some respondents mentioned up to five actors, instead of three.

Three different pieces of evidence from our interviews suggest that this was indeed the case in the decision-making process leading to the new constitutional articles on education. First, according to our measure of reputational power, cantons were very powerful actors – if not the most powerful ones – in this decision-making process (Table 1): The inter-cantonal

Table 2: Importance of the Decision-Making Phases: Percentage of Respondents Who See the Corresponding Phase as “Very Important”, and as “one of the Three Most Important”

	Very Important Phase	Among the Three Most Important Phases
Impulsion	21	17
<i>Pre-parliamentary Phase</i>		
Pre-project	4	4
Consultation of / Concertation with Cantons	35	39
Consultation Procedure	10	7
Completion of the Project and Adoption by the Federal Council	4	1
<i>Parliamentary Phase</i>		
Parliamentary Committees	15	26
Plenum	7	4
<i>Referendum Phase</i>		
	4	3
Total	100	100
(N)	(26)	(26)

Notes: The question was labeled as follows: “Here is a list of the main phases of the decision-making process on the new constitutional articles on education. In your view, which phases of that process were very important? And which were the three most important?”

Conference of Cantonal Ministers of Education (EDK/CDIP – thereafter EDK), the main arena of cantons’ coordination in the field of education policy, was seen as by far the most important actor. Almost all respondents mentioned the conference as “very important” and as “one of the three most important” actors. Altogether, cantonal and inter-cantonal actors strongly outweigh both federal state actors and non-state actors (political parties and interest groups).

Second, the list of the perceived important phases of the process unambiguously shows that the phases in which cantons could exert their veto power were crucial: Table 2 demonstrates the overriding importance of the arenas of concertation between federal actors and cantons in the pre-

parliamentary phase. Further, it shows that the parliamentary phase, and in particular the parliamentary committees, were also highly important.⁸

Third, according to our qualitative assessment of both official and confidential documents, the cantonal veto threat was seen as highly credible: Protocols of the Committee for Science, Education and Culture of the National Council (CSEC-N) show that its members recognized early that the cantons might oppose the project – in the consultation procedure or during the referendum phase.⁹ What is more, the Committee for Science, Education and Culture of the Council of the States (CSEC-S) supported the cantons' view and wrote a letter to the CSEC-N expressing its skepticism towards a solution that would transfer too many competences to the Confederation.¹⁰ Also, both sub-processes (the one on basic education and the one on higher education) were blocked as a consequence of the opposition of the cantons (respectively the cantonal universities' rectors).

In sum, while we do not claim that the Swiss political system as a whole corresponds to an institutionalized compulsory negotiation system, our data demonstrates that this was the case in the decision-making process leading to the new constitutional articles on education. Having stated this, we now discuss under what circumstances actors may be able to escape the joint-decision trap.

Escaping the Trap: Theory and Hypotheses

To overcome the joint-decision trap actors need to develop a “problem-solving” style – as opposed to a “bargaining” style – of decision-making (Scharpf 1988). Scharpf describes “problem-solving” as a state of mind in which actors concentrate on long term goals such as the creation of value and/or better projects. “Bargaining”, on the other hand, is a decision-making style in which actors concentrate on maximizing their immediate individual benefits. Especially when dealing with constitutional issues, a bargaining style risks to simply reproduce the existing distribution of advantages and disadvantages, that is, the status quo (Braun 2009b; Scharpf 1988, 1997). In what follows, we present four different factors that are

⁸ Additional analyses, not reported here, show that both chambers contribute in roughly equal shares to the importance of parliamentary committees.

⁹ Protocols CSEC-N 26.3.1998 / 19.4.2000 / 5.9.2002.

¹⁰ Protocol CSEC-N 16.8.01.

conducive to a “problem-solving” style of decision-making, and thus help to overcome the joint-decision trap.

First, the literature on the joint-decision trap (Scharpf 1988, 2006b), the literature on veto players (Ganghof 2003; Tsebelis 2002), as well as the literature on Swiss federalism (Vatter and Wälti 2003; Wältli 1996) identify the general orientation of actors as one of the key factors. Constructive policy making in federal systems of joint decision-making can only be expected when actors from both levels have common beliefs and goals (Scharpf 1988: 258ff.). Braun (2009b: 319) emphasizes that “actors need *shared belief systems* that can serve as a medium to overcome egoistic, distributive orientations.” Such a shared belief system can for instance be established if there is a common perception of vulnerability towards external pressures. In such a case, the costs of a non-agreement are high for all actors concerned. Similarly, a *common frame of reference* may also strengthen an orientation towards the common good and, therefore, contribute to problem-solving (Braun 2009b). A common frame may take the form of a shared analysis of the problem, and/or of a similar conception regarding the means that one should use to solve the problem.

H1: In the case of the new constitutional articles on education, shared beliefs and a common frame of reference helped to overcome the joint-decision trap.

Second, it is argued that the joint-decision trap can be avoided if actors can take advantage of the fact that processes leading to constitutional amendments typically have the character of a mixed-motive game, that is the separation of constitutional and distributional issues (Braun 2009b). Because they deal with general principles and norms, are conceived as long-term settlements, and must be valid for a number of situations, constitutional issues are intrinsically different from distributional issues. More specifically, two factors increase the likelihood that actors discussing constitutional issues will develop a problem-solving style of negotiation (Braun 2009b: 318). First, each actor has an interest in establishing stable frameworks of action for the future. As a result, constitutional issues cannot be addressed simply in terms of selfish material interests, but in reference to the common good. Second, given the relative uncertainty linked to the generality of constitutional principles and the long time horizon, it is difficult for the actors to estimate the concrete wins and losses. A successful procedural separation of constitutional issues and distributional issues in turn increases the ability to forge consensus.

H2: In the case of the new constitutional articles on education, the procedural separation between constitutional and distributional issues helped to overcome the joint-decision trap.

A third factor which is conducive to smooth decision-making processes is the action of neutral brokers. Scharpf (2006a: 246; 2006b: 850f.) argues that the probability of avoiding the joint-decision trap increases with the presence of an actor that is perceived as a honest broker by all the other actors. Acting as a neutral guardian of the common good with no selfish distributional interests, such a mediator can reduce the conflict between opposing camps and push them towards a reasonable solution. If a neutral broker can play the role of an agenda-setter and/or put forward policy solutions that are beyond the conflicting policy preferences of actors, decision-making is expected to be more successful than if it takes place only between these actors.

H3: In the case of the new constitutional articles on education, neutral brokers helped to overcome the joint-decision trap.

Fourth, according to Scharpf (1988: 258), the ability to avoid the joint-decision trap varies with the modalities under which agreements must be achieved in a joint decision-making system. Several authors (Braun 2003; Vatter and Wälti 2003) argue that the often informal and flexible coordination structures, through which representatives of cantons and the Confederation interact in Swiss politics, foster problem-solving. Small groups of experts, civil servants from both state levels, and MPs are likely to emerge from such informal structures. Sharing common knowledge and experience in the policy domain, and working with little formal institutional constraints, these small groups are able to elaborate a policy solution that will then be endorsed by larger constituencies.

H4: In the case of the new constitutional articles on education, informal structures helped to overcome the joint-decision trap.

Before presenting empirical evidence regarding these hypotheses, in the next section we provide some basic information regarding the decision-making process leading to the constitutional articles on education.

The New Constitutional Articles on Education

Historical Background

Since the foundation of the modern federal state in 1848, the division of competences between cantons and the Confederation in the domain of education policy has repeatedly been a subject of political struggles (CSEC-N 2005). The competence distribution in the domain of education was as follows: While cantons were responsible for basic education and for their respective universities, the Confederation was responsible for the Federal Technology Institutes, as well as for research and vocational training. In the late 1960s the Confederation started to subsidize the universities, as a response to their increasing financial needs (Braun and Leresche 2006: 768). By so doing, the Confederation gained some steering capacity over cantonal universities, despite the absence of the corresponding constitutional basis. A constitutional amendment granting the Confederation with competences in both basic and higher education was rejected in a popular vote in 1973; while a majority of the voters (52.8%) supported the amendment, a majority of the cantons rejected it (only 10.5 cantons in favor and 11.5 against). Further, a parliamentary initiative with similar objectives was rejected by the parliament and the Federal Council in 1989, in order to avoid a conflict with the cantons (Zbinden 1997).

The Decision-Making Process Leading to the New Constitutional Articles

The new constitutional articles on education that were eventually accepted in the referendum of 2006 were initially elaborated in two separate decision-making processes. The first originated from a parliamentary initiative introduced by the socialist MP Hans Zbinden in 1997. This initiative required the elaboration of a constitutional framework article on education, which would provide the Confederation with competences over a national space of education. The second process stems from a motion of the CSEC-S in 1999. The motion asked the government to elaborate a constitutional basis for a coordinated policy of higher education, including cantonal universities, universities of applied sciences, and the Federal Technology Institutes. The motion also requested the constitutional amendment to provide a stronger basis for the federal subsidies to the cantonal universi-

ties and for the Swiss Universities Conference (SUK/CUS)¹¹ (Auer 2004; Braun 2009b; Braun and Leresche 2006). The Federal Council accepted the motion and asked its administration to elaborate such an article, albeit emphasizing that it did not interpret the motion as an obligation to introduce centralized regulation of cantonal universities (Federal Council 1999). The two separate processes were merged in 2004, shortly before the project was handed over to the parliament.

The *constitutional framework article on education* was elaborated from the year 2000 on by the CSEC-N in collaboration with an expert on constitutional law. A first draft envisaged a broad framework competence of the Confederation for the whole domain of education. However, the cantons rejected this draft, fearing that a general framework article would open the doors for massive intervention by the Confederation.¹² According to our interview partners, this rejection was a critical juncture, as the committee became aware that the cantons were not sufficiently integrated in the decision-making process.¹³ Thus, from that moment on, the EDK was more closely integrated in the process and was even allowed to bring in its favored expert on constitutional law. The CSEC-N and the EDK jointly elaborated a new proposal, mainly focusing on the constitutional amendments regarding basic education. The new and less ambitious version of the constitutional article granted the Confederation a subsidiary competence in selected fields if cantons failed to cooperate.¹⁴

¹¹ This institution consists of representatives of the university cantons and holds some coordination competences. It is based on the – temporally limited – New Universities Support Act, a cantonal concordat and a convention between the Confederation and the cantons.

¹² The cantons' opposition to the project was voiced by the president of the EDK in a hearing of the committee CSEC-N, as well as through a letter from the CSEC-S to the CSEC-N.

¹³ Interviews: Representative of the Federal Office for Education and Science (BBW/OFES), Berne, 25.2.2008 / Representative of the Cantonal Ministers of Education (EDK/CDIP), Jona, 16.7.2008 / Expert, St. Gallen, 3.6.2008.

¹⁴ Some (socialist) parliamentarians in the committee were against this rule and wanted a limited, but direct competence for the Confederation. They claimed that the cantons had too much influence and that the subsidiarity rule was too far away from the original Zbinden initiative. Therefore, they proposed to include both solutions in the consultation procedure (protocol CSEC-N 20.8.2003). However, the cantons were firmly opposed to such a direct competence for the Confederation (OFES 2004).

The *constitutional article on higher education* was first elaborated by a working group of the federal administration,¹⁵ as a response to the motion of the CSEC-S. However, this process was stopped after the consultation procedure because of several criticisms raised by important actors. Most importantly, the Conference of Swiss Universities Rectors (CRUS), backed by the EDK, had left the above-mentioned working group in protest, and formulated a counter-proposal (FDHA and FDEA 2002).¹⁶ In the rectors' view, the proposal of the working group was misleading, it did not guarantee the universities' autonomy and would lead to parallel competences between Confederation and cantons.¹⁷ As a response to these criticisms the Federal Council decided to first elaborate a project of a federal law on higher education, and to subsequently adapt the Constitution accordingly. However, in 2003, a parliamentary initiative launched by the socialist Councilor of States Gian-Reto Plattner re-activated the process. With support of the same expert as the CSEC-N, a sub-committee of the CSEC-S elaborated a new proposal. The proposal envisaged the creation of a common institution of the Confederation and the cantons, chaired by the Confederation and granted important steering competences in higher education. It also stated that the Confederation and the cantons should coordinate their policies regarding study levels, transitions, further education, and the recognition of diplomas. More importantly, it explicitly stipulated that the Confederation should legislate if coordination between Confederation and cantons fails. This version of the article on higher education was then merged with the other part of the proposal regarding basic education, which had been elaborated by the CSEC-N.

Both chambers of the Swiss parliament gave strong support to the constitutional amendments in a final vote in 2005.¹⁸ In addition, all important political parties and interest groups backed the project in the referendum

¹⁵ The working group consisted of representatives of the Federal Department of Home Affairs (FDHA. German: EDI, French: DFI) and the Federal Department of Economy (FDEA. German: EVD, French: DFE).

¹⁶ Interview: Representative of the Conference of the Swiss Universities' Rectors (CRUS), Berne, 14.7.2008.

¹⁷ Other actors, first and foremost the Social-Democratic Party (SP/PS), which was in general a driving force behind the whole reform (Zbinden and Plattner were both socialist MPs), criticized the administration's proposal as not adequately centralistic.

¹⁸ The project did not cause much stir in the parliamentary phase. The most important change was the introduction of a clause explicitly mentioning the equality of academic and professional education.

phase and recommended a yes vote to the people. The across-the-board support among the political elite resulted in an unusually high level of acceptance in the popular vote on May 21, 2006: 85.6% of the voters and every canton supported the amendment, albeit on a very low voter turnout (27%).

In sum, despite an unpromising start the decision-making process leading to the new constitutional articles on education resulted in a far-reaching consensus. This consensus is confirmed by our interviews. First, our data shows that there was a strong convergence of views among the actors that participated in the decision-making process.¹⁹ Second, the final project was described by our interview partners as a highly consensual outcome.²⁰ In the next section we look at the factors that account for the actors' ability to reach such a broad consensus.

Empirical Tests

To examine whether and to what extent the factors identified in the theoretical section contributed to consensus-building, we rely on qualitative data gathered in our in-depth study of the decision-making process leading to the new constitutional articles on education. We will accept a hypothesis if we are able to demonstrate that a given factor played an important role to overcome the joint-decision trap, *and* if – as in counterfactual reasoning – we can credibly argue that in the absence of this factor the process would have been caught in the trap.

Hypothesis 1 posits that a shared belief system and a common frame of reference helped the actors to develop a problem-solving style of decision-making. Both were present in the case under study.

First, there was a shared belief system, based on a common perception of vulnerability, that is, a perception that the changing environment put the Swiss education system under pressure. This perception arose from the increasingly competitive international environment in the field of education.

¹⁹ Based on a list containing all actors that participated in the process, our interview partners were asked to indicate with which actors they had converging or diverging views during the decision-making process. The average result for all actors is 0.2 on a scale from -1 (divergence) to 1 (convergence). This is the second highest value among the 11 most important decision-making processes included in our wider research project.

²⁰ On a scale ranging from 1 (consensus) to 5 (majority decision), the outcome was nearly rated as a perfect consensus: the average evaluation amounts to 1.76.

In such an environment there was a consensus that the competitiveness of Switzerland's economy heavily depends on the quality of its educational system and on the ability of this system to promote international and inter-regional mobility. This led to an overall agreement regarding the policy goals that should be reached: All actors involved in the process (MP's, high civil servants, and cantonal representatives) shared the view that in response to the changing environment, some sort of harmonization of the cantonal education systems was necessary (EDK 2001; 2004; CSEC-S 1999; CSEC-N 2005: 5497-8; Zbinden 1997).²¹ Harmonization was seen as condition to increase the competitiveness, the credibility and the economic efficiency of Switzerland's educational system. While the issue of competitiveness mainly concerned the domain of higher education,²² several MPs put forward that the creation of a coherent education area in the domain of higher education would also require adaptations in the domain of basic education.²³ Additionally, in the domain of basic education, there was a strong need to facilitate mobility across cantons.

Second, the Confederation and cantons agreed that there was a need to improve the efficiency of cooperative federalism, in both its vertical and horizontal dimension. The efficiency issue, which already played a key role in the recent, comprehensive reform of fiscal equalization and task distribution between the Confederation and cantons (NFA, see Braun 2009b), also turned out to be crucial for the reform of education policy. To increase the incentives to cooperate efficiently in the future, cantons even accepted to put a sword of Damocles (i.e., the explicit threat of the Confederation's intervention as a subsidiary solution) over their heads.

However, shared beliefs and common frames cannot alone account for the successful outcome of the decision-making process. Our empirical material confirms that the procedural separation between constitutional and distributional issues was also crucial (hypothesis 2). While the cantons basically agreed on the necessity to harmonize – and even appreciated the pressure arising from the federal level²⁴ – they initially disagreed

²¹ See justifications in the committee's discussions: protocol CSEC-N, 29.1.1998 / 26.3.1998.

²² Interviews: Representative of the State Secretary for Education and Research (SBF/SER), Berne, 14.2.2008 / Representative of the State Secretary for Education and Research (SBF/SER), Geneva, 6.3.2008. Protocols CSEC-N 19.4.2000, 8.9.2000.

²³ Protocol CSEC-N, 19.4.2000 / 8.9.2000.

²⁴ Protocol CSEC-N 26.5.2000, 8.9.2000, 30.11.2000, 20.12.2002. Additionally, the simple

heavily on how harmonization should be achieved: The CSEC-N favored a solution that would give the Confederation the leading role, whereas the cantons claimed they were able to harmonize by themselves.²⁵ As a representative of the cantons said, they were not against harmonization, but against the prospect that the Confederation might unilaterally decide on harmonization in the future.²⁶ In other words, there was a wide agreement on the principles of the reform, but much less on how it should be enacted. Consequently, and in line with our second hypothesis, actors deliberately focused on principles, and they formulated them relatively vaguely. In fact, the new constitutional articles on education define harmonization as a goal, but they fall short from formulating concrete objectives of harmonization, or from specifying the means through which it should be implemented. This of course allows for different interpretations. Together with the long time-horizon that is associated with constitutional rules, this vagueness helped to avoid painful discussions on the distributional issues. In the present case distributional issues do not concern economic cost-benefit calculations, but gains and losses with respect to the division of competences between Confederation and cantons, the extent of harmonization, or the specific competences of the new Swiss Universities Council. For example, in the absence of well-defined objectives the Confederation lacks criteria to decide that harmonization among cantons has failed, and that it is time to use its subsidiary competences.²⁷ Such potential conflicts on a distributional dimension did not come to the fore during the decision-making process, and they were postponed to a later date. Without this clear distinction between the general principles and the concrete implications of the principles, there would have been no consensus on the reform of education. The current dispute regarding the elaboration of the New Universities

fact that the cantons have been working on their own project of harmonization (HarmoS) already for some time shows well that they shared the general direction of harmonization.

²⁵ To support this claim they pointed to the HarmoS project regarding basic education (EDK 2008, 2009).

²⁶ Interview: Representative of the Cantonal Ministers of Education (EDK/CDIP), Berne, 3.7.2008.

²⁷ This lack of criteria was criticized by some actors during the process (OFES 2004: 7); see also Protocol CSEC-N 13./14.11.2003, 12.5.2005). According to a federal high civil servant, it is unlikely that the Confederation will even legislate at all, because this will require a decision by the parliament, an arena in which the cantons will be able to oppose such a decision (Interview : Representative of the State Secretary for Education and Research (SBF/SER), Berne, 14.2.2008).

Act that must specify the competences and the composition of the new Swiss Universities Council, is fully in line with this view.²⁸

We also have strong arguments that support hypothesis 3, stating that a neutral broker contributed to consensus-building. The expert for constitutional law who worked with both parliamentary committees can be considered as such a neutral broker. He made two decisive contributions. First, his intervention in the early phase of the process leading to the constitutional framework article (the Zbinden initiative) in replacement of a former expert is seen as crucial by our interview partners. The cantons did not see the first expert as a neutral broker, but as a centralist favoring broad competences for the Confederation. The fact that cantons were allowed to bring in their own expert eased their collaboration with the CSEC-N in later stages of the process.²⁹ Second, the expert appointed by the CSEC-N subsequently worked with the CSEC-S on the elaboration of the article on higher education. This enhanced the coherence of the two projects, and was a guarantee for both parliamentary committees that their respective project would not be threatened by the work of the other committee.³⁰ In light of these elements it is safe to conclude that the presence of a neutral broker was indeed important for the successful achievement of the decision-making process.

Finally, our fourth hypothesis posits that the informal structures within which the Confederation and the cantons cooperate are conducive to problem-solving. Two characteristics of the process relate to informality, and they both had positive consequences. First, our qualitative assessment of the process highlights the high importance of informal meetings. An informal meeting in early 2002 between members of the committees of the two parliamentary councils allowed them to recognize the similarity of their objectives.³¹ Moreover, a small working group composed of members of the CSEC-N and the EDK paved the way to a common solution in late 2002. Members of this group emphasized that the work in “*petit comité*” enabled them to make important progress.³² Finally, a meeting between the

²⁸ Le Temps, 8.10.2009.

²⁹ Interview: Representative of the Cantonal Ministers of Education (EDK/CDIP), Jona, 16.7.2008.

³⁰ Protocol CSEC-N 21.4.2005.

³¹ Protocol CSEC-N 11.3.2002.

³² Protocol CSEC-N 20.12. 2002.

two committees and the EDK at the University of St. Gallen in November 2004 was crucial to coordinate the works of the two parliamentary committees. According to both our interview partners and the committee's protocols, this meeting was an important step towards consensus. From that moment on, actors constantly referred to the "spirit of St. Gallen", which fostered further constructive work.³³

While our data on the decision-making phases (Table 2) informs about the respective importance of these phases, it does not enable us to distinguish between formal and informal structures. However, our qualitative assessment of the process, which points to the importance of informal meetings between the two parliamentary committees and between those committees and the cantons' representatives, is in line with our results in Table 1: As we mentioned above, according to Table 1 both the consultation between the Confederation and the cantons as well as the parliamentary committees were central phases of the process.

A second element of informality stems from the close collaboration of a small number of specialists in education policy representing various stakeholders (parties, cantons, the administration, experts). Working on an informal basis, these persons helped to push the project forward. As one interview partner told us, three key persons even met during their holidays in the Swiss mountains to work on the project.³⁴ These two elements of informality provided a flexible framework, and favored the development of a problem-solving style of negotiations.

Finally, a specific characteristic of the decision-making process on the constitutional articles on education also deserves being mentioned here. Unlike standard processes (Sciarini 2006), it was not initiated by the federal administration, but by a parliamentary initiative. As a result, it was not prepared by senior officials, but by members of the parliamentary committees CSEC-N and CSEC-S.³⁵ This, together with the fact that education policy is shared by different federal offices and departments, accounts for

³³ Interviews : Representative of the Cantonal Ministers of Education (EDK/CDIP), Jona, 16.7.2008 / Representative of the Swiss People's Party (SVP/UDC), Berne, 23.6.2008 / Representative of the Christian-Democratic Party (CVP/PDC), Delémont, 29.5.2008 / Expert, St. Gallen, 3.6.2008. Protocols CSEC-N 27.1.2005, 23./24.6.2005.

³⁴ Interviews (among others) : Representative of the Cantonal Ministers of Education (EDK/CDIP), Berne, 3.7.2008 / Representative of the Federal Council, Geneva, 2.4.2008 / Representative of the Socialist Party (SP/PS), Zurich, 18.6.2008.

³⁵ Note that these two committees, normally considered only as arenas for decision-making, were repeatedly mentioned during the interviews as being very important actors.

the unusually weak importance of the Confederation in the pre-parliamentary phase. More generally, the Confederation's low profile during the decision-making process, which clearly transpires from our data (see Tables 1 and 2), also contributed to the successful outcome, since it helped to avoid a direct confrontation between the cantons and the Confederation. Of course, the Swiss parliament is also a federal actor, but it – and its specialized committees – was perceived by cantonal actors as being far less biased in favor of centralization than the federal administration.

Conclusion

This article examines the decision-making process leading to the new constitutional articles on education, a project that was described as “historical”³⁶, “revolutionary”³⁷, and “representative of the constitutional conflict between centralist and federalist forces”.³⁸ Despite the fact that education is one of the most decentralized policy domains in Switzerland, and that the cantons have for a long time successfully protected their autonomy in this field, they have managed to agree on a solution which grants the Confederation a leading role in the steering of higher education and the power to step in, should cooperation among the cantons fail, in both basic and higher education. To be sure, the new constitutional articles will not immediately lead to dramatic changes in the distribution of competences over education policy between the Confederation and the cantons. However, they create an important paradigm shift in the way both horizontal and vertical cooperation are conceived and, as such, induce a silent reform of Swiss federalism.

Our contribution applies a research strategy close to an “analytical narrative”. Moving back and forth between theoretical arguments and empirical evidence, we first argue that the decision-making process on education indeed ran the risk of a “joint-decision trap”. Second, we explore why and how the Confederation and the cantons could successfully overcome the trap, and find a mutually acceptable agreement. We identify four factors

³⁶ Interview: Representative of the Swiss Teachers' Association (LCH), Liestal, 1.10.2008.

³⁷ Interview: Representative of the State Secretary for Education and Research (SBF/SER), Geneva, 6.3.2008.

³⁸ Interview: Representative of the Socialist Party (SP/PS), Zurich, 18.6.2008.

that could be conducive to a “problem-solving” orientation among the actors. Relying on a rich combination of quantitative and qualitative data, our in-depth analysis of the decision-making process reveals that these four factors all contributed to consensus. First, shared beliefs and a common frame of reference have had the expected problem-solving effects. Actors agreed that in the context of growing international competition some sort of harmonization was necessary to increase the competitiveness, the credibility and the efficiency of Switzerland’s educational system. Second, the separation between constitutional and distributional issues also played a crucial role for the success of the reform. Thus, the constitutional provision regarding the subsidiary intervention of the Confederation created enough uncertainty to allow for different interpretations. Similarly, the unspecified time horizon for a possible federal intervention rendered the threat acceptable for the cantons. Third, the presence of a neutral broker was also beneficial: It helped cantonal and federal actors to reach an agreement. Fourth, we found that informal structures mattered, too. They enabled a small number of both key decision-makers and experts to sketch consensual solutions that were then endorsed in formal legislative arenas.

While each of the four factors had its own importance, we argue that no factor alone would have been sufficient to lead to the successful outcome. Moreover, while our analysis covers both basic and higher education, it is worth mentioning again that the Confederation will have (even) more intervention possibilities in the latter than in the former. According to our empirical material the high level of federal subsidies to the cantonal universities accounts for the strategic position granted to the Confederation in the steering of higher education.³⁹

Our study focuses on the decision-making process on the new constitutional articles on education in Switzerland, but the explanatory model that we use may well be applied to any other case where political decision-making is potentially threatened by a joint-decision trap. The factors we presented in our analysis contributed to a shift of paradigm in Swiss federalism, but the question whether they may lead to such a successful outcome in other policy domains or in other countries is of course open.

³⁹ Cantons repeatedly stated that they accepted increased competences for the Confederation only provided the Confederation also contributed to the related costs (FDHA and FDEA 2002; EDK 2002: 5490; CSEC-N 2005), see also the protocols of the CSEC-N 26.5.2000, 30.11.2000.

References

- Auer, A. (2004). La déclaration de Bologne et le fédéralisme universitaire en Suisse. *Aktuelle Juristische Praxis* 4(6): 712–26.
- Bates, R., Greif, A., Levi, M., Rosenthal, J.-L. and B. R. Weingast. (1998). *Analytic Narratives*. Princeton, NJ: Princeton University Press.
- Benninghoff, M. and J.-P. Leresche. (2009). The Internationalization of National Decision-Making Processes: The Case of the Bologna Declaration in Switzerland. In Nahrath, S. and F. Varone (eds.), *Re-discovering Public Law and public administration in Comparative Analysis*. Lausanne: Presses polytechniques et universitaires romandes (197–214).
- Braun, D. (2003). Dezentraler und unitarischer Föderalismus. Die Schweiz und Deutschland im Vergleich. *Swiss Political Science Review* 9(1): 57–89.
- (2009a). La coordination de la politique du savoir et de l'innovation: une analyse comparative. In Leresche, J.-P., Larédo, P. and K. Weber (eds.), *Recherche et enseignement supérieur face à l'internationalisation*. Lausanne: Presses polytechniques et universitaires romandes (173–94).
- (2009b). Constitutional Change in Switzerland. *Publius: The Journal of Federalism* 39(2): 314–40.
- Braun, D. and J.-P. Leresche. (2006). Forschungs- und Technologiepolitik in der Schweiz. In Klöti, U., Knoepfel, P., Kriesi, H., Linder, W., Papadopoulos, Y., and P. Sciarini (eds.), *Handbuch der Schweizer Politik*. Zurich: Verlag NZZ (765–90).
- CSEC-N (2005). Parlamentarische Initiative Bildungsrahmenartikel in der Bundesverfassung: Bericht der Kommission für Wissenschaft, Bildung und Forschung des Nationalrats (WBK-NR. English: CSEC-N). *Bundesblatt*: 5479–542.
- CSEC-S (1999). 99.3153 Motion: Hochschulartikel. Kommission für Wissenschaft, Bildung und Forschung des Ständerat (WBK-SR. English: CSEC-S). Berne: Curia Vista / Schweizer Parlament.
- EDK (2001). *Leitlinien der Schweizerischen Konferenz der kantonalen Erziehungsdirektoren EDK*. Berne: Schweizerische Konferenz der kantonalen Erziehungsdirektoren.
- (2002). *EDK-Resolution zum bildungspolitischen Engagement des Bundes: Bund muss verlässlicher Partner in Bildungsfragen sein.*

- Berne: Schweizerische Konferenz der kantonalen Erziehungsdirektoren.
- (2004). *Ziele und Eckwerte des Bildungssystems schweizweit harmonisieren*. Berne: Schweizerischer Konferenz der kantonalen Erziehungsdirektoren.
- (2008). *Faktenblatt. HarmoS-Konkordat: Fakten, Fragen, Hintergründe*. Berne: Schweizerische Konferenz der kantonalen Erziehungsdirektoren.
- (2009). *Kurz-Info. HarmoS: Harmonisierung der obligatorischen Schule*. Berne: Schweizerische Konferenz der kantonalen Erziehungsdirektoren.
- Erk, J. (2003). Swiss Federalism and Congruence. *Nationalism and Ethnic Politics* 9(2): 50–74.
- FDHA and FDEA (2002). *Neuer Hochschulartikel in der Bundesverfassung: Vernehmlassungsbericht*. Berne: Eidgenössisches Departement des Innern (EDI. English: FDHA) / Eidgenössisches Volkswirtschaftsdepartement (EVD. English: FDEA).
- Federal Council (1999). *Erklärung des Bundesrates zur Motion Hochschulartikel (99.3153) der WBK-SR*. Berne: CuriaVista / Schweizer Parlament (Federal Council. German: Bundesrat).
- Fischer, A. (2006). Das Kantonsreferendum: Wirkungsweise und Reformansätze. In Vatter, A. (ed.), *Föderalismusreform*. Zurich: Verlag NZZ (132–51).
- Ganghof, S. (2003). Promises and Pitfalls of Veto Player Analysis. *Swiss Political Science Review* 9(2): 1–25.
- Hega, G. (2000). Federalism, Subsidiarity and Education Policy in Switzerland. *Regional and Federal Studies* 10(1): 1–35.
- Knoke, D. (1993). Networks of Elite Structure and Decision Making. *Sociological Methods and Research* 22(1): 22–45.
- Kriesi, H. (1998). *Le système politique suisse*. Paris: Economica.
- Linder, W. (2005). *Schweizerische Demokratie*. Berne: Haupt.
- OFES (2004). *Bildungsrahmenartikel in der Bundesverfassung: Vernehmlassung zu den Vorschlägen der Kommission für Wissenschaft, Bildung und Kultur des Nationalrates (WBK-NR): Auswertung der Vernehmlassung*. Berne: Bundesamt für Bildung und Wissenschaft (BBW. English: OFES).
- Scharpf, F. (1988). The Joint-Decision Trap: Lessons from German Federalism and European Integration. *Public Administration* 66: 239–78.

- (1997). *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*. Boulder, Colorado / Oxford: Westview Press.
- (2006a). *Interaktionsformen*. Wiesbaden: VS Verlag für Sozialwissenschaften.
- (2006b). **The Joint-Decision Trap Revisited**. *Journal of Common Market Studies* 44(4): 845–64.
- Sciarini, P. (2005). Le centralisme et le pouvoirs cantonaux: Quelles évolutions? In Mazzoleni, O. (ed.), *Fédéralisme et décentralisation: L'expérience suisse et les nouveaux défis européens*. Lugano: Gianpiero Casagrande editore (101–25).
- (2006). Le processus législatif. In Klöti, U., Knoepfel, P., Kriesi, H.-P., Linder, W., Papadopoulos, Y., and P. Sciarini (eds.), *Handbuch der Schweizer Politik*. Zurich: Verlag NZZ (491–85).
- Sciarini, P., and D. Bochsler. (2006). Réforme du fédéralisme suisse: contribution, promesses et limites de la collaboration intercantonale. In Chappelet, J.-L. (ed.), *Contributions à l'action publique*. Lausanne: Presses polytechniques et universitaires romandes (267–85).
- Tsebelis, G. (2002). *Veto Players: How Political Institutions Work*. New York: Russell Sage Foundation.
- Vatter, A. (2005). The Transformation of Access and Veto Points in Swiss Federalism. *Regional and Federal Studies* 15(1): 1–18.
- (ed.), (2006a). *Föderalismusreform*. Zurich: Verlag NZZ.
- (2006b). Föderalismus. In Klöti, U., Knoepfel, P., Kriesi, H.-P., Linder, W., Papadopoulos, Y., and P. Sciarini (eds.), *Handbuch der Schweizer Politik*. 4. Auflage. Zurich: Verlag NZZ (79–102).
- Vatter, A., and S. Wälti. (2003). Schweizerischer Föderalismus in vergleichender Perspektive: Der Umgang mit Reformhindernissen. *Swiss Political Science Review* 9(1): 1–25.
- Wälti, S. (1996). Institutional Reform of Federalism: Changing the Players rather than the Rules of the Game. *Swiss Political Science Review* 2(2): 113–41.
- Wälti, S., and A.-B. Bullinger. (2000). Regional Policy and Energy Policy in the Light of Swiss Federalism. In Braun, D. (ed.), *Public Policy and Federalism*. Aldershot: Ashgate (78–107).
- Zbinden, H. (1997). *97.419 Parlamentarische Initiative: Bildungsrahmenartikel in der Bundesverfassung*. Berne: Curia Vista / Schweizer Parlament.

La réforme silencieuse du fédéralisme suisse : Les nouveaux articles constitutionnels sur l'éducation

Cet article analyse le processus de décision relatif aux nouveaux articles constitutionnels sur l'éducation en Suisse. Nous examinons comment les acteurs provenant de deux niveaux de l'État fédéral (la Confédération et les cantons) sont parvenus à un consensus dans un processus pourtant menacé par le « piège de la décision conjointe ». Pour cela, nous formulons des hypothèses sur les facteurs qui permettent de surmonter ce piège, c'est-à-dire qui favorisent le développement d'un style de prise de décision orienté vers la découverte de solutions. Un riche matériel empirique, provenant de différentes sources, confirme nos attentes théoriques : nous montrons que des croyances partagées et un cadre de référence commun, la séparation procédurale entre enjeux constitutionnels et enjeux redistributifs, la présence de médiateurs neutres, ainsi que des structures informelles, ont contribué ensemble au succès de cette réforme.

Die stille Reform des Schweizer Föderalismus: Die neuen Verfassungsartikel zur Bildung

Dieser Artikel untersucht den Entscheidungsprozess zu den neuen Verfassungsartikeln zur Bildung in der Schweiz. Es wird analysiert, wie Akteure von zwei verschiedenen Ebenen des Bundesstaates (Eidgenossenschaft und Kantone) in einem Prozess, welcher dem Risiko der "Politikverflechtungsfalle" ausgesetzt war, zu einem Konsens kommen konnten. Dafür formulieren wir Hypothesen bezüglich der Faktoren, welche in einem Zwangsverhandlungssystem einen problemlösungsorientierten Stil der politischen Entscheidungsfindung fördern. Reichhaltiges empirisches Material aus verschiedenen Quellen unterstützt unsere theoretischen Argumente: Der Artikel zeigt auf, dass gemeinsame Überzeugungen und ein geteilter Bezugsrahmen, die prozedurale Trennung von Verfassungs- und Verteilungsproblemen, die Präsenz von neutralen Vermittlern sowie informelle Strukturen allesamt dem Erfolg des Reformprojektes zuträglich waren.

Manuel Fischer holds a master's degree in Political Science. He has collaborated as a research assistant on the SNF research project in political science: "The Swiss decision-making system in the 21st century: power, institutions, conflicts" under the direction of Pascal Sciarini and is working on a dissertation within the framework of this project. He is currently at the University of North Carolina at Chapel Hill (USA) as a visiting scholar with a SNF "Young Scholar Scholarship".

Address for correspondence: Department of Political Science, University of North Carolina at Chapel Hill, 361 Hamilton Hall, Chapel Hill 27599-3265, USA. E-mail: manuel.fischer@unige.ch.

Pascal Sciarini is Professor of Swiss and Comparative Politics, and currently Head of the Department of Political Science at the University of Geneva. He has written on Swiss politics (direct democracy, decision-making processes, European policy, Europeanization, opinion formation) in various journals such as *British Journal of Political Science*, *European Union Politics*, *Journal of European Public Policy*, and *West European Politics*.

Address for correspondence: Department of Political Science, University of Geneva, 40, Bd. du Pont d'Arve, CH-1211 Geneva 4, Switzerland. Phone: +41 22 379 83 86; Fax: +41 22 379 83 64; E-mail: pascal.sciarini@unige.ch.

Denise Traber is a Ph.D. candidate at the University of Geneva and teaching assistant at the Department for Political Science at University of Zurich. Her dissertation focuses on policy positions and the success of parties and interest groups in the legislative process.

Address for correspondence: Department for Political Science, University of Zurich, Affolternstrasse 56, CH-8050 Zurich, Switzerland. Phone: +41 44 634 40 18; E-mail: traber@ipz.uzh.ch.

