Beyond Hierarchies and Networks: Institutional Logics and Change in Transboundary Spaces

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In almost all subfields of political science in the last third of the twentieth century, it was claimed that we are witnessing a transformation of political order from hierarchies to networks. This paper traces institutional change during the twentieth century by examining structures and modes of interaction in transboundary regions in Europe and North America. First, it challenges functionalist explanations of institution-building and institutional change. Instead, the impact of general discourses and ideas is highlighted. Second, it takes a closer look at the hierarchies-to-networks transformation thesis. Whereas this thesis can be confirmed if we define hierarchies and networks as patterns of interaction, if we define hierarchies and networks in terms of modes of interaction this is less certain. De jure, institutional elements implying a "hierarchical order" have been supplanted in newer institutions by provisions allowing for "majority voting." De facto, nothing has changed, since these modes of interaction have never actually been used. In practice, the only way to achieve joint action has always been and still is through "agreement" or "consent." What has changed over the years, though, is the institutionalized approach to reaching "agreement." The older approach uses a technocratic-deductive logic. In recent years, we have been able to observe various new approaches in cross-border regions: a symbolic-inductive logic in Western Europe, a utilitarian-evolutionary logic along the U.S.-Mexican border, and a normative-constructivist logic along the U.S.-Canadian border. Based on the empirical findings, I conclude that institutional theory should pay more attention to the fact that many political institutions provide orientation, shape identities, and mobilize activities through emotional symbols.

INTRODUCTION: THE OMNIPRESENT HIERARCHIES-TO-NETWORKS THESIS

It has been common in all subfields of political science in the last third of the twentieth century to proclaim that we are witnessing a transformation of political order from organizations/hierarchies¹ (and markets/anarchies²) toward networks.³ The underlying rationale is as follows. Society is no longer exclusively controlled by a central unit like the state; rather, controlling devices are dispersed and material resources and infor-

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mation are shared by a multiplicity of divergent actors. The coordination of these actors is no longer the result of "central steering," but instead emerges through the purposeful interactions of many individual actors. The emergence of policy networks and networks as new modes of governance is basically seen as a reaction to transformations in political reality: the emergence of the organized society, sectoralization and functional differentiation, the increased scope of state policy-making, the decentralization and fragmentation of the state, the blurring of boundaries between the public and the private spheres, and the transnationalization of politics (Kenis and Schneider 1991, 26).4 Renate Mayntz (44) defines networks as a synthesis of hierarchies and markets and describes the development of those forms of governance as a dialectical historical process. Formal organizations (hierarchies) have replaced "quasigroups," and now networks are supplanting formal organizations. Formal organizations are characterized by "tight coupling," whereas the actors within networks are only "loosely coupled."

This perspective finds similar expressions in state theory,⁵ in the study of federalism,⁶ and in local politics,⁷ as well as in the field of international relations.⁸ Therefore, Kenis and Schneider (1991, 25) correctly postulate that "[T]he term network is on the way to becoming the new paradigm for the 'architecture of complexity' (compared to hierarchy as the old architectural paradigm of complexity)." They are referring here to Herbert Simon's structural definition of hierarchy. Simon (477) states that "[H]ierarchies have the property of near-decomposability. Intra-component linkages are generally stronger than inter-component linkages." According to such structural perspectives, networks differ from hierarchies due to the absence of near-decomposability. Contacts with elements of other entities are established directly and do not involve the peak level of the entity. As a consequence, in networks no actor occupies a "gatekeeper" position, whereas such a position is held by the highest rank in a formal organization (hierarchy).

Most researchers who use formal methods of network analysis adopt such a structural definition of hierarchies and networks (Pappi). Others see organizations/hierarchies, markets/anarchies, and hybrids/networks as distinct institutions of governance (Williamson 1996). Whereas Oliver Williamson differentiates the distinct institutions of governance according to their adaptability to divergent environments (based on different transaction costs), Fritz Scharpf (47) has developed a typology of "institutional settings" based on four "modes of interaction": "unilateral action," "negotiated agreement," "majority vote," and "hierarchical direction." The four "institutional settings" ("anarchic field," "network," "association," and "organization") are characterized, not by a single mode of interaction, but rather by a "frontier mode of interaction." Whereas all four modes of interaction can be found in organizations, in networks only unilateral action and negotiated agreement are possible;

majority voting and hierarchical direction are modes of interaction not available to political actors in a network setting.⁹

These definitions help us to see more clearly what is meant by the postulated transformation from hierarchies to networks: largely missing are longitudinal studies demonstrating such transformations by examining institutions over a longer period of time. The following paper offers such a study by examining institutions and institutional transformations in the twentieth century in border regions of Europe and North America. It not only challenges the hierarchies-to-networks transformation thesis in respect to Scharpf's definition, but also questions the dominant view based on a functionalist explanation of institutional transformation. Finally, the findings for border regions challenge Mayntz's perspective on institutional change. It will be demonstrated that institutional change is taking place primarily by "patching up" institutions, not by replacing them. Before I get to the main issue, I provide a rationale for focusing on border regions, followed by a brief summary of the causes and ways of institutional transformation.

BORDER REGIONS AS LABORATORIES FOR INSTITUTIONAL CHANGE

There are two basic rationales for studying institutional transformation in the "borderlands"—on the "peripheries" of nation-states. First, border regions were especially "bounded worlds" during the heyday of the sovereign nation-state. This means that we can expect to observe the two ideal types of governance in their purest forms during these times: hierarchy within the nation-states, where the national governments are supposed to control the territorial "front lines" in order to preserve their sovereignty; and anarchy between nation-states, since conflicts and contests over national boundaries have left a competitive interaction orientation (in Scharpf's terminology); to put it in terms of international relations theory, at the territorial demarcation lines we can assume the dominance of a "relative gains logic." Nevertheless, as we will see, border regions have always been laboratories for international institutionbuilding—the Central Commission for Navigation on the River Rhine, set up by the Congress of Vienna (1815), was probably the first permanent intergovernmental institution of the emerging nation-state system. Commissions for the protection of transboundary watercourses were the forerunners of broader environmental regimes (UN ECE). Therefore, earlier cross-border institutions are interesting cases for analyzing the dominant institutional characteristics during the heydays of the Westphalian system.

Second, if the postulated transformations from hierarchies (and anarchies) to networks are really taking place, we should expect to find dramatic changes in borderlands over the last few years. Two complementary trends join forces in the borderlands. Continental integration processes

and discourses on globalization provide incentives for "localizing foreign policy" (Hocking). Subnational units develop direct links to actors across the national boundary, thereby challenging the gatekeeper position of national governments between the domestic and the international spheres. Furthermore, domestic trends toward decentralization are eroding capabilities for central steering within the domestic domain.

The following section presents some results of a comparative study on the development of cross-border institution-building in four border regions throughout the twentieth century (Blatter 2000). Two of these border regions are located in Western Europe. One is the Upper Rhine Valley, shared by the neighboring states of France, Germany, and Switzerland. This cross-border region is characterized by strong socioeconomic interdependencies and the fact that quite different political systems are involved (a unitary state and two types of federation). A second focus is on the Lake Constance region, where the federal states of Germany, Switzerland, and Austria share a common border. Here we find very low socioeconomic interdependencies and rather similar political systems. The other two border regions are both located on the West Coast of North America. One region will be referred to as the Californias, a cross-border interaction space on the U.S.-Mexican border centered around the San Diego-Tijuana agglomeration. This region features strong socioeconomic interdependencies, but very distinct social and political systems. The other region is called Cascadia and includes various cooperative activities across the U.S.-Canadian border in the Pacific Northwest, centered around the Cascadia Corridor from Vancouver to Seattle and Portland. As with the Lake Constance region, Cascadia is characterized by low socioeconomic interdependencies and fairly similar social and political systems.

WAVES OF INSTITUTIONAL CHANGE: STIMULATED BY GENERAL POLITY AND POLICY PARADIGMS

In Europe, as well as in North America, national governments started to create international institutions for the borderlands immediately after they had settled their boundary disputes by military means. On both continents, international institutions for the development of the water flows across the national borders were first and foremost symbols used by national governments to signal their sovereignty claims within their nation-states.

At the Congress of Vienna in 1815, the Central Commission for Navigation on the Rhine River, one of the oldest and still operating international organizations, was created. The founding of this international organization for developing the Rhine River is quite astonishing, given the military conflicts just a few years before. The restored regimes set a signal that they were willing and able to organize economic development without political liberalization and reform. The Central

Commission for Navigation on the Rhine River was never totally abolished, although during the next 130 years, the Rhine River was one of the most contested symbols between France and Germany.

On the U.S.-Canadian border, the oldest, most visible and respected joint institution is the International Joint Commission (IJC), established by the Boundary Waters Treaty of 1909. The establishment of this commission has to be seen in the context of Canadian attempts to gain greater independence from Great Britain. At the same time, the U.S. government was trying to gain full control over foreign affairs, against the resistance of the border states.¹⁰ The IJC was assigned four functions: (1) administrative; (2) quasi-judicial: ruling upon applications for permission to use, divert, or obstruct treaty waters; (3) arbitral: making binding decisions with respect to any questions arising between the two countries; and (4) investigative: examining and making recommendations on any disagreements arising along the common boundary (Willoughby, 17–18). On the U.S.-Mexican border, an international boundary commission was established in 1889. The 1944 United States-Mexico Water Treaty changed the name of this commission to the International Boundary and Water Commission (IBWC) and enlarged its powers to include the resolution of disputes over water use. The functions of the commission are explicitly defined and technically narrow; they fall within the three broad categories of: (1) administration, (2) adjudication, and (3) liaison-investigation. On both borders, the establishment of the intergovernmental commission not only signaled the acceptance of the international border, but also secured the prerogatives of the national administration in international affairs.

After World War II, France and Germany signed a treaty establishing the Commissions for the Development of the Upper Rhine in 1956. These commissions are oriented toward optimizing the use of the waters for navigation and hydroelectric power. The treaty signaled a new harmonious relationship between Germany and France by the joint usage of the highly symbolic Rhine River. In sum, during the heydays of the nation-states, peaceful interaction in the borderlands never followed the logic of anarchy—treaties and joint organizations provided institutionalized means for international interaction.

After the sovereignty doctrine led to a first wave of political institutions for the borderlands, new norms in international law ("no harm") resulted in a second wave of sovereignty-protecting institutions. In the early sixties, commissions were set up to protect transboundary waters, for example, the International Commission for the Protection of the Rhine River Against Pollution and the International Commission for the Protection of Lake Constance. The signing of similar treaties in many border regions at about the same time (UN ECE), independently of local circumstances, points to the initiating role of general paradigms.

Until the mid-sixties, those intergovernmental commissions were the only institutionalized political linkages in the border regions. In the following decades, two waves of cross-border institution-building driven by subnational actors occurred. The first wave started on the German-Dutch border and near Basle in the mid-sixties and gained momentum in Western Europe because cross-border planning was strongly promoted by the Council of Europe (Schmitt-Egner, 85). For example, in the Upper Rhine Valley, the German-French-Swiss Intergovernmental Commission for Border Issues was officially founded in 1975 after various subnational interest groups had intensified their contacts and tried to establish a common cross-border region. But the sixties and seventies also saw the beginning of cross-border institution-building by subnational actors in North America. One example is the Commission of the Californias, which since 1964 has brought together public and private representatives from the U.S. state of California with those from the Mexican states of Baja California and Baja California Sur (Reeves).

A second, more powerful wave of subnational cross-border initiatives occurred in the late 1980s and early 1990s. Stimulated by major steps toward continental integration (the completion of the Single European Market in 1992; the U.S.-Canadian Free Trade Agreement in 1989; the North American Free Trade Agreement [NAFTA] in 1993), many new initiatives were started in all border regions, and older institutions were revitalized. In Europe, competition for institutional dominance in cross-border regions gained new momentum when the European Community (EC) proposed the Single European Market in 1987, and intensified in 1990, when the EC launched the INTERREG initiative, a program for cofinancing joint projects in border regions within the European Union (EU) (Perkmann). But also in the North American borderlands, competition among various initiatives occurred in the early nineties (Blatter 2000, 183–189, 222–225).

In conclusion, cross-border regional institution-building and transformations are taking place as a discontinuous process, following the logic of punctuated equilibrium (Krasner): major changes occur relatively abruptly, and short phases of intensive change are followed by longer periods of relative stability. General polity paradigms (first national sovereignty and later continental and/or global integration) and policy paradigms (the change from water usage to water protection, which can also be seen as a transformation of the sovereignty concept), not particular material interdependencies or functional necessities within certain border regions, are the most important stimuli for cross-border institutionbuilding and institutional change. This thesis is not merely supported by the synchronous timing of the institution-building processes: the spread of ideas/paradigms can also be specifically traced in the form of "vertical spillovers" of ideas from the continental level to the cross-border level, as well as in the form of "horizontal diffusion" from trend-setting regions to other regions (Blatter 2000, 160-161, 235-236). Finally, functionalist approaches are challenged by the fact that we can discover a very similar growth of cross-border institutions in border regions with low environmental and socioeconomic interdependencies (Cascadia, the Lake Constance Region) compared to border regions with high interdependencies (the Californias, the Upper Rhine Valley).

Highlighting the role of ideas and paradigms as crucial factors for institution-building and downplaying functional logics does not mean that the cross-border institutions are "only" symbolic and do not have a substantial output and impact.¹² The water-development commissions have made it possible for cross-border rivers to be major backbones for the economic development of the involved nation-states, and the waterprotection commissions have an impressive record of achievements as well (especially in Europe and on the U.S.-Canadian border—the success of the IBWC is less clear). While the impact of the newer cross-border links is not as obvious, as they quite often have merely a stimulating and mobilizing capacity, some examples show their socioeconomic relevance. In both European border regions, the subnational institutions have been able to create cross-border, integrated public-transport systems, including a common tariff. On Lake Constance and in the Upper Rhine Valley, joint land-use planning is taking place, and common visions for economic development have also been proposed. A spectacular example of the impact of subnational political cooperation on the U.S.-Mexican border is the production of the Hollywood movie "Titanic" on the coast of Baja California (without cross-border political intervention it would have been produced in Poland). In Cascadia, local tourism agencies joined forces for the common marketing of a "two-nation vacation" (Blatter 2000, 117–123, 153-160, 191-197, 228-235).

WAYS OF INSTITUTIONAL CHANGE: "PATCHING UP" AND "TRANSPOSITION"

Institutional change in cross-border interaction is characterized primarily by a type of institutional change which Philipp Genschel (53) has labeled "patching up." New challenges are met, not by replacing existing institutions with new institutions ("switch-over," according to Genschel), but rather by setting up supplementary institutions. Only in a second step are existing institutions forced to change in response to challenges by newly founded institutions. The formal structure of an institution (for example, the international treaty on which the institution is based) is very often not altered, but its activity is greatly expanded, and new forms of interaction are explored—a type of institutional change that Genschel has called "transposition."

Two very similar examples can be found in the European border regions. In the Upper Rhine Valley, the Deutsch-französisch-schweizerische Regierungskommission für nachbarschaftliche Fragen (German-French-Swiss Intergovernmental Commission for Border Issues), which was created by the national governments in 1975, changed its character drastically after many new cross-border cooperative

activities were begun in the late eighties. The regional level (Länder, French régions, and cantons) is now taking the lead in the commission. National-level influence has been declining: since the nineties, only consuls participate as national observers, and instead municipalities have been included in the official national delegations. Furthermore, the scope and pace of cross-border activities has increased, and the name has been changed to the Oberrheinkonferenz (Upper Rhine Conference). Similarly, the Internationale Bodenseekonferenz (International Conference of Government Leaders for Lake Constance—IBK), a cross-border institution set up by government leaders of the riparian Länder and cantons around Lake Constance in 1972, awoke from a state of semidormancy after the Bodenseerat (Council of Lake Constance) was founded in 1991 by political and economic leaders located around the lake. The Bodenseerat claimed to be the "voice of the people of the Euregio Bodensee" (Südkurier, 14). As a consequence, the IBK broadened its range of activity significantly, introduced a budget, and set up a staffed office in the German city of Konstanz in order to maintain its position as the dominant cross-border institution. In North America, one can identify similar developments. For example, the U.S.-Mexican Boundary and Water Commission became a more dynamic and innovative institution after the Border Environmental Cooperation Commission (BECC) and the North American Development Bank (NADBank) were set up via side agreements with NAFTA in 1994.

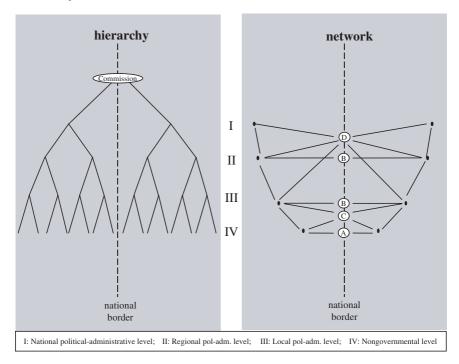
CHANGING PATTERNS OF INTERACTION

Do the new institutions in border regions support the widely proposed thesis that we are witnessing a shift in political governance from hierarchies toward networks? Experiences in the four border regions provide the following answers: In terms of patterns of interaction, this thesis has been confirmed; in terms of modes of interaction, it should be modified.

If one defines hierarchies and networks in terms of patterns of interaction, one can discuss the changes over time on two levels: the level of the individual institution and the overall pattern of interaction within a cross-border region. When one compares the lines of interaction in older institutions with those of newer ones, the general trend is quite obvious (see Figure 1). Older institutions, such as the water-related commissions, are characterized by predominantly vertical lines of interaction and interest/information aggregation. The national administrations integrate the various inputs from the subnational actors and represent a coherent "national position" in cross-border intergovernmental negotiations. A clear indicator is that the leaders of delegations are national administrators; another is that the commissioners are appointed by the leaders of the national governments.

Within the newer cross-border institutions, we can observe four distinct ways of "flattening" the lines of interaction. All share the characteristic

FIGURE 1 Hierarchy and Network Forms of Cross-Border Interaction Patterns



that the national government is losing its position as a gatekeeper. First (A), private and intermediary actors form a cross-border institution. Examples include the Badisch-Elsässische Bürgerinitiativen (Baden-Alsace United Citizen Groups) in the Upper Rhine Valley, the Border Trade Alliance in both North American border regions, and the Arbeitsgemeinschaft der Industrie- und Handelskammern (Association of Chambers of Commerce) on Lake Constance. Second (B), the leaders of subnational political units (e.g., Länder, states, counties, cities) meet on a regular basis. Examples include the IBK, the Border Governors Conference, the Arge Bodensee-Ufergemeinden (Association of Riparian Municipalities on Lake Constance), and the Oberrheinische Bürgermeisterkonferenz (Conference of Mayors in the Upper Rhine Valley). The common feature of these institutions is that they bring together institutionally equal actors. The other two flattened patterns of interaction involve bringing together institutionally divergent actors. This is case (C), in which private actors are integrated into cross-border institutions together with public actors. Examples can be found in all border regions. The Regiorat (Council of the Region, founded in 1994) in the Upper Rhine Valley and the Bodenseerat on Lake Constance are cross-border institutions including regional politicians and representatives of interest groups (mainly business-oriented

groups). Similar institutions in North America include the Commission of the Californias (CalCom), the San Diego Dialogue, the Pacific Northwest Economic Region (PNWER), and the Cascadia Project. The CalCom and PNWER are situated at the regional level (states and provinces) and the San Diego Dialogue and the Cascadia Project on the local level (municipalities, metropolitan associations), but all share a strong public-private partnership approach. Members and delegates are public-office holders as well as representatives of private interest groups and private businesses. A fourth type (D) of horizontal link brings together actors from various levels of the political-administrative system on an equal basis. Examples of this kind of cross-border institution include the steering committees of the INTERREG programs in the European border regions. Here, regional, national, and EU officials make decisions on an equal footing. Other institutions that share this characteristic include the Oberrheinkonferenz and the Oberrheinrat. Both integrate public actors from the regional and local levels; the former includes representatives of the executive branch, the latter of the legislative branch. The BECC on the U.S.-Mexican border combines types C and D of flattening lines of interaction. The Board of Directors of the BECC includes representatives from the national, state, and municipal levels, along with representatives of private nongovernmental organizations (NGOs).

In many cases, we find vertical integration of administrative levels within a cross-border institution in which national representatives play only a minor role. For example, national governments are assigned the status of mere observers in the British Columbia-Washington Environmental Cooperation Council, founded in 1992. The same is the case in the Oberrheinkonferenz and the Border Governors Conference. In other institutions, the national level still provides the important (e.g., the steering committees of the INTERREG programs) or even dominant actors. The latter is the case with BECC/NADBank: BECC is de facto dominated by federal actors, and NADBank is under the complete control of the U.S. and Mexican federal governments. Furthermore, it has to be stressed that in some border regions and in some policy fields (such as security), there has been almost no undermining of the national gatekeeper position by new lines of interaction.¹⁴

Nevertheless, looking at the overall picture—the entire web of linkages in the cross-border regions—the transformation of predominantly vertical lines of interaction into predominantly horizontal lines is obvious. Supplementing nation-state-dominated commissions with a broad variety of cooperative institutions leads to a situation in which the pattern of interaction no longer fulfills the conditions of near-decomposability. This means that the analysis of cross-border policies can no longer start by assuming that the aggregation of interests into national positions is a first step for understanding the process of cross-border policy formation and for modeling and predicting policy outcomes. These findings create doubts about the application of intergovernmentalist approaches

(Moravscik) to the analysis of politics in borderlands as an adequate theoretical starting point (Blatter and Ingram 2001). 15

Figure 1 illustrates another insight. It is inappropriate to talk about a shift from tight coupling to loose coupling in the field of cross-border interaction, as implied by the hierarchy-to-network thesis (Mayntz). Cross-border regions are much more strongly linked today than a few decades ago. Instead, we should talk about the complementation—and, in some regions and policy fields, even replacement—of rigid coupling by elastic coupling. Interactions are becoming increasingly organic (multiplex and flexible) and less mechanical (linear and stable).

CHANGING MODES OF INTERACTION OR CHANGING LOGICS OF CONSENSUS-BUILDING?

If hierarchies and networks are seen as institutions of governance in which divergent modes of interaction are possible or even dominant (see Scharpf, 47), support for the transformation thesis is less clear. According to such a definition, hierarchies (organizations) are institutions in which hierarchical direction from the upper layers toward the lower layers is one possible mode of interaction. Within networks, such hierarchical direction is not possible; here the dominant mode of interaction is the negotiated agreement, which means that joint action takes place only when agreement among participants can be reached and stabilized.

In older institutions we do indeed find decision-making rules that present a form of hierarchical direction. The IJC is the primary example here, since it has been assigned the function of arbitration. Also, the 1957 treaty between France and Germany that established the Commission for the Development of the Upper Rhine contains the option of arbitration. De jure, these institutions had the power to issue verdicts that the nation-states were obliged to implement. This finding might be surprising for those who equate the heydays of the sovereign nation-state with the logic of "anarchy" in relations between the nation-states. During the first half of the twentieth century, the designers of political institutions for cross-border collaboration did not hold this view. Instead, they modeled the institutions for cross-border collaboration according to the dominant paradigm within the nation-states: a hierarchical pattern of interaction, as well as a hierarchical mode of decision-making.

In contrast to this finding of the formal power of the cross-border institutions, I have not been able to find even a single case in which such hierarchical direction by the commission in its formal role as arbitrator has been spelled out and implemented. In the famous trail-smelter case, the dispute over the sulfur-dioxide emissions across the U.S.-Canadian border was referred to the IJC, and the IJC decided in 1931 that Canada should pay the United States U.S. \$350,000 as compensation for damages. Canada ignored the IJC decision, and only after the U.S. refiled complaints and a specific tribunal was installed by a convention (independent).

dently of the IJC) did Canada comply with the verdict of this tribunal and pay the compensation in 1941. The trail-smelter case laid the normative groundwork for the development of international environmental law; it buried the ambitions of the transgovernmental commission to play the role of an independent arbitrator—a fact that is totally ignored by the literature.

In conclusion, although institutional designers set up cross-border commissions with the power to issue hierarchical orders to nation-states in the first half of the twentieth century, de facto, agreement or consent between nation-states has always been the only modus of interaction.¹⁷ The last, cross-border step of interest aggregation in the commission has never been characterized by top-down hierarchical directions; indeed, scholars have discovered that in all border regions, subnational actors strongly influence national delegations and their positions (Blatter 1994; Ingram; Inscho and Durfee; Mumme 1984, 1985). The implementation of the joint decisions of cross-border commissions without the consent of decentralized units has never been widespread.

Some new institutions, such as the PNWER, the Regiorat, and the Oberrheinrat in the Upper Rhine Valley, have set up procedures with majority voting as a possible decision-making mechanism. In practice, majority-vote decision-making has never been used in these institutions. On the (limited) empirical basis provided here, the following hypothesis can be formulated: the codified mode of interaction has changed from hierarchical direction toward majority voting (which is the mode of interaction most typical of the institutional form of associations, according to Scharpf, 47). De facto, not much has changed, since, both in the past and today, the only mode of interaction that is actually used is "agreement."

Nevertheless, institutionalized ways of reaching agreement have changed considerably (see Table 1). International commissions have tried to deduce acceptable solutions from scientific and technological imperatives or from universal principles (e.g., international law). By reference to such objective necessities or general rules, commissions have tried to generate regulatory authority to overcome egocentric national interests. The appointment of engineers and lawyers as commissioners provides the professional foundation for the emergence of transnational "epistemic communities" (Haas). For the North American IJC and IBWC, the appointment of engineers and lawyers is established by international treaty; in the European commissions, it has been a very common practice.

In transboundary institutions established in recent years, we can find other logics for reaching agreement and/or planning joint action. There are significant differences between European and North American border regions, however.¹⁸ In European border regions, institutional designers try to stimulate joint activities by highlighting a common cross-border regional identity. A common identity is signaled and stimulated by the creation of symbols such as logos and flags or by transnational cultural

TABLE 1 Logics of Consensus-Building in Four Institutional Ideal-Types

Tightly Coupled Institution Loosely Coupled Institution Instrumental finding authoritative truth discovering useful synergies Institution: Deduction Evolution • of Pareto-efficient solving problems of clear-cut rights and of material duties derived from solutions on the basis of interdependency, universal principles individual cost-benefit rules, and (international law) calculations information for functional necessities of trust and stabilized exchange on the basis of based on natural and decision-making technical laws experienced reciprocity stimulating integrative building on shared beliefs **Identity-Building Institution:** sentiments Construction Induction providing of joint cross-border orientation, of cross-border visions on the basis of mobilizing awareness and shared belief systems · of new cross-border individual identification through activity affective symbols (nonterritorial) collective of solidarity as a side "egos" and "alters" by effect of emergent feelings competitive ideological of a common regional discourses identity (and feelings of anxiety about shared external threats)

Further characteristics and theoretical foundations of the four institutional ideal-types can be found in Blatter (2000, 2001a). The distinction between tightly coupled and loosely coupled institutions corresponds to the common differentiation between organizations and networks; the distinction between instrumental and identity-providing institutions is based on the institutional theory of Gerhard Göhler and colleagues (1994; Göhler et al.).

events. In contrast to signs like treaties and contracts, such symbols aim primarily to influence public sentiments and emotions (Göhler 1997). We can call this a "logic of induction," because changes in cognition (awareness of and evaluation of common opportunities) and the resulting joint activities are induced side effects of changed feelings toward each other. ¹⁹ Such a logic of induction has supplanted—or at least supplemented—the logic of deduction in European border regions. ²⁰ Politicians in European cross-border regions can rely heavily on this institutional strategy since—and as long as—the issue of European integration and Euroregion-building (microintegration) finds a positive resonance in the public. This leads to a selfenforcing process. Public officials can use symbolic cross-border institution-building for their local campaigns. This reinforces public awareness and a common identity in the cross-border region.

In North America, in contrast, other logics for reaching cross-border agreement and/or joint activities are at work. There are vast socioeconomic differences in the U.S.-Mexican borderlands. On the one hand, this implies a tremendous potential for exploiting economic synergies by com-

bining American capital and know-how with Mexican labor. On the other hand, the vast socioeconomic and cultural differences between the two countries have led to adverse reactions on both sides. Therefore, a common identity cannot develop across the border, and institutionalized cross-border interaction cannot build on the affective motivation of a common identity. What we see here is an evolutionary process of cooperation in which the enormous advantages that can result for both sides from socioeconomic synergies are overcoming sociocultural incompatibility. Case-oriented cooperation based on a utilitarian rationale is leading to a gradual increase in mutual trust and—even more important—to an awareness of interdependency. This is creating the fundamental basis for some stability in cross-border cooperation, even though the joint institutions are not as formalized and stable as in Europe. The many, quite "fluid" (changing in respect to time and space) subnational political links across the U.S.-Mexican border function primarily as facilitators for economic cooperation (which means not only transferring information across the border but also fighting negative spill-over from U.S. security and immigration policies).

On the U.S.-Canadian border, cross-border agreements and joint activities have quite a different basis. Appeals to a common cross-border regional (territorially defined) identity do not work here either, since Canadians tend to define themselves primarily by distinguishing Canadian culture from U.S. culture. Nor does a utilitarian-evolutionary logic work here, since almost everywhere along the forty-ninth parallel economic structures are highly similar, so that the other side is seen primarily as a competitor, not as a potential partner in exploiting synergies (with the exception of energy production). What links political actors across the forty-ninth parallel is, first and foremost, shared visions and worldviews that imply fundamental challenges to the reign of the sovereign nation-state.

In the Pacific Northwest, we find two clearly articulated postmodern alternatives to the modern political order.²¹ First, Cascadia is seen as a showcase by "free traders," who envisage a new world of "region-states" that are best suited to adapting to the imperatives of the global market. These region-states are defined according to socioeconomic interdependencies and can straddle both sides of national borders (Bluechel; Ohmae). Second, Cascadia is a stronghold for "bioregionalists," who propose harmonizing the political order with the imperatives of local natural environments and local cultures. According to the bioregionalists, the boundaries of governmental jurisdictions should be drawn on the basis of natural characteristics, such as watersheds (Mazza 1995a, b; McCloskey). Both polity conceptions have found fertile ground in the societies of the Pacific Northwest. Furthermore, they have been institutionalized by cross-border coalitions including public and/or private actors—for example, the PNWER, the Cascadia Project, the Sounds and Straits Alliance, and the Yellowstone to Yukon (Y2Y) Conservation Initiative.²² Both types of cross-border coalitions have been broadly institutionalized, even though neither strong socioeconomic nor strong ecological cross-border interdependencies are present. The discursive construction of postmodern polity ideas and the ideological competition between free traders and bioregionalists have proven to be powerful engines for cross-border cooperation and institution-building in the Pacific Northwest. It was not by chance that the first highly visible clash between the promoters and the opponents of (economic) globalization took place in Seattle!

Overall, I maintain that for an understanding of institutions (their functioning and change), the process logics of consensus-building—not formal decision-making rules—are the most important elements. In this way, we can discover the most dramatic changes over time, as well as the most significant differences between various border regions. In the heyday of national sovereignty, the designers of cross-border institutions tried to establish a technocratic-deductive logic within joint commissions. Nowadays, we find more decentralized cross-border networks based on divergent logics of interaction: joint action and institution-building can be based on affective identification, on utilitarian evolution, or on discursive construction.

SUMMARY AND CONCLUSIONS

The presented findings and theoretical interpretations have a limited empirical base. Nevertheless, it seems reasonable to draw some general conclusions from this exploratory study, since it is clearly necessary to look beyond established typologies to capture the observed institutional change and variety—and this might also be true for institutions and institutional changes beyond cross-border regions.

Considering the results of this study, it is no accident and quite appropriate that networks and network analysis received such enormous recognition in the 1990s. It seems that we are indeed witnessing a historic transformation of patterns of interaction in which the boundaries between the public and the private spheres, as well as among nation-states, are being rapidly blurred—again. One should bear in mind that the relevance of these boundaries has been limited to modern times (roughly the last two hundred years) (Ruggie).

The central finding of this study is that we cannot confirm the hierarchies-to-network thesis when we look at modes of interaction in cross-border political institutions in the twentieth century. De jure, institutional elements implying a hierarchical order in intergovernmental commissions have been supplanted in newer institutions by provisions allowing for majority voting. De facto, nothing has changed in this regard, since these modes of interaction have never actually been used. The only way to achieve joint action has always been and still is agreement or consent. What has changed over the years, though, is the insti-

tutionalized approach to reaching agreement. The older approach uses a technocratic-deductive logic. In recent years, various new approaches have been tried in cross-border regions: a symbolic-inductive logic in Western Europe, a utilitarian-evolutionary logic along the U.S.-Mexican border, and a normative-constructivist logic along the U.S.-Canadian border.

These findings lead to the following thoughts about further research in institutional theory. Even the broad variety of approaches that has been subsumed under the label "new institutionalism" (see, e.g., Peters) fails to provide adequate conceptions of the various ways in which institutions are designed to influence individual actors. Although the "normative institutionalism" (Guy Peters' label) proposed by James March and Johan Olson specifically stresses that institutions shape preferences and identities and refers to the role of symbols and rituals, their "logic of appropriateness" is still too cognitivist to capture all of the current institutional logics. Until now, the affective—in contrast to the cognitive—dimension of individual action and the ways emotions shape preferences and identities have been neglected. This seems to be changing quite dramatically in sociology and economics (see, e.g., Elster; Flam; Mellers et al.), but has not yet been taken into account in political science (although this might be changing; see Marcus) and in institutional theory in a sufficient way.

As a consequence, I would like to give some further attention to the mode of cooperative interaction that I called the "logic of induction." German institutional theorists have already made major efforts to overcome purely instrumentalist and cognitivist approaches to political institutions. Gerhard Göhler and colleagues (Göhler 1994; Göhler et al. 1997) are developing an institutional theory drawing heavily on the work of anthropologist Arnold Gehlen. Gehlen distinguishes two fundamental dimensions of institutions, the instrumental and the ideational. In the instrumental dimension, institutions function as mechanisms of control. In the ideational dimension, institutions provide orientation for the individuals—they influence identities, values, and preferences. The two institutional dimensions work with quite distinct communicative mechanisms. According to Göhler (1997, 29-31), "signs" (e.g., detailed written international treaties) are semiotic phenomena: there is a "tight coupling" between the signifier (the text) and the signified (signatum). In contrast, "symbols" (such as logos) are characterized by a "loose coupling" between signifier and signified. The communicator must interpret symbols in order to understand them; therefore, symbols are hermeneutic phenomena. The second and even more important difference between signs and symbols is the fact that symbols find much more resonance in the emotional sphere of the individual.

The cognitive ambiguity of symbols represents a problem for all instrumental approaches to institutions, since symbols do not generate "truth," or even "common knowledge" in the sense of game theory (see Scharpf,

40). As a consequence, authority, trust, and predictability cannot be produced by institutions that rely on symbolic communication. Also, from a normative perspective, symbols have deficits, since no clear answer is given to the question "What is the right thing to do?" Instead, a symbol signals that an issue, a problem, a community, an institution, and so on is important and deserves attention (Blatter 2001b).

From an instrumental-cognitive perspective, symbols have functional deficits; they gain their strength from their capacity to mobilize emotions. As experimental economists and cognitive scientists around Nobel laureate Reinhard Selten have discovered, emotions are especially important for focusing attention, for reinforcing attachments, and for solving commitment problems (Mellers et al., 264). Exactly those functions are becoming more important in the current world, where many overlapping political communities (together with other social entities) compete with communicative means for attention, loyalty, and the contributions of individuals. Four important changes contribute to the fact that the identity-providing and mobilizing dimension of political institutions (and political actions) is increasingly important in comparison to the instrumental and decision-making dimension.

First, information and communication have become the key features of society and economy, and the mass media has acquired a powerful role in shaping political awareness, preferences, and processes. In consequence, communicative instruments are gaining importance (in comparison to legal and fiscal instruments) as mechanisms of governance, as well as in the competitive struggle for political power. In a public discourse that is characterized, not by face-to-face communication and a Habermasian "ideal speech situation," but rather by telecommunication, strategic campaigning, and infotainment, the use of emotional symbols is crucial for reaching audiences.

Second, the paradigmatic change from "government" to "governance"—implying a more collaborative relationship between the state and civil society—means that governing is more and more dependent on private awareness, voluntary participation, and social commitment. The attention and participation of civic and business groups can result from their own self-interest in public affairs. Nevertheless, traditionally, private involvement has also been based on an emotional sense of belonging to a local or a national community. One consequence of the "disembedding" (Giddens) of social actors from their traditional social environment is that these "social environments" have to "reinvent" a sense of belonging in order to forge a renewed social unity and to secure individual loyalty and contributions.

Third, "identity politics"—the growing relevance of race, gender, and ethnicity—has come to the forefront of many political struggles in many nation-states since the 1980s (Benhabib). In multicultural societies such as those in North America, national cohesion is strongly challenged by racial, ethnic, and linguistic cleavages. Loyalty to an ethnic group that

transcends national boundaries, for example, can clash with feelings of national unity.

Finally, processes of internationalization/globalization and processes of decentralization/devolution undermine the "natural" political ties of citizens to the nation-state and lead to the creation of many supranational, transnational, and "subnational" political communities and institutions. In multilevel governance systems such as those in Europe, various overlapping layers of government compete with each other for social awareness in order to gain legitimacy for political decisions and to strengthen compliance.

As a consequence of these processes, the unquestioned monopoly of the nation-state as the basis for political community-building and institutional control is being challenged and supplanted by a multiplicity and variety of political communities and institutions (although the nation-state is still the most important one). Therefore, highlighting the relevance of specific communities with the help of affective symbols is becoming a prime task for political leaders and institutional designers. Gaining public awareness, recognition, and legitimacy—in short, "being in"—is becoming a crucial aspect of political and institutional power.²³ This means that the mobilizing capacity—rather than the decisionmaking capacity—of political institutions is becoming more relevant for institutional design (Blatter 2001a, b). These concluding remarks contain a plea for further progress in institutional theory by blending political science with psychology, cognitive sciences, theories of communication, and media theory and less with law and economics, as has conventionally been the case.

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NOTES

- 1. Formal organizations (the firm or the state) and hierarchies are used synonymously as ideal types of institutions of governance in a broad variety of fields and approaches (see Kenis and Schneider 1996, 19).
- 2. Whereas "market" is the contrasting pole in the governance literature (Williamson 1975), "anarchy" plays the same role in international relations theory (Waltz).
- 3. This transformation goes well beyond the political sphere—it is seen as a general social trend. See Castells; for a more differentiated view, see Zijderveld.

- 4. This diagnosis, and especially the normative prescription of network governance, might not be shared in the Anglo-Saxon world, where the transformation from hierarchies to markets has seemed to be the dominant trend since the 1980s. But even here, major analysts point toward the growing relevance of networks (Powell) or hybrids (Williamson 1996).
- 5. See, for example, Amin and Hausner; Héritier, Mingers, Knill and Becka; Ladeur; Laumann and Knoke; and Rhodes.
- 6. Daniel Elazar talks about a general trend in state organization from a "center periphery model" toward a "matrix" model. A "matrix model" is characterized by the fact "that authority and power are dispersed among a network of arenas" (xiv). The movement toward "decentralization" and "devolution" in the classic unitary states of France and Great Britain underscores this claim and shows that this trend is not restricted to federal systems.
- 7. See for example, Church and Reid; Fürst; Ritter; and Ward and Williams.
- 8. See, for example, Keck and Sikkink, and Nölke. A further expression of the institutional trend is that we can witness a conceptual change from government to governance (Rosenau and Czempiel). The policynetwork approach has been broadly introduced, especially in the context of European integration; see, for example, Héritier, Kassim, and, critically, Peterson.
- 9. This definition of networks is not shared by other proponents of network governance. Bernd Marin and Renate Mayntz (16), for example, hold that "[F]ormal organizations are more or less hierarchically structured, and so are policy networks." This might be a reasonable assumption if one views forms of governance from a power-dependence perspective. Nevertheless, Scharpf's approach is analytically more useful if one looks for a variety of observable indicators to describe and differentiate political institutions.
- 10. Also at the same time (1908), the International Boundary Commission and the International Fishery Commission were founded by the Canadian and U.S. governments.
- 11. A second treaty was signed in 1969 to expand the development of the Rhine River.
- 12. For such a conception of "symbolic politics," see Edelman.
- 13. "Flattening" the lines of interaction is used here to illustrate the (theoretically more fundamental) fact that national executives are losing their gate-keeper position. In a structural analysis that focuses purely on lines of interaction (leaving aside the character of the interactions), there is no difference between horizontal and vertical lines.
- 14. A more differentiated analysis (in respect to regions and in respect to policy fields) can be found in Blatter (2000, 2001a).
- 15. For a detailed analysis that shows that one of the first and certainly most successful international environmental regimes, water conservation in Lake Constance, cannot be explained by an intergovernmentalist approach and that there exists a need to take these insights into account. See Blatter (2001b).
- 16. For the IJC, see Lemarquand (66).
- 17. A possible alternative might have been informal power politics implemented by bypassing the rules and procedures of the commissions.
- 18. The following description should be seen as a summary focusing on ideal types. In reality, in all border regions there is a mixture of different logics. Nevertheless, we can clearly distinguish the dominant logics in the various border regions.
- 19. It is important to recognize that the phrase "induction" is used here analogously to the logic of electromagnetic energy production, not in the sense

- used in the theory of science. For further discussion of the underlying rationale, see the final part of this paper.
- 20. With the INTERREG initiative, the EU produced a second, quite different way of encouraging cooperative activity and institution-building. Funding by the EU (50 percent of the costs of joint projects) reduces transaction costs and enlarges the space for Pareto-efficient solutions for regional partners in such a way that joint projects and local matching funds are set up. In this way, supranational spending induces subnational spending for cross-border projects and institutions. This is another, quite different "logic of induction": vertical transfer of money induces horizontal pooling of financial resources.
- 21. In the eastern part of the forty-ninth parallel, the separatists in Quebec have played a major role in cross-border institution-building. Their vision is also challenging the existing nation-state (Canada), but not in the radical conceptual way as in the Pacific Northwest, since they are striving for an independent nation-state and not for a political order beyond the Westphalian system of nation-states.
- 22. For a detailed analysis of the Y2Y Conservation Initiative, see Lorton Levesque.
- 23. In another essay (Blatter 2002), I more fully elaborate on the fact that "being in" is becoming the crucial aspect for both sides of the agent-structure divide. From the individual side, formal and informal "inclusion" in social and political communities is currently one of the most fundamental political struggles all over the world—whether as an issue of international immigration or as an issue of urban/metropolitan segregation. Not as much attention has been paid in the social sciences to the fact that on the structural or institutional side of the social world, the norms and organizations (private companies as well as political entities) are crucially dependent on gaining attention or "being in" in an increasingly polycentric world with multiple and overlapping social/political collective entities.

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