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Enlargement Studies Enlarged: An EU-US Comparison

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1 Introduction

Imagine a pile of rocks of different sizes and shapes formed by a child with care from specially selected rocks. The child that built the pile, upon admiring her work, is pleased, and wishes to add on to this pile. As she drops on more rocks, she can either take care to place them nicely as to not disrupt the existing pile or could drop them haphazardly onto the pile creating mini landslides, collapses, or possible ruin. When she places the new rocks care, their disruptive capacity is lessened, but even the biggest rock placed with the utmost care, could bring down even the noblest pile. Conversely, a small pebble thrown with reckless abandon at the pile will cause little disturbance. Apart from the size of the rocks and the sturdiness of the pile, the shape and contours of the rocks matter. A large flat rock will not work well atop a pyramid shaped pile, while a perfectly round one would simply roll off. Some care, then, must be taken when selecting which rocks to add as well as how to add them. Imagine then, that this child is able to shape the rocks through chipping or sanding. She would make the rocks the shape she thought would best preserve and expand the pile, but she would not have the time nor skills to make the rock into the exact shape that she thinks is necessary. What results is compromising with a rock that seems good enough. When placed on the pile it may fit well enough to not bring down the pile but is by no means perfect and is then built upon later.

This analogy is a useful, albeit simplistic, way of thinking about the process and effects of enlargement of federal political systems in the United States and the European Union. The pile in the analogy would be the existing federal bargain. The rocks are the individual member states, existing in a “federal balance” that could conceivably fall apart. Where this analogy breaks down is in the role of the child. In reality, the members of the federation shape and select potential units. Unless I wish to import consciousness to rocks, this analogy is inherently limited, but the dilemma faced by the child is similar to that of the supranational politicians in the real world. They desire to expand their pile, but they have to deal with the rocks that are around them. To this end, they can shape and develop the potential additions (states or rocks) to a certain extent, but after a while they will be dropped onto the pile, oftentimes before they reach their ideal shape. How much effort is put into crafting the rock before it is added is a good indicator of the disruptive potential it will hold for the larger federation after it is added. If much care is taken to shape the potential addition perfectly, it would fit in seamlessly with the existing pile.

It is the process of territorial enlargement just alluded to that will constitute the main thrust of this paper. I will analyze the process of and impact of inclusion of new units by federal political systems of the United State and the European Union. Drawing of existing federal literature, I conceive of this process as attempts by the federal center to decrease potential asymmetries. As asymmetry increases, there occur new opportunities for bargaining that may allow new alliance to control different institutions that do not align with the power structures that brought them in.

To deal with this process conceptually, I begin by considering what is enlarging. I classify both systems as roughly federal and use the language of comparative federalism as guiding principles in my analysis. I distinguish between

three distinct phases of enlargement. The first is the selection and development of units by the center.¹ The second consists of deciding when it is ready and what constitutes “ready”. In the final stage, the new unit is included within the decision-making structures of the federation. The newly added units create new pressures and opportunities for alliance that were not present before the unit was added. The magnitude and type of pressures on the center after allowing in new units is largely dependent on the effectiveness of the development or first stage. Looking at the full span of the process I argue that the EU studies are confined largely to the first and second stage while studies of American enlargement are almost always focused on the third stage.

Using a common language allows us to make these two cases speak to each other while also speaking to comparative federalism literature. Furthermore, such a comparative examination of territorial inclusion by federal systems seems largely to have escaped comparative analysis. This may be because few federations have undertaken such a process apart from their initial formation. Despite this, such comparisons are useful insofar as the two primary cases have often been treated as exception and thus escaped strict analysis. Comparing these two otherwise unique cases highlights some very striking similarities along with important differences. Such a paired examination might contribute to scholarship in a number of sub-fields, including American political development, European Enlargement, and comparative federalism.

The first section of the paper will flush out my conception of the important aspects of federalism in understanding the inclusion of new units. The purpose of this section is to place the argument just discussed into existing federalist language. The second section will trace the first stage above, namely the acquisition, settlement, and development of land not included in the 13 original colonies or in the original 6 of the EEC. The third section will describe what was driving final decisions to include in terms of along which cleavage the debates occurred in both systems. The fourth section will the effects of inclusions on the US system in more detail and apply these lessons to the European union.

2. Political and Territorial Enlargement

When one looks at studies of enlargement in the European and American cases it is immediately clear that these studies have little in common. In dealing with the expansion of the US west of the original thirteen colonies and the effects of the process of inclusion, it is necessary to review to works of one of the giants of frontier issues in American history- Fredrick Jackson Turner. What he viewed as the major contribution of the frontier to the political legacy of states was its role in forging an distinctly American view of democracy, “This, at least is clear: American democracy is fundamentally the outcome of the experiences of the American people in dealing with the west” (266). Overall, the frontier shaped the mentality of the

¹ I will use the term unit to refer to potential member states or states that would coceivable join the union someday. In the American context, this term will refer to the states. I find this terminology easiest.

people, and through the people, it shaped political institutions. He does also recognize some degree of mechanical effect, He states “The legislation which most developed the powers of the national government, and played the largest part in its activities, was conditioned on the frontier” (24). The argument made in this paper does go against this line of thought, but will emphasize that the focus on effects is tied to the pre-membership period. Where these studies begin is with the inclusion of states and how these states shaped the center. Very few studies have considered in a systematic way the effects of central institutions on state development before the decision to join. They take for granted a state with some degree of functioning institutions and go from there. I have tried to illustrate this in figure 1 where C represent the federal center and the U represents units of member states. The decision to include occurs when states gain voting rights in central institutions. The space to the left of the vertical decision line is what I will refer to as pre accession, and in American studies there is little discussion of this time period, but ample of the post-accession affects of inclusion.

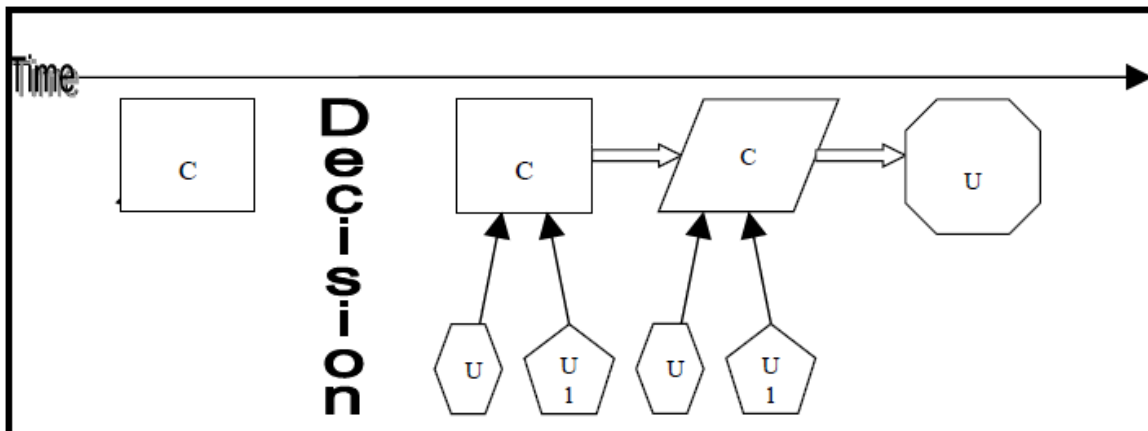


Figure 1: Characterization of focus of American studies of territorial enlargement

Studies of European Enlargement, on the other hand, often emphasize different rationales for taking on such a process from a variety of different actors perspective, including member states, candidate states, and supranational institutions (Schimmelfennig and Sedelmeier 2002). In its more theoretical form, enlargement is seen as “a process of gradual and formal horizontal institutionalization of organizational rules and norms” that “is best conceptualized as a gradual process that begins before, and continues after, the admission of new members to the organization” (Schimmelfennig and Sedelmeier 2002, p. 503). This conceptualization is useful because it resists focusing exclusively on the issue of formal membership but is not reflective on the actual distribution of scholar attention. When the impact of European Enlargement is usually examined, it is in the content of member state policy shifts brought about by EU pressure. These type of studies may focus on a policy area cross nationally or different policy areas within a country, but the Europeanization debate in relation to newly acceding members is largely unidirectional. Studies often emphasize the role of the center in preparing the potential units, but much less on the affects of the incorporation on the center. I

have tried to capture this dynamic in figure 2 that has the same format as the previous figure. Here however, EU studies are largely confined to the pre-accession stage and the causal arrows are different from the American chart.

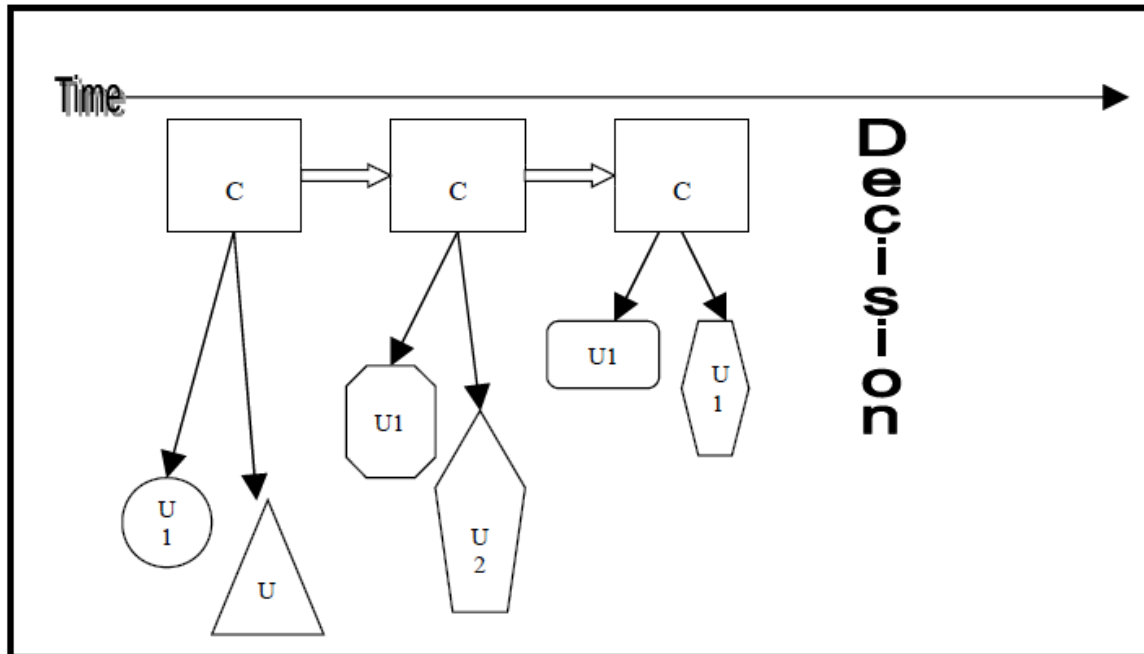


Figure 2: Orientation of EU enlargement Studies

What emerges are two groups of literature that emphasize exactly what the other is missing. Where the American literature stresses post-accession affects running from the new units to the center, the European literature emphasizes pre-accession with the causal attention running from center to the units. Trying to draw lessons from the American case is difficult due to the extreme nature of the events surrounding westward expansion. It is equally hard to generalize about European Enlargement due to its recent occurrence. What is needed then is a common language to discuss these two cases in the hope of generalizing about democratic territorial enlargement. In trying to bring these two cases together, I opt for a conceptualization that is embedded in the larger political system seeking to do the incorporating in both system: a federation. Starting analysis from this grounding will provide a more coherent way to think about the politics surrounding accession, the purpose of the pre enlargement stage, and the impact of after formal statehood is granted.

2.1 Federal Political Systems and Enlargement

Enlargement is something undertaken by an existing political structure. Empires enlarged

as have NATO and the UN. For this paper, I argue that both the US and the EU are examples of existing federal political systems that undertake peaceful, democratic inclusions of new members on an equal footing in decision making structures. This

said, I will briefly discuss the pertinent concepts from comparative federal literature before moving to a discussion of the American and European literatures. I distinguish between Federalism, federal political system, and federation. Federalism is a philosophical concept advocating a balance of citizen preferences for joint action on some issues, and government by constituent units for others (Watts 1998). A federal political system is any institutional arrangement that attempts to incorporate this concept and can be seen on a continuum from confederation to federation. In his classical treatment of this phenomenon, Riker describes a federation as a “constitutional bargain between prospective national leaders and officials of constituent governments for the purpose of aggregating territory, the better to lay taxes and raise armies” (Riker 1964, p. 12). The constitutional bargain is federal if it has two governments ruling over the same territory and people, each level has areas of jurisdiction that are off limits to the other, and there is some guarantee of this autonomy. Characteristic of these systems are bicameral legislatures representing different constituencies and a powerful and autonomous supreme court to adjudicate differences between separate branches and levels of government (11).

Federal political systems are often considered useful for their ability to accommodate governance of socially diverse societies under one system of rules. Differential relations between the center and the units are what allow federations to do this. Differential relations are discussed in terms of symmetry or asymmetry. In theory, a perfectly symmetrical federation would be one that all units “share in the conditions and thereby the concerns more or less common to the federal system as a whole” (Tarlton 1965, p. 861). Each unit would share a similar population, size of territory, economic features, climatic conditions, cultural patterns, social groupings, and political institutions (868). Asymmetry is the degree to which “political units corresponding to differences of interest, character, and makeup that exist within the whole society” (867).

Asymmetry is essentially a conceptualization of sectional differences in federal systems. Asymmetrical federation can result from a host of factors, but can effectively be grouped into socio-economic and cultural-ideological groupings (Burgess 2006). Asymmetries can be *de jure* and inscribed in law through special bargaining rights and cultural protections or *de facto* like a large and/or rich state that is often able to get its way. For example, the fiscal power of units can vary widely and result in different relations to the center. Rich sub units will view the center differently, and most likely have more power in certain ways, than poorer states. Population of states and rules of representation in the Senate combine to produce another example of asymmetry. Another important distinction to make is the difference between vertical and horizontal. Vertical asymmetry would refer to those units that might not be full members (Puerto Rico or Washington DC) or of general relationships between the two levels of government. Horizontal asymmetry is the type that will be discussed in this paper and largely refer to different levels of power among different units. One final distinction to make is between the conditions for asymmetry (social diversity) and asymmetric outcomes. Asymmetry is not just the political and geographic distribution of the society that a federal system encompasses. What is important is how the political boundaries of the

subunits map over these demographic and geographical interests. My usage of asymmetry in this paper will refer to de facto and horizontal variety.

Early authors saw asymmetry as a threat to the survival of the federation (Tarlton 1965). Too much asymmetry would render unification under one flag difficult. Today, the thought on the asymmetric capabilities of federalism is reversed. Asymmetry is what provides federalism's virtue to ethnically diverse societies (Burgess 2006, p. 225). In a federation with the social conditions for asymmetry, the more that a center tries to make symmetrical its relations with its parts, the more likely it is that conflict will prevail. Symmetry, not asymmetry is the real threat. In ethnically diverse societies symmetrical center-state relations are often explicitly discouraged, with nascent states encouraged to provide group specific rights to different units. In the American context, the civil war could be seen as the result of the central government's attempts to increase symmetry between the units (in terms of slavery) that led to the failure of the constitutional compromise. Generally, it seems that either too much asymmetry or too much symmetry can be disruptive to the stability of a constitutional bargain. Too much and you risk secession and dissolution, too little, a federation will face increasing inability to respond to the needs and demands of those it governs. Scholars have suggested that it is not the raw amount of symmetry or asymmetry, but rather the kind of asymmetries and how these interact with different institutional structures (Agranoff, International Political Science Association Research Committee on et al. 1999). Asymmetry it appears can be a double edged sword, stabilizing and destabilizing in different contexts. What is important in the context of my analysis here is that institutional equilibria are based on a set of asymmetries that were present at the foundation of that equilibrium. If then new asymmetries are included into systems that do not adapt fully, there is greater potential for change.

What is interesting about the process of enlargement is that there are specific and formal mechanisms for reducing these asymmetries. The effectiveness and scale differs over different aspects of the process. What is needed then is an account that is temporally sensitive to the order with which enlargement occur. The process that each state will undergo consists of three different steps in a set order. The first is development of the units with the hope of making them as compatible as possible with existing member states. This is seen as an attempt to reduce asymmetry in order to preserve the power of those already within the system. The second stage consists of the nature of the final decision debate and how the political nature of this stage can subvert developmental mechanisms of the first stage. The final stage sees the unit included in the decision making process and thus on an equal footing with the existing members resulting in altered bargaining dynamics. This stage is seen as an infusion of new asymmetries providing new bargaining opportunities that do not necessarily result in gridlock. I will go through each stage, elaborate it theoretically and historically. Figure 3 represents the ideal typical process of enlargement by federal political systems. Across the top are the three stages. The direction of the arrows indicates the primary direction of influence between the institutional spheres.

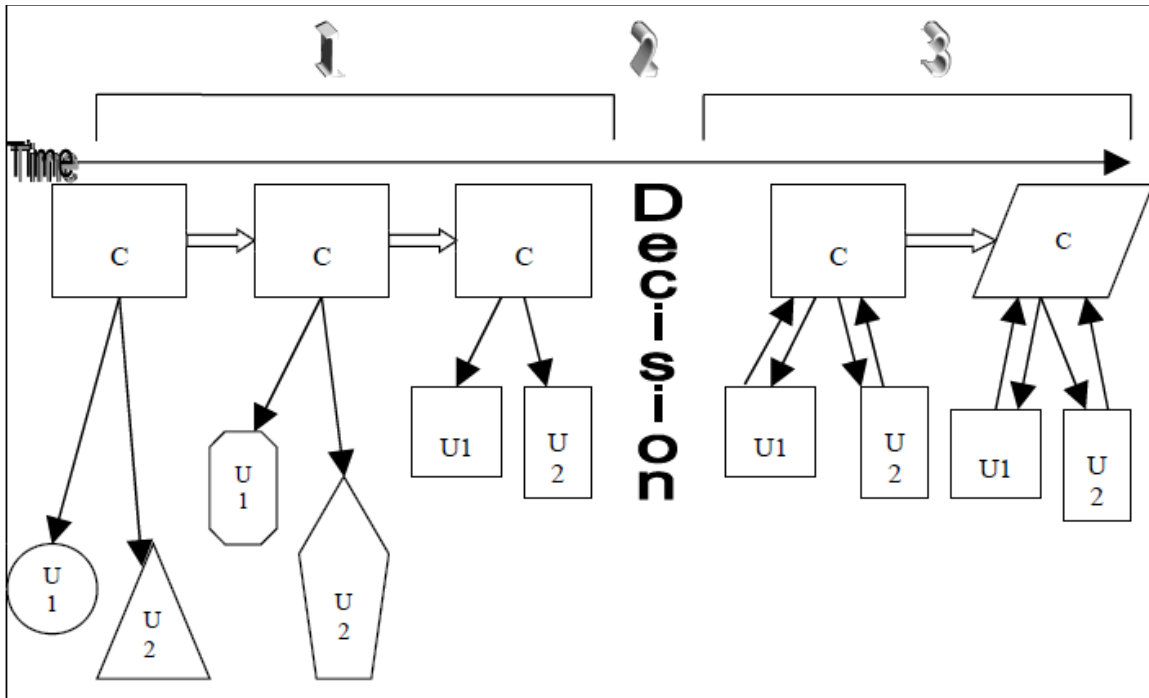


Figure 3: Ideal Process of Enlargement with Stages

3. Stage I

In the first stage, the center selects and develops a potential member to make them more palatable to existing member states. A certain level of symmetry is necessary for the functioning of political systems in terms of the hierarchy of laws that all units have to adhere to and acceptance of the federal level as somewhat legitimate. Federations rarely take states “as they come” unless they come dressed like the existing member states (high symmetry) Thus, I conceive of pre-membership (stage 1) actions as general attempts to reduce high levels of asymmetry to ensure the continued viability of somewhat decentralized union. As I illustrate in figure 4, ideally, the process of development would create mini versions of itself in the potential units so as to mitigate their disruptive capacity within the institutions. Regardless of attempts to reduce asymmetry, it is impossible to eliminate it. Nevertheless, in each federation there is a child with a rock and a tool that is tasked with judging and molding potential units for membership. This section then will seek to focus on actors, tasks, and tools.

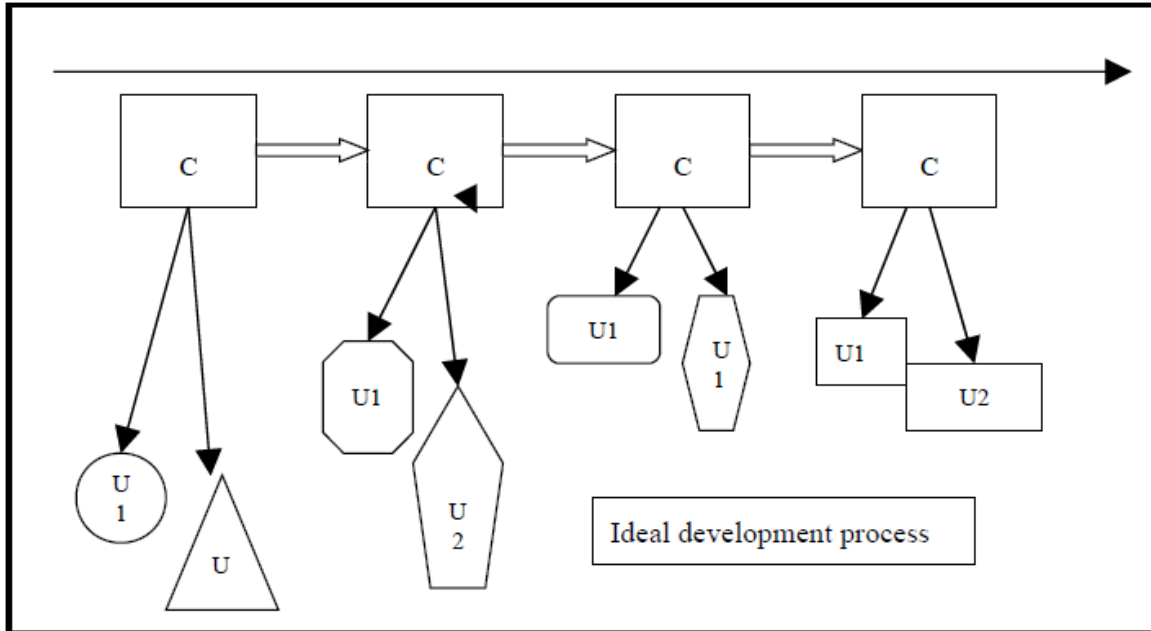


Figure 4: Ideal process of Development

3.1 US stage I

The primary task facing the colonies and their newly formed supranational manifestation was what to do with the lands to the west. By the time of the articles of confederation, the Northwest Territory became the property of the colonies as a collective, the next step then, was to find something to do with it. The political actor given the task of developing and including these vast western lands was the Congress. In the Federal Constitution, they were formally given the right to control the application of the ordinance (section 3, article 4). The Ordinance was quickly adopted in the First Congress and extended to the southwest territory with the slavery provision deleted (Eblen 1968, p. 52).

The primary tool used to address this task was the Ordinance of 1787. This provided for a territory to pass through three different stages. In the first, an appointed governor, a secretary, and three judges were put in control of the state and were charged with arranging courts and removing Indians and drafting laws for the territory. These laws were to “remain in force unless disapproved of by the congress” (10) and be drawn from the existing corpus of laws in the original colonies (33). During the second stage, the ordinance provided the framework for the selection of two representative bodies, a house of representatives and an legislative council, both of which were paid for by the federal congress. These bodies would elect a non-voting delegates to the national congress. The provision that existing laws be drawn from the colonies was dropped. States would move to final stage once the population had reached 60000 in the predetermined state boundaries within the territory, at which time they could apply for statehood. The ordinance did contain the provision that Congress may admit states with smaller populations as it saw fit (Eblen 1968, p. 39).

The ordinance also provided a sort of bill of rights that would apply during all the stages. It held the states and territories must respect religious worship and sentiments, habeas corpus, private contracts, and that the state should provide for education. Among these provisions are to be found the formal statement of the ultimate goal of the process, that the states “should forever remain a part of the confederacy, subject to the Articles of Confederation and to the authority of congress under them” (Farrand 2000, p. 11). The final provision prohibited slavery in these states. The provisions in the ordinance seek to reduce asymmetries between the federal government and the potential members by determining their trajectory from the very beginning.

The emphasis on development of functioning, democratic institutions at the local level is similar to what we will see in the EU case in terms of conditionality and the Copenhagen criteria. Order had to be imposed in the form of representative institutions *before* inclusion. If a central state was trying to accomplish the same goals as the federal system of the United States at this time, there would be no need for district stages prior to inclusion in the larger governing apparatus. The centralized state could set up an outpost, eliminate power rivals, tax the inhabitants, and claim the region as the newest part of the state. The fact that it was a federal state expanding where there was no history of infrastructure entailed special challenges not often observed in the development of federal systems. Attempting to make the new units compatible (or symmetrical) is a necessary goal of a federal system of shared powers between different levels. This aspect was further determined by requirements for the inclusion of these units (population, regulation, representation) which were in effect self imposed, self regulated benchmarks set by the Congress on its dealings with new territories.

3.2 EU stage I

To outline the membership process in broad strokes, the enlargement process begins with consideration by the European Council (the political executive) of the merits of the applicant, only Morocco has been turned down at this stage. Next, the Commission produces a report on the extent to which the applicant country fulfills the specified conditions. The commission has made a variety of recommendations including directions to wait for further progress, engage in accession negotiations immediately, or begin at some specific point in the future. Once the legislation is brought in line and the commission and council are satisfied, the European Parliament and the all of the member states have to ratify it according to their own procedures (Nugent 2004).

Both the US and the EU have essentially the same task as this stage, to reduce the differences between existing and potential units. As just described, in the US the legislature was designated almost the sole actor at this stage. The EU enlargement process taps a different cast of actors. Here, the two main players in the developmental stage in the EU are the commission and the Council of Ministers. These actors represent different interests, but they are often not associated with supranational parties. The commission is essentially the bureaucratic element of the union and is rather technocratic. The members of the commission college are forced

to renounce partisan identities and act as bureaucrats. The Council of Ministers, on the other hand, is intended to be agents of member state interests. This is not to deny that the individuals that staff these bodies are not partisan or members of parties, but that they do not often identify with their supranational party and are more likely to be constrained by their domestic party.

In terms of increasing the symmetry of the potential members, the EU has extensive tools for ensuring some degree of continuity between member states when they are accepted. There exists in the enlargement process two tiers of negotiation. The first tier must be cleared before the second may be encountered and it is after this second tier that full membership lies. The first tier is represented by the Copenhagen Criteria. They consist of having a liberal democracy, functioning market economy, ability to implement the *acquis*, and participant in monetary union. Units must meet these satisfactorily before they can begin *association negotiations* (Nugent 2004). It is through yearly check ups on process towards filling these criteria, referred to as conditionality, that the EU finds it's most substantive leverage. Countries must meet these criteria before they can move on to the next stage of actually changing domestic laws to match the *acquis*.

These demands have changed over time, but appear more stable than those of the American Congress. One author classifies the conditionality requirements of the EU as "massive and non-negotiable" (Schimmelfennig 2008). Overtime however, there is certainly a change in the standards of the supranational level concerning requirements and this is somewhat of a contrast with the US where the conditions were the same (adopt all of the constitution) but the mechanisms and selection and organization of the different stages differed.

In terms of resources, The EU does not need to expend so much in the development of territories, but it still does provide them. Despite higher levels of political social and economic development in the potential units in the EU context, there are still substantial investments by the EU in member state development. For the post-communist countries joining, the EU constituted their largest source of international aid. They also provide policy models, technical assistance, association agreements, and accession partnerships.

Both cases assigned actors tools for reducing asymmetry in potential units. In the US the tools came in the form of resources and information placed upon a largely blank canvas by the bicameral legislature. By contrast the EU case uses resources, but relies more on conditionality to force the member states to self-adjust while providing models and expertise through a dual executive. Through conditionality, the European Union seeks to reduce asymmetry by setting high standards on a variety of issues that states have to meet before they are formally admitted. The commission assesses progress towards these goals on a regular basis. The monitoring of these conditions are used make the transition to membership easier for the center through forcing the unit to do much of the leg work on its own. An important dimension that emerged at this stage is the bodies that development tools are used by. In one case it was the most partisan body and in the EU it is largely the Commission, one of the least partisan. Much of the leverage exerted in the US by the center on the units came largely from resources and firm control of nascent,

uninstitutionalized territories. In the EU, development of potential units is more difficult due to the existence of more institutionalized actors.

4. Stage II: Final Decision

The second stage concerns the decision for inclusion. It is at this stage that potential units

get a year placed after their names in the history textbooks (e.g. California, 1850; Greece, 1981, etc). By the time that this decision is actually put to the pertinent actors, the supranational center has been interacting with the potential units for often substantial periods of time. Here I am not interested in why the center began to develop the unit or why the ultimate decision to include was or was not made, but to look at along which lines these issues were debated and to what extent the center used its power to force units to fulfill certain criteria before being allowed in. This last issue is important.

As we saw with the first stage, there are rather elaborate criteria set up regulating the inclusion of units. If these standards were held firm, the pattern of state inclusion would be sort of a check list approach. States would be allowed in when they completed certain tasks, and not until then. The record of inclusion of both systems gives hints that this may not be the case. The pattern of admission of units in the US is disjointed with an early period of consistent admission followed by a long drought of admission punctuated by a large, "big boom". The first states admitted to the newly formed union were Vermont in 1791 and Kentucky in 1792. In the early years states were admitted in pairs due not proximity in reaching certain goals, but to serve political means. At the outbreak of the Civil War in 1860 there were 33 states in the union. During the civil war 4 more were admitted. Between 1867 and 1889 there was one state admitted, and in 1889, and between 1889 and 1896 there were 7. This pattern is a first indication that standards from stage 1 are not the only factors at play here. This finds additional support in the European pattern of admission. The EU has consistently expanded since 1979 beginning with the United Kingdom, Ireland, and Denmark. This was followed by Greece in 1981, Portugal and Spain in 1986, and Sweden, Finland, and Austria in 1995. Between 2004 and 2007 the EU added 12 member states from Central and Eastern Europe (CEEC). This big bang approach is similar to the Omnibus inclusion in the 1890's. Currently the following countries are candidates: Turkey, Croatia, Macedonia, and Iceland.

If these directions were followed to the letter, enlargement would have the least possible potential for disruptive change of the center. In the real world, however, standards often become subordinate to political calculations. The political nature of this decision can allow underdeveloped states in (in relation to other member states) or approved states out. Political considerations then represent the dividing line between the second and third stage. The timing of inclusion is the important part here because often these levels would change had countries been adopted earlier and been held to higher or lower standards over time. To go back to the diagram used through this paper, Figure 5 illustrates the possible impact of a decision to include highly asymmetric units. The asymmetries not addressed in the

pre-accession stage then become included into the bargaining environment. The result is the transformation of the center after the decision to include brought about but the newly included units.

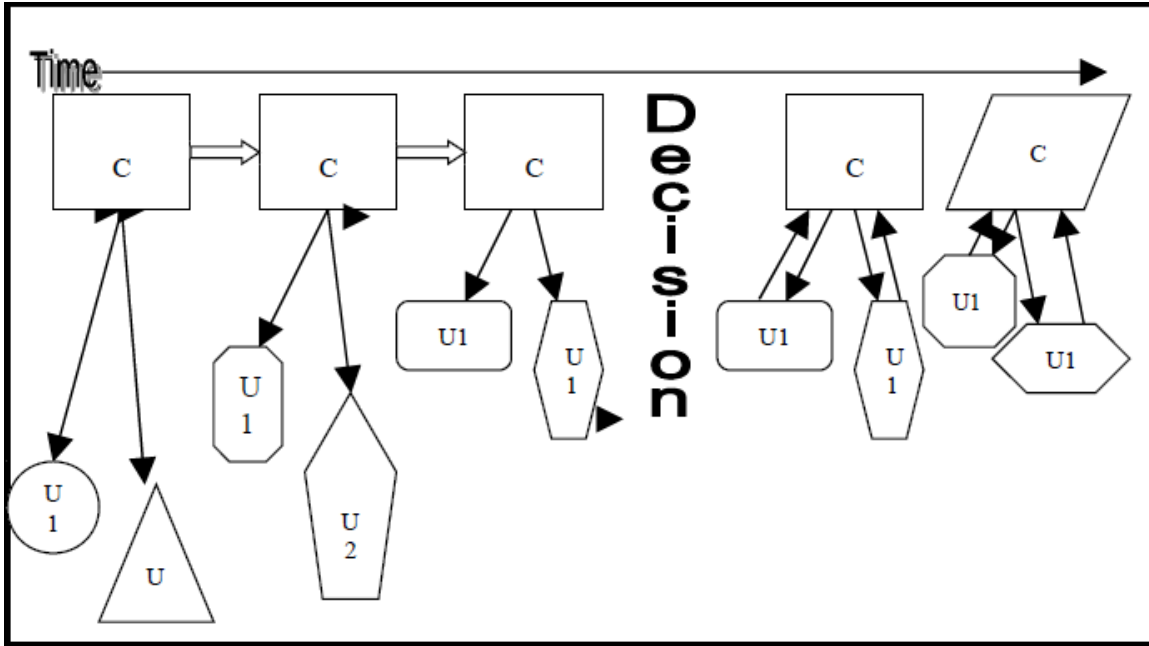


Figure 5: Effect of Early inclusion

4.1 US stage II

In discussing the politics of admission in the United States, McCarthy et. al. argue that the nature of the debate over statehood was determined by the major political issues of the day, not the non-political benchmarks provided by the Ordinance of 1787, or any other guidelines for territorial incorporation. There were substantial differences between pre and post civil war debate over these issue. Pre civil war, many decision on inclusion we dictated by slavery and the partisan balance in the upper house and after, it was party interests that determined which states were admitted when.

Pre civil war, the issue of slavery and party converges in discussions of the balance rule which was an informal rule of congress that admitted one slave with one free state in order to balance forces in the upper house of the central legislature. The ability to admit sates as free or slave goes back to the differential application of the Ordinance of 1787. The result of differential application of this provided for the possibility of effective partisan balance in the system of representation in the Senate that provided equal representation by territorial unit. This rule required that states enter in pairs, but when Missouri was ready for admission, there were no other free states that were close to the requirements, and admitting it by itself would have upset the political balance in the Senate by giving the edge to slave states. The

Missouri Compromise allowed Missouri in as a slave state while carving Maine out of Massachusetts to admit as a free state. The more important aspect of this is the prohibition of slavery above Missouri's southern border (36°30' latitude). From this time, until the 1950's, states were admitted in as pairs on either side of the slavery line. Disruption of the balance rule with the admission of California essentially sealed the fate of the south and was a harbinger of instability to come.

Due to secession, between 1861 and 1865 the Republicans were able to gain firm control of congress and pass 15 pieces of legislation that affected territorial boundaries or that enabled states to enter the union (231). During the war and reconstruction, the Republicans were able to admit Nevada, Kansas, Nebraska and West Virginia as free states, with all but West Virginia providing consistent support for the Republicans. When the Democrats returned to congress in 1869 one sixth of the republican delegation in the Senate came from state admitted during the civil war and reconstruction (227).

The admission of these states is the result of Republicans disregarding previous standards set for statehood and making decisions based on short term electoral power considerations. The most egregious case of playing politics with admission of states concerns the admission of Nevada and illustrates just how flexible admission criteria were. If Republicans adhered to the pre civil war population criteria, Nevada would have had to wait until 1970 for admission! Stewart and Weingast state "the admission of Nevada in 1864 provides a classic case that illustrates how statehood politics got intermeshed with partisan and related political issues" (Stewart and Weingast 1992, p. 231).

The lack of state admission after the civil war was the result of divided government which was itself a product of partisan admission practices. In a similar fashion, the inclusion of seven states between 1889 and 1899 is the result of partisan wrangling and unified government. This rash of admission is labeled "the Omnibus states". When the Democrats finally gained control of the House and the White House in the 50th congress from 1887-1889 there were five states eligible for statehood by population standards (The Dakotas, Washington, Utah, New Mexico, and Montana). The prevailing thought at the time is that Montana and New Mexico would be most beneficial to the Democratic cause based on previous elections and the Dakotas and Washington perceived in the Republican (Stewart and Weingast 1992). Without going into detail, the sticking points were the possible division of the Dakota lands and the large Spanish speaking population in the new Mexico. In the end the Dakotas were split and entered with Montana and Washington followed by Idaho, Wyoming, and Utah. Oklahoma was admitted in 1907 and the admission of Arizona and New Mexico in 1912 filled out the lower 48. This rash of inclusions is interesting since there had been such a lack in the 25-30 years before. The reason was a political convergence of interests as well as pressure for inclusion of states that met the standards. The post civil war era of statehood politics is characterized by long period of inaction, followed by a burst of action that incorporated the remaining contiguous states.

4.2 EU stage II

The EU has consistently expanded since 1979 beginning with the United Kingdom, Ireland, and Denmark. This was followed by Greece in 1981, Portugal and Spain in 1986, and Sweden, Finland, and Austria in 1995. Between 2004 and 2007 the EU added 12 member states from Central and Eastern Europe (CEEC). This big bang approach is similar to the Omnibus inclusion in the 1890's. Currently the following countries are candidates: Turkey, Croatia, Macedonia, and Iceland. The process of enlargement takes on largely the same cast as the general process in the US. There are substantial efforts prior to formal inclusion to increase symmetry, followed by politicking over who will get in and what the consequences will be, and once in, these new states tend to produce shift in governing authority and direction.

The literature on the decision to enlarge the European Union is much different than that of the US. It centers on why member states would undergo such a process. The benefits from the incorporation of these units is often questionable and certainly varies over enlargements. In relation to the largest and most recent enlargement some argue that decisions to include the CEEC's was a rational calculation on behalf of existing member states (Moravcsik and Vachudova 2003). Against this, one prominent scholar to comment that the literature on the Eastern Enlargement "is underpinned by a maybe surprisingly strong consensus that the question cannot be answered in a rationalist, materialist framework" (Schimmelfennig and Sedelmeier 2002, 520). The opposing camp tends to emphasize ideational factors and explain the Eastern enlargement in terms of the West's sympathy and identification with the East as genuinely "European" countries. (Schimmelfennig 2001). Some stress the 'rhetorical action' of some members in bringing along reluctant member states into embracing what were seen as traditionally European countries to the east (Sedelmeier 2000; Schimmelfennig 2001).

Moving away from strictly scholarly debates, recall that in the US enlargement was fought along party lines at the central level over the issue of slavery. Enlargement debates in the EU do appear to tie themselves to other larger issues. In the EU it tends to be tied to level of integration. Those that want less integration and a general slowed down European process (e.g. Britain) support greater enlargement with the hope of slowing down decision making at the supranational level and creating more social pressures against such inclusions.

The EU appears to differ in the power of different actors. I argue that supranational party consideration largely drove inclusion in the US which is not the case in the EU. The general trend is that the actors in such decisions are member states, or at least not supranational parties as was often the case in the US. I argue that the level of supranational political competition in the enlargement process is different from the US due to the nature of the process. The procedure is started by the European Council, which is a body that tends to be divided along member state interest rather than supranational parties, with active involvement by the council of ministers and a final veto given to the member states. The body that is most influenced by supranational parties is the EP and it does have a veto, but bodies representing member state interests have a larger role in framing, directing, and agenda setting the enlargement process and debate.

In terms of the firmness of standards and this dictating timing of inclusion, similar to the US, there are prominent examples of states gaining admission before they actually fulfilled the designated criteria. One example is Greece who it emerges was unqualified for economic union, although they hid it rather well. Bulgaria and Romania also appeared to have been ill-suited for membership, but for a variety of reasons were allowed in anyways. Generally, they Central and East European States still fall short on many criteria that are supposed to have been reached before accession such as agriculture. One can observe is political, social conditions pressuring the center to treat certain units to higher standards that then severely delay or possibly prevent accession of countries that are similar to existing member states. In the US, this was the case with Utah and New Mexico. In Europe, this aspect centers on Turkey.

Stage two has shown that the actors that frame and push the debate in the first phase allows for the timing of decisions on inclusions through using conditions only to serve larger political goals. Enlargement standard become subservient to political games allowing units in before they are ready, a fact that has implications for the possible impact of that enlargement on the center. This decision is important because it marks the highpoint of leverage of the center on the unit. After this, the influence becomes fully uni-directional as what were potential asymmetries become actual conditions for asymmetry.

5. Stage III

Once units pass through stage two and become able to formally participate, their asymmetries have been incorporated onto an existing balance of institutional forces. With enlargement digestion, the asymmetries that dictated previous balances could quite easily be disturbed in a sort of ripple effect and/or lead to lasting changes. I hypothesize that the probability of visible, substantial, and long term changes of central institutions is related to (1) the types and degree of asymmetry and (2) the nature of the institutions that they are joining. As the number of units increases, there often occurs the entrance of units with very different interests than existing states that were not changed or affected by asymmetry reduction through conditionality. This provides opportunities for similar interests in existing member states to advance their goals. These opportunities are determined by the way that different bargaining institutions allocate power. Think here of the difference between the Senate and House or the Council of Ministers and the EP in confronting diversity. Infusion of new members are likely to exhibit different dynamics in bodies depending on how the degree that they allocate power proportionally.

This “impact” question focusing on the absorption effects that emerges from the analysis is one that can be more usefully addressed in the American context than the European context due to the benefit of history. An important aspect of this paper then is to understand how inclusion shaped American political development and why it did so in the hopes of highlighting unique or similar processes for Europe.

This aspect addresses the changes in bargaining arrangements and tangible policy influences brought about by new members through the availability of new coalitions for groups that did not have ways to reach their ends previously. Since the ability to alter the federal system is conditional on the existing alliances of the center before inclusion, this aspect is difficult to generalize about. It can either lead to gridlock through ease of building blocking coalitions or greater productivity and reorientation of the government also through new governing coalitions.

To go back to our analogy, this stage represents what happens when the new rock(s) strike the pile. Another way to think about this is as a digestive process. With the inclusion of new territories, there is a good possibility that these new units will introduce aspects of asymmetry that were not present at the time of the original constitutional bargain, opening up new lines of cleavage in federal institutions and can lead to fundamental changes in the functioning and orientation of the center. Where incorporation of a large group of units occurs in a short time span, the potential for noticeable shift is greater.

5.1 US stage III

In the US, the only consistent outcome of territorial inclusion was change of the center. The direction and severity differed, but some tangible change always occurred as a result of the inclusions. The effects of this process before the civil war led to the death toll for federations, secession. Admissions during the civil war brought about stability and resistance to change. The final burst of rapid enlargement brought about organizational and policy change at the federal level.

In applying the ordinance of 1787, the federal government related differently to the south than it did to the north, primarily through slavery and issues that attached to this. As more and more states were added according to this precedent for inclusion (ordinance of 1787 and Missouri compromise primarily), there emerged two competing blocks of symmetry in the institutions of Washington that, under the same federal roof, resulted in a sort of bipolar asymmetry. In other words, there were two primary means of federal-state relationship that dominated different geographical spaces as opposed to different relations for each unit. For a while it was the asymmetrical relationships that kept the union together, but the balance rule could not be maintained and eventually the inclusions of new units (California, Minnesota...) tipped the balance of power in favor of abolitionists.

The admission of units into the legislature around the time of the civil war altered power dynamics in these bodies, allowing the Republicans to gain almost constant control of the Senate over the next forty years while the demographics enabled the Democrats to control the house. The extended period of divided government allowed Republicans to block any attempts at Democratic admission of friendly states such as New Mexico, Arizona, or Montana. The Republican's interest was furthered as a result of the appointment of judges and other public officials during their tenure that further secured their ability to prevent the democrats from pursuing a similar course of action. This is a good example of how enlargement influences different bargaining environments in different ways.

The power gained from partisan admission practices resulted in distinct policy results. The Republican domination during the Civil war and reconstruction

enabled them to push the country towards a Hamiltonian version of the state. They were able to maintain their Civil war policies, force the democrats to compromise, or block Democratic proposals (Stewart and Weingast 1992). One of these policies they were able to maintain was the Tariff schedule. The tariff policies of the Republicans during this time, before 1889, redistributed wealth from agricultural producers to the industrial northeast (Bensel 2004, p. 302). Through their control of the senate, Republicans were able to keep their civil war tariff policies in place until 1892 when the Democrats gained control of the government.

Post civil war, it is important to look at the nature of these states. Most were agricultural, sparsely populated, and peripheral at the time of inclusion. This rash of peripheral agricultural units beginning with the omnibus states admitted into the federal system of governance, and more importantly in the Republican party, put northeast republican industrial interests at risk and made clear to these political elites the need to do something to prolong their hold on power. This came in the form of the Reed rules and strict party control of the legislative process which resulted in the ability to successfully control the agenda and keep contentious issues that would rip the party apart at bay. They were successful at this for a while, but not for long. The influx in new peripheral states, over the period from 1890 to 1912 allowed for new, cross party coalitions between new states and existing agricultural interests in the Midwest and south, leading to the overthrow of a powerful Speakership led by Joe Cannon. It was these farmers and peripheral elements that pushed hard for regulatory reform including the changes associated with the emergence of the seniority system as opposed to a seniority rule and the further institutionalization and rationalization of the congress. Peripheral elements provided the impetus for change and most of the peripheral units were those western territories admitted to union after its creation (Harrison 2004).

The short-term calculations by the Republicans around the time of the civil war and in attempting to prolong power through the omnibus states did not provide benefit in the long run. One author states “by admitting these territories as states, the Republicans traded useful training ground and lucrative patronage networks for a herd of unruly congressmen whose tendency to rebel against the pro-business GOP policy would require a firmer hand in leadership” (Rauchway 2004, p. 321). This herd of unruly congressmen are the insurgent republicans documented by Harrison that were able to overthrow restrictive house rules and set the stage for the progressive era (Harrison 2004). The growing sectional divide within the Republican party pushed congressional leaders to force more conformity among party members in the form of strict rules and house czars. Admission decision were largely party based but the effects and impact tore apart the central control of those parties. As Harrison demonstrates, it was not only the republicans that sought this progressive agenda but members of both parties from the states of the west and south. The admission of peripheral elements can thus be seen as a driving force behind both the development of the czars and strict party command in an effort to control disparate voices as well as this systems downfall.

This has illustrated the inclusion of units can lock in some interests through capture of the center. The newly included units around the time of the civil war that allowed the Republicans to capture the center were the same units that overthrew

their control in the legislature and ushered in the progressive era in American politics. The included asymmetries thus lay dormant for a while until provoked. This indicates that new inclusions constitute new potential, that can either be muted or amplified by a variety of factors.

5.2 EU stage III

What is interesting about the comparison to the EU is that many authors writing on the

EU agree that the inclusion of these different interests will lead to greater fluidity in bargaining arrangements and new opportunities for coalitions, but that such opportunities will lead to deadlock, not change (Moravcsik and Vachudova 2003; Grabbe 2004). My analysis indicates that this could go the other way, however, with the fluid coalition providing fresh and unpredicted opportunities for change or development. If the lessons from the Omnibus states are any guide to the trajectory after their big bang enlargement, short term stability and maintenance of the status quo is only temporary until the newly included interests (the incorporated asymmetry) find workable alliances with existing segments of member states. The US case may also suggest that the size of the enlargement is more conducive to change than gradual enlargement.

Generally, the EU has a much higher level and diversity of types of formal and de fact asymmetries, more so than the US. They appear more willing to handle diverse and conflicting interests on certain issues. Countries are able to opt out of specific treaties. Countries that are not full members can use the Euro and countries that are members can opt out of the Euro. Member states are allowed various exceptions on different policies leading some to describe a “multi track Europe”.

More specifically, and in stark contrast to the American case, the EU took an active role in reforming its institutions as it planned for future enlargements. Adjustments for the CEEC enlargement began eight years before there became member states (Nugent 2004, p. 47). Political elites attempt to provide the necessary changes to the relevant institutions in attempts to fend off undesirable effects of enlargement due to inadequate institutions as well as prevent loss of power. The development of the Common Agricultural policy is instructive. As with discussion on how to reform the Union’s institutions internally, the debate over how to reform the CAP began in the early 1990’s. The debate continued over the issue of direct payments to member states. This plan was used until 2006 when a modified version was to put into place. There are many intricacies of the bargaining over the CAP and in many ways the issue has not been resolved, only delayed (Sajdik and Schwarzinger 2008). The point is that there was a concerted effort to reform the federal level in expectation of enlargement. This aspect was almost totally absent in the American case.

Another tangible impact of the incorporation of new territories is the policy results of the Mediterranean enlargement. The effect of this was to tip the balance of states in favor of the Mediterranean region. The Common Agricultural policy was directed in greater force to the south. These states have consistently favored greater redistributive policies, leading to the creation of Cohesion funds (Nugent 2004). The

issue of the common agricultural policy has remained an important issue in the CEEC enlargement. The admission of new, poorer, more agriculturally based units brought about greater integration.

Finally, I would like to finish this section on European by a consideration of the two 'big bang' enlargements and the internal development of the lower houses. In both, there was a rapid inclusion of poorer, agriculturally oriented states. In both, these enlargements occur in the face of increasingly centralized rules in the lower house that favor centralized party control. In the US it was the Reed rules and the House Czars, in the EP it is the Council of Presidents. Created in 1992, this has favored large political groups in structuring outcomes most favorable to themselves (Kreppel 2002, p. 100). This has served to centralize legislative control in the hand of party leaders. The mixture of increasing the total amount of agricultural states in the US case, led to legislative reform and the reorientations of economic policies concerning tariffs, banks, and business regulation. These western states brought about a shift in the focus of government and the overthrow of centralized party leadership in the representative bodies. The new CEEC members on the whole, favor greater distribution of EU funds to poor regions (Grabbe 2004, p. 80) and are entering into a legislative system that is increasingly centralized and controlled by large political groups that are not necessarily in favor of increasing distributive policies. It is too early to tell the outcome of these dynamics in the EP, but the issue of agricultural policy would seem to be an important issue to determine the ability of new states to upset the partisan balance in the EP. This is confused by the fact that the EP in fact, has only a partial role in the CAP reform which may negate or mute any possible effect of enlargement in the EP via agricultural reform, as in the US. While it is too early to tell if minority members in the EP, or members from states that are dissatisfied with their position in the EU will embark on a course similar to republican and Democratic insurgents in the House, future developments prove to be interesting.

6. Conclusion

This paper has sought to see enlargement as a two way process of inclusion and enlargement by federal systems. I broke the process down into three analytical categories: development, debate, and internalization. Each has its own dynamics, actors, and effects.

Development allows the center to mold its potential members to certain degree, but the politics of inclusions often conflicts with goals of symmetry through short term calculations leading to admission of states with greater asymmetries than originally planned. The impacts of enlargement are often hard to pin down, but the inclusion of units does impact the federal level in a variety of ways. Through capture of the center (civil war), organizational change (overthrow of the House Czars, Qualified Majority voting), electoral realignment (Fall of the Whigs in 1850, and realignment in the 1890's), and policy outcomes (Republicans during their control of the senate following the civil war, CAP policies). By and large, focusing on the federal system in which the game plays out provides a coherent form to analyze these different steps through. Grounding this analysis in existing federalist theory

has allowed for the systematic incorporation of factors that remain untouched by accounts of horizontal institutionalization, and thus represents an improvement on such accounts.

Asymmetry in federal relations is the norm, not the exception. The inclusion of new units increases this most of the time and represents a stronger feedback loop than existed before. The process of territorial inclusion can be seen as debates over these asymmetries and, once included, the effects of these asymmetries are felt in the organization and functioning of the center. Fundamentally, the inclusion of new states with interests not around at the formation of the original constitutional bargain changes things. In the US, the only consistent outcome of territorial inclusion was change. The direction and severity differed, but some tangible change always occurred as a result of the inclusions. The effects of this process before the civil war led to the death toll for federations, secession. Admissions during the civil war brought about stability and resistance to change. The final burst of rapid enlargement brought about organizational and policy change at the federal level.

The most important direction for further study is to get a better grasp on when inclusions will lead to deadlock and when they will lead to organizational and policy changes. The combination of the type of federation, the number of units, and the larger social and political context of their inclusion is a nexus that is only touched upon here, but has emerged as an important intersection. Another avenue would be the study of other federal systems that have sought to incorporate additional units. One possibility is Switzerland which developed from a loose confederation of 8 cantons in the 13th century, to a federation of 25 cantons in the 19th century. Another possibility is a greater focus on the size enlargements and how this meshes with the existing institutions. The unstable aspects of the American cases were those bodies that did not allow for asymmetrical relations. This suggests that enlargement strains more bodies than others.

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