

Subsidiarity's Quest for Meaning: Understanding the Political Culture of Subsidiarity in Australia, Canada, Germany and the United Kingdom

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Subsidiarity's Quest for Meaning:
Understanding the Political Culture of Subsidiarity in Australia, Canada,
Germany and the United Kingdom

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‘For years Brussels has talked about this idea that the power should be flowing from Brussels back to the member states...They have a fancy word for it, it’s called “subsidiarity”. Nobody knows what it means and I promise not to use it again.’

- UK Prime Minister David Cameron, speech delivered at Siemens Headquarters, 2 February 2016

Abstract

This thesis investigates ‘subsidiarity’, a principle commonly understood as a preference for authority to be exercised as close as possible to the people. Specifically, the research challenges criticisms that subsidiarity has no real meaning, both in the sense that it is difficult to conceptualise or define (i.e., what does ‘subsidiarity’ mean?), and because some argue it has little benefit or importance for society (i.e. it is *meaningless*). Against these accusations, the thesis presents a new, clearer way of conceptualising subsidiarity, and evidence from a survey of public attitudes conducted in Australia, Canada, Germany and the United Kingdom.

First, it addresses the difficulty of pinpointing subsidiarity’s meaning in a definitional sense by drawing together various developments and approaches in thinking about subsidiarity, to propose a conceptualisation of the principle as being a product of decentralist (government at the lowest possible level), non-absorptionist (higher orders should not absorb the functions of lower orders) and supportive (higher orders should help lower orders to help themselves) approaches to governance. This new way of understanding subsidiarity provides a meaning to subsidiarity that is clear enough to be useful, but also flexible enough to accommodate the different interpretations used in academia and government.

Second, it demonstrates that subsidiarity is meaningful to citizens by measuring public attitudes towards decentralist, non-absorptionist, and supportive elements of subsidiarity in Australia, Canada, Germany and the United Kingdom. Exploring public attitudes is an important departure from previous approaches, which have almost exclusively relied on analysis of constitutions, court decisions and government policy to understand the principle’s meaning and impact in society. Using insights from the way citizens of these countries value decentralism, non-absorption and support, the thesis demonstrates widespread attachment to subsidiarity, but it also reveals variations in support for these

conceptions, suggesting distinct ‘subsidiarity political cultures’ consistent with the history, institutions and broader political culture of each country. For example, it shows that on average, Canadians and Germans value the principle the most, but that German subsidiarity political culture tends to value non-absorption more highly than the other elements, while Canadians are more attached to supportive subsidiarity. Meanwhile, Australians remain comparatively unattached to subsidiarity as a decentralist principle, but place great value on the idea that higher levels of government should support lower levels, opening significant new lines of inquiry for how reform in Australia could be approached in the future.

These findings affirm that subsidiarity does have enduring meaning to citizens as a principle of political organisation, but also suggest that differences in subsidiarity’s meaning can and should be embraced as a guide to reforms that may better reflect citizens’ values.

Statement of Originality

This work has not been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

(Signed) *Jacob Deem*

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I

Introduction

Subsidiarity, commonly understood as a preference for authority to be exercised as close as possible to the people,¹ is a contested principle in both academia and politics. On one hand, subsidiarity is a fundamental doctrine in the European Union,² has proven useful in the development of public policy,³ and its call for government at a more local level offers

¹ See, e.g., Jenna Bednar, ‘Subsidiarity and Robustness: Building the Adaptive Efficiency of Federal Systems’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 231; A J Brown, ‘Measuring the Mysteries of Federal Political Culture in Australia’ in Paul Kildea, Andrew Lynch and George Williams (eds), *Tomorrow’s Federation: Reforming Australian Government* (The Federation Press, 2012), 317; Steven G. Calabresi and Lucy D. Bickford, ‘Federalism and Subsidiarity: Perspectives from U.S. Constitutional Law’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 125; Michelle Evans, ‘Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 186; John F Kenney, ‘The Principle of Subsidiarity’, (1955) 16 *The American Catholic Sociological Review* 31, 31; Loren King, ‘Cities, Subsidiarity, and Federalism’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 291; Robert A. Sirico, ‘Subsidiarity and the Reform of the Welfare of the Nation State’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 109; Patrice Ranjault, ‘On the Principle of Subsidiarity’ (1992) 2 *Journal of European Social Policy* 49, 49; Anne Twomey and Glenn Withers, *Federalist Paper 1 – Australia’s Federal Future: Delivering Growth and Prosperity* (Council for the Australian Federation, 2007) 4, 28; Daniel Weinstock, ‘Cities and Federalism’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 261; Augusto Zimmerman, ‘Subsidiarity, Democracy and Individual Liberty in Brazil’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 85.

² Article 5(1), Treaty of the European Union.

³ See, e.g., Alessandro Colombo, ‘Principle of Subsidiarity and Lombardy: Theoretical Background and Empirical Implementation’ in Alessandro Colombo (ed) *Subsidiarity Governance: Theoretical and Empirical Models* (Palgrave Macmillan, 2012); see also Charles L. Glenn ‘Subsidiarity and Education in Lombardy: Limits and Possibilities’ in Alessandro Colombo (ed) *Subsidiarity Governance: Theoretical and Empirical Models* (Palgrave Macmillan, 2012); Helen Haugh ‘Regional Governance of Health Services in Lombardy’ in Alessandro Colombo (ed) *Subsidiarity Governance: Theoretical and Empirical Models* (Palgrave Macmillan, 2012); Graham R Marshall, ‘Can community-based NRM work at the scale of large regions? Exploring the roles of nesting and subsidiarity’, in Marcus Lane, Cathy Robinson and Bruce Taylor (eds), *Contested Country: Local and Regional Natural Resources Management in Australia* (CSIRO Publishing, 2009); Gerard Van Bortel ‘Social Housing and Subsidiarity in the Lombard Model of Governance’ in Alessandro Colombo (ed) *Subsidiarity Governance: Theoretical and Empirical Models* (Palgrave Macmillan, 2012).

important solutions in a global political climate where citizens increasingly report and feel that their governments are too distant, uncaring and unresponsive.⁴ But on the other hand, scholars are increasingly concerned that the principle is ‘dying a slow death’.⁵ Such concern appears well founded; ‘subsidiarity’ as a term rarely enters public discourse, and in policy and academic circles, even when it is ‘well-known, most respected, carefully studied,’ it is ‘almost entirely ignored in practice’.⁶

Accordingly, while its value as a high-level principle seems well-established, as soon as it comes to more concrete questions of institutional or policy design, subsidiarity appears to suffer an ongoing quest for meaning. This quest can be understood in two ways. First, the principle suffers from definitional problems, making subsidiarity difficult to conceptualise. In other words, what does ‘subsidiarity’ mean? Speaking in February 2016 about renegotiating the United Kingdom’s relationship with the European Union, then Prime Minister David Cameron remarked:

‘For years Brussels has talked about this idea that the power should be flowing from Brussels back to the member states... They have a fancy word for it, it’s called “subsidiarity”. *Nobody knows what it means* and I promise not to use it again, but it is a very simple idea: Europe should look at what its powers are and if it is not using them it should give them back to nation states.’⁷

This quote captures a fundamental problem, which is more than simply rhetorical. Cameron asserts that no one knows what subsidiarity means, but then immediately goes on to state a preferred meaning - that the European Union (a higher order) should return power to nation states (lower orders). While this is certainly *a* meaning that can be ascribed to

⁴ Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015), v; see also, e.g., Aylim Aydin and Cerem I. Cenker, ‘Public Confidence in government: empirical implications from a developing democracy’ (2012) 33(2) *International Political Science Review* 230; John Dunn, ‘Trust and Political Agency’, in Diego Gambetta and Basil Blackwell (eds) *Trust: Making and Breaking Cooperative Relations*, (Oxford University Press, 1988; electronic edition 2000); Pippa Norris, *Critical Citizens: Global Support for Democratic Governance* (Oxford University Press, 1999); John Uhr, *Terms of Trust: arguments over ethics in Australian government* (UNSW Press, 2005).

⁵ Greg Taylor, ‘Germany: A slow death for subsidiarity?’ (2009) 7(1) *International Journal of Constitutional Law* 139.

⁶ R. A. B. Leaper, ‘Subsidiarity and the Welfare State’ (1975) 9(2) *Social and Economic Administration* 82, 82.

⁷ Prime Minister’s Office, ‘PM Speech on EU reform: 2 February 2016’, speech delivered by David Cameron at Siemens Headquarters, Wiltshire, 2 February 2016, available at <https://www.gov.uk/government/speeches/pm-speech-on-eu-reform-2-february-2016>, accessed 5 May 2016; grammar and punctuation corrected from original, emphasis added.

subsidiarity, it is not the only way of interpreting the principle,⁸ leading to confusion about subsidiarity's "true" meaning.

The second problem, usually stemming from the first, is that subsidiarity is often regarded as a principle of little substance when it comes to concrete applications, raising the spectre that it may be meaningless for governance purposes. For instance, in their consideration of subsidiarity in the European Court of Justice, Moens and Trone argue that 'the Treaty provisions [relating to subsidiarity] have been rendered essentially meaningless platitudes so far as judicial enforcement is concerned'.⁹ McDonagh raised similar questions about whether subsidiarity was a principle of 'sop or substance' in the Union, and concluded that 'subsidiarity has largely remained conceptual rather than operational'.¹⁰ However, the problem extends beyond subsidiarity's impact (or perceived lack thereof) in Europe and its enforcement by the ECJ. Taylor has observed an erosion of subsidiarity in German federal reforms,¹¹ while Australian scholars have lamented for a long time that subsidiarity has been largely disregarded, despite being implicit in the Constitution.¹²

Further complicating matters, not all scholars agree that subsidiarity has been rendered meaningless. For example, Brohmer argues that in Germany, the United States and the United Kingdom, subsidiarity 'is the flavour of the day',¹³ Kaiser and Vogel have observed that the German federation is more decentralised than ever on some policy issues,¹⁴ while in Canada subsidiarity has emerged as a powerful constitutional principle.¹⁵ Thus, the subsidiarity literature is plagued by questions over what 'subsidiarity' means, and whether it is a meaningful principle. Until these questions are resolved, there is a risk that

⁸ See, e.g., Jonathan Chaplin 'Subsidiarity and Social Pluralism' in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 65.

⁹ Gabriel A. Moens and John Trone, 'The Principle of Subsidiarity in EU Judicial and Legislative Practice: Pancea or Placebo?' (2015) 41 *Journal of Legislation* 65, 65.

¹⁰ Thomas McDonagh, 'Subsidiarity: Sop or Substance' (2003) 65 *Galway Student Law Review* 65, 83.

¹¹ Taylor, above n 5.

¹² See, e.g., Evans, 'Subsidiarity and Federalism', above n 1.

¹³ Jurgen Brohmer, 'Subsidiarity and the German Constitution', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 129-130.

¹⁴ André Kaiser and Stephan Vogel, 'Dynamic De/Centralization in Germany, 1949-2010' (forthcoming) *Publius*.

¹⁵ See, e.g., Eugénie Brouillet, 'Canadian Federalism and the Principle of Subsidiarity: Should We Open Pandora's Box?', (2011) 54 *Supreme Court Law Review* 601; Hugo Cyr, 'Autonomy, Subsidiarity, Solidarity: Foundations of Cooperative Federalism' (2014) 23 *Constitutional Forum constitutionnel* 20; Dwight Newman, 'Changing Division of Powers Doctrine and the Emergent Principle of Subsidiarity' (2011) 74 *Saskatchewan Law Review* 21.

politicians will, like Cameron, simply promise not to use it, thereby denying citizens a more informed debate about measures that could potentially bring government closer to them and make it better able to respond to their needs.

This thesis addresses the problems with subsidiarity's meaning from a new angle by introducing the concept of a 'subsidiarity political culture': the collective views, attitudes and orientations that citizens hold towards subsidiarity. Measuring such a subsidiarity political culture in Australia, Canada, Germany and the UK – countries where debates about subsidiarity's meaning have been especially prevalent – has the potential to help identify the principle's meaning by reference to the extent to which, if at all, it can be found engrained in the political attitudes of citizens. Further, if variations in subsidiarity's meaning can be traced or related to different cultural approaches to understanding the principle, then uncovering 'subsidiarity political culture' stands to offer much to our resolution of these divergent, unclear or conflicting meanings. In focusing on the attitudes of citizens, this thesis departs from the focus of much existing literature on moral and philosophical norms,¹⁶ or on the influence of structural institutions such as courts and parliaments, as explanations for subsidiarity's meaning and importance (or lack thereof).¹⁷ It does so because, as Smith notes: 'the political roles, processes and institutions of a country only make sense in the context of the political beliefs, attitudes and values of its citizens'.¹⁸ While investigating public attitudes towards subsidiarity does not directly tell us whether or not the principle is meaningful in an institutional setting, it can help clarify whether citizens value the ideas that underpin subsidiarity, and therefore potentially adds a useful context for debates about subsidiarity's importance and realisation in each country.

Accordingly, this thesis pursues the following central research question: using political culture (particularly, a 'subsidiarity political culture'), can we arrive at a new, clearer understanding of subsidiarity's meaning and importance as a principle of politics and policy? Answering this question relies, in turn, on finding answers to four more focused questions:

¹⁶ See, e.g., Russell Hittinger, 'The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation' in Vatican City, *Pursuing the Common Good: How Solidarity Can Work Together* (Pontifical Academy of Social Sciences, Acta 14, 2008).

¹⁷ See, e.g., Evans, 'Subsidiarity and Federalism', above n 1.

¹⁸ Rodney Smith, *Australian Political Culture* (Pearson Education Australia, 2001), 1.

1. how do we establish whether subsidiarity is an element of political culture, especially given differences and imprecisions in the concept?
2. how do we measure such a political culture of subsidiarity?
3. assuming that we can – what are the subsidiarity political cultures of Australia, Canada, Germany and the United Kingdom?
4. what can this subsidiarity political culture, or cultures, reveal about the meaning and value of the principle, in response to uncertainties over its utility for future policy and practice?

Further justification for these questions is provided in Section 1.5 of this chapter. First, this chapter explains subsidiarity's reputed importance as a principle of good governance and highlights the apparent benefits of realising the principle, assuming that it can be better understood. Next, the chapter discusses instances where subsidiarity's meaning has been called into question, showcasing the ways in which, at an institutional level, subsidiarity is seen as having been rendered meaningless. This analysis highlights the usefulness of the current inquiry by revealing the extent and severity of perceptions that subsidiarity is no longer meaningful or important. Having established subsidiarity's importance, and drawn attention to its apparent failings, the chapter then reviews current explanations of the principle's meaning and the gaps in these approaches. It then defines and analyses the potential for political culture to help provide greater clarity to these problems, through the notion of a subsidiarity political culture that operates within the broader political culture of a nation. With these foundations, the above research problems and question can then be further explained, along with the methods for addressing them. Finally, the chapter provides a preview of each chapter to follow.

1.1 Subsidiarity: A Principle of Good Governance

The exact origins and meaning of 'subsidiarity' are at times fiercely contested. As will be explored in detail in Chapter 2, the principle gained particular prominence in

Europe in the late 19th and early 20th Centuries through papal encyclicals,¹⁹ and later became a core principle in the formation of the European Union.²⁰ In these contexts, and many others, the principle was held out as one of good governance. This section will outline the way that subsidiarity is invoked as a principle that: values decentralism, resists undue interference from the centre or the state, and empowers the community. This deliberately broad view of what subsidiarity encompasses will be explained in detail in Chapter 2, but the focus on support and empowerment of the community and resistance of undue interference is critical, as these are the often-ignored features of subsidiarity that distinguish the principle from mere decentralism, devolution, and other related concepts.²¹ The objective here is to identify the potential benefits of the principle, to establish the importance of efforts to better operationalise it and, as a necessary precondition, to better understand it.

Arguments for subsidiarity, and claims about its perceived benefits, generally fall into two groups. The first set of benefits are quite practical, and centre around the concrete advantages of governance at a smaller scale, while the latter include broader and less tangible appeals to morality and ‘goodness’. These camps are by no means mutually exclusive, nor are they necessarily as distinct as this categorisation suggests. However, the two approaches have different justifications for viewing the principle as meaningful.

Practical approaches are framed in policy terms, and are often justified in terms of measurable outcomes. Subsidiarity is promoted as facilitating decision-making that is adaptable to local needs, and can be proved through positive improvements in real terms. For instance, Colombo and others have highlighted the positive impact subsidiarity had on health, education and housing policy in Lombardy.²² Equally, subsidiarity is held out as making government more democratic and responsive to the needs of citizens, as evidenced

¹⁹ See, most notably, Pope Leo XIII, *Rerum Novarum: Encyclical on Capital and Labor* (1891) online, accessed 28 July 2015 <http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html>, 51-53; Pope Pius XI, *Quadragesimo Anno: Encyclical on Reconstruction of the Social Order* (1931) online accessed 28 July 2015, <http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html> 79.

²⁰ Article 5(3) Treaty on European Union.

²¹ See, e.g., Patrick McKinley Brennan ‘Subsidiarity in the Tradition of Catholic Social Doctrine’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 29; Joseph Drew and Bligh Grant, ‘Subsidiarity: More than a Principle of Decentralization – a View from Local Government’ (2016) 47(4) *Publius* 522.

²² Colombo, above n 3; Glenn above n 3; Haugh above n 3; Van Bortel above n 3.

through improved voter turnout at local elections, satisfaction with local governments, or measures of policy responsiveness. Subsidiarity can also be promoted as an exercise in economic efficiency, because it places bureaucracies under less pressure by being responsible for fewer constituents.²³ Similarly, the principle offers insight and guidance on managing fields as diverse as environmental policy,²⁴ governmental accountability,²⁵ natural resource management,²⁶ and international relations.²⁷ Finally, subsidiarity may be useful in guiding structural reform. For instance, the White Paper on Federal Reform in Australia adopted the principle as a ‘Term of Reference’ in its attempts to reform and restructure Australia’s federal arrangements.²⁸

The practical benefits of subsidiarity are also made clear in discussions that proclaim the desirability of decentralism and localism, even if they do not explicitly refer to ‘subsidiarity’. This suggests that subsidiarity can be informative and meaningful even if the term itself is not used. For example, recent discussions in the public administration literature have paid special attention to digital governance and the ways in which technological advances have bypassed traditional hierarchies of power,²⁹ resulting in improved public services.³⁰ Similarly, as Papanastasiou recently noted, governance literature tends to heavily structure its analysis around ‘scale concepts’ – constantly exploring ‘how different political and administrative roles, responsibilities and powers can and should be distributed across local, regional, national and global scales’.³¹ While these examples make no mention of ‘subsidiarity’, at their core they concern themselves with

²³ Andreas Follesdal, ‘Competing Conceptions of Subsidiarity’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 217.

²⁴ Gregory R. Beabout, ‘Challenges to Using the Principle of Subsidiarity for Environmental Policy’ (2008) 5, *University of St Thomas Law Journal* 210; Jonathan Golub, ‘Sovereignty and Subsidiarity in EU Environmental Policy’ (1996) 44(4) *Political Studies* 686.

²⁵ See, e.g., Paul Seabright, ‘Accountability and decentralisation in government: An incomplete contracts model’ (1996) 40 *European Economic Review* 61.

²⁶ See, e.g., Marshall, above n 3.

²⁷ Marie-Claude Smouts, ‘The proper use of governance in international relations’ (1998) 50(155) *International Social Science Journal* 81.

²⁸ Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015), 18.

²⁹ Davide P. Cargnello and Maryantonett Flumian, ‘Canadian governance in transition: Multilevel governance in the digital era’ (2017) 60(4) *Canadian Public Administration* 605, 609-610.

³⁰ Jeffrey Roy, ‘Digital government and service delivery: An examination of performance and prospect’ (2017) 60(4) *Canadian Public Administration* 538.

³¹ Natalie Papanastasiou, ‘Rethinking scale in public administration: Scalecraft and frontline work in England’s localism agenda’ (2017) 95 *Public Administration* 1043, 1045.

fundamental questions of centralism and decentralism, questions to which subsidiarity can provide useful answers. The issue with this approach is that, when subsidiarity is not explicitly referred to in these contexts, it can be invoked in a way that only partially captures the values that underpin the principle, further obscuring its meaning.

Moral approaches may seem removed from real outcomes, but are no less important. They appeal to supposedly intuitive understandings of how the world works, and conceptions of what a ‘good life’ looks like. Moral arguments that the principle is meaningful stem from considerations of the human dignity of self-determination and mastery of one’s own life and thus by extension, the ‘rightness’ of a community making decisions for itself. The most famous statement of this principle comes from Pope Pius XI’s 1931 encyclical *Quadragesimo Anno*.³² There, Pius XI argued that it is a ‘grave evil’ to assign responsibility to a higher order when a lower order is perfectly capable and competent.³³ These moral appeals can be, and are, used to resist undue interference into private associations and social groupings by the government, but are also used in the context of intergovernmental relations to decry the ‘wrongness’ of directives that come from a distant capital city. In examining the political values of citizens and their attitudes towards government, this thesis focuses on subsidiarity’s meaning in relation to how power is divided between levels of government, and does not explore the role of private associations and their relationship with the state. While private associations are undoubtedly important in the study of subsidiarity, taking this approach is a strength for this thesis, because it offers a hard test for subsidiarity political culture: if the principle is meaningful and important to the everyday lives of citizens based only on their interactions with government, a broader approach that acknowledges private associations can only add to the principle’s importance.³⁴

Subsidiarity can, of course, be invoked in both moral and practical terms simultaneously. This was exemplified in the lead-up to the United Kingdom’s referendum about its future in the European Union. While subsidiarity was only one element in a broad and complex campaign, both ‘Leave’ and ‘Remain’ sides invoked subsidiarity as a

³² Pope Pius XI, above n 19.

³³ *Ibid*, 79.

³⁴ For a discussion of subsidiarity’s relevance to private associations, see Drew and Grant, above n 21, 531.

principle that supported their view, echoing earlier debates in the 1980s about whether subsidiarity favoured or resisted integration in the European Community,³⁵ and debates about devolution and Scottish independence in 1997-1999 and 2014 respectively.³⁶ Those who wanted to leave drew on both practical arguments (e.g., claims about the financial burdens of being part of the EU) and moral appeals to a sense of ‘British-ness’ that was under threat from the supra-state,³⁷ contending that subsidiarity demanded that Britain leave the EU so that power could be returned as close as possible to the people.³⁸ Conversely, there were those on the ‘Remain’ side who also advocated for the application of subsidiarity. David Cameron’s ‘renegotiation’ of Britain’s place in the European Union took an approach whereby the UK gained greater power, but still remained in the Union. Cameron’s words in announcing these changes are revealing: on the one hand, the renegotiation focused on concrete reforms, such as an ‘emergency brake’ on welfare payments to immigrants, and assurances on the competitiveness of the British pound. On the other hand, however, Cameron’s speech made constant reference to Britain’s status as a ‘proud’, ‘independent’ and ‘sovereign’ nation, and its right to govern its own affairs.³⁹ When used in this manner, subsidiarity provided a mechanism where a proud and independent UK could remain in the EU, but still retain control over most of its affairs. When both practical and moral justifications come together in this way, subsidiarity can be a powerful tool of governance, providing guidance on policy and structural reform.

³⁵ See, e.g., McDonagh, above n 12.

³⁶ See, e.g., Tony Blair, *Leading the Way – a new vision for local government*, Institute for Public Policy Research, London, cited in Mike Raco, ‘Governmentality, Subject-Building, and the Discourses and Practices of Devolution in the UK’ (2003) 28 *Transactions of the Institute of British Geographers* 75, 75; Paul Cairney, ‘The Scottish Independence Referendum: What are the Implications of a No Vote?’ (2015) 86(2) *The Political Quarterly* 186, 187; 189; Joanna Sharp, Andy Cumbers, Joe Painter, Nichola Wood, ‘Deciding whose future? Challenges and opportunities of the Scottish Independence Referendum 2014 for Scotland and Beyond’ (2014) 41 *Political Geography* 32.

³⁷ See, e.g., Ben Riley-Smith ‘Leave or Remain in the EU? The arguments for and against Brexit’, *The Telegraph* <online> <http://www.telegraph.co.uk/news/2016/06/16/leave-or-remain-in-the-eu-the-arguments-for-and-against-brex-it/> Accessed 18 October 2017. Henderson and colleagues have suggested that in this context, the ‘British-ness’ that was apparently under threat was actually ‘Englishness’ – see Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, ‘How Brexit was made in England’ (2017) 19(4) *British Journal of Politics and International Relations* 631, 643.

³⁸ Benjamin Wiker (2016) ‘Brexit and the Principle of Subsidiarity’ Blog Post in the National Catholic Register, accessed 7 June 2017 <http://www.ncregister.com/blog/benjamin-wiker/brexit-and-the-principle-of-subsidiarity>.

³⁹ Prime Minister’s Office, above n 7.

1.2 Subsidiarity: In Search of Meaning

While subsidiarity offers guidance or a fresh perspective on many of today's policy problems,⁴⁰ the principle often remains restricted to academic discussion, and it is commonly viewed as an ineffective or ignored principle. The issues here stem from the problem of subsidiarity's meaning: what does 'subsidiarity' mean, and is it meaningful? First, the difficulty in defining subsidiarity is more than a simple academic debate. When subsidiarity is used in policy-making, either with explicit use of the term, or implicitly based on the goals or outcomes, the different meanings given to the principle can create uncertainty about what the policy hopes to achieve. For instance, if we say that 'subsidiarity' offers an important guide to education and schooling reform, do we mean that lower levels of government should take on more responsibility, that individual principals should have a greater say, that private education should have more autonomy, or that national governments should do more to help schools thrive?⁴¹

The second issue, that subsidiarity is considered meaningless, often flows on from the first: if a principle creates confusion, what value can it add? However, even when the principle has definitional clarity, it is still sometimes viewed as meaningless. This is especially true of the principle's use in the Treaty on European Union – subsidiarity is well-defined in the Treaty and yet there is significant debate about the justiciability, and therefore legal enforceability and utility, of the principle. The problems arise because of competing perspectives about whether determining the best level (national or Community) to carry out a responsibility is a legal question that a judge can determine, or a political question based on values. For instance, Weatherill and Beaumont argued that the provision relating to subsidiarity, 'although doubtless a focus for political debate, seems justiciable to a limited extent only'.⁴² Conversely, former President of the European Court of Justice, Lord Mackenzie-Stuart, wrote that while '[t]here is nothing in the Maastricht text to suggest that this article is not justiciable...[the Court's] task will be an unenviable one',⁴³ because

⁴⁰ See, e.g., Bronwyn Hinz, *Schooling Federalism: Evaluating the Options for Reform* (University of Melbourne School of Governance, 2015).

⁴¹ See, e.g., Glenn above n 3; Hinz, above n 40, 6.

⁴² Stephen Weatherill and Paul Beaumont, *EU Law* (3rd ed, Penguin, 1999), 559.

⁴³ Lord Mackenzie-Stuart, cited in McDonagh, above n 12, 75.

the Court would have to weigh political and legal arguments, and attempt to reconcile the two. While the ECJ has generally not shied away from the justiciability of the subsidiarity provisions,⁴⁴ it has been extremely deferential to the authority of the Union in its approach.⁴⁵ This deferential approach led some to argue that subsidiarity now ‘has greater potential as a procedural ground than as a ground of substance’.⁴⁶ Others refer to ‘sharpening the dull sword’ of subsidiarity,⁴⁷ arguing that its blade has been blunted by numerous cases where the ECJ has been reluctant to enforce the principle of subsidiarity.⁴⁸ These cases highlight what some find to be an alarming and concerning hesitance by the ECJ to acknowledge subsidiarity in the Union.⁴⁹ But while the European Union will likely be the most easily recognisable example for most readers, the case of Australia provides an especially good example of where subsidiarity’s meaningfulness is in doubt.

1.2.1 Subsidiarity’s Meaning in Australia

In 2014, Western Australian scholar Michelle Evans claimed that ‘the Australian federal system...can no longer be seen as an authentic federation’.⁵⁰ This statement was based on her argument that the principle of subsidiarity has been ‘disregarded’ in Australia.⁵¹ Evans is certainly not alone in recognising subsidiarity’s conspicuous absence in Australian politics. For instance, Bell argued that Australian federalism needs to

⁴⁴ See, e.g., Anthony Arnall, Alan Dashwood, Malcolm Ross and Derrick Wyatt, *Wyatt and Dashwood’s European Union Law* (4th ed, Sweet and Maxwell, 2000), 161.

⁴⁵ See, e.g., Paul Craig and Gráinne de Búrca, *EU Law: Text, Cases and Materials* (2nd ed, Oxford University Press, 1998), 94.

⁴⁶ Takis Tridimas, *The General Principles of EU Law* (Oxford University Press, 2006), 185, see also McDonagh, above n 12, 83; Michelle Evans, ‘The Principle of Subsidiarity in European Union Law: Some Comparisons with Catholic Social Teaching’ (2013) 3(1) *Solidarity* 61.

⁴⁷ Christopher Ritzer, Marc Rutloff and Karin Linhart, ‘How to sharpen a dull sword – The principle of subsidiarity and its control’ (2006) 7(9) *German Law Journal* 733.

⁴⁸ See, e.g., *United Kingdom v Council* (C-84/94) [1996] ECR I-5793 (‘Working Time case’); *Germany v Parliament and Council* (C-233/94) [1997] ECR I-2405 (Deposit Guarantee case’); and *Germany v Commission* (Case T-374/04) [2007] ECR II-4431.

⁴⁹ See, e.g., Evans, ‘The Principle of Subsidiarity in European Union Law’, above n 46.

⁵⁰ Evans, ‘Subsidiarity and Federalism’, above n 1, 195.

⁵¹ *Ibid.*

recognise subsidiarity,⁵² Head called for Australians to ‘take subsidiarity seriously’,⁵³ while Brohmer has noted that the Australian debate is peculiar, as it features ‘a certain bias for further centralisation of an already rather centralised federal system’.⁵⁴

The principle’s uptake in Australia certainly has been ‘long and difficult’.⁵⁵ Attempts to realise the principle in Australia, such as Colin Clark’s use of the principle to argue for economic reform in the 1950s,⁵⁶ and its use in federal reform debates in the 1990s,⁵⁷ and again in 2014-2016,⁵⁸ have not proved especially fruitful. The principle is usually promoted to argue for decentralism (and the perceived benefits localised government will bring) and clarity of responsibility,⁵⁹ and it is also used to call for specific policy change, for example in schooling policy.⁶⁰ However, while the principle has received significant academic attention in Australia, it has had little real impact in practice. If subsidiarity can be described as a dull sword in Europe,⁶¹ its blade in Australia is completely blunt.

The apparent disregard for subsidiarity occurs in the broader context of Australia’s highly centralised federal structure. It is widely noted that Australia’s federal system has departed from its original expression in the Constitution in 1901. For instance, Evans argues that ‘despite the federal origins and intentions of the framers...the Australian federal landscape has become increasingly centralised’.⁶² But, as Kildea, Lynch and Williams note,

⁵² Paul Bell, ‘How Local Government Can Save Australia’s Federal System’, in A.J. Brown and Jennifer Bellamy (eds) *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (ANU Press, 2007), 173.

⁵³ Brian Head, ‘Taking Subsidiarity Seriously: What Role for the States?’ in A.J. Brown and Jennifer Bellamy (eds) *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (ANU Press, 2007).

⁵⁴ Brohmer, above n 13, 129.

⁵⁵ A J Brown, ‘Subsidiarity or Subterfuge? Resolving the Future of Local Government in the Australian Federal System’ (2002) 61(4) *Australian Journal of Public Administration* 24, 39.

⁵⁶ See, e.g., Colin Clark, ‘Australia’s Economic and Population Capacity’ (1955) 1 *Australian Journal of Politics and History* 49; Colin Clark, *Population growth and land use* (St Martin’s Press, 1977); Colin Clark, ‘Welfare Taxation: Opting Out to Shrink the State’ (1987) *Economic Affairs* 38.

⁵⁷ Brian Galligan, *A Federal Republic: Australia’s Constitutional System of Government* (Cambridge University Press, 1995), 205.

⁵⁸ Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015), v.

⁵⁹ Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015), 18.

⁶⁰ Hinz, above n 40, 6; see also Bronwyn Hinz ‘Policy Coherence Across the Education Continuum in Australia: Understanding and Improving Service Delivery’ in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017) in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017).

⁶¹ Ritzer et al., above n 47.

⁶² Evans, ‘Subsidiarity and Federalism’, above n 1, 195.

‘if the current state of the federation would disappoint the founding generation, it is also of deep concern to the present one’.⁶³

Australia’s federal difficulties are generally regarded as stemming from the fact that, while there is a broad trend of centralism driven by vertical fiscal imbalance,⁶⁴ the experience within particular policy areas has been varied, such that the extent of centralism is inconsistent between and even within different portfolios. This has resulted in a ‘dog’s breakfast’ mess of overlapping responsibilities which limit accountability and efficiency in service delivery.⁶⁵ The cycle then repeats itself as these failures can diminish public confidence in the States, and can be used by the national government to expand its power base. Galligan notes that this can and has been a strategic move by the federal government: ‘intractable or difficult policy areas...are cast as state failures. The proffered solution is Commonwealth take-over with rhetorical boasting that the Commonwealth will somehow do it better’.⁶⁶ Wiltshire also argues that:

The tactics of the Howard government [1996–2007] have included pleas for uniformity, accountability and choice, which have fallen on fertile ground in an electorate which has grown tired and wary of state governments who deliver none of these goals and have proven inept at delivering their basic responsibilities of health care, school education, law and order, water, and infrastructure.⁶⁷

Wiltshire’s comments, especially about the Australian electorate’s apparent complicity in centralisation, raise questions about the role and importance of citizens in the

⁶³ Paul Kildea, Andrew Lynch and George Williams, ‘Introduction’ in Paul Kildea, Andrew Lynch and George Williams (eds) *Tomorrow’s Federation: Reforming Australian Government* (Federation Press, 2012), 1.

⁶⁴ See, e.g., See, e.g., Alan Fenna, ‘Commonwealth Fiscal Power and Australian Federalism’ (2008) 32(2) *University of New South Wales Law Journal* 553; Brian Galligan, ‘Fiscal federalism: then and now’ in Gabrielle Appleby, Nicholas Aroney and Thomas John (eds), *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives* (Cambridge University Press, 2012), 322; Cliff Walsh, ‘The Economics of Federalism and Federal Reform’ (2008) 32(2) *University of New South Wales Law Journal* 553; Alan Fenna, ‘The Fiscal Predicament of Australian Federalism’ in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017), 135; Richard Eccleston and Neil Warren, ‘The Failure of the Federalism Reform Process and its Financial Implications for the Australian States’ in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017), 147.

⁶⁵ The Hon. Prime Minister Tony Abbott ‘Sir Henry Parkes Oration’ speech delivered in Tenterfield, New South Wales on 25 October 2014.

⁶⁶ Galligan, ‘Fiscal federalism: then and now’, above n 64, 322; see also Dennis Grube ‘The Rhetorical Framing of Policy Intervention’ (2010) 45(4) *Australian Journal of Political Science* 559.

⁶⁷ Kenneth Wiltshire, ‘Reforming Australian Governance: Old States, No States or New States?’ in A J Brown and Jennifer Bellamy, *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (Australian National University Press, 2007), 193.

way subsidiarity's meaning is understood. Has subsidiarity been 'overlooked'⁶⁸ in Australia because Australians do not value the principle? This thesis answers that question by shining a light on public attitudes towards the principle.

1.3 Current Explanations of Subsidiarity's Meaning

Before unpacking the potential value of exploring how citizens give subsidiarity meaning, this chapter examines current attempts to understand the principle's meaning and importance. This part therefore briefly summarises the current explanations of subsidiarity's importance (or lack thereof), and section 1.3.1 highlights the gaps that this thesis seeks to address through the concept and evidence of a 'subsidiarity political culture'. While concerns have been raised about subsidiarity's meaningfulness, the principle has no shortage of champions in politics and academia. What unites advocates and critics of subsidiarity is their focus on institutions; for both sides, subsidiarity's value hinges on the principle's treatment at an institutional level. As will be detailed in Chapter 3, these structural approaches have much to offer, but cannot provide a comprehensive account.

Perhaps the most common explanation for subsidiarity's realisation or lack thereof - and thus, by extension, its meaningfulness - is the willingness of the judiciary, particularly constitutional courts, to uphold and enforce the principle. In Germany, Canada and the European Union, much attention has been paid to whether courts tend to give any weight to the principle.⁶⁹ As highlighted in the previous section, part of the issue rests on whether subsidiarity is viewed as a legal (and therefore justiciable) principle, or as a matter of political judgement (with which the court should not interfere).⁷⁰ In countries where subsidiarity thrives, the judiciary appears more willing to recognise subsidiarity as a legal

⁶⁸ Evans, 'Subsidiarity and Federalism', above n 1, 195.

⁶⁹ See, e.g., Brohmer, above n 13; Brouillet, above n 15; Gabriel A. Moens and John Trone, 'Subsidiarity as Judicial and Legislative Review Principles in the European Union' in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

⁷⁰ See, e.g., McDonagh, above n 12. See also Benz for a discussion of the German Federal Constitutional Court's changing perspective on the issue - Arthur Benz, 'The Federal Constitutional Court of Germany: Guardian of Unitarism and Federalism' in Nicholas Aroney and John Kincaid (eds) *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017), 212.

principle, and to ensure that it is enforced; for example in Canada the Supreme Court has recently referred to ‘the unwritten constitutional principle of federalism and its underlying principles of co-operative federalism and subsidiarity’.⁷¹ Conversely, as already noted, in Australia subsidiarity has been described as always implicit in the Constitution,⁷² but that a series of High Court decisions have disregarded this by allowing for greater and greater centralism. The most famous instance of this is the High Court’s decision in the *Engineers Case*,⁷³ which rejected the doctrine of ‘reserved state powers’ and ‘irreparably altered the balance of power between the Commonwealth and the states’.⁷⁴ Under this approach, subsidiarity is a meaningful principle if judges deem it so.

Because judges are necessarily guided and constrained by constitutions and legislation, subsidiarity’s treatment in these founding documents are also considered relevant. However, provisions for subsidiarity in constitutions vary in ways that do not always reflect other understandings of the principle’s meaning; the European Union Treaty makes explicit reference to ‘subsidiarity’,⁷⁵ and the German *Basic Law* replicates the principle without using the actual word, but in Canada the principle is only implicit in section 9(1), while the UK does not even have a codified Constitution. Furthermore, as Evans identifies, the principle is implicit in the Australian Constitution as well.⁷⁶ Thus, constitutional entrenchment of the principle appears to be an important but contested element of subsidiarity’s meaningfulness.

Other approaches draw parallels between federalism and subsidiarity (as exemplified in the discussion of the Australian case above), and suggest that subsidiarity’s meaning operates within a broader federal context.⁷⁷ Others regard federalism and subsidiarity as

⁷¹ *Quebec (Attorney General) v Lacombe* [2010] 2 SCR 453, per Deschamps J at 119; see also Brouillet, above n 15, 627.

⁷² Evans, ‘Subsidiarity and Federalism’, above n 1, 185.

⁷³ *Amalgamated Society of Engineers v Adelaide Steamship Co Ltd* (1920) 28 CLR 129.

⁷⁴ Evans, ‘Subsidiarity and Federalism’, above n 1, 196.

⁷⁵ Treaty of the European Union Article 5.

⁷⁶ Evans, ‘Subsidiarity and Federalism’, above n 1, 185.

⁷⁷ A J Brown, ‘Measuring the Mysteries of Federal Political Culture in Australia’ above n 1; A J Brown, ‘From Intuition to Reality: Measuring Federal Political Culture in Australia’ (2012) 43(2) *Publius* 297; Michael Burgess, *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives* (Oxford University Press, 2012); Richard Cole, John Kincaid and Alejandro Rodriguez, ‘Public Opinion on Federalism and Federal Political Culture in Canada, Mexico, and the United States’ (2004) 34(3) *Publius* 201; Ivo D. Duchacek, *Comparative Federalism: The Territorial Dimension of Politics* (University Press of America, 1987); John Kincaid and Richard Cole, ‘Citizen Attitudes Toward Issues of Federalism in Canada,

even more closely linked. For example, Halberstam asserts that ‘federal systems across the world are generally designed according to the principle of subsidiarity’,⁷⁸ Livingstone describes the demand for recognition of diversities as being directly related to the ‘strength’ of the federal system as a whole,⁷⁹ while Saunders goes further, considering decentralism as *the* defining feature of federalism:

‘Federalism...is understood as a system of government in which power constitutionally is decentralised, as an alternative to unitary government.’⁸⁰

While there is certainly some common purpose in federalism and subsidiarity, they should not be regarded as inextricably linked. As will be highlighted in Chapters 2 and 3, there are a number of key theoretical and historical differences between federalism and subsidiarity.⁸¹ Further, such explanations have difficulty accounting for places such as the United Kingdom, which are not federal nations, but where subsidiarity has long featured in political debates and has at least some importance.

1.3.1 Limitations of Current Approaches

In outlining the existing explanations for variations in subsidiarity’s realisation, some specific limitations have already been highlighted. However, the current focus on institutions only tells half the story, as discussion of subsidiarity’s meaning must also consider the role of individuals and citizens in the political system. Giving attention to the role of citizens is important because subsidiarity can be meaningful to citizens even if

Mexico, and the United States’ 2010 41(1) *Publius* 53; Daniel J. Elazar, *Exploring Federalism* (University of Alabama Press, 1987); Patrick Fafard, Francois Rocher and Catherine Cote, ‘The Presence (or Lack Thereof) of a Federal Culture in Canada: The Views of Canadians’ (2010) 20 *Regional and Federal Studies* 19; William S Livingstone, ‘A Note on the Nature of Federalism’ (1952) 67 *Political Science Quarterly* 81.

⁷⁸ Daniel Halberstam, ‘Federal powers and the principle of subsidiarity’ in Vikram David Amar and Mark V. Tushnet (eds) *Global perspectives on constitutional law* (Oxford University Press, 2009) 34.

⁷⁹ Livingstone, above n 77, 90.

⁸⁰ Cheryl Saunders, ‘Dividing power in an age of globalisation’, in Charles Sampford and Tom Round (eds) *Beyond the Republic: Meeting the Global Challenges to Constitutionalism* (Federation Press, 2001), 130.

⁸¹ See also Jacob Deem, ‘Subsidiarity and Federalism: Two Sides of the Same Coin, or Different Currencies?’ (2016) Conference paper presented at the International Political Science Association World Congress, 26 July 2016; Drew and Grant, above n 21; David Golemboski, ‘Federalism and the Catholic Principle of Subsidiarity’ (2015) 45(4) *Publius* 526.

current institutions fail to effectively operationalise it. Where this is the case, reform might be needed to ensure government better reflects societal values.

Naturally, such a perspective invokes the broader theoretical debate about the tension between agents and structures, or as Hay prefers, between the conduct of political actors, and the context in which those actions occur.⁸² This tension is one of the fundamental controversies of political science, and while it is not necessary for this thesis to pursue the deeper ontological aspects of the dispute,⁸³ it is important to note that in the subsidiarity literature, the potential role of agents in the principle's realisation has been largely missing. Brown's pioneering investigations into public attitudes towards decentralism are notable exceptions,⁸⁴ as is Aroney's recent analysis of subsidiarity's role in federal reform in Australia, which appears to recognise the importance of people. In particular, Aroney notes that 'the formation of the federation was a decision of the governments and peoples of the states',⁸⁵ and that federation in 1901 created a 'people of the Commonwealth', while at the same time 'preserved the continuing identity of the peoples of the states.'⁸⁶ Acknowledging the importance of citizens' values also highlights the existing literature's limited engagement with societal norms and identities, which, while broadly institutional,⁸⁷ are relatively unexplored because of the focus on formal institutional structures. These informal institutional factors are therefore an additional important consideration.

This thesis therefore takes a closer look at the role of citizens, although the focus on 'people' is not an assertion that agents dominate structures. Instead, the purpose of this thesis is to address the current imbalance in the literature by paying attention to public values. Specifically, this thesis explores how these attitudes operate within the context of existing institutional structures, to establish whether by identifying and measuring a

⁸² Colin Hay, *Political Analysis: A Critical Introduction* (Palgrave, 2002), 94.

⁸³ See, e.g., Stuart McAnulla, 'Making Hay with Actualism? The Need for a Realist Concept of Structure' (2005) 25 *Politics* 31; Nigel Pleasants, 'Structure, Agency and Ontological Confusion: A Response to Hay' (2009) 57 *Political Studies* 885.

⁸⁴ Brown, 'Subsidiarity or Subterfuge?', above n 55; Brown, 'Measuring the Mysteries', above n 1.

⁸⁵ Nicholas Aroney, 'Federalism and Subsidiarity: Principles and Processes in the Reform of the Australian Federation', presented at the Australian Attorney-General's Department Constitutional Law Symposium, 1 May 2015, 10.

⁸⁶ *Ibid.*

⁸⁷ Rod Hague, Martin Harrop and John McCormick, *Comparative Government and Politics: An Introduction* (10th ed, Palgrave Macmillan, 2016).

‘subsidiarity political culture’, the ways in which subsidiarity is given meaning and value in society can be more clearly revealed.

1.4 The Potential Role of Political Culture

Political culture offers a useful bridge between the explanatory contributions of institutions and agents. For the purposes of this thesis, ‘political culture’ encompasses ‘both the formal structure of government, as well as the attitudes and opinions which people hold about their government’.⁸⁸ The discussion in section 1.3 above revealed that, as far as ‘subsidiarity political culture’ is concerned, the formal structures of government that give the principle meaning are well researched, but the attitudes and opinions are under-explored. The recognition and study of political culture rests on the assumption that the endurance and success of particular institutions may be usefully explained, at least in part, by some level of congruence between political culture and regime structure.⁸⁹ For instance, in their seminal study of civic culture and democracy, *The Civic Culture*, Almond and Verba argued that a political culture of democracy explains the persistence of a democratic regime.⁹⁰ In testing this assumption, Almond and Verba made three further claims that, as Fuchs argues, have become the core of political culture studies.⁹¹

First, ‘the political culture of a country essentially derives from the attitudes of the citizens’.⁹² Almond and Verba defined political culture as ‘political orientations – attitudes towards the political system and its various parts, and attitudes towards the role of the self in the system’.⁹³ Most political culture research, in following *The Civic Culture*, has focused on the attitudes of citizens as the primary unit of investigation. Further, Bell and

⁸⁸ Arthur Stevens ‘State Boundaries and Political Culture: An Exploration in the Tri-State Area of Michigan, Indiana and Ohio’ (1974) 4 *Publius* 111, 112.

⁸⁹ Dieter Fuchs ‘The Political Culture Paradigm’ in Russell J. Dalton and Hans-Dieter Klingemann (eds) *The Oxford Handbook of Political Behavior* (Oxford University Press, 2007), 163.

⁹⁰ Gabriel Almond and Sidney Verba, *The Civic Culture, Political Attitudes and Democracy in Five Nations* (Little Brown, 1965); see also Fuchs, above n 89, 163.

⁹¹ Fuchs, above n 89, 163.

⁹² *Ibid.*

⁹³ Almond and Verba, above n 90, 12.

Tupperman note that political culture tends to focus on mass opinions, rather than elite views.⁹⁴ That is not to say that political elites are not important, but rather reflects their perspective that ‘elites share the political culture of the nonelite’.⁹⁵ This thesis broadly follows that approach, although it tests that assumption in detail in Chapter 7.

Second, the kinds of attitudes that are relevant are ‘those that have been internalized through socialization processes and are of a profound and enduring nature’.⁹⁶ In that regard, political culture can be distinguished from public opinion, which is more fleeting and transient. Using the analogy of a tree, where the branches of public opinion may sway in the winds of politics, the trunk of political culture will remain mostly steady, although it may grow and change over time. The enduring nature of these attitudes are what led Almond and Verba, and others, to describe political culture as ‘orientations’; they relate to deeper worldviews and tendencies, rather than thoughts about politics that may change from day to day.⁹⁷

Third, political culture is best understood as a broad and pervasive macro-phenomenon because it deals with big questions such as regime persistence. Crucially, however, while political culture itself operates on the macro-level, ‘the political culture of a country must be construed by the aggregation of micro-data’.⁹⁸ That is to say that a national political culture is the aggregate of the attitudes and orientations of all the people within that nation. As will be discussed in Chapter 4, this aggregation is most commonly achieved through surveys, although other methods can also be used.

The study of political culture is not without controversy, however, and the concept has received criticism from a number of angles.⁹⁹ On the one hand, political culture has

⁹⁴ David Bell and Lorne Tepperman, *The Roots of Disunity: A Look at Canadian Political Culture* (McClelland and Stewart Publishers, 1979), 16.

⁹⁵ Almond and Verba, above n 90, 352.

⁹⁶ Fuchs, above n 89, 163.

⁹⁷ Almond and Verba, above n 90; see also Clyde Kluckhohn, ‘Values and Value Orientations in the Theory of Action: An Exploration in Definition and Classification’ in Talcott Parsons and Edward A. Shils (eds) *Toward a General Theory of Action* (Harvard University Press, 1951), Jan W. van Deth and Elinor Scarbrough (eds) *The Impact of Values* (Oxford University Press, 1995).

⁹⁸ Fuchs, above n 89, 163.

⁹⁹ See, e.g., Lisa Wedeen ‘Conceptualizing Culture: Possibilities for Political Science’ (2002) 96(4) *American Political Science Review* 713.

been viewed as standing opposite rational choice theories,¹⁰⁰ and thus has naturally found little support amongst scholars preferring the latter approach. For these scholars, the analysis of group values and customs are at best irrelevant to political science.¹⁰¹

Even where non-materialist approaches are accepted,¹⁰² a number of concerns still arise. Most importantly, several scholars have identified the risk of simply using ‘political culture’ as a fuzzy catch-all. For instance, Hague, Harrop and McCormick highlight that ‘there is a danger of invoking cultural factors when we can think of nothing else’;¹⁰³ it may be tempting to use political culture as a stop-gap explanation for political phenomena that are difficult to explain.¹⁰⁴

Additionally, a number of scholars see it as problematic that political culture is a macro-phenomenon, but is measured through micro-data.¹⁰⁵ To quote Elkins and Simeon: ‘Political culture is the property of a collectivity...Individuals have beliefs, values and attitudes but they do not have cultures’.¹⁰⁶ Reisinger identifies this problem as the ‘individualist fallacy’, which he defines as ‘the fallacy of deriving conclusions about a higher level of aggregation from data on individuals without a theoretical rationale that links the two levels’.¹⁰⁷ In essence, the concern is that political culture is likely to be something greater than the sum of the individuals’ values of which it comprises.

¹⁰⁰ Harry Eckstein, ‘A Culturalist Theory of Political Change’, (1988) 82(3) *American Political Science Review* 789, 789.

¹⁰¹ Adam Przeworski, ‘Marxism and Rational Choice’, (1985) 14 *Politics and Society* 379; see also Wedeen, above n 99, 714.

¹⁰² c.f. Albert Hirschman, ‘A Dissenter’s Confession: ‘The Strategy of Economic Development’ Revisited’ in Gerald M. Meier and Dudley Seers (eds), *Pioneers in Development* (Oxford University Press, 1984).

¹⁰³ Hague et al, above n 87, 201.

¹⁰⁴ See also Fuchs, above n 89, 164.

¹⁰⁵ Erwin K. Scheuch ‘The Cross-Cultural Use of Sample Surveys: Problems of Comparability’ (1993) 18(2) *Historical Social Research* 104, originally published as Erwin K. Scheuch ‘The Cross-Cultural Use of Sample Surveys: Problems of Comparability’ in Stein Rokkan (ed) *Comparative Research Across Cultures and Nations* (Mouton, 1968); Lucian Pye, ‘Political Culture’ in D. L. Sills (ed) *International Encyclopedia of Social Science* 12 (Macmillan, 1972) cited in Fuchs, above n 89, 173; G. Patrick ‘Political Culture’ in Giovanni Sartori (ed) *Social Science Concepts: A Systematic Analysis* (Sage Publications, 1984) cited in Fuchs, above n 89, 173; William M. Reisinger, ‘The Renaissance of a Rubric: Political Culture as Concept and Theory’ (1995) 7(4) *International Journal of Public Opinion Research* 328; Mitchell A. Seligson ‘The Renaissance of Political Culture or the Renaissance of the Ecological Fallacy?’, (2002) 34(3) *Comparative Politics* 273.

¹⁰⁶ David J. Elkins and Richard E. B. Simeon, ‘A Cause in Search of Its Effect, or What Does Political Culture Explain?’ (1979) 11(2) *Comparative Politics* 127.

¹⁰⁷ Reisinger, above n 105, 339.

These valid critiques clearly must be taken into account in assessing whether a study of political culture can assist in resolving problems with subsidiarity's meaning. Rational choice theories ultimately derive from fundamental differences in conceptions of politics, but there is an increasing recognition that rational choice theory cannot explain many modern political phenomena,¹⁰⁸ and support for the notion that political culture does have an important role to play.¹⁰⁹ Meanwhile, critiques of political culture's 'fuzziness' and use as a catch-all explanation highlight the importance of dealing with political culture (and whatever role subsidiarity may play in this as a sub-category) in precise terms. By being as clear as possible in describing what political culture looks like, and what it is meant to explain, researchers can avoid falling into the trap of using culture as a broad explanation. This thesis therefore adopts Almond and Verba's classic definition of political culture as political orientations,¹¹⁰ and the discussions below and in Chapters 2 and 3 provide greater detail on what is meant by 'subsidiarity political culture'. Just as importantly, this thesis aims to demonstrate how subsidiarity political culture explains how citizens understand the principle, and how subsidiarity is a meaningful part of citizens' views about government.

This engagement with subsidiarity political culture in precise terms also goes some way in addressing Reisinger's individualist fallacy by providing the theoretical rationale that links the micro-data of individual attitudes with the macro-phenomenon of political culture;¹¹¹ Chapters 4 and 5 in particular will examine how measuring public attitudes towards subsidiarity values provides insight into subsidiarity political culture. While Fuchs notes that political culture research has not fully overcome the problem of aggregation, the process of providing a theoretical rationale goes some way to minimising its impact. Additionally, Fuchs suggests the solution of using representative random samples in surveys, ensuring that each participant's view is given an equal weight.¹¹² This is justified, Fuchs argues, because one of the most significant characteristics of Western civilisations is its emphasis on the individual. Thus, to the extent that a political system adopts this value of the individual, aggregation is appropriate, as 'it can be implied that the distribution of the

¹⁰⁸ Fuchs, above n 89, 161; Wedeen, above n 99, 714; Adam Kuper, *Culture: The Anthropologists' Account* (Harvard University Press, 1999), 10.

¹⁰⁹ Eckstein, above n 100, 789.

¹¹⁰ Almond and Verba, *The Civic Culture*, above n 90, 12.

¹¹¹ Reisinger, above n 105, 339.

¹¹² Fuchs, above n 89, 173.

equally weighted attitudes of citizens can also affect on the dependent variable of political culture'.¹¹³ While this reasoning may not translate well to countries where individualism is less valued,¹¹⁴ such concerns are less relevant to the cases chosen in this thesis.

Additionally, Fuchs argues that it is important to consider whether national political cultures are an appropriate unit of study. In a similar vein, Hague, Harrop and McCormick note that political culture can in one direction transcend borders (as in Huntington's famous *Clash of Civilisations*¹¹⁵), and in the other direction break down into smaller subcultures.¹¹⁶ For instance, Wiseman lamented that Canadian political culture was too often viewed as a nationally cohesive outlook, when he argued that it should in fact be more regionally sensitive.¹¹⁷ These concerns are especially relevant to subsidiarity political culture, and are explored in detail below, and in Chapters 5 and 6.

1.4.1 Subsidiarity Political Culture

Within this broad context, this thesis pursues answers to the problems set out earlier by exploring the existence and implications of a more specific potential component of political culture: 'subsidiarity political culture'. The recognition of smaller subsets within the broader political culture is not a new idea; indeed, this study draws particular inspiration from developments in acknowledging and researching 'federal political culture'.¹¹⁸ In 1987, Daniel Elazar famously stated that 'there is no federal system that is commonly viewed as successful whose people do not think federal, that does not have a federal political culture and a strong will to use federal principles and arrangements'.¹¹⁹ In

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (Simon and Schuster, 1996)

¹¹⁶ Hague et al, above n 87, 201.

¹¹⁷ Nelson Wiseman, *In Search of Canadian Political Culture* (University of British Columbia Press, 2008), 1.

¹¹⁸ Burgess, above n 77, 254; see also Brown, 'Measuring the Mysteries', above n 1; Brown, 'From Intuition to Reality', above n 77; Cole et al, above n 77; Elazar, above n 77; Fafard et al, above n 77; Kincaid and Cole, above n 77; Livingstone, above n 77.

¹¹⁹ Elazar, above n 77, 192.

resolving key tensions and questions about subsidiarity's meaning, the concept of a 'subsidiarity political culture' has clear potential, such that it could be said (echoing Elazar) that subsidiarity is not meaningful in a country that does not have a subsidiarity political culture, and whose people do not 'think subsidiarity'. Further, we might also explain variations in defining subsidiarity by pointing to differences in the way citizens value the principle.

Following the example set by investigations of federal political cultures, identifying a potential subsidiarity political culture is not a claim that citizens prioritise subsidiarity over other values that go towards the broader political culture of a nation. Instead, the aim is to uncover whether citizens hold collective orientations towards subsidiarity, and whether the principle is valued in each particular case. While Chapter 7 includes some discussion and analysis of how a subsidiarity political culture might fit within the broader political culture of a nation, and how subsidiarity political culture might relate to other important values and subsets of political culture (most notably, how subsidiarity and federal political cultures fit with one another), this thesis focuses on identifying the values and attitudes citizens hold towards subsidiarity, as this is the crucial first step in addressing whether the principle is perceived as meaningful.

As with broader political culture, we must be clear about what subsidiarity political culture is – how is it defined and how can its occurrence be recognised? It is important to begin by distinguishing 'subsidiarity political culture' with 'cultural subsidiarity'. The latter term has found use in the works of Jeff Katcherian, who has explored the principle of subsidiarity in the European Union in relation to cultural practices.¹²⁰ For instance, he takes the example of Finnish wood tar, where an exception to general EU regulations was made for this product, which Finland has exported since the 16th Century, on the grounds of its significant cultural heritage and competence.¹²¹ This kind of acknowledgement of local culture is not the focus of this thesis. Instead, 'subsidiarity political culture' broadly refers to the way subsidiarity as a principle is valued by citizens, although such a broad understanding requires greater specificity.

¹²⁰ Jeff Katcherian, 'Unraveling the Paradox: Competence and the Failure of Subsidiarity in the European Union' (2012) 35(2) *Political and Legal Anthropology Review* 271.

¹²¹ *Ibid*, 275.

This presents two main challenges. First, defining subsidiarity (and, in turn, subsidiarity political culture) may be easier said than done; as David Cameron quipped, ‘nobody knows what it means’.¹²² Of course, it is nothing new to identify that subsidiarity is a vague and at times poorly understood concept. Aroney argues that the principle ‘can mean different things to different people in different contexts’,¹²³ while Follesdal suggests that part of subsidiarity’s popularity arises *because* it is unclear.¹²⁴ Indeed, much of Follesdal’s significant contribution to the subsidiarity literature has been focused on identifying competing conceptions of the principle.¹²⁵ Chapter 2 therefore examines and reconciles these competing conceptions by providing a new understanding of the different features of subsidiarity, for the purpose of trying to measure subsidiarity political culture. However, it can also be seen that this, in itself, offers some new opportunities for resolving problems afflicting the subsidiarity discourse. Specifically, it introduces a new way of conceptualising subsidiarity, approaching the principle as being made up of three elements: decentralism, non-absorption, and support. As Chapter 2 will demonstrate, together these three elements cover the nuances and variations in subsidiarity’s use and meaning. Assessing citizens’ collective attitudes towards these elements therefore provides a picture of how subsidiarity is understood (do some elements resonate more strongly than others?) and valued in each country.

Additionally, it is important that this conception provides room for the role of citizens to be acknowledged. For example, in 1999 the European Union’s Committee of Regions stressed the importance of ‘developing a genuine culture of subsidiarity’,¹²⁶ but failed to consider the importance of the public. Instead, when explaining what this culture of subsidiarity would look like, the Committee simply urged for the rigorous application of Article 5 of the Treaty of the European Union,¹²⁷ which states that outside its areas of

¹²² Prime Minister’s Office, above n 7.

¹²³ Nicholas Aroney, ‘Subsidiarity in the Writings of Aristotle and Aquinas’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 10.

¹²⁴ Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 23, 215.

¹²⁵ Andreas Follesdal ‘Survey Article: Subsidiarity’ (1998) 6(2) *The Journal of Political Philosophy* 190; Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 23; Andreas Follesdal, ‘Subsidiarity and the Global Order’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

¹²⁶ Committee of the Regions, ‘Opinion on the principle of subsidiarity: Towards a new culture of subsidiarity! An appeal by the Committee of the Regions’ (1999).

¹²⁷ *Ibid*, 10.

exclusive competence, the Union should only act if the objectives of a proposed action cannot be sufficiently achieved at a more local level. Notably, while the Treaty only formally applies to the relationship between Member States and the Union, debates also arose about ‘hollowing out’ the nation state, which some felt was ‘too small for the big things and too big for the small things’.¹²⁸ This was reflected in the Committee’s argument that ‘European decisions must be drawn up in such a way as to leave as much scope as possible for national, *regional and local* decision making’.¹²⁹ Adopting such an approach, while useful in highlighting the importance of subsidiarity and subsidiarity political culture, risks being ultimately circular (i.e., the European Union needs to develop a culture of subsidiarity by following the subsidiarity provisions in the Treaty of the European Union). This focus on institutions is also precisely what this thesis seeks to avoid.

The second challenge is that while subsidiarity’s meaning in definitional terms is not always clear, the literature tends to assume that if a ‘true meaning’ of subsidiarity exists, it is universal in its application. In other words, subsidiarity is taken as meaning the same thing everywhere. This was exemplified in the most recent attempt at wide-scale federal reform in Australia: Australian advocates of subsidiarity to look to the shining examples of Germany and Switzerland in an attempt to import the principle to Australia.¹³⁰ There is a certain degree of irony in assuming that subsidiarity, a principle that acknowledges, emphasises and encourages local difference, is equally capable of applying anywhere. Apart from the typical concerns about generalising lessons from one country to another, it is important to consider the possibility that subsidiarity is simply understood and valued by the community differently in different parts of the world. This has important implications for places like Australia; it may simply be that efforts to implement subsidiarity in Australia have failed to acknowledge that Australians have a different understanding and value of the principle compared to, say, Germans. While this is the kind of insight this thesis seeks to uncover, it raises a crucial consideration: the conception of subsidiarity developed in Chapter 2 not only reconciles competing views, but also provides a model flexible enough to apply nuances in meaning across context.

¹²⁸ Sharp et al, above n 36, 38.

¹²⁹ Committee of the Regions, above n 126, 11, emphasis added.

¹³⁰ Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015).

The issue of variations in how subsidiarity is understood also touches on broader concerns about efforts to study political culture, because it may be artificial or misleading to attribute broad, general cultures or attitudes to an entire nation, especially in places like Canada with important regional groups. A vital strength of this thesis therefore is that it includes mechanisms to test and check the extent to which attitudes can be said to be ‘national’, and to explore where regional or other demographic variations exist (these mechanisms are discussed in Chapter 4, and tested in Chapter 6).

1.5 Research Question and Methods

This thesis draws on the above debates, problems and controversies to address the following research question: ‘Does ‘subsidiarity political culture’ offer a new understanding of subsidiarity’s meaning and importance as a principle of politics and policy?’ Answering this question highlights how subsidiarity political culture can be used to unpack how subsidiarity is understood and valued. In turn, this addresses the central problem of establishing whether, or how, subsidiarity can be made to perform as a real, useful and important principle. To answer this question, this thesis primarily makes use of public attitude data collected as part of a broader comparative study of citizens’ values and attitudes towards a range of federal and constitutional issues.¹³¹ The opportunity to study and compare public attitudes towards subsidiarity is a rare and important one, although it must be kept in mind that the investigation of subsidiarity political culture was at times necessarily guided or limited (especially in terms of case selection and the amount of survey space that could be dedicated to subsidiarity-related measures) by the needs of the wider project.

¹³¹ This data was collected as part of the Australian Research Council Discovery Project ‘Confronting the Devolution Paradox’. I am grateful to the ARC and to my project colleagues for making this research possible. Ethics approval for this project was granted under reference number 2013/9.

As noted earlier, to answer the research question, four focus questions must be addressed. These focus questions provide a framework for this thesis, highlighting the necessary steps through which the main research question can be answered.

1. *How do we establish whether subsidiarity is an element of political culture, especially given differences and imprecisions in the concept?*

Section 1.4.1 above has outlined how ‘subsidiarity political culture’ is a reflection of citizens’ collective ideas and orientations towards subsidiarity. However, because subsidiarity as a principle is the subject of considerable debate, it is necessary to clearly establish what is meant by the term ‘subsidiarity’. This is achieved in Chapter 2 by examining the history and development of the values underpinning the principle, and reviewing competing conceptualisations of subsidiarity.¹³² Doing so reveals three elements – decentralism, non-absorption, and support – which appear to form the basis of the subsidiarity principle, and in turn a subsidiarity political culture. Additionally, because this thesis proposes that subsidiarity’s meaning and importance varies between countries, Chapter 3 contextualises subsidiarity’s meaning in Australia, Canada, Germany and the United Kingdom, cases where there are debates or concerns that subsidiarity is not meaningful or is losing its meaning.¹³³ Chapter 3 details the formal institutional approaches to subsidiarity in each case, and also examines the broader political cultures of Australia, Canada, Germany and the UK, within which a subsidiarity political culture may operate.

2. *How do we measure such a subsidiarity political culture?*

Having established how a subsidiarity political culture can be recognised in the way that citizens valued decentralism, non-absorption and support, the next step is to consider how we can measure citizens’ attitudes towards those three elements. This thesis follows the dominant method in political culture research, which is to use large-N public surveys to

¹³² See, primarily, Andreas Follesdal, ‘Competing Conceptions of Subsidiarity’, above n 23.

¹³³ See, e.g., Brohmer, above n 13, 131; Brouillet, above n 15; Evans, ‘Subsidiarity and Federalism’, above n 1, 195; Taylor, above n 5.

capture citizens' values. This thesis makes particular use of the Australian Constitutional Values Surveys 2008-2016 ('ACVS') and International Constitutional Values Surveys 2016 ('ICVS'), which respectively surveyed over 1000 Australians, and Canadians, Germans and respondents from the UK as part of the 'Confronting the Devolution Paradox' project. Chapter 4 details how these surveys were administered, and explains the development of three items designed to measure public attitudes towards decentralism, non-absorption and support.

3. *What are the subsidiarity political cultures of Australia, Canada, Germany and the United Kingdom?*

The next part in the process is to establish how subsidiarity is valued in each country, and to evaluate whether these can be described as a 'subsidiarity political culture'. This is a two-step process. First, Chapter 5 compares how decentralism, non-absorption and support are valued in each country, revealing that, while subsidiarity is generally highly valued in all four cases (suggesting that subsidiarity is meaningful to citizens), there are important differences between the cases (suggesting that there are indeed distinct 'subsidiarity political cultures'). The second step is to further unpack these values by exploring the factors that might influence the formation, stability, or development of subsidiarity political culture. Chapter 6 uses Smith's taxonomy of models of broader political culture models (specifically: socioeconomic, childhood socialisation, foundational and political mobilisation) to test the impact and influence of a range of factors, including age, gender, income, education, party orientation and trust in government. Doing so provides a more complete picture of the subsidiarity political cultures of Australia, Canada, Germany and the UK.

4. *What can subsidiarity political culture, or cultures, reveal about the meaning and value of the principle, in response to uncertainties over its utility for future policy and practice?*

Having demonstrated how citizens in each case view subsidiarity as meaningful, albeit in different and sometimes unexpected ways, the final part is to explain how this new understanding of subsidiarity political culture can be informative to ongoing debates about the principle's meaning. Chapter 7 does so firstly by returning to the broader institutional and cultural contexts discussed in Chapter 3. It considers how attitudes towards subsidiarity align with citizens' ideas about federal structures, whether the principle's meaning differs between people within and outside governing institutions, and how subsidiarity political culture fits within the broader political culture of each case. Situating the observed subsidiarity political cultures of Australia, Canada, Germany and the UK in these wider contexts provides a platform to discuss the implications of this research, and in particular Chapter 7 concludes by explaining how understanding the subsidiarity political culture of each country offers a useful insight into debates about the principle's current and future meaning in each case.

Working through these four focus questions builds to answering the central research question, because it establishes the viability of using subsidiarity political culture to better understand the principle's importance. It reveals that subsidiarity is meaningful to citizens, but that subsidiarity means something different in each country, and that as a result we must adapt our understanding of subsidiarity and its importance to the context in which it is being applied.

1.6 Thesis Outline

The above description of the guiding focus questions for this thesis provides a broad framework for the direction of the thesis. The section now provides a more detailed outline of the key considerations and findings in each chapter.

Chapter 2 details how we recognise subsidiarity and, in turn, subsidiarity political culture. It begins by summarising the debate and confusion around defining subsidiarity, before providing an overview of the history and development of the principle. This is

achieved by charting subsidiarity's evolution from its beginnings in Ancient Greece, through to its modern day usage. This analysis focuses on the different meanings given to subsidiarity, and on the way certain ideas and values are privileged or emphasised in these different interpretations. This is crucial to answering how we recognise subsidiarity and subsidiarity political culture. After considering several different 'conceptions of subsidiarity' currently used in the literature, this thesis identifies three core dimensions or elements of subsidiarity: decentralism, non-absorption, and support. After describing these elements in depth, the chapter demonstrates how they can fit together as the 'principle of subsidiarity', but also how the character (or conception) of subsidiarity can be changed by placing more or less emphasis on each of the elements. Chapter 2 therefore asserts that subsidiarity is understood differently in different contexts, but that each of these understandings is built on the three elements of decentralism, non-absorption and support. This is significant, as it shines a different light on the way the principle is understood, and provides a clear approach to subsidiarity's meaning for the rest of the thesis.

Chapter 3 uses the insights gained from this new approach to examine subsidiarity's meaning in practice in Australia, Canada, Germany and the UK. It extends the discussions in Section 1.4 by considering the current approaches to understanding subsidiarity in the four cases, and details the principle's use and importance in institutional (especially judicial) settings. Chapter 3 explains how subsidiarity political culture complements the existing focus on formal institutions, and offers a more holistic understanding of the principle's meaning by providing a description of the broader political cultures of the four cases. This is a critical consideration, as any potential subsidiarity political culture does not exist in a vacuum. Highlighting the broader political cultures and institutional settings therefore sets the scene for measuring subsidiarity political culture.

Chapter 4 details the methodological approach to the major empirical component of the research. It begins by considering the challenges and means of measuring political culture, before applying these insights to subsidiarity political culture. The chapter then turns its attention to the mechanics of measuring subsidiarity political culture by providing an explanation of the ACVS and ICVS, from which the public attitude data in this survey was obtained. Considerable attention is given to the technical aspects of the surveys'

sampling techniques, mode of administration, and the mechanics of the surveys, as well as a consideration of the datasets, before concentrating on the development of a measure for attitudes towards subsidiarity, which is one of the key contributions of this thesis. In particular, it explains the development of the three item measure used to test citizens' attitudes towards the decentralist, non-absorptionist and supportive elements of subsidiarity identified in Chapter 2. The strengths and limitations of this approach are discussed, alongside suggestions for how future research could address gaps in the current study.

Chapter 5 compares attitudes towards the principle in Australia, Canada, Germany and the UK, revealing that the principle is generally highly valued, but that there are differences in attitudes towards subsidiarity between the four case countries. For instance, Germans appear very strongly attached to all three elements, respondents from Canada and the UK also place a high value on the three elements but are especially strongly attached to supportive subsidiarity, while Australians are comparatively unattached to decentralist aspects of the principle, but emphasise the importance of support. Chapter 5 also grapples with the cohesiveness of the subsidiarity elements; the way in which decentralism, non-absorption and support fit together is explored using a range of statistical techniques.

Chapter 6 explores variations in public attitudes through the lens of various models of political culture to investigate potential factors that might influence how subsidiarity is valued and that manifest at the individual level. The results of this analysis indicate that, while some factors such as age, education, interest in politics and trust in government do emerge as significant, the effects of those factors differ from case to case, suggesting that subsidiarity political culture follows a different path in each country.

Chapter 7 draws together the insights from Chapters 3, 5 and 6 to examine subsidiarity's meaning in each country. It considers each country in turn, explaining how the observed subsidiarity political cultures fit within the formal institutional structures described in Chapter 3, and are potentially explained by the factors raised in Chapter 6. It adds further insight by examining the complex relationship between subsidiarity values and ideas about federal governance, and evaluates whether subsidiarity's meaning is the same for those inside and outside government. In each case, subsidiarity political culture is also contextualised within the broader political cultures of Australia, Canada, Germany and the

United Kingdom. Drawing on these insights, Chapter 7 explains how subsidiarity is understood and valued in each country. Having provided a clear statement of subsidiarity's meaning, it then considers the implications of this meaning in each case by analysing what subsidiarity political culture can reveal about the principle's continuing importance in each case. Specifically, it highlights the importance of a nuanced approach to subsidiarity in Canada and Germany, and reveals that in Germany in particular, scholars and policymakers must be sensitive to possible changes to subsidiarity political culture (and subsidiarity's associated meaning) over time. The chapter also emphasises the continuing relevance of subsidiarity values in the post-Brexit debate in the UK, and the need for Australian engagement with the principle to take a broader approach to subsidiarity.

Finally, Chapter 8 reviews the contributions of each chapter, showcasing how the study answers the core research question and demonstrates that subsidiarity political culture reveals that the principle is a meaningful and important principle. It considers the wider implication arising from this study, emphasising that researchers and policymakers must approach subsidiarity in a way that is sensitive to and can account for variations in the principle's meaning. It also outlines two main avenues for further research – examining how to translate the high value citizens give to subsidiarity in Australia, Canada, Germany and the UK into meaningful policy, and how the study of subsidiarity political culture in other cases will both help refine the theory, and address current debates about the principle. The thesis concludes with the observation that subsidiarity's quest for meaning must now take a new direction, shifting from questions about whether the principle has meaning, to questions about how best to give effect to that meaning.

II

Conceptualising Subsidiarity and Subsidiarity Political Culture

When David Cameron sought to renegotiate the United Kingdom's place in the European Union, he claimed key reforms that handed power back the Britain as a victory for subsidiarity, even if he avoided using the term.¹ At the same time, however, 'Leave' campaigners like columnist Benjamin Wiker argued that 'we should be looking at the most Catholic principle of subsidiarity, one which favours Brexit'.² How could it be that advocates for leaving and staying in the European Union both claimed subsidiarity was on their side? This question arises because of differences in ideas about what 'subsidiarity' means. For Cameron, subsidiarity provided a mechanism for remaining in the Union while still placating growing concerns amongst the public about over-governance from Brussels by seeking to decentralise power. For Wiker, and others like him, leaving the Union altogether was subsidiarity in action because it prevented power being absorbed by the higher order of the European Union, and the referendum vote to 'Leave' the Union was also hailed as a success for subsidiarity.³

¹ Prime Minister's Office, 'PM Speech on EU reform: 2 February 2016', speech delivered by David Cameron at Siemens Headquarters, Wiltshire, 2 February 2016, available at <https://www.gov.uk/government/speeches/pm-speech-on-eu-reform-2-february-2016>, accessed 5 May 2016.

² Benjamin Wiker (2016) 'Brexit and the Principle of Subsidiarity' Blog Post in the National Catholic Register, accessed 7 June 2017 <http://www.ncregister.com/blog/benjamin-wiker/brexit-and-the-principle-of-subsidiarity>.

³ See, e.g., Philip Booth, (2016) 'Brexit: The Role of Subsidiarity' 29 June 2016, *The Tablet*, accessed 10 January 2018 at <http://www.thetablet.co.uk/features/2/8573/brexit-the-role-of-subsidiarity>.

As Follesdal notes, ‘different historical and theoretical traditions of subsidiarity yield strikingly different and sometimes incompatible implications for the allocation and use of authority within a multilevel social, legal, or political order’.⁴ This is exemplified in the European Union, where the principle was first invoked to protect Member States’ sovereignty, but has recently been used to argue for greater centralisation of power in order to protect human rights.⁵

The difficulty in conceptualising and defining the principle leads to the concern that subsidiarity’s meaning is hard to pinpoint. This chapter is therefore dedicated to providing a new and holistic conceptualisation of subsidiarity, which helps address this problem. Doing so answers the question ‘how do we recognise subsidiarity political culture?’ - providing clarification on subsidiarity’s meaning is the necessary preliminary step in identifying how the principle is valued in society, and detailing a potential subsidiarity political culture. First, the chapter highlights the debate about how subsidiarity is defined, and demonstrates and analyses the various existing interpretations of the principle. Like many concepts and theories, the difficulties for subsidiarity arise because of disputes about when and where subsidiarity originated. Additionally, there is often confusion about how the principle relates to or fits within the broader federalism doctrine. Thus, the second part of this chapter traces subsidiarity’s development through history, with the aim of showing how differences in perspective about the origins of the principle colour definitions of subsidiarity, and how subsidiarity and federalism have converged and diverged over time. The goal here is to highlight pivotal developments in subsidiarity thought, rather than providing a comprehensive account of subsidiarity’s usage through the centuries. The third part describes how the various themes and ideas have been brought together into different conceptions of subsidiarity. The fourth part synthesises these differing perspectives into a new model for understanding subsidiarity, conceptualising the principle as the product of decentralism, non-absorption and support. It describes each of the three elements before demonstrating how they fit together to form the subsidiarity principle. The aim here is to present a more holistic approach to the principle that will offer a better way of exploring

⁴ Andreas Follesdal, ‘Competing Conceptions of Subsidiarity’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 215.

⁵ *Ibid*, 223.

subsidiarity and its political culture, and explaining why subsidiarity's meaning varies around the world.

2.1 Definitional Difficulties: What is 'Subsidiarity'?

Despite centuries of attention, the principle of subsidiarity is not well understood. Some describe it as the 'epitome of confusion',⁶ or, simply as 'gobbledygook',⁷ while columnist Philip Howard mused that 'Defining the S-word is driving some people bananas'.⁸ There is even an anecdote that the former President of the European Commission, Jacques Delors, offered a financial reward to the person who could define subsidiarity in one page.⁹ However, that is not to say, as David Cameron did, that nobody knows what it means. Instead, the confusion around subsidiarity's meaning arises because there are many, often quite different, ideas about how to define the principle. Some of these differences can be attributed to variations in the principle's use between academics, journalists, politicians, and judicial figures – while ideally subsidiarity should mean the same thing across these contexts, some variation may be unavoidable.

However, this explanation does not tell the whole story – even within the same context (e.g. academia), subsidiarity's meaning is still contested. To highlight the extent of the debate, several different definitions of the principle are presented here, all of which come from different chapters of the same edited book:

'In simple words, subsidiarity means the same as assistance or help';¹⁰

⁶ Editorial Comment, *Subsidiarity: Furthering the Confusion*, 5 *Europe* 2000, *Executive Review* (1992), cited in George Bermann, 'Taking Subsidiarity Seriously: Federalism in the European Community and the United States' (1994) 94(2) *Columbia Law Review* 33.

⁷ Philip Howard, 'Philip Howard Column', *The Times* (London) 15 October 1992.

⁸ *Ibid.*

⁹ Mark E Villiger, 'The Principle of Subsidiarity in the European Convention on Human Rights' in Marcelo G Kohen (ed), *Promoting Justice, Human Rights and Conflict Resolution through International Law* (Martinus Nijhoff Publishers, 2007), 623.

¹⁰ Michelle Evans and Augusto Zimmerman, 'The Global Relevance of Subsidiarity: An Overview' in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 1.

as a principle with two aspects: ‘Negatively, it is a principle of non-absorption...Positively, subsidiarity demands that when aid is given to a particular society, it be for the purpose of encouraging and strengthening that society’;¹¹

‘Subsidiarity emphasises the importance of social pluralism on a vertical axis...[and] prevents smaller institutions being swallowed up by the larger’;¹²

‘Subsidiarity is not a principle of decentralisation, but rather...a principle of non-absorption’;¹³

‘Subsidiarity holds that nothing should be done by a larger and more distant level of power which can be done as well by a smaller and closer level of power’;¹⁴

‘Subsidiarity holds that matters of social management ought to be handled by the smallest and least centralised authority whenever possible’;¹⁵

‘The core message of [subsidiarity] is that of devolution’;¹⁶

‘In a federal system of government decentralism is prescribed through the limitation of the central government’s powers...This is ‘subsidiarity’’;¹⁷ and

subsidiarity ‘regulates the allocation or use of authority within a political or legal order’.¹⁸

While there are some consistent themes in these definitions, there are also clear variations. These differences, especially around whether or not subsidiarity is ‘decentralist’, cut to the heart of the debate. The first problem for defining subsidiarity largely arises because the principle is often discussed without regard to the context in which it was developed. Accordingly, the most commonly used modern definition (governance at the lowest level possible) fails to capture the whole tradition of the principle. As Chaplin argues: ‘while this is not an illegitimate usage...to rely primarily on such a [definition] can

¹¹ Patrick McKinley Brennan ‘Subsidiarity in the Tradition of Catholic Social Doctrine’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 29.

¹² Lael Daniel Weinberger ‘The Relationship Between Sphere Sovereignty and Subsidiarity’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 57.

¹³ Jonathan Chaplin ‘Subsidiarity and Social Pluralism’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 65.

¹⁴ Augusto Zimmerman, ‘Subsidiarity, Democracy and Individual Liberty in Brazil’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 85.

¹⁵ Robert A. Sirico, ‘Subsidiarity and the Reform of the Welfare of the Nation State’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 107.

¹⁶ Jurgen Brohmer, ‘Subsidiarity and the German Constitution’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 131.

¹⁷ Michelle Evans, ‘Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 186-187.

¹⁸ Andreas Follesdal, ‘Subsidiarity and the Global Order’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 208.

lead to significant misunderstandings of the principle'.¹⁹ Confusion about the decentralist nature of subsidiarity is therefore the consequence of uncertainties about the origins of subsidiarity ideas and values. In order to unpack the meaning of subsidiarity, it is therefore crucial to examine the history of those ideas.

The second problem derives from confusion about the relationship between subsidiarity and federalism. In 2014, Jenna Bednar stated that subsidiarity, which she defined as 'a systemic predilection for locating authority at the most local level feasible', is the 'soul of federalism'.²⁰ Bednar's description reflects widespread and long-held assumptions that subsidiarity and federalism are inextricably linked, to the point that these concepts become almost synonymous in some circles.²¹ Again, tracing the history of these ideas is useful, as it reveals how federalism and subsidiarity have developed alongside one another. However, it also demonstrates that, despite this conceptual closeness, subsidiarity and federalism are in fact separate ideas. This is important for consideration of subsidiarity and especially subsidiarity political culture, because it highlights the possibility of a subsidiarity political culture developing outside of federal institutions or countries.

2.2 A History of Subsidiarity

As will be discussed below, the term 'subsidiarity' first emerged in the 19th Century.²² However, to truly understand subsidiarity's meaning, consideration must be

¹⁹ Chaplin, above n 13, 66.

²⁰ Jenna Bednar, 'Subsidiarity and Robustness: Building the Adaptive Efficiency of Federal Systems', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 231.

²¹ See, e.g., Commonwealth of Australia, 'Reform of the Federation: Discussion Paper' (2015); Ivo D. Duchacek, *Comparative Federalism: The Territorial Dimension of Politics* (University Press of America, 1987), 344; Daniel Halberstam, 'Federal powers and the principle of subsidiarity' in Vikram David Amar and Mark V. Tushnet (eds) *Global perspectives on constitutional law* (Oxford University Press, 2009) 34; Daniel Weinstock, 'Cities and Federalism', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 261.

²² Russell Hittinger, 'The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation' in Vatican City, *Pursuing the Common Good: How Solidarity Can Work Together* (Pontifical Academy of Social Sciences, Acta 14, 2008), 109; Thomas C Behr, 'Luigi Taparelli D'Azeglio, S.J. (1793-1862) and the Development of Scholastic Natural-Law Thought As a Science of Society and Politics' (2003) 6 *Journal of Markets & Morality* 99, 105.

given to the ideas and values that underpin the principle, some of which date back to the Ancient Greeks and Romans. This section's discussion of the history of subsidiarity therefore begins with these ancient civilisations, before turning its attention to the evolution of the principle in Europe in the Middle Ages and 19th Century, and then finally considers subsidiarity in modern times. The purpose of this section is to highlight key milestones and changes in how subsidiarity has been conceptualised and used, rather than to chart the entire history of the principle. Accordingly, developments such as the principle's (implicit²³) inclusion in the drafting of Constitutions in the 19th and 20th Centuries are left to Chapter 3, which discusses the principle's use in the four cases studied in this thesis.

2.2.1 Ancient Greece

Some scholars trace subsidiarity as far back as Ancient Greece, and particularly to the writings of Aristotle.²⁴ Aroney notes Aristotle's insistence that, although the polis was constituted for the common good, it should not replace or supplant the smaller groups and households of which it was composed.²⁵ Such a dynamic also played out, albeit on a much larger scale, in the Greek Leagues. While the various leagues had greater or lesser degrees of incorporation, they can be broadly characterised as the Greek city-states uniting, largely for defence and trade, but determined to retain as much individual autonomy as possible.²⁶ The rationale behind this form of union²⁷ was a recognition that some responsibilities were better handled above the city-state, while others were best left at a more local level. This creates a hierarchy of competency, where responsibility only moves to a higher level if that

²³ See, e.g., Evans, above n 17.

²⁴ See, e.g., Nicholas Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014); Otfried Höffe 'Subsidiarity as a principle in the philosophy of government' (2007) 6(3) *Regional and Federal Studies* 56; Chantal Millon-Delsol, 'L'Etat subsidiaire: Ingérence et non-ingérence de l'état: Le principe de subsidiarité aux fondements de l'histoire Européenne 15-27 (1992) cited in Paolo G Carozza, 'Subsidiarity as a Structural Principle of Human Rights Law' (2003) 97 *The American Journal of International Law* 38, 40-41.

²⁵ Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', above n 24, 14.

²⁶ Solomon Rufus Davis, *The Federal Principle: A Journey Through Time in Quest of Meaning* (University of California Press, 1978), 12-16.

²⁷ I use this term to avoid the controversy of distinguishing between confederal and federal arrangements, as such distinctions are not strictly relevant to this thesis – see *Ibid*, 13-14.

level could do a better job or would be more competent than the lower one. Notably, the clear delineation of responsibilities was also an important early development in federal thinking, and led prominent federalist Edward Freeman to describe the Achaean (Aegean) League as one of ‘the most perfect developments of the Federal principle which the world has ever seen’.²⁸

Similarly, Solomon Rufus Davis saw the Aegean League as a forerunner to today’s federalism. In particular, Davis noted the word ‘foedus’, or covenant, as being especially relevant. The ‘federal contract’ that brought the Greek city-states together relied on mutual recognition and respect, and marked out clear lines of responsibility.²⁹ This was crucial, as it allowed the various spheres to interact with one another, if not quite as equals, certainly as two bargaining parties (as opposed to a higher order directing the lower orders). These ideas were also reflected in Aristotle’s work. In particular, Aristotle emphasised self-sufficiency; specifically, the various spheres (households, the polis) enjoy different degrees of self-sufficiency.³⁰ Thus, there are some things that the household can do for itself, while there are others that need to be provided by higher orders, and the fact that this support was needed did not render the household inferior or less important.

In summary, Aristotle’s main contribution to subsidiarity was his exploration of the role of the household *vis-à-vis* the polis. This discussion laid the foundation for the later debates about the role of the state in relation to the individual. On a broader scale, the Greek Leagues also provided a model for subsidiarity, where responsibilities were decentralised where possible, and kept clearly separate.

²⁸ Edward A. Freeman, *History of Federal Government in Greece and Italy* (Hardpress Publishing, originally published by Macmillan & Co, 1893), 4-5.

²⁹ Davis, above n 26, 3; 11.

³⁰ Aroney, ‘Subsidiarity in the Writings of Aristotle and Aquinas’, above n 24, 21.

2.2.2 Ancient Rome

The word ‘subsidiarity’ has its roots in Latin, although there is some debate as to its precise lineage. Some scholars claim ‘subsidiarity’ is derived from *subsidium*, which means ‘to help or aid’.³¹ Others credit the coining of ‘subsidiarity’ to 19th Century scholar Luigi Taparelli, who derived it from *sub sedo*,³² which refers to subordinate clauses in a sentence.³³

Regardless of the etymological concerns, it is clear that the idea that underpins this Latin usage is one of aid and support. A subordinate clause in a sentence provides additional information, detail or colour to the independent clause, but cannot stand alone as its own sentence. The subordinate clause supports the independent clause by enriching its meaning, while the independent clause supports the subordinate by providing a platform or foundation for its message.

This notion of support is furthered by the dual meaning of *sub sedo*: while it refers to subordinate clauses in a sentence, it also describes auxiliary troops in the Roman legions.³⁴ The Roman auxiliaries were separate to, but not entirely independent from, the legion proper.³⁵ They provided specialised troops to supplement the Roman army and compensate for the legion’s weaknesses (usually through providing cavalry and archers).³⁶ But while the auxiliaries were a crucial component to Roman military success, they in turn relied on the might of the legion; auxiliary troops alone could not have hoped to stand against Rome’s enemies. Thus, as with sentence clauses, *sub sedo* in the military sense implied support and the coming together of constituent elements to achieve a greater outcome.

³¹ Evans and Zimmerman, above n 10, 1.

³² Hittinger, above n 22, 109.

³³ Behr, above n 22, 105.

³⁴ Ibid.

³⁵ See, e.g., Petru Ureche, ‘About the Tactics and Fighting Particularity of the Auxiliary Infantry in Roman Dacia’ (2008) 43-44 *Acta Musei Napocensis* 247.

³⁶ See, e.g., Ibid.

However, even this view is contested. Specifically, John F. Cox argues that ‘subsidiarity’ derives from *subsidiaries*, meaning ‘of or belonging to the reserves’.³⁷ According to Cox, the term referred to troops in the Roman legion stationed in the third line of battle, who were held in reserve, only intervening if they were absolutely required.³⁸ While they still played a supporting role, the emphasis here is clearly on non-intervention unless necessary, and in this light can be viewed as an extension of the Ancient Greek idea that the various spheres (*polis*, League, etc.) should not intervene or interfere with one another’s affairs.

Objectively, it is unlikely that we will ever determine which picture of the role of auxiliary and reserve troops is more accurate. Nor is it strictly necessary to do so. Instead, it is useful to consider that these divergent interpretations of the auxiliary functions arise as reflections of the differences in understandings of subsidiarity. It is entirely possible that the respective proponents’ own perspectives and ideas about the principle colour their interpretation of the role of *sub sedo*, and its utility in making sense of subsidiarity.

Finally, despite subsidiarity’s connection to Roman troop dispositions, it had little role to play in Roman governance. Indeed, when defined in modern terms, the principle was largely rejected. While the Empire did make use of regional government, this was a strategy of centralising power, rather than decentralising it.³⁹ By dividing power amongst provincial governors, the Emperor ensured that each was reliant on the centre for stable government, and none could amass enough power to challenge his rule.⁴⁰ In particular, Edwards cites the example of Roman Emperor Diocletian⁴¹ to demonstrate how increasing the number of provinces was used to dilute the authority of regional governors, thus strengthening the power of the central Emperor. This consolidation of power in Rome’s hands is in many respects the antithesis of common modern accounts of the principle.

³⁷ John F. Cox, cited in Edmund Aku *Solidarity, Subsidiarity and Common Good: Fundamental Principles for Community and Social Cohesion* (Xlibris Corporation, 2011).

³⁸ *Ibid.*

³⁹ Ronald A Edwards, ‘Federalism and the Balance of Power: China’s Han and Tang Dynasties and the Roman Empire’ (2009) 14 *Pacific Economic Review* 1.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, 12.

2.2.3 Aquinas

Aquinas' contribution to subsidiarity can generally be understood as an extension of Aristotle's writings.⁴² On the one hand, Aquinas expanded many of Aristotle's discussions. For instance, where Aristotle spoke of the self-sufficiency of the household, neighbourhood and city, Aquinas added the province above the city, proclaiming its self-sufficiency in matters of defence.⁴³ On the other hand, Aquinas also makes important, usually theoretically based, qualifications to some of Aristotle's ideas. One important example is the way that Aquinas insisted that, while Aristotle was correct in asserting that man is a political animal, the fulfilment one received from participating in the (political) affairs of the *polis* was to be understood only in terms of human or natural goods; sacred fulfilment could only come from God.⁴⁴ Thus, Aquinas preferred to describe humans as 'social' or 'political and social' animals.⁴⁵ According to Aroney, this language reflected Aquinas' recognition of the many 'non-political' forms of association of his time, namely 'families, fraternities, religious orders, guilds, and universities'.⁴⁶ This recognition led to Aquinas developing a typology of societies, distinguishing between public societies (cities, provinces, and kingdoms), and private societies (households, business partnerships, craft guilds, and religious associations).⁴⁷ Importantly, Aquinas 'understood these various forms of society to possess both a degree of separateness and independence from one another and a degree of integration and interdependence'.⁴⁸

By extending Aristotle's work, Aquinas opened the principle up for the Catholic Church (discussed below). More importantly, however, Aquinas takes the Aristotelian/Greek notions of independence and non-interference, and adds the Roman

⁴² Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', above n 24.

⁴³ Ibid, 21; see also also C N S Woolf, *Bartolus of Sassoferrato: His position in the political thought of his time* (Cambridge University Press, 1913) cited in Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', above n 24.

⁴⁴ Ibid, 19.

⁴⁵ Ibid, 20.

⁴⁶ Ibid, 20; see also Nicholas Aroney, 'Subsidiarity, federalism and the best constitution: Thomas Aquinas on city, province and empire' (2007) 26 *Law and Philosophy* 161; John Finnis, *Aquinas: Moral, political and legal theory* (Oxford University Press, 1998); Edgar Scully, 'The place of the state in society according to Thomas Aquinas' (1981) 45(3) *The Thomist* 407.

⁴⁷ Ibid, 21-22.

⁴⁸ Ibid, 22.

notion of support. This marks a beginning-point for the merging and inter-twining of these core themes of subsidiarity.

2.2.4 Althusius

The works of philosopher Johannes Althusius (c. 1557-1638) have also been influential in the development of the principle of subsidiarity,⁴⁹ and for many scholars cemented the link between subsidiarity and federalism. Known as the ‘father of federalism’,⁵⁰ Althusius wrote at a time of religious and social upheaval, and after publishing his seminal work *Politica* became Syndic (governor) of Emden, a key city on the border of what is now Germany and the Netherlands.⁵¹ As Syndic, Althusius was deeply concerned with maintaining the city’s autonomy against its Lutheran provincial lord and Catholic Holy Roman Emperor.⁵² In doing so, Althusius merged the federalist ideas of territorial divisions of power, with subsidiarity’s preference for decentralism and community support. His writing therefore echoes Aristotle’s ideas about spheres of exclusive competence. Like Aristotle, Althusius also followed a hierarchy or progression, from the individual, to the family, to civil associations (‘collegium’), and then the state (itself structured from city, to province, to supreme magistrate).⁵³ Indeed, Althusius opens with the statement ‘politics is the art of associating men’,⁵⁴ a line reminiscent of Aristotle’s famous comment that man is naturally a political animal.⁵⁵ However, Althusius departed from Aristotle by prosecuting a more forceful decentralist argument. While revising the second edition of *Politica*, Althusius (who had by then been Syndic of Emden for six years) added a chapter titled ‘Tyranny and Its Remedies’, and described tyranny as ‘the contrary of just and upright administration’, where a higher order of government ‘cruelly overthrows

⁴⁹ See, e.g., Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 4, 216.

⁵⁰ Ibid.

⁵¹ Johannes Althusius, translated by Frederick S. Carney, *Politica: Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*, Translator’s Introduction (Liberty Fund, 1995), xi.

⁵² Ibid, see also Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 4, 216.

⁵³ Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 4, 216.

⁵⁴ Ibid, 216, 217.

⁵⁵ Aristotle, translated by William Ellis, *Politics*, (JM Dent & Sons, first published 1912), 35.

and destroys the most important goods of the commonwealth'.⁵⁶ These goods included 'the functions of the associated body... or of the rights of private person',⁵⁷ and thus Althusius saw interference with associations or individuals as an affront to good governance.

However, Althusius did also recognise that provinces and the 'supreme magistrate' have a place in good administration. Just as 'no man is self-sufficient' and must therefore rely on and associate with others, the province and supreme magistrate provide functions which cannot be achieved by civil associations or cities alone. Thus, while Althusius resisted intrusions on the rights of lower orders wherever possible, he acknowledged that there were times when central interference was necessary to support and facilitate a 'good life'. Althusius' model of subsidiarity therefore displays themes of both the Greek and Roman conceptions, and has since played a key role in the development of the principle.

2.2.5 Hugo

Shortly after Althusius' death, Ludolph Hugo (1630-1704), official historian of the Duchy of Hannover and later vice-chancellor at Hannover,⁵⁸ argued that 'any prince has in his territory as much power as the Emperor has in the whole Empire'.⁵⁹ This argument puts the prince (and their province) and the Emperor (and the Empire) on an equal footing, which is reminiscent of the Greek Leagues' notions of equality in bargaining power. Hugo's contribution to the development of subsidiarity is therefore one that reinforces decentralism and non-absorption: a powerful prince cannot and should not have their power usurped or interfered with by the Emperor. However, Hugo departs from Althusius (who made similar claims about decentralism) in that he gives little consideration to the cities within provinces, or the associations or individuals within those. Thus, while Hugo was

⁵⁶ Althusius, above n 51, 191.

⁵⁷ Ibid, 193.

⁵⁸ Heinz H F Eulau, 'Theories of Federalism under the Holy Roman Empire' (1941) 35(4) *The American Political Science Review* 643, 655.

⁵⁹ Ludolph Hugo, cited in Davis, above n 26, 66.

strongly decentralist in the relationship between province and Emperor, he did not extend his discussion down to the same level as Althusius.

This is not surprising, given the context in which Hugo wrote. The Holy Roman Empire was characterised by exceptionally strong provinces. Indeed, the power wielded by the territorial governments was so strong that Freeman, who saw federalism as a balance between ‘national’ and ‘subnational’ power,⁶⁰ considered it ‘so widely removed from the perfection of the Federal idea’.⁶¹ Equally, Samuel von Pufendorf, who lived in the Empire, described it as a ‘monstrous creature’, and a ‘bastard mutant’.⁶² Against this background, Hugo’s statement that a prince has as much power as the Emperor in his own territory can be seen, less as an argument, and more as a simple observation. Thus, subsidiarity’s use in the Holy Roman Empire was infused with decentralism and presumptions about the power of sub-units, just as the Ancient Greek principles were underpinned by notions of mutual respect.

2.2.6 Catholic Social Doctrine

Subsidiarity’s most significant development was its adoption and incorporation into Catholic Social Doctrine. Indeed, the Catholic Church’s use of the principle often eclipses all that came before, such that some scholars attribute the creation of the principle to the Church.⁶³ While Aquinas’ works were an important first step in the principle’s use by the Church, the formal adoption of subsidiarity in Catholicism begins with Pope Leo XIII’s 1891 encyclical *Rerum Novarum*.⁶⁴ In that encyclical, Leo stated:

⁶⁰ Freeman, above n 28, 5.

⁶¹ Ibid.

⁶² Samuel von Pufendorf, cited in Davis, above n 26, 55.

⁶³ See, e.g., N W Barber, ‘The Limited Modesty of Subsidiarity’ (2005) 11(3) *European Law Journal* 308, 310; Paolo G Carozza, ‘Subsidiarity as a Structural Principle of International Human Rights Law’ (2003) 97 *The American Journal of International Law* 38, 40-2; C Henkel, ‘The Allocation of Powers in the European Union: A Closer Look at the Principle of Subsidiarity’ (2002) 20 *Berkley Journal of International* 359, 363.

⁶⁴ Pope Leo XIII, *Rerum Novarum: Encyclical on Capital and Labor* (1891) online, <http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_1-xiii_enc_15051891_rerum-novarum_en.html>, 51-53.

‘Here we are reminded of confraternities, societies and religious orders... The annals of every nation down to our own days bear witness to what they have accomplished for the human race. It is indisputable that on grounds of reason alone such associations, being perfectly blameless in their objects, possess the sanction of the law of nature... The rulers of the State accordingly have no rights over them, nor can they claim any share in their control; on the contrary, it is the duty of the State to respect and cherish them’.⁶⁵

Notably, Leo was a student of Luigi Taparelli, the Jesuit scholar who (arguably) coined the term ‘subsidiarity’.⁶⁶ Taparelli’s influence is apparent in Leo’s ideas that smaller and larger societies differ in their immediate purposes and aims, but they come together (i.e., support one another) for the common good of civil society.⁶⁷ Aquinas’ influence is also clear: Leo cites Aquinas on several occasions in paragraph 51, before noting that man, as a political and social being, must be allowed to form associations, and that when the state forbids such associations, ‘it contradicts the very principle of its own existence’.⁶⁸

Subsidiarity was also raised in Pope Pius XI’s 1931 encyclical, *Quadragesimo Anno*.⁶⁹ In perhaps the most frequently cited paragraph in the subsidiarity literature, Pius XI argued:

‘just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organisations can do.’⁷⁰

While Pius XI’s motive behind the encyclical was to counter the rise of fascism and its interference in the Church,⁷¹ the sentiment has since expanded greatly, providing a platform for a much broader argument for non-absorption and non-interference. Indeed, it manifests as a distinctly liberal argument against state interference in the affairs of social organisations, associations and charities.⁷² Thus, like Althusius’ ideas, the Catholic model combines the strands of subsidiarity discussed above: authority should be decentralised and

⁶⁵ Ibid, 53.

⁶⁶ Behr, above n 22.

⁶⁷ Pope Leo XIII, above n 64, 51.

⁶⁸ Ibid.

⁶⁹ Pope Pius XI, *Quadragesimo Anno: Encyclical on Reconstruction of the Social Order* (1931) online, <http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html>.

⁷⁰ Ibid, 79.

⁷¹ Follesdal, ‘Competing Conceptions of Subsidiarity’ above n 4, 218.

⁷² Hittinger, above n 22.

exclusive, in the sense that the state should not get involved in the affairs of social groups, but power should also be shared, because the state should exist to support and foster those organisations. In the words of Komonchak, ‘intervention... is only appropriate as “helping people help themselves”’.⁷³ However, the Catholic model is less insistent on decentralism than Althusius; instead, the ‘common good’ is a relevant and often persuasive justification for centralism.

2.2.7 European Union

Finally, attention turns to the European Union, where the principle was used to protect the rights and jurisdiction of Member States. The Preamble of the Treaty on European Union states that in the context of the Union, ‘decisions are to be taken as closely as possible to the citizen in accordance with the principle of subsidiarity.’⁷⁴ Additionally, Article 5 of the Treaty provides that the use of the Union’s jurisdictional competencies is governed by the principle of subsidiarity

‘Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level’.⁷⁵

In some ways, we have come full circle here: the Ancient Greeks probably would have included similar provisions in the covenants that created the Greek Leagues. However, in the time since Aristotle, subsidiarity has changed, developed and evolved. Additionally, the adoption of subsidiarity in Article 5 has created scope for even further development, both in terms of judicial interpretation,⁷⁶ and because the use of subsidiarity in the formation of the European Union has dramatically altered current conceptions of the

⁷³ Joseph A. Komonchak ‘Subsidiarity in the Church: The State of the Question’ (1988) 48 *Jurist* 298, 302.

⁷⁴ Paragraph 13, Preamble of the Treaty on European Union.

⁷⁵ Article 5(3) Treaty on European Union.

⁷⁶ See, e.g., *United Kingdom v Council* (C-84/94) [1996] ECR I-5793 (‘Working Time case’); *Germany v Parliament and Council* (C-233/94) [1997] ECR I-2405 (Deposit Guarantee case’); and *Germany v Commission* (Case T-374/04) [2007] ECR II-4431.

principle. In particular, the modern understanding of the principle as a preference for local decision-making is drawn heavily from the decentralism emphasised in Article 5.

2.3 Competing Conceptions of Subsidiarity

This account of subsidiarity's history highlights how the principle has become a confusing amalgam of ideas about decentralism, independence, non-interference, support and political order. Subsidiarity is not alone amongst concepts and principles in political science in having a complex history, but it is clear that subsidiarity's history is often ignored by or unknown to those who would invoke the principle. As a result, when a scholar or policymaker refers to subsidiarity, it can be difficult to tell what they mean by it; do they have in mind the specific European Union application, the broader Catholic model, or some other combination of influences in the principle's history? Further, the confusion around subsidiarity's definition can lead to scenarios like the Brexit debates, where both Leave and Remain campaigners thought subsidiarity supported their point of view, because each of them attached a different meaning to the principle.

To assist in the understanding and implementation of subsidiarity, some scholars have sought to consolidate the debate over subsidiarity's meaning by identifying different categories and conceptions of subsidiarity. For some, this is as simple as arguing that subsidiarity has two parts. Brennan, for example, identifies a negative and a positive limb of subsidiarity:

‘Negatively, it is a principle of non-absorption of lower societies by higher societies, above all by the state. This is the aspect of subsidiarity that is commonly invoked today, but it represents only half the story. Positively, subsidiarity is also the principle that when aid is given to a particular society, it be for the purpose of encouraging and strengthening that society’.⁷⁷

⁷⁷ Brennan, above n 11, 29.

Utz and Brouillet, who respectively consider the principle's resonance in natural law and Canadian federalism, also favour this dichotomous view of subsidiarity.⁷⁸

Gosepath expands on the idea that 'subsidiarity has a positive and a negative thrust'⁷⁹ by offering a three-pronged approach: The Rule of Assistance, the Ban on Interference, and 'helping others to help themselves'. The Rule of Assistance holds that larger or higher orders (society, the state, or a national government) ought to support smaller and lower orders if they are unable to perform a task/fulfil their responsibilities by themselves.⁸⁰ Second, the ban on interference stands directly opposite the first rule: larger social entities are prohibited from 'interfering with the affairs of a smaller unit of affected individuals or of an individual'.⁸¹ These two conflicting principles are reconciled in the third rule, which holds that the only kind of support/intervention that is legitimate is the kind that 'help[s] others to help themselves'.⁸² Gussen also endorses this three-fold approach to subsidiarity.⁸³

Andreas Follesdal provides the most comprehensive analysis of the different conceptions of subsidiarity. Over the years, Follesdal has identified a number of different ways in which subsidiarity is used and understood.⁸⁴ Follesdal argues that these conceptions compete with one another,⁸⁵ and each has the potential to pull policy and reform, and ideas about subsidiarity itself, in vastly different directions. Accordingly, it is important to consider each in turn: Althusian, Confederalism, Fiscal Federalism, Catholic Personalism and Liberal Contractualist.

⁷⁸ See, e.g., Eugenie Brouillet, 'Canadian Federalism and the Principle of Subsidiarity: Should We Open Pandora's Box?', (2011) 54 *Supreme Court Law Review* 601, 605; Arthur Utz, 'The Principle of Subsidiarity and Contemporary Natural Law' (1958) 1 *Natural Law Forum* 170, 181.

⁷⁹ Steven Gosepath 'The Principle of Subsidiarity' in Andreas Follesdal and Thomas Pogge (eds) *Real World Justice* (Springer, 2005), 162.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ Benjamin F Gussen, 'Subsidiarity as a Constitutional Principle in New Zealand' (2014) 12 *New Zealand Journal of Public and International Law* 123, 129.

⁸⁴ Andreas Follesdal 'Survey Article: Subsidiarity' (1998) 6(2) *The Journal of Political Philosophy* 190; Follesdal, 'Competing Conceptions of Subsidiarity' above n 4; Andreas Follesdal, 'Subsidiarity and the Global Order', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

⁸⁵ Follesdal, 'Competing Conceptions of Subsidiarity' above n 4, 215.

2.3.1 Althusian

The characteristics of Althusian subsidiarity, as Follesdal describes it, are largely covered in the history section above, and heavily emphasise decentralism and the independence of lower orders. Naturally, it draws on Althusius' perspective as Syndic of Emden within the Holy Roman Empire. However, Follesdal points out that the Holy Roman Empire is very atypical, historically speaking, as the territories within the Empire were substantially more powerful than the Emperor.⁸⁶ Follesdal argues that the Althusian 'conception of subsidiarity yields a weak centre. The sub-units enjoy a privileged position in this conception, with veto rights...[and] few if any restrictions on their internal powers'.⁸⁷ The Althusian conception of subsidiarity may therefore be problematic as a generalised approach to subsidiarity, as historically, political orders that have given such prominence to sub-units 'tend to be weak and oligarchic confederal arrangements'.⁸⁸ Additionally, Follesdal argues that this conception is proscriptive (rather than prescriptive), because it protects the autonomy of lower orders, but provides few if any 'obligations of central units to assist sub-units or require central units to act'.⁸⁹ To frame this in the language of some of the conceptions discussed above, Althusian subsidiarity according to Follesdal focuses on negative subsidiarity, and pays less attention to its positive limb. Of course, that is not to say that Althusius saw no role for the centre. Rather, Althusius' approach meant that there was no positive duty imposed on the centre; there are simply responsibilities that are better handled at a higher level.

⁸⁶ Follesdal 'Survey Article: Subsidiarity', above n 84, 203.

⁸⁷ Ibid, 202.

⁸⁸ Ibid. Here, Follesdal cites James Harrington *The Commonwealth of Oceania* (Henry Morley, 1656) and James Madison *Federalist Paper #20* in Hamilton, Madison and Jay *The Federalist Papers* (1788).

⁸⁹ Ibid, 202.

2.3.2 Confederalism

According to Follesdal, the confederalist conception of subsidiarity takes its cues from the development of American federalism. In particular, it is characterised by an emphasis on decentralised government as the best guarantee for liberty and protection against tyranny. Like Althusian subsidiarity, it is proscriptive, fiercely arguing against undue interference from the centre and placing few if any obligations on higher orders. Where the two approaches differ is their view of the individual. Under the Althusian conception, communities and associations are justified (required, even) in order to fulfil the needs of individuals. The legitimacy and autonomy of these associations therefore derives from individuals, but after that point the individual is of little concern to the concept. By contrast, confederalism takes the individual as its main focus: ‘the principle of subsidiarity is, on this confederal account, thought to offer the best protection of individual liberty against tyranny’.⁹⁰ Under this conception, subsidiarity is thus justified as a protection of individual freedom.

2.3.3 Fiscal Federalism

The fiscal federalism conception of subsidiarity takes a very different approach, operating from the premise that the power and burden of a public good should be held by the population that benefits from it. In other words, ‘the costs of public goods which benefit only a subset of the community should be borne by that subset’.⁹¹ There are two core arguments for this position. First, local decision-making is more efficient, as local decision-makers should have a better knowledge and understanding of the needs, preferences and

⁹⁰ Ibid, 204.

⁹¹ Ibid, 205, see also Richard Musgrave, *The Theory of Public Finance: A Study in Political Economy* (McGraw Hill, 1959), 179-180.

alternatives.⁹² Second, localised decision-making is better able to detect variations in preferences, as opposed to a ‘one size fits all’ approach from the centre.

This conception is less proscriptive than the previous approaches, for two reasons. First, central intervention may be necessary to overrule a free-riding sub-unit and to prevent a ‘race to the bottom’. Secondly, sub-unit performance can be evaluated based on the quality of service provided, and central intervention may be required to address gaps in service delivery.

2.3.4 Catholic Personalism

One of the concerns Follesdal raises of fiscal federalism is that it focuses on economic utility, to the exclusion of other indicators of personal wellbeing.⁹³ These problems are addressed by Catholic Personalism, which takes individual flourishing as its primary focus. According to Follesdal, the Catholic view of subsidiarity is underpinned by the idea that the ‘human good’ is to develop and fully realise one’s potential.⁹⁴ As a result, the state must not intervene or absorb the functions of individuals or private associations, but at the same time must intervene when the public good is threatened, or to ‘help people help themselves’. This conception therefore takes a far more prescriptive approach than those discussed already: the centre unit is obliged to intervene, for the ‘common good’, if the sub-unit cannot provide the required services.

Follesdal identifies a number of problems with this conception. Most notably, ‘it rests on contested views of the social order and of human flourishing’,⁹⁵ more specifically, the flourishing described in Catholic Personalism refers to achieving what God intended.⁹⁶ Here, Catholic Personalism can be contrasted with confederalism, where the commitment

⁹² However, Follesdal identifies that, rather than preventing decision-making overload, fiscal federalism may in fact cause it, as ‘it requires comparative assessments of sub-unit and central unit action’: Ibid, 207.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid, 209.

⁹⁶ Ibid.

to individual freedom goes relatively unchallenged because it avoids explicit reference to religion. In addition, this conception of subsidiarity cannot identify the legitimate powers or policy domains of subunits.⁹⁷ This issue is captured perfectly by Chaplin, who states that ‘subsidiarity is a call for social functions to be fulfilled...at *the right* level. ... The principle itself does not tell us what the right communities are’.⁹⁸

2.3.5 Liberal Contractualism

As a result of these issues, Follesdal turns to Liberal Contractualist conceptions of subsidiarity for a ‘non-denominational account of the person’ that is therefore ‘justifiable to all affected individuals’.⁹⁹ It recognises the importance of social orders, which provide the means of satisfying one’s basic needs and conception of a ‘good life’.¹⁰⁰ Thus, individuals have an interest in ‘control over the social institutions which shape values, goals, options and expectations’.¹⁰¹ Therefore, political influence is important, as it protects against subjection and control by others, and helps to manage and maintain legitimate expectations. According to Follesdal, these conceptions allow for two cases for subsidiarity. The first relates to the regulation of political power, and is expressed as follows:

‘When individuals share circumstances, beliefs or values, they have a prima facie claim to share control over institutional change to prevent subjection and breaking of legitimate expectations. Those similarly affected are more likely to comprehend the need and scope for change’.¹⁰²

This is something of a ‘classic’ argument for subsidiarity, and it brings to mind a scenario where a small, possibly isolated, community holds very different values to a far distant capital. The application is potentially much broader, however; Follesdal is quite

⁹⁷ Ibid.

⁹⁸ Chaplin, above n 13, 72.

⁹⁹ Follesdal ‘Survey Article: Subsidiarity’, above n 84, 210.

¹⁰⁰ Ibid.

¹⁰¹ Thomas M. Scanlon ‘Rights, goals and fairness’ in Stuart Hampshire (ed) *Public and Private Morality* (1978, Cambridge University Press) 102, cited in Andreas Follesdal ‘Survey Article: Subsidiarity’ above n 84, 210.

¹⁰² Follesdal ‘Survey Article: Subsidiarity’, above n 84, 211.

vague in outlining precisely what shared circumstances are relevant here. The second case is for the regulation of political deliberation. In requiring social orders to publically justify the legitimacy of their use of power, and in bargaining with other orders (e.g. between levels of government), public deliberation of issues is heightened.¹⁰³ While Follesdal acknowledges that public deliberation does not require subsidiarity *per se*, he maintains that it is useful in guiding the public debate.

Follesdal highlights several objections to the liberal contractualist perspective. Specifically, he notes its reliance on a particular conception of justice, and the ease with which sub-unit authority might be overridden in the face of important interests.¹⁰⁴ It is further limited, however, in its lack of specificity around the kind of shared circumstances that are relevant.¹⁰⁵

2.4 Three Elements of Subsidiarity

While Follesdal's identification of different conceptions of subsidiarity represents the crucial first steps towards a greater understanding of the principle, they can be extended. For the purposes of this thesis especially, these competing conceptions do not lend themselves to easy operationalisation for the purposes of measuring public attitudes, and recognition of political culture. Accordingly, a new construction is proposed, which centres subsidiarity around three key ideas that thread their way through the development of the principle and the different conceptions listed above: 'decentralism', 'non-absorption' and 'support'. Crucially, these three elements are designed to bring together the competing approaches identified earlier, and reconcile them if possible. As such, they are deliberately broad, aiming to cover the field in understanding subsidiarity, although they do not necessarily preclude future research from identifying additional elements. Equally, while each element corresponds to a distinct way of conceptualising subsidiarity in the literature,

¹⁰³ Ibid, 210.

¹⁰⁴ Ibid, 213.

¹⁰⁵ Jacob Deem 'Is Subsidiarity a Recognisable Tool for Social Justice? Lessons from Public Attitudes', presented at Australian Political Studies Association Conference, 28 September 2016.

there will unavoidably be some overlap between the elements and some blurriness at the edges of each. The following descriptions therefore focus on the core of each element, and provide guidelines on the differences between them, rather than hard or fixed definitions and boundaries.

2.4.1 Decentralism

The first, ‘decentralism’, is perhaps the most easily recognisable in the modern subsidiarity literature. It is expressed in the idea that ‘functions of government should be performed at the lowest level possible’.¹⁰⁶ For example, Bridge states that ‘decisions, whether legislative or administrative acts, should be taken at the lowest practicable political level’,¹⁰⁷ while Bednar gives subsidiarity a very decentralist meaning, defining it as ‘a systemic predilection for locating authority at the most local level feasible’.¹⁰⁸ A decentralist preference is also evident in Pope Pius XI’s statement that ‘it is an injustice...to assign to a greater and higher association what lesser and subordinate organisations can do’.¹⁰⁹ Perhaps the clearest real world example is Article 5 of the Treaty on the European Union. Subsidiarity as decentralism proposes a clear progression of authority: there is a presumption that power is held at the lowest level (the individual), but is then conceded upwards to private associations, then to local, state and finally national (or international) governments if the lower level is not competent to act. In that regard, ‘subsidiarity as

¹⁰⁶ Bednar, above n 20, 231; A J Brown, ‘Measuring the Mysteries of Federal Political Culture in Australia’ in Paul Kildea, Andrew Lynch and George Williams (eds), *Tomorrow’s Federation: Reforming Australian Government* (The Federation Press, 2012), 317; Steven G. Calabresi and Lucy D. Bickford, ‘Federalism and Subsidiarity: Perspectives from U.S. Constitutional Law’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 125; Evans, above n 17, 186; John F Kenney, ‘The Principle of Subsidiarity’, (1955) 16 *The American Catholic Sociological Review* 31, 31; Loren King, ‘Cities, Subsidiarity, and Federalism’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 291; Sirico, above n 15, 109; Patrice Ranjault, ‘On the Principle of Subsidiarity’ (1992) 2 *Journal of European Social Policy* 49, 49; Anne Twomey and Glenn Withers, *Federalist Paper 1 – Australia’s Federal Future: Delivering Growth and Prosperity* (Council for the Australian Federation, 2007) 4, 28; Weinstock, above n 21, 261; Zimmerman, above n 14, 85.

¹⁰⁷ John W Bridge, ‘Constitutions, powers and the doctrine of subsidiarity’ (1999) 31 *The Bracton Law Journal* 49.

¹⁰⁸ Bednar, above n 20, 231.

¹⁰⁹ Pope Pius XI, above n 69, 79.

decentralism' has a narrower focus than decentralism or devolution, because it operates from a localised starting point, while general decentralism or devolution can refer to situations where power is gifted or ceded from the centre to a lower order.¹¹⁰

For the purposes of this conceptualisation, what constitutes the 'lower' or 'lowest' level will be determined by context. Sometimes, this will be constitutionally defined, although even this may be ambiguous, as local governments (typically the level of government closest to the people) are often absent from the constitution.¹¹¹ In the context of the European Union, the nation state may be the lowest level. When considering state-society relations (which are generally beyond the scope of this thesis), the 'lowest level' might be driven by norms, such as the preference for individualism under a Confederalist approach to subsidiarity, or claimed by particular groups, such as ongoing debates in Australia and Canada about Indigenous peoples' rights to land, self-governance and self-determination.¹¹² While taking this contextual approach risks introducing yet more ambiguity to an already ambiguous topic, it is preferable when compared to the alternative, which would be to place rigid definitions on what the 'lowest level' is. However, for the purpose of this thesis, which focuses on subsidiarity between levels of government within a nation, 'lowest level' will generally refer to local or state/provincial governments.

¹¹⁰ See, e.g., Sean Mueller, *Theorising (De)Centralisation: Comparative Evidence from Sub-National Switzerland* (ECPR Press, 2015).

¹¹¹ See, e.g., ongoing if sporadic debates about the Constitutional recognition of local governments in Australia - A J Brown, 'Subsidiarity or Subterfuge? Resolving the Future of Local Government in the Australian Federal System' (2002) 61(4) *Australian Journal of Public Administration* 24.

¹¹² See, e.g., Benjamin F. Gussen, 'A comparative analysis of constitutional recognition of aboriginal peoples' (2017) 40(3) *Melbourne University Law Review* 867; Janet Hunt, 'Engaging with Indigenous Australia – exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities', Closing the Gap Clearing House, Issues Paper No. 5, 10; Mark Moran and Ruth Elvin, 'Coping with Complexity: Adaptive Governance in Desert Australia' (2009) 74(5) *GeoJournal* 415; Patrick Sullivan, 'Indigenous Governance: The Harvard Project, Australian Aboriginal Organisations and Cultural Subsidiarity' in Anshuman Prasad (ed) *Against the Grain: Advances in Postcolonial Studies* (Copenhagen Business School Press, 2012).

2.4.2 Non-absorption

The second element, ‘non-absorption’, refers to the (in)tolerance of central intervention or sharing of responsibility. This was articulated in *Quadragesimo Anno* when Pius XI argued that higher orders should ‘never destroy and absorb’ the functions of lower organisations. In arguing that decentralist interpretations of subsidiarity do not capture its full meaning, Chaplin states that ‘subsidiarity is a call for social functions to be fulfilled, not at *the lowest possible level*, but rather at *the right level*; that is, by the community properly fitted to fulfil them’.¹¹³ This view is therefore not inherently decentralist, because it is intolerant of any intervention or absorption of function by the ‘wrong’ level, whether that be higher or lower. Hittinger agrees with this perspective, stating that subsidiarity ‘is proposed as a principle of nonabsorption, not a principle that necessarily requires devolution’.¹¹⁴ However, the decentralist and non-absorptionist elements of subsidiarity are generally quite compatible. Take, for example, subsidiarity in the European Union. Article 5 provides both a decentralist presumption that individual Member States should have jurisdiction rather than the Union, and holds that the Union shall only act if the Member States cannot do so (i.e., that the Union should not absorb the functions of the States). What truly distinguishes non-absorption from decentralism is that it can work both ways. It recognises that some decisions or responsibilities are simply better handled by a more central government, and that in such cases, local levels should not interfere with the central authority. This duality is exposed in Australia, where the State governments argue for decentralism on the basis that the federal level has unduly interfered with their responsibilities, but in turn often refuse to cede power to local governments on the basis that the States are best equipped to make policy and govern on most issues (i.e., non-absorption, where the States are the ‘right level’).

According to Chaplin, subsidiarity only calls for authority to be held at the ‘right’ level, it ‘does not tell us what the right communities are’.¹¹⁵ This contradicts Weinstock’s

¹¹³ Chaplin, above n 13, 72, emphasis in original.

¹¹⁴ Hittinger, above n 22, 16, see also Kenneth L. Grasso, ‘The Subsidiarity state’, in Jeanne Heffernan Schindler (ed) *Christianity and civil society: Catholic and neo-Calvinist perspectives* (Lexington, 2008).

¹¹⁵ Chaplin, above n 13, 72.

claim that subsidiarity is a rule rather than a principle that allocates power within a federal system,¹¹⁶ because it takes the local level as a starting point and then evaluates whether responsibility should be centralised. The distinction also reflects debates about the political versus the legal nature of subsidiarity – whether a higher level can carry out a particular responsibility effectively, or whether the policy aims would be ‘better achieved’, will often be a subjective, political argument, rather than a legally enforceable rule.¹¹⁷ While distinguishing between decentralism (which creates a presumption that the lower level will be preferable) and non-absorption (which makes no claims about which level should be preferred) does not directly solve the ambiguity arising from these political decisions, it can provide an insight into how the political judgement was reached – are those who are invoking subsidiarity operating from a presumption of and decentralism, or is their approach informed by an argument that a particular level is ‘best placed’ to handle responsibility?

This takes on special importance for the current study, as the debate provides a window of opportunity in which public attitudes can be vastly informative. Specifically, non-absorptionist subsidiarity has the potential to preserve norms and attitudes about allocations of responsibility, because it argues against interference with a government’s current functions. In contrast, decentralist views may call for reform and changing attitudes where existing power structures do not decentralise authority (especially in places like Australia). Testing whether one element resonates with citizens more strongly than the other therefore offers useful insights into whether and how to approach structural reform.

2.4.3 Support

The third dimension, ‘support’, describes the kinds of interactions levels of government “should” have. According to Halberstam, the principle of subsidiarity holds

¹¹⁶ Weinstock, above n 21, 261.

¹¹⁷ See, e.g., Follesdal, ‘Subsidiarity and the Global Order’, above n 84, 209.

that ‘the central government should play only a supporting role in governance’,¹¹⁸ while Komonchak argues that ‘subsidiarity requires *positively* that all communities not only permit but enable and encourage individuals to exercise their own self-responsibility and that larger communities do the same for smaller ones’.¹¹⁹ Clearly, this fits neatly alongside a decentralist viewpoint; central governments are to play a facilitating role for smaller orders. However, subsidiarity as support can also work with non-absorption. Just as the Roman legions and auxiliary troops each had different but complementary roles to play in battle, so too can governments support but not absorb or subsume one another in their exercise of power or roll-out of programs or functions. Germany’s functional or administrative federation, where policy setting is often conducted at the national level, but individual Länder are responsible for service delivery,¹²⁰ provides an example of this in practice.

Typically, support is taken to mean financial assistance. For example, a central government might provide funding to local communities but not dictate how the money must be spent, or set broad policy goals but allow lower levels the freedom to decide how to achieve those goals; this empowers the community to be responsible for itself, while not limiting their ability to self-govern. However, support need not always relate to funding. For instance, a national government might collect data from around the country, which subnational governments can access to better inform their own local decisions (easing some of the transaction costs Follesdal describes in relation to Fiscal Federalism).¹²¹ Higher orders might also play a supportive role by coordinating the deployment of experts, ensuring that skills are delivered where they are needed. Brennan correctly notes that the notion of support in subsidiarity is often neglected as discussion usually focuses on non-absorptionist or decentralist interpretations of the principle instead.¹²² The key distinction between support, and decentralism and non-absorption, is best reflected in Brennan’s ‘negative’ and ‘positive’ limbs,¹²³ or Follesdal’s ‘proscriptive’ and ‘prescriptive’

¹¹⁸ Halberstam, above n 21, 34.

¹¹⁹ Komonchak, above n 73, 302.

¹²⁰ See, e.g., Charlie Jeffrey, ‘German Federalism from Cooperation to Competition’ in Maiken Umbach (ed) *German Federalism* (Palgrave Macmillan, 2002), 172.

¹²¹ Follesdal ‘Survey Article: Subsidiarity’, above n 84, 207.

¹²² Brennan, above n 11, 35.

¹²³ *Ibid.*

subsidiarity.¹²⁴ Generally, decentralism and non-absorption are negative or proscriptive, because they require the central government or higher levels to not get involved or not interfere. Conversely, supportive subsidiarity places a positive burden on the centre, prescribing action that will empower the smaller or lower level. Thus, while ‘helping lower levels help themselves’¹²⁵ may seem decentralist because it is aimed at enabling lower levels to take greater control, the key difference is the obligation to support that it places on the centre or higher level. Supportive subsidiarity is therefore a crucial aspect to understanding subsidiarity as a whole, as it describes the kinds of interactions levels of government have with each other.

2.4.4 Three Elements Combined

In essence, then, these three key elements offer slightly different things: decision-making at the lowest level possible (decentralism), ‘wrong’ orders should not interfere with the functions of ‘right’ orders (non-absorption), and higher levels should support lower levels, with a view to empowering the local community (support). This tends to confirm there is no “one right answer” or “true subsidiarity” to be found. Rather, there are likely to be different dimensions of subsidiarity, with differences in the value placed on each dimension likely to result in different understandings, including – potentially – the vastly different examples and experiences of subsidiarity previously described. These elements should not be seen as pieces of a jigsaw, which fit seamlessly together. Instead, they are better understood as volume controls on a speaker; just as bass and treble can be adjusted independently of one another to affect the overall sound, decentralism, non-absorption and support can manifest and fluctuate separately from the others, producing different kinds of subsidiarity. Usually, endorsement of one element will be related to endorsement of one or both of the others, especially given the inter-relatedness of the elements at their edges (discussed above). However, this does not have to be the case, and it is possible that

¹²⁴ Follesdal, above n 84, 215.

¹²⁵ Komonchack, above n 73, 302.

endorsement of one element, and rejecting the other two, can still be considered as viewing subsidiarity as meaningful. This is most often apparent in cases highlighted at the beginning of this chapter, where scholars (or politicians, or journalists) draw on the narrow, decentralist interpretation of the principle – just because this conceptualisation misses the principle’s wider meaning, does not mean that its advocate does not see subsidiarity as meaningful.

To demonstrate this effect, it is useful to consider Follesdal’s competing conceptions, situating them on top of the three dimensions just described. Althusian subsidiarity emphasises all three elements, valuing the local unit as a means for empowering individuals (decentralism and support), and championing their immunity from central interference (non-absorption). However, Follesdal’s observation that Althusius’ conception of subsidiarity is ‘proscriptive not prescriptive’¹²⁶ can be understood now as supportive subsidiarity being less strongly emphasised than decentralism and non-absorption. The Catholic model also draws on all three dimensions, but differs from Althusian subsidiarity in its stance on decentralism and support. While there is a clearly favourable attitude taken towards smaller scales, communities and associations, the real decider in Catholic subsidiarity is the common good and doing things at the ‘right’ level; although decentralism may be the right allocation of power in many cases, it is not a default position, and the emphasis is on supporting and not absorbing associations, rather than decentralising authority. The Confederalist and Liberal Contractualist conceptions are, by contrast, strongly focussed on decentralism and non-absorption, but remain silent on support. Fiscal federalism, while also decentralist, is more flexible about non-absorption, recognising that there are times when central intervention will be the most efficient.

The three dimensions can be used to describe real world examples. For instance, the European Union has a presumption of decentralism, but is also non-absorptionist because it provides restrictions on the Union’s interference with the Member State jurisdiction.¹²⁷ In Australia, current intergovernmental relations can be seen as ignoring or undervaluing all three elements, because power is increasingly centralised, responsibilities are often shared

¹²⁶ Follesdal ‘Survey Article: Subsidiarity’, above n 84, 202.

¹²⁷ Treaty of the European Union, Article 5.

in messy and unclear ways, and when top-down support is provided, it often comes in the form of specific purpose grants with extensive conditions.

This approach views subsidiarity, not under a particular definition, or even as a set of competing conceptions, but rather as a manifestation of particular combinations of values. In the context of confusion about subsidiarity's meaning, such an approach is important because it allows us to be sensitive to variations in understanding the principle. Where previous approaches have either provided a narrow definition that does not capture the history of the principle, or have identified differing conceptions but offered little guidance on which conception is to be preferred, the approach developed in this thesis offers a middle ground that is both flexible enough to adapt to different perspectives, but definite enough to give subsidiarity meaning. This perspective is also important to validly recognising subsidiarity political culture. As will be detailed in the following chapters, conceptualising subsidiarity as the product of decentralism, non-absorption and support values means that it can be sensitive to the possibility that subsidiarity's meaning and importance vary between cultures.

2.5 Conclusion

This chapter took the first steps towards addressing the focus question 'how do we establish whether subsidiarity is an element of political culture?' by providing a new understanding of the principle. The three-element approach it developed reconciles competing conceptions of subsidiarity by identifying the fundamental values that underpin the principle, namely decentralism, non-absorption and support. This chapter showed that these ideas have been part of subsidiarity since Ancient times, but that their use and emphasis has varied over the centuries, with different thinkers bringing different perspectives and insights. Understanding these developments gives the principle new meaning, as it helps reconcile previous approaches to defining subsidiarity.

While the developments in defining and understanding subsidiarity have had significant theoretical impacts, they also pose several empirical challenges. From the particular perspective of studying political culture and the orientations of a nation, translating this more comprehensive understanding to identify its operation in the real world is especially important. Thus, while this chapter has shown how we can recognise subsidiarity in a conceptual sense, the next chapter considers the principle's meaning in the practical context of the four cases.

III

Subsidiarity's Meaning in Context

Having provided a new approach to understanding subsidiarity's meaning in the previous chapter, the next step for this thesis is to consider how the elements of decentralism, non-absorption and support manifest in practice. This chapter therefore examines how subsidiarity is understood in the four case countries studied in this thesis, namely Australia, Canada, Germany and the UK. Contextualising the principle's meaning in these countries is another important step towards answering the focus question 'how do we establish that subsidiarity political culture is a part of broader political culture?' Here Ivo Duchacek's comments about a 'federal political culture' provide a useful guide for the current investigation of subsidiarity political culture: 'Like captains of old, we seem to have a map of federalism that has several areas relatively well charted...but that contains some quite unexplored areas, including a blank that we have tentatively called federal political culture'.¹ Like federalism, the map of subsidiarity is only partially complete, and this thesis aims to fill in more of the picture by identifying and measuring subsidiarity political culture. This chapter therefore pursues three lines of inquiry.

First, what does subsidiarity mean in Australia, Canada, Germany and the United Kingdom? Chapter 1 raised the idea that subsidiarity is not understood in the same way everywhere around the world, while Chapter 2 explained differences in understandings of the principle across time. This chapter extends this line of inquiry by examining how subsidiarity is understood in each of the four case countries. It begins by explaining why

¹ Ivo D. Duchacek, *Comparative Federalism: The Territorial Dimension of Politics* (University Press of America, 1987), 344, see also Michael Burgess, *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives* (Oxford University Press, 2012), 254.

Australia, Canada, Germany and the UK were chosen as the cases for investigation in this thesis. It then highlights the similarities and differences in subsidiarity's meaning where they occur in each case. To frame this approach in Duchacek's metaphor, the first section of this chapter identifies the parts of the map of subsidiarity that have already been charted. The new way of conceptualising subsidiarity outlined in Chapter 2 is especially useful here, providing a holistic understanding of the principle. Additionally, the first section explores existing (predominantly institutional) explanations for subsidiarity's meaning. Addressing these explanations reveals the structural forces that influence subsidiarity's meaning and importance in each country. Special attention is paid to the role of constitutional courts, and the impact of federal structures, as these tend to be favoured in existing discussions.

Second, what are the limitations of current approaches to understanding subsidiarity in the four countries? Or, in other words, what are the blank spaces in the map of subsidiarity? Chapter 1 has already discussed the general limitations of current institutional approaches; this chapter considers how these limitations apply specifically in Australia, Canada, Germany and the UK. This is a crucial discussion, as it goes to the heart of the gap in the literature that this thesis addresses.

Third, how can subsidiarity political culture help broaden our understanding of the principle? The final part of this chapter explains how the recognition and measurement of subsidiarity political culture helps fill the blanks on the map of subsidiarity. Particular attention is given to existing research on the political cultures of each case country, as this provides an important context for understanding subsidiarity values.

3.1 How is Subsidiarity Understood and Realised?

Aroney's observation that subsidiarity can mean different things to different people in different contexts² neatly summarises a significant challenge to answering the focus question 'how can we recognise subsidiarity?' Chapter 2 resolved competing definitions of

² Nicholas Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 10.

the principle by offering a more flexible and holistic way of understanding the principle, informed by the historical development of the principle. While this approach was designed to provide a broad conceptualisation of subsidiarity, it must be remembered that the principle is typically subjected to much narrower understandings in practice. Accordingly, it is important to clearly map out how subsidiarity is understood and realised in Australia, Canada, Germany and the UK. Doing so highlights the benefits of the new, more nuanced approach to the principle outlined in Chapter 2, and also provides a foundation for the discussion of subsidiarity political culture that is to come.

The first part of this section details the reasons for selecting the four cases studied. It then examines subsidiarity in context in each country, drawing heavily on the existing literature, which has taken a predominantly formal institutional approach, and in particular has focused much of its attention on constitutions and courts.³ The discussions in this section are therefore focused on examining subsidiarity's meaning in those formal institutions: the insights from new institutionalism (e.g., a recognition of national identity) will be incorporated into this thesis' consideration of subsidiarity political culture in Chapter 7.

3.1.1 Case Selection

The selection of cases is a vital component of any research design; as Geddes stated, the cases you select determine the answers you will obtain.⁴ The cases chosen for this study - Australia, Canada, Germany and the UK - constitute an ideal number of cases because there are enough to provide multiple points of comparison, without being so large that the details of the individual cases are lost. While for some the intense analysis of a single case

³ In contrast to 'new institutionalism', which is more open to the role of culture, norms and informal rules – see, e.g., Colin Hay, *Political Analysis: A Critical Introduction* (Palgrave, 2002), 14.

⁴ Barbara Geddes, 'How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics' (1990) 2 *Political Analysis* 131.

may be sufficient or even desirable,⁵ in this instance it is preferable to compare multiple cases to identify any commonalities in the appreciation of subsidiarity and any unique manifestations in particular countries or regions.

The question remains, however: why these four? As previewed in Chapter 1, the opportunity to study subsidiarity political culture arose within the context of a broader comparative project,⁶ and as a result the selection of these cases was dictated by the needs of the larger investigation. However, there are powerful reasons to consider these cases as useful. Broadly, the case studies are all wealthy, developed Western democracies and in some respects therefore offer a *most similar* selection of cases. Given this thesis explores the possibility that subsidiarity is understood differently around the world, this selection offers a hard test: of all the countries in the world, these are the places where subsidiarity is most likely to have the same or a similar meaning. Additionally, the similarities will control for many potentially confounding variables. For example, it can reasonably be assumed that Western, individualist values are generally shared by participants across all the cases.⁷

The four cases are not completely homogenous, however, and have been carefully selected to offer useful comparisons so that one case departs from the other three on key variables. The UK stands apart from the other three cases because it is not a formally federal country; this thesis can therefore test the influence of federal structures on subsidiarity values. Equally, Germany's functional or administrative approach to federalism offers an important variation in comparison to Australia and Canada. The German case also differs from Australia and Canada in the timing of its constitution – the German Basic Law came into effect in 1949, well after subsidiarity became popularised in Catholic social

⁵ See, e.g., John Gerring, 'What Is a Case Study and What is it Good for?', (2004) 98(2) *The American Political Science Review* 341.

⁶ 'Confronting the Devolution Paradox', Australian Research Council Discovery Project DP 140102682.

⁷ However, this selection may be limited to the extent that Liberalism and subsidiarity have much in common, both in their ideological resistance to government power and intervention on individual liberty. These connections are especially apparent when the non-absorptionist aspects of subsidiarity are emphasised. For instance, Pope Pius XI's argument that it is 'a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organisations can do,' is reminiscent of John Locke's argument that 'no one can be put out of [the state of freedom] and subjected to the political power of another without his own consent' – John Locke, *Two Treatises of Government* (1689) in Rod Hay (ed) *The Works of John Locke, Vol V* (McMaster University Archive of the History of Economic Thought), 146; see also Russell Hittinger, 'The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation' in Vatican City, *Pursuing the Common Good: How Solidarity Can Work Together* (Pontifical Academy of Social Sciences, Acta 14, 2008).

doctrine, while the Australian and Canadian constitutions were drafted just before the principle rose to prominence in the Church. Comparing the UK, Canada and Australia with Germany can also test the potential influence of a Westminster approach to governance. Finally, the discussion of subsidiarity's meaning in each country below will demonstrate how the principle has found expression in different ways in each country and has ostensibly received greater or lesser degrees of institutional support. While each country has its own approach to subsidiarity, a broad comparison can also be made between Canada, Germany and the UK, where subsidiarity's meaningfulness is debated but at least receives some institutional acknowledgement, and Australia, where the principle has been invariably disregarded.⁸ Comparing the four cases on this basis provides a sufficient test for variations in how citizens value subsidiarity. Accordingly, the USA, which was also studied in the wider project, was not selected for consideration in this thesis, as doing so would have detracted from the detailed study of the other four cases.

3.1.2 Germany

Subsidiarity has a long and rich tradition in Germany, dating back to the Holy Roman Empire, and according to Brohmer remains the 'flavour of the day'.⁹ Scholars of German politics have noted subsidiarity's continuing importance; despite some centralising trends in some policy fields, Germany remains a comparatively decentralised system.¹⁰

Subsidiarity is most clearly operationalised through Article 72(2) of the German *Basic Law*, which states that the federal government's ability to legislate in relation to concurrent powers is limited to situations where national legislation is in the national interest and necessary to establish 'equivalent living conditions'. This is a clear realisation of both the decentralist and non-absorptionist dimensions of subsidiarity. Specifically, the

⁸ Michelle Evans, 'Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 186.

⁹ Jurgen Brohmer, 'Subsidiarity and the German Constitution', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 129-130.

¹⁰ André Kaiser and Stephan Vogel, 'Dynamic De/Centralization in Germany, 1949-2010' (forthcoming) *Publius*.

limitation on national control protects the Länder from central interference (non-absorption), and codifies a preference for decentralised jurisdiction (decentralism). The third dimension is also evident in the form of power sharing that *supports* poorer Länder. The provision that national legislation is permitted to establishing ‘equivalent living conditions’ is reminiscent of Catholic notions of the common good and subsidiarity. The German understanding of subsidiarity therefore encompasses all three elements of the principle, and its constitution explicitly provides a mechanism that makes subsidiarity meaningful.

However, reforms to Article 72(2) in 2006 reduced the scope of that provision (and consequently, of subsidiarity). Additionally, Taylor points to the increased use of the ‘equivalent living standards’ clause as a signal that subsidiarity’s importance in Germany is declining.¹¹ While the broader conceptualisation of the principle developed in Chapter 2 suggests that this clause still gives effect to subsidiarity, the divergence in perspective reinforces the importance of understanding subsidiarity political culture: even if subsidiarity’s position in the Basic Law is weakening, or changing, do the German people remain committed to decentralism, non-absorption and support?

The German Federal Constitutional Court (FCC) also plays an important role in giving the principle meaning. Unlike the courts of other countries considered in this thesis, the FCC is a specifically constitutional court, hearing disputes between the federal and Land governments, and individuals if their basic rights have been violated. Crucially, a dispute or case does not necessarily have to arise for the FCC to become involved – Article 93 of the Basic Law provides that the Court may engage in an ‘abstract judicial review’ at the request of either the federal or Land governments, or a group of one-third of the Bundestag. This has important implications for subsidiarity, as it means that concerns that the principle has been ignored or undermined can be dealt with immediately, and the Court can consider their implications broadly, rather than having to wait for a litigant with standing, and deciding the case based on a particular set of facts.

¹¹ Greg Taylor, ‘Germany: A slow death for subsidiarity?’ (2009) 7(1) *International Journal of Constitutional Law* 139.

The process of appointing judges in Germany is also potentially relevant to subsidiarity's meaningfulness. Judges of the FCC are elected by a two-thirds majority by the legislature, with half being chosen by the Bundestag (Lower House) and half by the Bundesrat (Upper House, with representatives chosen by the Länder). This means that the Land governments have a formal say in the membership of the FCC, via the Bundesrat. While Benz cites a lack of empirical evidence of the Land governments aiming for regional proportionality to caution against assuming that the election of judges is guided by territorial criteria,¹² the ongoing involvement of the Länder in the appointments points to subsidiarity being a meaningful principle in Germany.

In terms of the FCC's engagement with subsidiarity, Benz describes the Court as 'ambivalent' on the question of centralised power because, broadly speaking, the FCC has tended to decide human rights and social issues in a way that favours central control, but to prefer decentralism on administrative issues.¹³ According to Benz, this has contributed to Germany's status as a highly decentralised federation. However, while the FCC has been prepared (or, more accurately, required) to decide issues of centralism and decentralism, it has been reluctant to engage with the principle of subsidiarity as contained in Article 72(2) of the Basic Law. Specifically, the court declared subsidiarity a political norm, and as such it was not to be interpreted by legal reasoning.¹⁴ However, after re-unification in 1990, the Basic Law was amended to require the FCC to determine disputes over concurrent powers of the federal and Land governments; according to Benz, 'what the Court in its earlier rulings had defined as a matter of politics now turned into an issue of law and legal reasoning'.¹⁵ While this new authority did little to change the FCC's 'ambivalence', its ability to engage with subsidiarity gave it a greater capacity to apply and defend the principle. As with the interpretation of how the equivalent conditions clause relate to subsidiarity, the FCC's broad approach of favouring administrative decentralism, and centralism on human rights issues is greatly assisted by a broader conceptualisation of the principle. Specifically the defence of Länder responsibility for administrative duties is a

¹² Arthur Benz, 'The Federal Constitutional Court of Germany: Guardian of Unitarism and Federalism' in Nicholas Aroney and John Kincaid (eds) *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017), 203.

¹³ *Ibid*, 194.

¹⁴ *Ibid*, 210.

¹⁵ *Ibid*, 212.

clear application of subsidiarity as ‘preferring government as the most local level possible’. However, the FCC’s preference for uniformity and centralisation with respect to fundamental rights is not a rejection of the principle. Rather, it is a recognition of the (largely Catholic) conception that some responsibilities are better exercised by a higher order for the ‘common good of all’.¹⁶ The FCC can therefore broadly be understood as viewing subsidiarity as an important principle. However, the Court’s initial reluctance to engage with what it characterised as a ‘political norm’ highlights an important place for subsidiarity political culture in understanding subsidiarity’s meaning: what are the norms around subsidiarity in Germany, and what implications do they have for the principle’s continuing importance?

3.1.3 Canada

In contrast to subsidiarity’s long history in Germany, the principle is characterised as an emerging force in Canada.¹⁷ The recent academic attention given to the principle has generally occurred in response to decisions of the Supreme Court of Canada referencing subsidiarity. While these decisions are undoubtedly important, and will be considered in detail later in this section, subsidiarity in Canada must be understood in a much broader context of decentralisation, which began well before any mention of ‘subsidiarity’. In contrast to many established federations, Canada has followed a path of decentralism, and ‘defies assumptions about the inevitability of centralization in modern federation’.¹⁸ Scholars have long observed that in Canada, ‘power has flowed towards the provincial

¹⁶ See, e.g., Andreas Follesdal ‘Survey Article: Subsidiarity’ (1998) 6(2) *The Journal of Political Philosophy* 190.

¹⁷ See, e.g., Eugénie Brouillet, ‘Canadian Federalism and the Principle of Subsidiarity: Should We Open Pandora’s Box?’, (2011) 54 *Supreme Court Law Review* 601; Hugo Cyr, ‘Autonomy, Subsidiarity, Solidarity: Foundations of Cooperative Federalism’ (2014) 23 *Constitutional Forum constitutionnel* 20; Dwight Newman, ‘Changing Division of Powers Doctrine and the Emergent Principle of Subsidiarity’ (2011) 74 *Saskatchewan Law Review* 21.

¹⁸ André Lecours, ‘Dynamic De/centralization in Canada, 1867-2010’ (forthcoming) *Publius*, 19.

governments at the expense of the central government, at times with the latter's approval or acquiescence'.¹⁹

In observing this trend, it is important to remember that Canadian federalism began from a very centralised position; in many ways, decentralism was the only direction the system could go.²⁰ The British North America Act,²¹ which forms the constitutional foundation of the Canadian system, provides many centralising features, most notably the power of the federal government to reserve and disallow provincial legislation,²² and to appoint judges to provincial courts. Further, the Canadian Article 91 allowed the federal Parliament to make laws for 'the Peace, Order and good Government of Canada', effectively giving residual powers to the centre. These features have lead scholars such as Stevenson to conclude that the original intent was to create a centralised federation,²³ and Lecours has commented that Canada was indeed 'very much centralized at its birth'.²⁴

From this centralised starting point, Canadian federalism eventually took a decentralised turn. Scholars have noted that, especially since the 1960s, Canada has become increasingly decentralised in both policy and fiscal arenas.²⁵ While there have been some notable exceptions in certain policy fields such as social welfare and language policy,²⁶ the overall trend is of the provinces taking on increased responsibility and fiscal capacity, a trend which is 'exceptional' compared to the centralisation of most modern states.²⁷

Despite almost sixty years of decentralism, discussions of subsidiarity have only recently emerged. Indeed, in 2011 Brouillet asked whether discussions of Canadian federalism and subsidiarity 'should open Pandora's box', noting that subsidiarity in the Canadian context remained a relatively untouched topic. Instead, the Canadian literature on subsidiarity is skewed towards consideration of the role of the Canadian Supreme Court.

¹⁹ Garth Stevenson, *Unfulfilled Union. Canadian Federalism and National Unity* (McGill-Queen's University Press, 2009), 72.

²⁰ Lecours, above n 18.

²¹ Renamed the Constitution Act in 1982.

²² Articles 55, 56 and 90.

²³ Stevenson, above n 19, 33.

²⁴ Lecours, above n 18.

²⁵ *Ibid*; see also Richard Simeon, 'Considerations on centralization and decentralization,' (1986) 28 *Canadian Public Administration* 445; Grace Skogstad, *The Politics of Agricultural Policy-Making in Canada* (University of Toronto Press, 1987).

²⁶ Lecours, above n 18.

²⁷ Simeon, above n 25, 449.

The jurisdiction and composition of the Supreme Court provided for in ss 41 and 42 of the Canadian Constitution. Additionally, until 1949, the Privy Council operated as a court of final appeal and could hear federal disputes. As will be discussed below, this had an important impact on the way subsidiarity developed in the Canadian legal system. The appointment of judges to the Canadian Supreme Court is also potentially significant. The federal government has the discretion to appoint judges, with little direct say from the provinces. However, the *Supreme Court Act* requires three of the nine judges to be from Quebec,²⁸ while convention dictates that the remaining six are usually comprised of three from Ontario, two from the Western provinces, and one from the Atlantic provinces.²⁹ This means that the Canadian Supreme Court tends to be regionally diverse.

In terms of the Court's position on subsidiarity, Brouillet observes that the Canadian Supreme Court has tended to be more centralist than decentralist. However, as evidenced by longstanding decentralism in Canada, these decisions have not had a pervasive centralising effect. Part of the reason for this was that the Canadian Supreme Court was prepared to allow the Privy Council to rule on disputes between federal and provincial levels, until Parliament abolished that mechanism in 1949. Before this, the Privy Council had tended to decide matters by reference to notions of dual or coordinate federalism, Arguably, this preference for allocating responsibility in 'watertight compartments'³⁰ reflects a non-absorptionist brand of subsidiarity that prevented further erosion of provincial power. However, post-1949, the Supreme Court generally adopted a less 'non-absorptionist', and more cooperative approach to Canadian federal relations, as evidenced in *Ontario v OPSEU*, where the Court referred to intergovernmental cooperation as the 'dominant tide' of modern federalism.³¹ This cooperative approach favours a supportive understanding of the principle, empowering provincial and local governments to take on greater responsibility. Importantly, in recent years, this preference for cooperative federalism was supplemented by express and implied endorsement of the subsidiarity principle. In *R v Hydro-Quebec*, La Forest J (with whom the majority agreed) gave

²⁸ S 6 *Supreme Court Act* R.S.C. 1985 S-26 (Canada).

²⁹ Eugenie Brouillet, 'The Supreme Court of Canada: The Concept of Cooperative Federalism and Its Effect on the Balance of Power' in Nicholas Aroney and John Kincaid (eds) *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017), 149.

³⁰ *Ibid*, 141.

³¹ *Ontario (Attorney General) v. OPSEU*, [1987] 2 S.C.R. 2, par. 27

favourable mention of a United Nations report that recommended the empowerment of local government.³² Then, in 2001 in the *Spraytech Case*,³³ the majority made express reference to the principle, stating: ‘the case arises in an era in which matters of governance are often examined through the lens of the principle of subsidiarity’.³⁴ This express reference to the principle was quickly echoed in *Canadian Western Bank*,³⁵ and *Quebec (Attorney General) v Lacombe*.³⁶ The Canadian case therefore poses some interesting contradictions. Despite its superior court’s tendencies towards decisions favouring centralising power, Canada is widely regarded as a largely decentralised federation, and the court itself has meaningfully engaged with the principle in recent decisions. These developments and contradictions lie at the heart of the debate over subsidiarity’s importance, and raise questions about role of the court in giving the principle meaning, questions that the current focus on formal institutions do not answer. Accordingly, the measurement of subsidiarity political culture promises to provide a different perspective in understanding the principle’s place in Canadian governance.

3.1.4 United Kingdom

As revealed in the previous chapters, subsidiarity has taken on a new importance in the UK in light of the Brexit referendum. While subsidiarity is a critical driving force in the EU generally, it has a particular prominence in the UK because of the country’s historical reluctance to commit to the EU. Thatcher in particular was sceptical of the emerging Union,³⁷ but subsidiarity served to allay some of her concerns, although some argue that the difficulties in defining the principle may have meant that even then, the UK was out of step

³² *R. v. Hydro-Quebec*, [1997] 3 S.C.R. 213, at para. 127

³³ *114957 Canada Ltée (Spraytech, Société d’arrosage) v. Hudson (Town)*, [2001] S.C.J. No. 42, [2001] 2 S.C.R. 241 (S.C.C.)

³⁴ *114957 Canada Ltée (Spraytech, Société d’arrosage) v. Hudson (Town)*, [2001] S.C.J. No. 42, [2001] 2 S.C.R. 241 (S.C.C.) at para 3 per L’Heureux-Dubé J. writing for a majority of four judges.

³⁵ *Canadian Western Bank v. Alberta*, [2007] S.C.J. No. 22, [2007] 2 S.C.R. 3, at para. 48 (S.C.C.) per Binnie and LeBell JJ.

³⁶ *Quebec (Attorney General) v. Lacombe*, [2010] S.C.J. No. 38, [2010] 2 S.C.R. 453 at 119.

³⁷ See, e.g., Charles Grant, *Inside the House that Jacques Built* (Nicholas Brealey Publishing, 1994), 218.

with the EU's version of subsidiarity. Indeed, French politician Jean Pierre Cot quipped that 'only subsidiarity could manage to put Jacques Delors perfectly in tune with Mrs Thatcher...on a misunderstanding'.³⁸ This observation further reinforces the importance of developing a clear understanding of subsidiarity's meaning.

However, the understanding and realisation of the principle goes beyond the relationship between the UK and the EU. The relatively recent devolution of power to Scotland and Wales represented, according to then Prime Minister Tony Blair, a move to governance closer to the people (decentralism),³⁹ and a recognition of the separate and important histories and identities of Scotland and Wales (arguably, non-absorption, but of culture rather than governance). Subsidiarity was also invoked in the 2014 referendum on Scottish independence, both in the sense that the referendum empowered Scottish people to make the decision to stay or leave for themselves,⁴⁰ and because voting to become independent would have decentralised more power to Scotland.⁴¹

Additionally, David Cameron's 'Big Society' social policy was arguably an example of subsidiarity in action.⁴² The Big Society agenda involved three major components: public sector reform (transferring or contracting out some public services to charities, non-government organisations and private companies⁴³), social action (incentivising charitable donations and volunteering⁴⁴), and community empowerment (through devolution of some decision making powers to local governments and neighbourhoods⁴⁵). While the first two aims were directed towards the relationship between the state and private associations and is therefore not the focus of this study (see Section 1.1 above), the last aim is directly

³⁸ Cited in John Peterson, 'Subsidiarity: A definition to suit any vision?' (1994) 47 *Parliamentary Affairs* 116.

³⁹ Tony Blair, *Leading the Way – a new vision for local government*, Institute for Public Policy Research, London, cited in Mike Raco, 'Governmentality, Subject-Building, and the Discourses and Practices of Devolution in the UK' (2003) 28 *Transactions of the Institute of British Geographers* 75, 75.

⁴⁰ Paul Cairney, 'The Scottish Independence Referendum: What are the Implications of a No Vote?' (2015) 86(2) *The Political Quarterly* 186, 187.

⁴¹ Ibid 189, see also Joanna Sharp, Andy Cumbers, Joe Painter, Nichola Wood, 'Deciding whose future? Challenges and opportunities of the Scottish Independence Referendum 2014 for Scotland and Beyond' (2014) 41 *Political Geography* 32.

⁴² Jonathan Chaplin, 'Subsidiarity and Social Pluralism' in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 76.

⁴³ Ibid, 77.

⁴⁴ Ibid.

⁴⁵ Ibid, 79.

relevant to this thesis. Commentators have argued that Big Society ‘failed’,⁴⁶ but so far little attention has been given to why it may have failed, and whether this failure was consistent across commercial, non-governmental and community initiatives. Was Big Society simply a victim of institutional inertia or poor execution, or did the subsidiarity values that underpinned the reform agenda fail to resonate with citizens?

In comparison to the other cases, the UK Supreme Court is less important to the consideration of subsidiarity’s meaning and importance. Not being a formally federal country, the UK does not have the same need for a superior court to determine the jurisdictional issues in which subsidiarity is often evidenced. While the Supreme Court can be called upon to decide matters relating to the devolved territories, the very fact that these are devolved powers rather than powers in a federal bargain negates many of the issues faced in similar courts. Thus, the provisions in the various devolutionary Acts that ensure that the UK’s ability to make laws for the devolved territory⁴⁷ mean that the Supreme Court in the UK has generally placed less emphasis on the principle of subsidiarity. A recent example was the Supreme Court’s decision in *R v Secretary of State for Exiting the European Union*, where the majority held that, while the UK Parliament had to authorise triggering Article 50 of the Treaty of Lisbon (thus beginning the process of leaving the European Union), it did not have to consult or obtain the approval of the Parliaments and Assemblies of Scotland, Northern Ireland and Wales.⁴⁸ The driving force behind this decision was that the devolving Acts contained no provision on the territories’ ability to withdraw from the European Union. The devolved territories were therefore bound by the decisions of the UK Parliament in that regard.

Nevertheless, the UK’s relationship with the European Union and referendum to leave the Union in June 2016 are also relevant to subsidiarity’s meaning. As discussed in earlier chapters, David Cameron’s position that the UK should remain in the European Union but that ‘power must be able to flow back to member states, not just away from them,’⁴⁹ can be taken as evidence of subsidiarity values in the European Union debate. Of

⁴⁶ Civil Exchange, ‘Whose Society? The Final Big Society Audit’ (Report, January 2015).

⁴⁷ See, s5(6) *Northern Ireland Act 1998*; s28(7) *Scotland Act 1998*; s107(5) *Government of Wales Act 2006*

⁴⁸ *R v Secretary of State for Exiting the European Union* [2016] UKSC 5.

⁴⁹ David Cameron, ‘David Cameron’s EU speech – full text’, cited in Brohmer, above n 9, 130.

course, the Brexit vote was a product of a wide range of factors, and subsidiarity values were only a small feature. However, the alignment between the principle and the decision raises an important question about the extent of public support for the principle in the UK, a question that can only be answered through consideration of a subsidiarity political culture. While analysis of Brexit and its aftermath remains a developing literature,⁵⁰ it is important to consider what the referendum tells us about subsidiarity political culture in the UK, even if definite answers cannot be provided.

3.1.5 Australia

Australia stands apart from the other three cases because the debate about subsidiarity's meaning is relatively settled; while there are debates about the principle's importance in Germany, Canada and the UK, scholars in Australia generally accept (with varying degrees of disappointment) that the principle holds little institutional weight. The striking feature of the Australian discussion is that the principle is almost exclusively understood as a principle of decentralism; the non-absorptionist and supportive aspects receive very little attention. This is evident in key policy documents, such as Twomey and Withers' report for the Council for the Australian Federation, where the authors defined subsidiarity as 'responsibility for a particular function should, where practical, reside with the *lowest* level of government',⁵¹ and the recent White Paper on Federal Reform stated that 'subsidiarity means that responsibility for particular areas should rest with the lowest form of social organisation capable of performing the function effectively'.⁵²

⁵⁰ See, e.g., Harold D. Clarke, Matthew Goodwin and Paul Whiteley *Brexit: Why Britain Voted to Leave the European Union* (Cambridge University Press, 2017); Harold D. Clarke, Matthew Goodwin and Paul Whiteley, 'Why Britain voted for Brexit: An individual-level analysis of the 2016 referendum vote' (2017) 70(3) *Parliamentary Affairs* 439; Cathy Gormley-Heenan and Arthur Aughey, 'Northern Ireland and Brexit: Three effects on "the border in the mind"' (2017) 19(3) *British Journal of Politics and International Relations* 497; Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, 'How Brexit was made in England' (2017) 19(4) *British Journal of Politics and International Relations* 631.

⁵¹ Anne Twomey and Glenn Withers, *Federalist Paper 1 – Australia's Federal Future: Delivering Growth and Prosperity* (Council for the Australian Federation, 2007), 6.

⁵² Commonwealth of Australia, 'Reform of the Federation Issues Paper 1: A Federation for Our Future' (2015), 20.

In addition to the very narrow understanding of the principle, Australia has not proved especially adept at realising subsidiarity. Brown notes the principle had a ‘long and difficult birth’,⁵³ while Chapter 1 has already highlighted the increasingly centralised nature of the Australian political system. The influence of the High Court dominates Australian debates about the principle. The Australian High Court is established under s 71 of the Constitution and is both the final appellate court⁵⁴ and, relevantly, has original jurisdiction over disputes between States.⁵⁵ It is notable that s 74 preserved the jurisdiction of the Judicial Committee of the Privy Council, however, unlike the Canadian Supreme Court, the High Court quickly asserted its position as the final arbiter of constitutional disputes.⁵⁶ Between 1968 and 1986, a series of Acts passed in Australia and the UK abolished the Privy Council’s jurisdiction over Australian matters, finalising the matter.⁵⁷ Arguably, this meant that Australian States in particular were deprived of the Privy Council’s coordinate approach to federalism that protected the Canadian provinces. The Governor-General, on advice from the government, appoints High Court judges. Because the Governor-General does not challenge the advice provided, in practice this means that the federal Cabinet chooses High Court justices, with few constraints or limitations operating on that choice. The Australian High Court is therefore lacks the institutional processes for regional diversity compared to its German and Canadian counterparts.

The Australian High Court’s ‘essentially unitarist’⁵⁸ or centralist approach to Constitutional interpretation has been the subject of much discussion and criticism.⁵⁹ The *Engineer’s Case* marks the beginning point of an approach that ‘would enable the powers of the federation ever to wax while allowing those of the states almost always to wane’.⁶⁰ In

⁵³ A J Brown, ‘Subsidiarity or Subterfuge? Resolving the Future of Local Government in the Australian Federal System’ (2002) 61(4) *Australian Journal of Public Administration* 24, 39.

⁵⁴ s 73 *Australian Constitution*

⁵⁵ s 75 *Australian Constitution*

⁵⁶ *John Baxter v Commissioners of Taxation (New South Wales)* (1907) 4 CLR 1087.

⁵⁷ *Privy Council (Limitation of Appeals) Act 1968* (Cth); *Privy Council (Appeals from the High Court) Act 1975* (Cth); *Australia Act 1986* (U.K.) and (Cth).

⁵⁸ Nicholas Aroney, ‘The High Court of Australia: Textual Unitarism vs Structural Federalism’ in Nicholas Aroney and John Kincaid (eds) *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017), 29.

⁵⁹ See, e.g., Michelle Evans, ‘Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

⁶⁰ Aroney, ‘The High Court of Australia’, above n 58, 29.

that case, the High Court rejected the doctrine of ‘reserved state powers’, and instead held that the powers of the Commonwealth government should be interpreted as broadly as possible. This sparked nearly a century of High Court decisions that have almost always erred in favour of centralised power.

In several cases throughout that period, the High Court also made clear that non-absorptionist elements of subsidiarity are not meaningful in Australia. This was best exemplified in the *Uniform Tax Cases*,⁶¹ where the federal government absorbed power over personal income tax, and the High Court allowed it to keep that power, in turn facilitating Australia’s high degree of vertical fiscal imbalance. The High Court’s reluctance to restrict centralisation of power and the Commonwealth’s absorption of State functions reached its zenith in the *WorkChoices* case.⁶² In that case, the majority again favoured a broad interpretation of the Commonwealth’s heads of power under s51 of the Constitution, stating that the heads of power were to be interpreted ‘with all the generality which the words used admit’.⁶³ In dissent, Callinan J expressed concern that ‘the reach of the corporations power, as validated by the majority, has the capacity to obliterate powers of the State hitherto unquestioned’.⁶⁴

However, the picture may not be as straightforward as the Australian subsidiarity literature’s focus on decentralism often depicts. Section 96 of the Constitution provides for supportive subsidiarity by allowing the Commonwealth to grant resources to the States, while the untied (i.e. without conditions) transfer of a Goods and Services Tax also provides for the empowerment of State governments. The dominance of decentralist approaches to subsidiarity in Australia has meant that this provision for supportive subsidiarity is often overlooked, and highlights the importance of acknowledging a broader understanding of the principle’s meaning. That is not to say that supportive subsidiarity thrives in Australia, however, and again, the High Court has left its mark.

⁶¹ *South Australia v Commonwealth* (1942) 65 CLR 373; *Victoria v Commonwealth* (1957) 99 CLR 575.

⁶² *New South Wales & Ors v Commonwealth* (2006) 229 CLR 1

⁶³ *New South Wales & Ors v Commonwealth* (2006) 229 CLR 1; HCA 52, [142].

⁶⁴ *New South Wales & Ors v Commonwealth* (2006) 229 CLR 1; HCA 52, [794].

In the School Chaplaincy cases,⁶⁵ the High Court rejected the Commonwealth's ability to fund a school chaplaincy program. While this approach was arguably a retreat from the 'high water mark' of centralism set by *WorkChoices*,⁶⁶ commentators at the time were concerned that the reasoning used by the court would jeopardise the legitimacy and viability of several key grants from the federal government to local councils, which are arguably an important mechanism for supportive subsidiarity. While these fears are yet to be realised, they also raise questions about subsidiarity's meaningfulness in Australia.

3.2 'Blank Spaces' in Current Approaches to Subsidiarity's Meaning

While the institutional factors considered in the previous section offer useful insights into the way subsidiarity is understood and valued in Australia, Canada, Germany and the UK, they do not tell the whole story. This critique is informed by the political culture scholarship, which argues that political culture is the product of governing institutions, and citizens' orientations towards those institutions.⁶⁷ In that regard, we have a good appreciation for the institutional influences, but the role of public values remains a blank space. For example, Evans provides a solid account of the constitutional, judicial and federal reasons why subsidiarity is not perceived as meaningful in Australia,⁶⁸ but we cannot assume that citizens take the same approach. Similarly, while Taylor saw reforms to the German Basic Law as marking the slow death of subsidiarity,⁶⁹ do German citizens' attitudes indicate that they also see the principle as dead?

Chapter 1 addressed some of the broader limitations of taking a strictly institutional approach by highlighting the broader debate about the relative influence of structural forces and agents within a political system. This section builds on those observations by exploring

⁶⁵ *Williams v Commonwealth* (2012) 248 CLR 156; *Williams v Commonwealth* (No 2) (2014) 252 CLR 416.

⁶⁶ David Hume, Andrew Lynch and George Williams, 'Heresy in the High Court? Federalism as a constraint on Commonwealth power' (2013) 41 *Federal Law Review* 71.

⁶⁷ See, e.g., Rodney Smith, *Australian Political Culture* (Pearson Education Australia, 2001); Arthur Stevens 'State Boundaries and Political Culture: An Exploration in the Tri-State Area of Michigan, Indiana and Ohio' (1974) 4 *Publius* 111, 112.

⁶⁸ Evans, above n 59.

⁶⁹ Taylor, above n 11.

how the institutional explanations considered in the previous section can benefit from the insights of studying subsidiarity political culture. It examines the limitations of using courts and federal structures to explain subsidiarity's uptake and argues that acknowledging a potential subsidiarity political culture will fill these gaps.

The importance of public attitudes is well-established within the political culture literature, but the current preference in the subsidiarity literature to limit discussion to formal institutions highlights the importance of making a case for introducing citizens' values as a consideration in exploring subsidiarity's meaning. Studies of political institutions increasingly acknowledge the importance of wider factors beyond formal institutions like courts, and instead aim to account for norms, social rules and culture.⁷⁰ Conversely, the subsidiarity literature has been slow to adapt to this new institutionalism. Introducing the concept of a subsidiarity political culture therefore brings a fresh perspective to the subsidiarity debate.

Additionally, the discussion above reveals that focusing on institutions has not answered the issue of subsidiarity's meaningfulness: the literature is still divided on whether the principle has value.⁷¹ Institutional explanations are limited because they can at times offer inconsistent accounts. For example, while the Canadian Supreme Court has recently acknowledged subsidiarity, the argument that the Court has influenced subsidiarity's uptake is undermined both by Brouillet's observation that the Supreme Court has tended to be more centralist than decentralist in its approach,⁷² and by the fact that decentralism in Canada long predates the term's use in judicial decisions. Subsidiarity political culture therefore offers a new solution, bypassing the issue of subsidiarity's institutional importance by exploring how the principle is valued in the community.

An additional limitation of a court-based approach draws on the fundamental debate between the role of agents and structures.⁷³ Specifically, while the Court may have some

⁷⁰ Hay, above n 3, 14.

⁷¹ Michelle Evans, 'The Principle of Subsidiarity in European Union Law: Some Comparisons with Catholic Social Teaching' (2013) 3(1) *Solidarity* 61; Gabriel A. Moens and John Trone, 'The Principle of Subsidiarity in EU Judicial and Legislative Practice: Pancea or Placebo?' (2015) 41 *Journal of Legislation* 65; Christopher Ritzer, Marc Rutloff and Karin Linhart, 'How to sharpen a dull sword – The principle of subsidiarity and its control' (2006) 7(9) *German Law Journal* 733; Taylor, above n 11.

⁷² Brouillet, 'The Supreme Court of Canada', above n 29.

⁷³ Hay, above n 3.

influence in subsidiarity's operationalisation, courts themselves do not make decisions; judges do. Crucially, these judges are members of the community (albeit a very specific, highly educated subsection), and pay attention to the societal norms and values of the community, at least to some degree. This line of argument is captured by Benz's observation that 'judges apply accepted methods of interpretation but also consider political exigency. In general, they tend to follow prevailing discussions in the public sphere'.⁷⁴ While this observation is not true of every case in every country, it does raise the question of whether there are particular factors that influence judicial approaches to subsidiarity, a question to which subsidiarity political culture offers an answer.

The observations that institutional approaches may only tell part of the story also calls into question the presumed link between subsidiarity and federalism. This is an especially pressing challenge in places like the UK which fall short of the 'federal' label, but where there are nevertheless valid arguments that subsidiarity is meaningful. Equally, contrary to Evans' claim that Australia is no longer an authentic federation because of its disregard for subsidiarity,⁷⁵ the reality is that Australia does have a federal system, even if it has been centralised and lower levels had their functions absorbed. These cases point to a more complex and nuanced relationship between subsidiarity and federalism than tends to be captured in the literature. More broadly, the limitations and gaps in current approaches to subsidiarity's meaning highlight the potential utility of understanding subsidiarity political culture.

3.3 The Potential of Subsidiarity Political Culture

The final step in contextualising subsidiarity's meaning is to explore the broader political cultures of Australia, Canada, Germany and the UK, in which a potential subsidiarity political culture would operate. Understanding subsidiarity through the three-dimension approach to subsidiarity outlined in Chapter 2 offers a useful platform here. If

⁷⁴ Benz, above n 12, 215.

⁷⁵ Evans, 'Subsidiarity and Federalism', above n 59, 195.

political culture is a set of political orientations or attitudes towards the political system, subsidiarity political culture is citizens' attitudes towards decentralism, non-absorption and support. Just as Chapter 2 suggested that variations in subsidiarity's conceptualisation (e.g. Althusian, Liberal Contractualism⁷⁶) can be understood as placing different emphasis on these three elements, the strength and 'flavour' of a subsidiarity political culture can vary in terms of orientation towards each individual element (e.g. how desirable is decentralism?), as well as each element relative to the others (e.g. is support more favourable or favoured than non-absorption?). It seems likely that being able to recognise this variation and nuance is crucial, not only to understanding differences in subsidiarity's meaning, but its realisation in practice. Accordingly, as seen in the next chapter, it will be important that any attempt to measure subsidiarity political culture is able to explore whether citizens see some aspects of the principle as more meaningful than others. However, as citizens' attitudes may also relate to different national experiences, it is important to first consider current understandings of political culture in each case, before the measurement of subsidiarity political culture is considered in Chapter 4. The following discussion therefore aims to provide an overview of political culture as it may relate to subsidiarity values in each case. The points made are intended as illustrative of factors likely to be relevant to a potential subsidiarity political culture, rather than a systematic and comprehensive account of the political culture of each country.

3.3.1 Germany

As discussed above, Germany has very strong institutional provisions for subsidiarity. However, there are some concerns that the strong tradition of subsidiarity in Germany may

⁷⁶ Andreas Follesdal, 'Competing Conceptions of Subsidiarity', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014); Andreas Follesdal 'Survey Article: Subsidiarity' (1998) 6(2) *The Journal of Political Philosophy* 190; Andreas Follesdal, 'Subsidiarity and the Global Order', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

be weakening,⁷⁷ raising questions about German attitudes towards subsidiarity, and the stability of these views. Kaiser and Vogel observed that, despite ‘deep-rooted cultural orientations that favoured uniformity and central decision-making held by political elites post-1949, ‘socio-cultural changes, reinforced by the increasing heterogeneity of the Länder’ since the 1990s have resulted in Germany’s emphasis on decentralism’.⁷⁸ At the same time, however, they note that citizens and the media mostly prefer uniform policies. This opens space to which the public attitude data used in this thesis can meaningfully contribute.

In comparison to the other case countries, these institutions also have a much more fractured and recent history, going through post-War reconstruction and federation (in West Germany) in 1949, the trials of the Cold War, and then reunification in 1990, bringing together the East and West. This history has also had a significant impact on the development of German political culture. In 2010, Dalton and Weldon observed significant differences between East and West Germans on indicators of national identity, and attitudes towards democracy and the role of the state twenty years after unification.⁷⁹ It is therefore very possible that regional differences in attitudes towards subsidiarity will also emerge.

Beyond these indicators, it is difficult to predict the way culture and subsidiarity will interact. At the height of research into political culture, Germany was still divided. Accordingly, most studies of German political culture only focus on Western Germans. While there have been some recent studies, like Dalton and Weldon’s inquiry these have tended to focus on exploring similarities and differences between the East and West, rather than attempting to generalise the characteristics of a broader German political culture. However, this highlights the importance of exploring and testing sub-national cultures; instead it is possible that there is no general German subsidiarity political culture, but that attitudes towards the principle can be divided along East and West lines. The analysis of regional differences provided in Chapter 6 is therefore likely to be crucial in understanding subsidiarity political culture in Germany.

⁷⁷ Taylor, above n 11.

⁷⁸ Kaiser and Vogel, above n 10, 2.

⁷⁹ Russell J. Dalton and Steven Weldon, ‘Germans Divided? Political Culture in a United Germany’ (2010) 19 *German Politics* 9.

Additionally, the German concept of *Heimat* is likely to be relevant here. There is no real translation in English that accurately captures the multi-dimensional nature of *Heimat*, although the closest approximation would be ‘homeland’. Broadly, *Heimat* is a strong, socialised and often emotional attachment and sense of belonging to a particular region; according to Applegate, ‘for almost two centuries, *Heimat* has been at the center of a German moral – and by extension political – discourse about place, belonging, and identity’.⁸⁰ While the term was unfortunately misused as part of the Third Reich’s propaganda to foster zealous attachment to the German nation,⁸¹ for the most part (and in this thesis), *Heimat* usually describes attachment to a local area before Germany as a whole. It therefore has a natural connection to decentralist and non-absorptionist notions of subsidiarity. Overall it is therefore likely that high levels of support across all three domains, especially decentralism, will be present in public attitudes, although there may be important differences between East and West, and other regional variations.

3.3.2 Canada

The apparent decentralist institutional preferences in Canada are also potentially important to subsidiarity political culture. On some decentralism indexes, Canada even outscores Germany,⁸² and studies of dynamic de/centralism show that the trend of decentralisation in Canada has been more extreme than in Germany.⁸³ What is interesting, however, is that this decentralising trend predates the subsidiarity discourse. This serves to highlight the importance of measuring public attitudes here, as it suggests that a strong value for subsidiarity existed in the population long before the term came to academic prominence.

⁸⁰ Celia Applegate, *A Nation of Provincials: The German Idea of Heimat* (University of California Press, 1990), 4.

⁸¹ See, e.g., Applegate’s critique of the Nazi ‘corruption’ of *Heimat*: Ibid; see also Peter Blickle, *Heimat, A Critical Theory of the German Idea of Homeland* (Camden House, 2002), x.

⁸² Maksym Ivanya and Anwar Shah, ‘How Close Is Your Government to Its People? Worldwide Indicators on Localization and Decentralization’ (2012) *Policy Research Working Paper 6138*.

⁸³ Lecours, above n 18.

Some general observations about Canadian political culture suggest that subsidiarity will be highly valued amongst citizens. Bell and Tepperman note that, historically, any sense of a national Canadian identity was very weak and slow to develop.⁸⁴ In particular, Anglophone attachment to British identity both served to stifle the creation of unique Canadian symbols, and further strain tensions between Anglophones and Francophones.⁸⁵ They argue that this trend weakened in the 1960s. British identity became less prevalent with the change of the Canadian flag from the Union Jack and the adoption of a new national anthem,⁸⁶ and concerted efforts were made through the 60s and 70s to placate Francophone agitations.⁸⁷ The timing of these changes matches the observed decentralisation of Canadian institutions, indicating that questions of identity and political culture may be of particular significance to understanding subsidiarity in Canada.

More broadly, however, several commentators have expressed concerns over the existence of a 'Canadian political culture'. Some, such as Wiseman, stress the importance of appreciating regional differences;⁸⁸ in other words, they take issue with attempts to aggregate the political orientations of people from, say, Manitoba, Nova Scotia and Quebec. Nicol and Whalley are even more sceptical of a national political culture:

'no other nation in the world can boast such a long and continuous tradition of doubt about the validity of its existence... The result is a young nation that refuses to become involved with herself in case she turns out to be somebody else'.⁸⁹

Empirically, the question of whether Canada has a cohesive national political culture is contested. Simeon and Elkins' seminal study of provincial political cultures identified significant differences between the provinces,⁹⁰ and Beck,⁹¹ Wiseman,⁹² and Wesley⁹³ have

⁸⁴ David Bell and Lorne Tepperman, *The Roots of Disunity: A Look at Canadian Political Culture* (McClelland and Stewart Publishers, 1979), 84.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid, 134.

⁸⁸ Nelson Wiseman, *In Search of Canadian Political Culture* (University of British Columbia Press, 2008), 2; 3.

⁸⁹ Eric Nicol and Peter Whalley, *One Hundred Years of What?* (Ryerson Press, 1966), vii-viii.

⁹⁰ Richard Simeon and David Elkins, 'Regional Political Cultures in Canada' (1974) 7(3) *Canadian Journal of Political Science* 397; Richard Simeon and David Elkins, 'Provincial Political Cultures in Canada', in David Elkins and Richard Simeon (eds) *Small Worlds: Provinces and Parties in Canadian Political Life* (Methuen, 1980).

⁹¹ J. Murray Beck, 'Nova Scotia, Tradition and Conservatism', in Martin Robin (ed) *Canadian Provincial Politics* (Prentice-Hall, 1978).

⁹² Wiseman, above n 88.

reached similar conclusions in their studies over the years. Conversely, other studies have failed to find significant differences between the provinces,⁹⁴ or suggest that other variables such as socio-economic indicators are more important.⁹⁵ Henderson has proposed that regional clusters, which sit between the federal and provincial levels, and may transcend provincial boundaries, may operate in conjunction with any provincial political culture that might exist.⁹⁶ McGrane and Berdahl also found significant regional variations in measures of political culture even after accounting for socio-demographic differences.⁹⁷

These conflicting findings on the cohesiveness (or lack thereof) of a national Canadian political culture do not preclude, and may even support, a political culture of subsidiarity, as it suggests that local difference and regional identity is valued. Instead, these concerns highlight the importance of testing regional variations in attitudes towards subsidiarity – Chapter 6 considers this question in detail.

Despite these cautions, one generalisation about Canadian culture that persists is Canada's apparent tolerance and accommodation of diversity. Bell and Tepperman point historically to the ethnic diversity of Loyalist migrants to Canada during the American Revolution as the foundation for this diversity.⁹⁸ The authors argue that, despite their varied cultural backgrounds, these migrants could (indeed, had to) unite under their loyalty to the British Empire whilst maintaining their ethnic identities. This laid the foundation for what has been called the 'Canadian mosaic', where Canadian (political) culture is the product of many individual ethnicities and cultures.⁹⁹ According to Bell and Tepperman, 'to become a Canadian has never meant giving up another culture, nor adopting a code, credo or way of

⁹³ Jared J. Wesley, *Code Politics: Campaigns and Cultures on the Canadian Prairies* (UBC Press, 2011).

⁹⁴ Harold D. Clarke, Jane Jenson, Lawrence LeDuc, Jon H. Pammett, *Political Choice in Canada* (McGraw Hill, 1979).

⁹⁵ Michael D. Ornstein and Michael Stevenson, *Politics and Ideology in Canada, Elite and Public Opinion in the Transformation of a Welfare State* (McGill-Queen's University Press, 1999); Michael D. Ornstein, Michael Stevenson and A. Paul Williams, 'Region, Class and Political Culture in Canada' (1980) 13(2) *Canadian Journal of Political Science* 227.

⁹⁶ Ailsa Henderson, 'Regional Political Cultures in Canada' (2004) 37(3) *Canadian Journal of Political Science* 595; Ailsa Henderson, 'Greater than the Sum of its Parts: Political Cultures and Regions in Canada', in Heather Ivor (ed), *Election* (Emond Montgomery, 2010).

⁹⁷ David McGrane and Loleen Berdahl, 'Small Worlds' No More: Reconsidering Provincial Political Cultures in Canada' (2013) 23(4) *Regional and Federal Studies* 479.

⁹⁸ Bell and Tepperman, above n 84, 85.

⁹⁹ *Ibid*, 84-86.

life'.¹⁰⁰ The Canadian mosaic is often contrasted with the American 'melting pot' metaphor, where ethnic groups and migrants are expected to assimilate and "Americanize".¹⁰¹

This has important implications for subsidiarity political culture. The mosaic imagery presents Canada and Canadians placing a high degree of value on diversity and autonomy, values which sit comfortably alongside subsidiarity, especially its decentralist and non-absorptionist elements. Indeed, it requires little stretching to conceptualise' Althusius or Pope Leo's arguments as calling for a mosaic of cities and private associations respectively.

There are two caveats to the somewhat rosy-eyed view of the Canadian mosaic, however. The first is the documented history of racism in Canada.¹⁰² The treatment of various ethnic groups and migrants to Canada have led some to argue that 'the faces in Gibbon's mosaic are white – never red, yellow, brown, or black'.¹⁰³ Additionally, Kymlicka notes that despite Canada's successful multicultural policies and integration of immigrants, second-generation 'visible migrants' (that is, migrants who do not fit Gibbon's white mosaic) report on average a lower sense of belonging to Canada than white migrants or their parents, even though they also have a strong sense of pride in Canada.¹⁰⁴ These results point to the importance (and sometimes negativity) of citizens' reactions to migrants – are migrants made welcome, and does this treatment vary depending on the ethnicity of the migrant? Thus, any expectation that Canadian attachment to diversity provides a foundation for a strong subsidiarity political culture must be tempered by a recognition that Canadians' attachment to diversity may not be as deep as is sometimes presented, and therefore does not necessarily translate into political or subsidiarity political culture. Second, even if the Canadian mosaic does exist, it is generally not accepted by Francophone Canada. Despite some concerted efforts to include French Canadians in the

¹⁰⁰ Ibid, 86.

¹⁰¹ Ibid. see also Allan Smith, 'Metaphor and Nationality in North America' (1970) 51(3) *Canadian Historical Review* 245.

¹⁰² Ibid, 87.

¹⁰³ Ibid, 89.

¹⁰⁴ Will Kymlicka, 'The Current State of Multiculturalism in Canada and Research Themes on Canadian Multiculturalism 2008-2010', (2011) Report prepared for the Department of Immigration and Citizenship, 15-16; see also Jeffrey Reitz and Rupa Banjeree, 'Racial Inequality, Social Cohesion and Policy Issues in Canada' in Keith Banting, Thomas J. Courchene and F. Leslie Seidle (eds) *Belonging? Diversity, Recognition and Shared Citizenship in Canada* (Institute for Research on Public Policy, 2007).

mosaic,¹⁰⁵ scholars argue that French Canadians themselves reject it either in principle or practice.¹⁰⁶ This has a different set of implications for subsidiarity political culture in Canada; even if Anglophonic Canadians value diversity and by extension subsidiarity, there is a strong possibility that French speakers will not echo these values. While Quebec stands out as the predominantly Francophone province, it is also possible that participants from Quebec will hold different views to Francophones from other parts of Canada.

In terms of public attitudes themselves, the question may be complex. While attitudes towards subsidiarity have not been tested in Canada, several studies have investigated federal political culture in Canada, with conflicting findings. While this thesis presents subsidiarity and federal political cultures as distinct, these studies are relevant in the insights they provide into variations in public attitudes in Canada. Kincaid and Cole found quite a strong federal political culture in their survey,¹⁰⁷ while Fafard and colleagues concluded from their results that Canada's culture of federalism is quite weak.¹⁰⁸ The differences between the studies is largely explained by opposing definitions of federalism – Fafard and colleagues reached their conclusions based on Canadians' general lack of knowledge about their federal system and tolerance of responsibility being shared between levels of government rather than kept separate, while Kincaid and Cole measured and found high attachment to values associated with federalism such as division of power and cultural diversity.¹⁰⁹ This highlights the need for clarity and transparency in reporting on survey design. However, their results also raise questions about whether non-absorption in particular is likely to feature in a Canadian understanding of subsidiarity. In addition, both

¹⁰⁵ For example, in the years following federation, some nationalists taking their cues from Haliburton's argument that the strength and virtue of the Canadian people came from their status as descendants of the Northern races (British, German and Scandinavian) argued that French Canadians could be included in this group because they descended from Normans, rather than people from Southern France – see Bell and Tepperman, above n 84, 87.

¹⁰⁶ Bell and Tepperman, above n 84, 86; see also James E. Curtis and Ronald D. Lambert, 'Education Status and Reactions to Social and Political Heterogeneity' (1976) 13(2) *Canadian Review of Sociology and Anthropology* 189.

¹⁰⁷ John Kincaid and Richard Cole, 'Citizen Attitudes Toward Issues of Federalism in Canada, Mexico, and the United States' 2010 41(1) *Publius* 53; see also Richard Cole, John Kincaid and Alejandro Rodriguez, 'Public Opinion on Federalism and Federal Political Culture in Canada, Mexico, and the United States' (2004) 34(3) *Publius* 201.

¹⁰⁸ Patrick Fafard, Francois Rocher and Catherine Cote, 'The Presence (or Lack Thereof) of a Federal Culture in Canada: The Views of Canadians' (2010) 20 *Regional and Federal Studies* 19, 39.

¹⁰⁹ Kincaid and Cole, above n 107.

studies found key regional differences,¹¹⁰ especially when comparing Quebec to the rest of Canada. Given its unique history, Quebec represents an interesting and useful case study in comparison to other parts of Canada. In particular, it might be expected that Quebecois would be more attached to non-absorption and decentralism than other Canadians.

3.3.3 United Kingdom

Political culture in the UK follows a different path. In contrast to Germany and Canada, where a sense of national identity may only recently be emerging, the reverse may be true in the UK. Several scholars have argued that, despite a long, shared history,¹¹¹ British identity is fracturing, though it is unclear whether the institutional shifts identified above (especially devolution) have caused or were caused by this breakdown of culture.¹¹²

Kenny and others argue that the decline in British identity is being led by a reassertion of ‘Englishness’, manifested in Euroscepticism and Anglocentrism.¹¹³ Wellings reaches a similar conclusion about ongoing narratives in England about the incompatibility of Englishness and European integration.¹¹⁴ These observations are framed in the context of a ‘crisis of identity’ in the 1990s amongst the English population, where the English way of life was seen as under threat from Europe and from devolved power granted to Scotland and Wales. According to Kenny, ‘different figures, from a variety of genres, contributed to

¹¹⁰ Fafard et al, above n 108; Kincaid and Cole, above n 107.

¹¹¹ F. N. Forman, *Mastering British Politics* (Palgrave Macmillan, 1991), see also, John Storey ‘Becoming British’ in Michael Higgins, Clarissa Smith and John Storey (eds) *The Cambridge Companion to Modern British Culture* (Cambridge University Press, 2010), 1.

¹¹² Michael Kenny ‘The Return of ‘Englishness’ in British Political Culture – The End of the Unions?’ (2014) 53 *Journal of Common Market Studies* 35, 36.

¹¹³ *Ibid*, 35.

¹¹⁴ Ben Wellings, ‘*Our Island Story: England, Europe and the Anglosphere Alternative*’ (2016) 14(3) *Political Studies Review* 368; Ben Wellings, *English Nationalism and Euroscepticism* (Peter Lang Ltd, 2012).

this anxiety fuelled conversation, ... all dissecting the national predicament and identity confusion from which the English were often said to be suffering'.¹¹⁵

Some scholars see the devolution to Scotland and Wales in 1999 as being especially relevant here, viewing it as the trigger for a backlash amongst English citizens.¹¹⁶ While the causality of these claims has recently been questioned,¹¹⁷ the importance of this power shift has not lessened. In some conservative circles, devolution represented a reckless break from the conventions underpinning the United Kingdom, and has recently led some to call for the introduction of an English parliament.¹¹⁸ For some, such action would protect the English from interference from the non-English territories, while others see it as the first step towards a more radical dissolution of the UK 'and a retreat to the English heartland'.¹¹⁹ Regardless of the specific endgame in mind, such a reform sits comfortably with decentralist notions of subsidiarity, and suggests that the principle will be valued highly among conservative English citizens.

Running parallel to these concerns about devolution to non-English territories are fears about the threat of Europe. Indeed, these two factors must be viewed as intertwined. In conservative circles at least, 'New Labour's determination to pass sovereignty downwards to political centres in territories outside England, and upwards to Brussels... were viewed as irredeemably destructive of the Anglo-British nation'.¹²⁰ The increasing Euroscepticism came to a head in 2016 with the Brexit referendum. In particular, Henderson and colleagues have identified English nationalism as an important predictor of voting to leave the EU.¹²¹ While the discussion above has already identified the decision to

¹¹⁵ Kenny, above n 112, 38, see also Jeremy Paxman, *The English: A Portrait of a People* (Penguin, 2007); Andrew Marr, *History of Modern Britain* (Pan Macmillan, 2009); Cole Moreton, *Is God Still and Englishman? How Britain Lost its Faith (But Found New Soul)*, (Abacus, 2011).

¹¹⁶ Krishan Kumar *The Making of English National Identity* (Cambridge University Press, 2003).

¹¹⁷ Michael Kenny, *The Politics of English Nationhood* (Oxford University Press, 2014).

¹¹⁸ Richard Wyn Jones, Guy Lodge, Charlie Jeffery, Glenn Gottfried, Roger Scully, Ailsa Henderson and Daniel Wincott, *England and Its Two Unions: The Anatomy of a Nation and Its Discontents – The 2012 Future of England Survey* (Institute for Public Policy Research, 2013).

¹¹⁹ Kenny, 'The Return of 'Englishness' in British Political Culture', above n 112, 43.

¹²⁰ Ibid, 39, see also Peter Hitchens, *The Abolition of Britain* (Quartet, 2000); Roger Scruton, *England: An Elegy* (Continuum, 2000).

¹²¹ Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, 'How Brexit was made in England' (2017) 19(4) *British Journal of Politics and International Relations* 631, 642.

leave as important institutionally for subsidiarity, it therefore might also be significant for subsidiarity political culture.

Alternatively, the twin concerns about threats to ‘Englishness’ can be framed as anti-subsidiarity: ‘English nationhood sustains an idea of sovereignty that is indivisible, and cannot therefore permit the development of alternative sites of political authority beyond, or within, itself’.¹²² This mentality is sometimes identified as a hangover from Empire,¹²³ and would predict British (or at least English) attitudes towards subsidiarity to differ from those found in Canada and Australia, being colonies of that Empire.

These differing accounts for a reassertion of ‘Englishness’ highlight the importance of empirical research into British political and subsidiarity political culture. Where the German and Canadian experiences offer predictable hypotheses about public reactions to subsidiarity, research into English attitudes will be more exploratory, weighing several competing conceptions that would see the principle as either being highly valued or a threat to the English sense of nationhood.

Political culture in the UK is also necessarily influenced by Scottish, Welsh, and Northern Irish political cultures. These cultures are comparatively less well-researched, but there is evidence that suggests that they might similarly be in a period of transition and change. For example, Paterson observed that while Scottish political culture has historically denied its own distinctiveness in pursuit of universalistic ideals, it has recently moved away from these Enlightenment values to reassert its Scottish uniqueness.¹²⁴ König, Chrisman and Virgo make the parallel observation that Scottish politics is becoming increasingly individualistic and competitive, a trend which, while certainly not unique to Scotland, is distinctive because of its traditional culture of consensus building.¹²⁵ These trends potentially provide fertile ground for strong subsidiarity values and a healthy subsidiarity

¹²² Kenny, ‘The Return of ‘Englishness’ in British Political Culture’, above n 112, 39, see also David Marquand, *Britain since 1918: The Strange Career of British Democracy* (Phoenix, 2008).

¹²³ *Ibid.*

¹²⁴ Lindsay Paterson, ‘The Paradox of Scottish Political Culture’ (2014) 23(3) *Scottish Affairs* 291.

¹²⁵ Alice König, Matthew Chrisman and Sarah Virgo, ‘Scotland’s Political Culture: The Need to Put Consensus First’, in James Blake, Sarah Virgo, Morven Chrisholm, Alan Alexander and Vicki Hammond (Eds), *Brexit: The Impact on Scotland*, The RSE Academy of Scotland Report on Brexit, September 2017.

political culture, especially in relation to decentralist and non-absorptionist elements of the principle.

Studies of Northern Irish political culture and identity tend to note two distinct sub-groups: ‘a Catholic nationalist/republican community, and a Protestant unionist/loyalist community’, although there is also some evidence that these groups are becoming less distinct based on a shared commitment to socio-economic renewal.¹²⁶ Todd argues that a sense of community is particularly important in Northern Irish political culture, especially amongst Catholic nationalists.¹²⁷ Given the Catholic Church’s role in the development of subsidiarity and its inclusion supportive elements and community empowerment (see Sections 2.2.7 and 2.4.3 above), there is also a strong potential for a vibrant subsidiarity political culture in Northern Ireland.

Finally, Welsh national identity and political culture appears less distinct than other regions in the UK.¹²⁸ This might be driven, at least in part, by a comparative lack of Welsh interest groups, professional bodies and other political actors that have been strong drivers of political culture in the other territories.¹²⁹ However, capacity in this area has been strengthened since devolution, and Keating and colleagues have observed an associated growth in Welsh national identity and commitment to the promotion of Welsh interests. The authors also note the influence of Welsh geography, especially its comparative lack of large cities, conurbation and access to roads and public transport, which created a policy preference for coordination and sharing, rather than competition.¹³⁰ While the comparatively close association between Wales and England, and emphasis on coordination, could lead to or reflect a high value for supportive subsidiarity, overall these factors would suggest that citizen attachment to the principle would not be as high in Wales as it would be elsewhere in the UK.

¹²⁶ Michael Keating, Paul Cairney and Eve Hepburn, ‘Territorial policy communities and devolution in the UK’ (2009) 2(1) *Cambridge Journal of Regions, Economy and Society* 51, 62.

¹²⁷ Jennifer Todd, ‘Northern Irish nationalist political culture’ (1990) 5(1) *Irish Political Studies* 31, 34.

¹²⁸ See, e.g., Charlie Jeffrey, ‘Devolution and Divergence: Public Attitudes and Institutional Logistics’ in John Adams and Katie Schmuecker (eds) *Devolution in Practice* (IPPR, 2005); Keating et al, above n 126, 59.

¹²⁹ *Ibid*, 58.

¹³⁰ *Ibid*, 59.

3.3.4 Australia

In comparison to the divided political cultures of the other three cases, Australian political culture is notable for its strong attachment to the nation, vis-à-vis the States. Denmark and Sharman note that ‘if regional social diversity in terms of ethnic, linguistic and religious factors were the mainspring of a federal form of government, Australian federalism would never have existed, let alone persisted’.¹³¹ In addition to this academic perspective, Smith notes that even football legend Wally Lewis, famous for his passion representing his State, regarded himself as Australian first and a Queenslander second.¹³² If even one of Queensland’s greatest icons, nominated as such for his significant contribution representing Queensland,¹³³ identified more strongly with his nation than his State, it is not surprising that Australian identity seems to dominate political culture. More importantly, compared to Germany, Canada and the UK, where subnational identities and cultures seem likely to drive decentralism and subsidiarity, the principle may face an uphill battle for the support of citizens in Australia.

That is not to say, however, that Australians have no attachment to their State. On the contrary, previous research has identified strong State and regional identities.¹³⁴ However, Smith suggests that these identities are fluid and ‘like quicksilver’,¹³⁵ manifesting in response to particular contexts, rather than being consistent, ever-present attitudes. Compared to the German *Heimat*, Australians likely have a very different approach to national versus sub-national identity, and the tensions between centralism and decentralism that seem to come with those views.

¹³¹ David Denmark and Campbell Sharman ‘Political Efficacy, Involvement and Trust: Testing for Regional Political Culture in Australia’ (1994) 29 *Australian Journal of Political Science* 81, 82.

¹³² Smith, *Australian Political Culture*, above n 67, 9; 131.

¹³³ Queensland Government, ‘Q150 Icons: Sporting Legends’, available online at http://pandora.nla.gov.au/pan/68164/20100405-0108/www.q150.qld.gov.au/CelebrationHighlights/sports_legends.html, accessed 6 April 2018.

¹³⁴ A J Brown and Jacob Deem, ‘A tale of two regionalisms: Improving the measurement of regionalism in Australia and beyond’ (2014) 50(7) *Regional Studies* 1154.

¹³⁵ Smith, above n 67, 305.

Curiously, despite increasing centralisation and overlap between Commonwealth and State responsibilities, Australians seem very attracted to federalism as a principle.¹³⁶ While previous research¹³⁷ shows that Australians do not, as Tony Abbott put it, ‘prefer these messy arrangements’,¹³⁸ there is a curious level of satisfaction with the current system which, although gradually declining, remains comparatively high by international standards.¹³⁹ Previous research has highlighted a pragmatic streak in the attitudes of Australian citizens¹⁴⁰ and public servants,¹⁴¹ which may help reconcile some of these differences. Pragmatism is a widely acknowledged feature of Australian culture, sitting alongside other core political values such as egalitarianism, a disregard for authority, and ‘mateship’ (a strong bond of fellowship and support for other Australians).¹⁴² While the extent to which these values are actually practiced or shared by all Australians is questionable,¹⁴³ they remain important politically. Any subsidiarity political culture in

¹³⁶ See, e.g., A J Brown, ‘Measuring the Mysteries of Federal Political Culture in Australia’ in Paul Kildea, Andrew Lynch and George Williams (eds), *Tomorrow’s Federation: Reforming Australian Government* (The Federation Press, 2012); A J Brown, ‘From Intuition to Reality: Measuring Federal Political Culture in Australia’ (2012) 43(2) *Publius* 297; A J Brown ‘Mapping Federal Political Culture and Support for Political Reform in the World’s First “Top Down” Federation: The Strange Case of Australia.’ (2012) Panel for Triennial Meeting, International Political Science Association, Madrid, Spain: *Panel: Implications of Public Attitudes for Boundaries of National, Regional and Local Power in Federal and Non-Federal Systems*, July 8-11, 2012; Brown and Deem, ‘A tale of two regionalisms’, above n 134; A J Brown, John Kincaid, Jacob Deem and Richard Cole ‘Measuring citizen attachment to federal principles: results from Australia, Canada, the United States, Germany and Great Britain’, International Political Science Association, World Congress of Political Science, Poznan, Poland, July 2016.

¹³⁷ Jacob Deem, ‘Deliberating Federalism: Can the Australian Public Help Resolve Federalism’s Triple Challenge?’ in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017).

¹³⁸ The Hon. Prime Minister Tony Abbott ‘Sir Henry Parkes Oration’ speech delivered in Tenterfield, New South Wales on 25 October 2014.

¹³⁹ A J Brown and Jacob Deem, ‘Challenging the Irrevocable Decline: Democratic Satisfaction, National Cohesion, and Federal Political Culture in Australia (2008-2014)’ in Jack Jedwab and John Kincaid (eds) *Identities, Trust and Cohesion in Federal Countries: Perspectives from Public Opinion* (Queen’s University Press, forthcoming).

¹⁴⁰ Robyn Hollander and Haig Patapan, ‘Pragmatic Federalism: Australian Federalism from Hawke to Howard’ (2007) 66(3) *Australian Journal of Public Administration* 280.

¹⁴¹ Jacob Deem, Robyn Hollander and A J Brown, ‘Subsidiarity in the Australian Public Sector: Finding Pragmatism in the Principle’ (2015) 74(4) *Australian Journal of Public Administration* 419.

¹⁴² See, e.g., Nick Dyrenfurth, ‘John Howard’s Hegemony of Values: The Politics of ‘Mateship’ in the Howard Decade’ (2007) 42(2) *Australian Journal of Political Science* 211; Bruce Kapferer and Barry Morris, ‘Egalitarian Ideologies and New Directions in Exclusionary Practice’ (2003) 47(3) *Social Analysis: The International Journal of Social and Cultural Practice* 80.

¹⁴³ Of particular note are concerns that Australia has not proved especially committed to providing equality (see, e.g., Smith, above n 67, 96) and that ‘mateship’ is exclusionary as a very masculine trait or value (see, e.g., Robert R. Bell, *Mateship in Australia: Some Implications for Female-male relationships*, (La Trobe

Australia would therefore operate within the context of (and perhaps compete with) a strong national identity where equality is highly valued.

3.4 Conclusion

This chapter answered the question ‘how do we establish that subsidiarity political culture is a part of broader political culture’ by examining the meanings and values attached to the principle in the four cases considered in this thesis. Using the three-element approach to subsidiarity identified in Chapter 2, this chapter highlighted the different practical takes on the principle, contextualising the debates about subsidiarity’s meaningfulness in Australia, Canada, Germany and the UK, analysing its very decentralist use in Canada, to its disregard in Australia, its adoption as a principle of decentralism and non-absorption in the UK, and the German approach apparently emphasising all three aspects. This discussion provided a platform for considering the current institutional perspectives on subsidiarity’s realisation; in particular, the role of the courts and federal structures are identified in the literature as important. More importantly, however, it also became clear that while the current focus on formal institutions adds valuable insight, it does not provide the full picture. Accordingly, the final part of this chapter highlighted the limitations of existing approaches. The question becomes: can the presence or absence of a subsidiarity political culture assist in filling these gaps? To answer this, we must first establish how such a culture might be identified and measured, in empirical terms.

Sociology Papers, 1973); Karina J. Butera, ‘Neo-mateship’ in the 21st century: Changes in the performance of Australian masculinity’ (2008) 44(3) *Journal of Sociology* 265).

IV

Measuring Subsidiarity Political Culture

Having proposed a more holistic understanding of subsidiarity in Chapter 2, and contextualised this understanding in Australia, Canada, Germany and the United Kingdom, in Chapter 3, the next step is to establish how subsidiarity political culture might be measured. Uncovering evidence of political culture can be a difficult task, but political scientists tend to prefer survey data as a means of capturing attitudes towards government.¹ Exploring what people say about politics (or subsidiarity) gives an insight into their orientations and attitudes; speaking to enough people will highlight areas of agreement and the collective attitudes that make up political culture. However, this approach relies on speaking to the right people – a fair and representative sample of the population.

This chapter outlines the methodology for this thesis, and explains how subsidiarity political culture will be measured. It begins by introducing the Constitutional Values Surveys that provide the main data analysed in this thesis. As highlighted in Chapter 1, the Constitutional Values Surveys were initially fielded biannually in Australia since 2008, before expanding to be administered internationally in 2016. The first section explains the foundational aspects of these surveys, such as their administration and sampling, and their overall aims. The second part then examines the dataset, demonstrating that the respondents of the surveys are representative of the respective populations of Australia, Canada, Germany and the UK. This is a vital consideration, as studies of political culture rely

¹ Rodney Smith, *Australian Political Culture* (Pearson Education Australia, 2001), 8; see also Dieter Fuchs 'The Political Culture Paradigm' in Russell J. Dalton and Hans-Dieter Klingemann (eds) *The Oxford Handbook of Political Behavior* (Oxford University Press, 2007).

heavily on capturing an accurate sample.² Finally, focus turns to the development of a measure of public attitudes towards subsidiarity.

4.1 Introducing the Surveys

This thesis draws on three surveys in its exploration of attitudes towards subsidiarity: the Australian Constitutional Values Survey (ACVS), International Constitutional Values Surveys (ICVS), and, to a lesser degree, the Future of Australian Federation Survey, conducted among Australian policymakers (Policymakers). This section provides a brief introduction to each, outlining the administration techniques and other technical details.

4.1.1 ACVS 2008-2014

The Australian Constitutional Values Surveys commenced in 2008, building on previous research by Brown and colleagues.³ They provide insights into the way Australian citizens perceive and value their political and legal structures. The ACVS has already offered useful insights on a range of federal issues,⁴ and has also contributed to public

² Fuchs, above n 1, 173.

³ A J Brown and Jennifer Bellamy (eds) *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (ANU Press, 2007).

⁴ See, e.g., A J Brown, 'Measuring the Mysteries of Federal Political Culture in Australia' in Paul Kildea, Andrew Lynch and George Williams (eds), *Tomorrow's Federation: Reforming Australian Government* (The Federation Press, 2012); A J Brown, 'From Intuition to Reality: Measuring Federal Political Culture in Australia' (2012) 43(2) *Publius* 297; A J Brown 'Mapping Federal Political Culture and Support for Political Reform in the World's First "Top Down" Federation: The Strange Case of Australia.' (2012) Panel for Triennial Meeting, International Political Science Association, Madrid, Spain: *Panel: Implications of Public Attitudes for Boundaries of National, Regional and Local Power in Federal and Non-Federal Systems*, July 8-11, 2012; A J Brown and Jacob Deem, 'A tale of two regionalisms: Improving the measurement of regionalism in Australia and beyond' (2014) 50(7) *Regional Studies* 1154; Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People's Federation* (Federation Press, 2017).

policy debates.⁵ The surveys open by asking participants to rate their satisfaction with democracy and with a multi-levelled system of governance. The surveys also seek to uncover respondents' structural reform preferences, and contain other measures of the perceived effectiveness of the system, such as attitudes towards horizontal fiscal equalisation, fair treatment of each state, and ratings of how well federal structures deliver on features of good governance. Since 2012, the ACVS also included measures of the 'trust and confidence' in each level of government (federal, state and local, or equivalent). One of the main contributions of the ACVS has been its measurement of attitudes towards federalism and federal institutions.⁶ The success and utility of these items (which are also considered in Chapter 7) was a particular inspiration for the current investigation into subsidiarity attitudes.

The 2008-2014 surveys were conducted as 'Computer Assisted Telephone Interviews' ('CATI') by Australian survey company Newspoll on behalf of Griffith University, and ran for approximately 20 minutes. Respondents were selected as a stratified sample, with nationally representative quotas set by region (States and Territories), gender, and age. Landline telephone numbers within these constraints were randomly generated, and a screening question was used to randomly select participants over 18 within the household.

⁵ Commonwealth of Australia, 'Reform of the Federation: Discussion Paper' (2015); A J Brown, 'Relevant current evidence of public attitudes towards local government', January 2013, submission to the Senate Joint Select Committee on Constitutional Recognition of Local Government.

⁶ Brown, 'Measuring the Mysteries', above n 4; Brown, 'From Intuition to Reality', above n 4; A J Brown 'Mapping Federal Political Culture and Support for Political Reform in the World's First "Top Down" Federation: The Strange Case of Australia.' (2012) Panel for Triennial Meeting, International Political Science Association, Madrid, Spain: *Panel: Implications of Public Attitudes for Boundaries of National, Regional and Local Power in Federal and Non-Federal Systems*, July 8-11, 2012; Brown and Deem, 'A tale of two regionalisms', above n 4.

4.1.2 ACVS 2016

In 2016, a different approach was trialed, and the survey was delivered in an online format by OmniPoll. Online surveys are becoming increasingly common,⁷ driven by the fact that it is becoming easier to reach participants online rather than through traditional landline random-digit dialing; the pervasiveness of online technology makes participants more accessible. This is especially the case for young people, who are difficult to reach in phone surveys, although those over 65 may remain easier to reach via landline than computer. However, analysis in the next section reveals that the ACVS managed to obtain sufficient numbers of respondents over the age of 65.

In addition to their efficiency, online surveys also have the advantage of giving participants time to consider their answers. While the 2016 ACVS was designed to take approximately 15 minutes to complete, respondents were not time limited, and could therefore take as long as they needed to answer each question. This gave participants the opportunity to read and re-read the items to ensure they understood what they were being asked.

Despite the benefits of online surveys, researchers have identified some limitations with the online format.⁸ In addition to the difficulty of sampling from older generations discussed above, perhaps the biggest limitation is the motivation of participants and incentive structure for completing surveys. Where respondents to the CATI received no direct reward for participating, online surveys often provide a system where participants receive points, gift cards or store credit for completing enough surveys. While these incentives are good for encouraging participation, they can distort results as some participants may simply complete the survey as fast as possible, and with no regard to their answers, in order to be rewarded. This is less likely with telephone surveys where there is

⁷ See, e.g., Stephen Ansolabehere and Brian Schaffner, 'Does survey mode still matter? Findings from a 2010 multi-mode comparison' (2014) 22 *Political Analysis* 285; Charles Breton, Fred Cutler, Sarah Lachance and Alex Mierke-Zatwarnicki, 'Telephone versus Online Survey Modes for Election Studies: Comparing Canadian Public Opinion and Vote Choice in the 2015 Federal Election' (2017) 50(4) *Canadian Journal of Political Science* 1005, 1005; Josh Pasek, 'When will Nonprobability Surveys Mirror Probability Surveys? Considering Types of Inference and Weighting Strategies as Criteria for Correspondence' (2016) 28 *International Journal of Public Opinion Research* 269.

⁸ See, e.g., Ansolabehere and Schaffner, above n 7.

no disincentive from withdrawing at any time, and where the presence of the interviewer also creates some creating social pressure to take the survey seriously. Thus, concerns about whether ‘what actors say is so, is so’⁹ are amplified by the online format.

A particular issue here are respondents who selected a ‘Don’t Know’ option on the subsidiarity items described below. A comparison of the 2016 ACVS with the results from previous years revealed that respondents to the online surveys were more likely to choose a ‘Don’t Know’ option,¹⁰ suggesting that the administration format did play a role. While there were a number of options for dealing with these responses, including imputing data based on a participant’s other responses or the mean score, the best option was to remove ‘Don’t Know’ responses to the subsidiarity items from the dataset. Doing so increases our confidence that participants who did answer understood the question; the substantial number of ‘Don’t Knows’ indicates that respondents were more than willing to select this option (as opposed to feeling pressure to give a ‘viable’ response without understanding the question). By implication, then, participants who did answer probably felt that they were informed enough to do so, increasing the validity of the measures used.

4.1.3 ICVS 2016

The ICVS is a condensed version of the 2016 ACVS, and was fielded internationally through TNS Research on behalf of Griffith University for the first time in June 2016 in Canada, Germany and the UK. It used the same questions as the ACVS, apart from some minor adaptations to local contexts (such as replacing ‘State’ with ‘Province’ in Canada, ‘Land’ in Germany, and ‘Region’ in the UK) and languages.¹¹ This ensures comparisons

⁹ Paul Furlong and David Marsh, ‘A Skin Not a Sweater: Ontology and Epistemology in Political Science’ in David Marsh and Gerry Stoker (eds) *Theory and Methods in Political Science* (3rd ed, Palgrave Macmillan, 2010), 204.

¹⁰ Don’t Know responses to the ‘decentralist’ subsidiarity item (see Section 4.3 below): ACVS 2008: 6.7%; 2010: 6.7%; 2012: 11.6%; 2014: 8.6%; 2016: 18.7%.

¹¹ The Confronting the Devolution Paradox project was greatly assisted by Sean Mueller (Universität Bern), who translated the German version, and Jean-Philippe Gauvin (Queen’s University), and Mike Medeiros (University of Amsterdam) who translated the French version.

between the case countries are standardised and are therefore more reliable. Further, experts in federal studies translated the German and French versions to ensure the surveys accurately captured any special meanings. Importantly, in Germany and the UK, the survey included a number of cues specifically instructing participants not to consider the EU in their answers to avoid complications arising from attitudes towards the supra-state. This issue was especially charged in the UK, as the survey was conducted mere weeks before the Brexit referendum in June 2016. While the Union will undoubtedly have some influence in respondents' perceptions, these specific instructions should ensure that this influence is limited to diffuse, political culture, rather than direct attitudes towards the EU.

4.1.4 Policymakers 2015/16

The thesis also draws on an additional survey of Australian policymakers in Chapter 7. As a survey of political elites, it is of less use to the current investigation than barometers of broader public opinion, however it too reveals important insights in its own way. Like the parallel ACVS and ICVS, these surveys were conducted by Griffith University as part of the 'Devolution Paradox' project, with the aim of investigating the federal values and reform priorities of Australian public servants, local government employees and politicians. In contrast to the public attitude surveys, the Policymakers Surveys were not quota or strata sampled; rather, because of the difficulties of accessing and surveying current political elites, participants were sampled with the aim of securing as many responses as possible. Inevitably, this leads to some imbalances in the final sample, where for instance, some types of government departments are over-represented, while others are under-represented. Accordingly, caution must be exercised when relying on results from this survey.

4.2 The Dataset

Having outlined the techniques for administering the surveys, the next step is to demonstrate that the samples are representative of the Australia, Canada, Germany and the UK. The randomised quota sampling of over 1000 participants in each country (Table 4.1) is designed to produce nationally representative samples. Thus, this section operates from the presumption that the samples are representative examines the data for results that would challenge this presumption.

Table 4.1. Sample sizes for ACVS and ICVS (2008-2016)

	Aus	Aus	Aus	Aus	Aus	UK	Can	Ger
	2008	2010	2012	2014	2016	2016	2016	2016
Sample	1201	1100	1219	1204	1222	1030	1015	1030

Within these large samples, it is important to test whether participants are broadly representative of the populations from which they are derived. The most easily tested breakdown is gender: in a representative sample, we would expect a 50/50 split of male and female respondents. As gender was one of the threshold quota variables, this split was obtained (as detailed in Table 4.2).

Table 4.2. Gender breakdowns for ACVS and ICVS samples (2008-2016)

%	Aus	Aus	Aus	Aus	Aus	UK	Can	Ger
	2008	2010	2012	2014	2016	2016	2016	2016
Male	50.0	50.0	49.8	50.1	49.6	49.8	48.6	49.3
Female	50.0	50.0	50.2	49.9	50.4	50.2	51.4	50.7

Note: Goodness of fit chi-square analysis shows that the slight oversampling of female participants (or male participants in the 2014 ACVS) is not significant: Australia: 2012: $X^2(1, n= 1219) = .021, p= .886$; 2014: $X^2(1, n= 1204) = .003, p= .954$; 2016: $X^2(1, n= 1222) = .082, p= .775$; UK: $X^2(1, n= 1030) = .016, p= .901$; Canada: $X^2(1, n= 1015) = .829, p= .363$; Germany: $X^2(1, n= 1030) = .190, p= .663$.

Another important factor is age. Table 4.3 displays the age breakdowns of each survey. It is important to note that the ICVS was unable to access participants over the age of 65. To the extent that age may be a relevant factor in subsidiarity,¹² this is an important limitation. It is a question that is considered in detail in Chapter 6. Conversely, the Australian surveys only included participants over the age of 18. This meant that the Australian sample was generally slightly older than the other cases, although in all cases the samples remained broadly consistent with the respective populations.

Table 4.3. Age breakdowns for ACVS and ICVS samples (2008-2016)

%	Aus 2008	Aus 2010	Aus 2012	Aus 2014*	Aus 2016	UK 2016	Can 2016	Ger 2016
16-17	0.0	0.0	0.0	0.0	0.0	2.2	2.8	2.4
18-24	9.7	9.8	11.9	9.5	11.7	16.2	12.8	10.7
25-34	16.6	13.9	14.8	14.2	18.7	21.5	19.6	19.3
35-44	20.6	18.3	18.5	17.2	14.5	20.2	20.4	19.4
45-54	17.6	17.2	17.2	17.6	18.4	22.0	23.2	26.8
55-64	17.3	17.0	14.5	15.1	19.9	17.9	21.3	21.4
65+	18.2	23.8	23.1	26.4	16.8	0.0	0.0	0.0

*Note: Two respondents preferred not to give their age.

The region or area of the case country in which a participant lives is also likely to be relevant, especially since some aspects of subsidiarity strongly emphasise localism. Table 5.4 shows that the samples accurately reflect the states, provinces Länder and Territories of the respective cases, with the exception that some of the smaller Australian States (Western Australia, South Australia, Tasmania) were slightly oversampled.

¹² Jacob Deem, Robyn Hollander and A J Brown, ‘Subsidiarity in the Australian Public Sector: Finding Pragmatism in the Principle’ (2015) 74(4) *Australian Journal of Public Administration* 419, 425.

Table 4.4. Provincial/state breakdown of respondents (ACVS 2016, ICVS 2016¹³)

Country	State/province	Number	% of sample	State/province % of total country population ¹⁴
Australia	New South Wales	309	25.7%	32.0%
	Victoria	242	20.1%	25.1%
	Queensland	220	18.3%	20.1%
	Western Australia	181	15.0%	10.9%
	South Australia	160	13.3%	7.1%
	Tasmania	52	4.3%	2.2%
	Northern Territory	20	1.7%	1.0%
	Australian Capital Territory	20	1.7%	1.6%
Canada	Ontario	402	39.6%	38.5%
	Quebec	248	24.4%	23.0%
	British Columbia	115	11.3%	13.1%
	Alberta	110	10.8%	11.7%
	Manitoba	48	4.7%	3.6%
	Nova scotia	34	3.3%	2.6%

¹³ 2016 only, although ACVS 2008-2014 follows a similar pattern.

¹⁴ Sources: Australia: Australian Bureau of Statistics, '3101.0 – Australian Demographic Statistics, March 2016', accessed 14 December 2016 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0>; Canada: Statistics Canada 'Table 051-0005 – Estimates of population, Canada, provinces and territories', accessed 14 December 2016 at

<http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=0510005&paSer=&pattern=&stByVal=1&p1=1&p2=31&tabMode=dataTable&csid=>; Germany: Statistische Ämter, Des Bundes und Der Länder, 'Area and population; accessed 14 December 2016 at http://www.statistik-portal.de/Statistik-Portal/en/en_jb01_jahrtab1.asp; United Kingdom: Office for National Statistics, 'Population estimates for UK, England and Wales, Scotland and Northern Ireland, accessed 14 December 2016 at <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/dataset/populationestimatesforukenglandandwalesscotlandandnorthernireland>.

	New Brunswick	24	2.4%	2.1%
	Saskatchewan	19	1.9%	3.2%
	Newfoundland and Labrador	11	1.1%	1.5%
	Prince Edward island	4	0.4%	0.4%
<hr/>				
Germany	Nordrhein- Westfalen	272	26.4%	21.7%
	Bayern	146	14.2%	15.6%
	Baden- Württemberg	122	11.8%	13.2%
	Niedersachsen	101	9.8%	9.6%
	Sachsen	69	6.7%	5.0%
	Berlin	63	6.1%	4.3%
	Hessen	52	5.0%	7.5%
	Brandenburg	39	3.8%	3.0%
	Rheinland-Pfalz	33	3.2%	4.9%
	Schleswig- Holstein	31	3.0%	3.5%
	Hamburg	31	3.0%	2.2%
	Thüringen	23	2.2%	2.6%
	Sachsen-Anhal	20	1.9%	2.7%
	Mecklenburg- Vorpommern	13	1.3%	2.0%
	Bremen	10	1.0%	0.8%
	Saarland	5	0.5%	1.2%
<hr/>				
United Kingdom	England ¹⁵	868	84.3%	84.1%
	Scotland	82	8.0%	8.3%
	Wales	57	5.5%	4.8%
	Northern Ireland	23	2.2%	2.8%

¹⁵ The English sample was further broken down into (% of total UK sample): England North: 238 (23.1%); England Midlands and East: 284 (27.6%); Greater London: 139 (13.5%); England South: 207 (20.1%).

Citizens' interest in politics and level of education are also potentially relevant to subsidiarity values. Table 4.5 shows self-reported levels of interest in politics. There is an immediately noticeable difference between the 2014 ACVS, and the others.¹⁶ This is most likely a product of the differences in self-selection in telephone and online surveys; people who are interested in politics are far more likely to be willing to spend 20 minutes on a telephone survey, whereas the lower perceived participation costs of online surveys are likely to encourage participation by citizens who are less politically-minded.¹⁷ The results from the 2016 surveys are largely similar between countries. While there was a statistically significant difference between the most engaged (Germany) and least engaged (Canada), in real terms there was little difference.¹⁸

Table 4.5. Respondents' self-reported interest in politics (ACVS 2014-2016, ICVS 2016)

	Aus 2014	Aus 2016	UK 2016	Can 2016	Ger 2016
Mean*	2.05 (.891)	2.52 (.891)	2.42 (.899)	2.58 (.877)	2.36 (.862)
Very interested	29.6%	12.5%	14.1%	10.0%	16.1%
Quite interested	43.3%	36.5%	42.2%	35.3%	38.6%
Not very interested	19.9%	34.9%	27.8%	35.9%	33.6%
Not at all interested	7.0%	14.1%	13.4%	15.3%	8.7%
Can't say	0.2%	2.0%	2.5%	3.5%	2.9%

*Lower scores = greater interest

Participants were also asked to report the highest level of education they had completed. As education, particularly schooling, varies around the world, these items were necessarily adapted to reflect the nuances of each country. Tables 4.6.1 - 4.6.4 display respondents' levels of education in each country. While the nuance in items is necessary to create an accurate picture of the education levels of participants, it makes it difficult to create a standardised measure of education for the purposes of comparison. Table 4.7

¹⁶ Participants were not asked to rate their interest in politics in the 2008-2012 ACVS.

¹⁷ Breton et al, above n 7, 1013.

¹⁸ One-way ANOVA $F(3, 4176) = 12.990, p < .001$, Linear contrast between Germany and Canada $p < .001$.

represents a ‘best attempt’ at standardisation, highlighting the limitations in comparing education levels across the countries, but it is by no means perfect. In particular, the Canadian results pose some difficulties; as no option for the completion of a trade or technical college was provided, it overestimates the number of people whose highest education level was ‘completed high school’. Balancing against this is the large proportion of Canadians with a college degree. The results from the UK are also difficult to compare, because the system of graduating with and without O and A levels is unique amongst these countries. Again, this may underestimate the education levels of participants, as participants who completed secondary school up to 16, but without O levels were coded as only having completed the equivalent of junior or primary school in the standardised measure. Because of the problems with creating a standardised measure, the rest of this thesis analyses education according to the learning pathways unique to each country. While this means that comparison between cases must be treated with caution, it is preferable to the alternative of using a measure that standardises, but misrepresents, the levels of education of each participant.

Table 4.6.1. Australian respondents’ highest completed level of education (ACVS 2008-2016)

	2008	2010	2012	2014	2016
Year 9 or below	4.3	13.7 ¹⁹	4.6	3.7	3.4
Year 10	9.3		5.5	6.7	7.0
Year 11 or 12	17.7	17.2	15.8	15.4	16.8
Diploma or certificate from a college or TAFE including an apprenticeship	36.6	36.2	36.2	37.7	35.4
Degree or diploma from a university	31.2	32.0	37.1	35.5	37.4
Prefer not to say	0.8	0.9	0.8	0.9	0.0

¹⁹ In 2010, respondents were only given the option ‘Year 10 or below’.

Table 4.6.2. UK respondents' highest completed level of education (ICVS 2016)

Level of education	%
Junior school	0.6
Secondary school, up to 16, no GCSEs (O-levels)	4.3
Secondary school, up to 16, with GCSEs (O-levels)	18.8
Secondary school/sixth form, up to 18, with A-levels	22.0
Other college qualification, e.g. Btec, city and guilds	18.3
Completed university/postgraduate course	34.5
Prefer not to say	1.6

Table 4.6.3. German respondents' highest completed level of education (ICVS 2016)

Level of education	%
Primary and secondary school	9.1
High school, junior high school, comprehensive school	26.7
Vocational or specialised high school, high school without degree	25.3
Vocational school	11.5
College of advanced technology, college of education, art college, music conservatory	1.0
University of applied sciences	11.8
University, university of technology	13.0
Prefer not to say	1.6

Table 4.6.4. Canadian respondents' highest completed level of education (ICVS 2016)

Level of education	%
Elementary school	0.3
Completed some high school	6.2
High school graduate	21.6
Completed some college	17.9
College degree	32.7
Completed some postgraduate	8.2
Master's degree	9.7
Doctorate, law or professional degree	2.4
Prefer not to say	1.1

Table 4.7. Standardised measure of highest completed level of education (ACVS 2016, ICVS 2016)

	Aus 2016	UK 2016	Can 2016	Ger 2016
Primary/junior school	10.4	23.7	6.5	9.1
Secondary/high school	16.8	22.0	39.5	26.7
Diploma/technical college etc.	35.4	18.3	0.0	37.8
University degree	37.4	34.5	52.9	24.9
Prefer not to say	0.0	1.6	1.1	1.6

Additionally, income stands as a potentially important factor. Table 4.8 lists the average income range for each case. While median is usually a preferable measure of the centre when looking at income, the CVS's use of income ranges instead of an exact figure reduces the skewed results that come from relying on a mean score. It shows that for

Australia, Canada and the UK, the mean income of participants is comparable to the average income in that country, based on data collected as close as possible to the time the surveys were fielded. In Germany, participants' mean income was lower than the national average, but the difference is not so great as to cause concern.

Table 4.8. Mean income range of respondents (ACVS 2016, ICVS 2016)

	Aus 2016	UK 2016	Can 2016	Ger 2016
Mean income bracket (participants)	\$60,000- \$69,999	£26,100- £30,499	\$40,000- \$49,999	€30,000- €34,999
Mean income (population)	\$60,366.80 ²⁰	£28,028 ²¹	\$49,036 ²²	€44,340 ²³

4.3 Measuring Public Attitudes towards Subsidiarity

One of the most important parts of quantitative research is developing reliable and valid measures. Quantitative political scientists place a great deal of emphasis on which questions are asked, and the exact wording used, because of implications for the final output and strive to create measures to capture complex political ideas. This is not always a simple task, however, and some concepts are more difficult to measure than others.²⁴ As the analysis of the definitional debates and competing conceptions of subsidiarity in Chapter 2

²⁰ Australian Bureau of Statistics, '6302.0 – Average Weekly Earnings, Australia' May 2016, released 18 August 2016, available online: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/94F2364241C05F8CCA2580CF000D4673?opendocument>.

²¹ Office for National Statistics, 'Annual Survey of Hours and Earnings: 2016 provisional results', released 26 October 2016, available online: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2016provisionalresults>.

²² Statistics Canada, 'Payroll employment, earnings and hours, December 2014', released 26 February 2015, available online: <http://www.statcan.gc.ca/daily-quotidien/150226/dq150226b-eng.htm?cmp=mstatcan>.

²³ Trading Economics, 'Germany Average Gross Monthly Earnings', available online: <https://tradingeconomics.com/germany/wages>.

²⁴ Robert Adcock and David Collier 'Measurement validity: a shared standard for qualitative and quantitative Research' (2001) 5(3) *American Political Science Review* 529, 531.

demonstrates, subsidiarity is a contested concept, and the different meanings given to the principle could lead to developing different measures. While this thesis has taken a broad approach to subsidiarity, the practical constraints of survey design meant that this thesis can only make the best attempt at measuring the concept, and ‘expose, rather than shield, [its] conceptual decisions’,²⁵ explaining the development of the measures to facilitate future research to refine, reinforce or challenge the approach taken.

The item used in the 2008-2014 ACVS was developed by AJ Brown,²⁶ and measures subsidiarity values by instructing participants to ‘think of the federal government as being the highest level of government, and then the state and local levels as lower levels of government’, and then asks respondents whether they think decision-making should be done at the ‘lowest level of government competent to do so’, or that ‘as many decisions as possible should be made at higher levels’. While this is a good measure of subsidiarity as decentralism, it does not extend to exploration of the other two key elements discussed above: subsidiarity as non-absorption or supportive subsidiarity

Accordingly, for this thesis, a new, three-pronged approach was adopted for measuring attitudes, including the decentralist, non-absorptionist and supportive elements of subsidiarity. This was fielded as part of the 2016 ACVS and ICVS. This approach was designed to capture the way that the three elements of subsidiarity identified in Chapter 2 are valued, and is one of the key empirical contributions of this thesis, as it extends the approach taken in the ACVS.²⁷ Specifically, the 2016 surveys retained the item used in the 2008 to 2014 iterations of the ACVS (and the Policymakers Survey), which measures decentralist values, but then added two new items targeted at assessing attitudes towards non-absorption and support. The practical constraints of measuring attitudes towards subsidiarity within a much broader survey of constitutional values dictated that only one item per subsidiarity dimension could be fielded. While the ideal approach would have been to use more than a single indicator for each dimension to maximise the responsiveness

²⁵ Liesbet Hooghe, Gary Marks and Arjan H. Schakel, *The Rise of Regional Authority: A comparative study of 42 democracies* (Routledge, 2010), 4.

²⁶ Brown, ‘Measuring the Mysteries’, above n 4, 317. Brown has also noted the important contribution of Anne Twomey in suggesting that such a measure be included in the original ACVS.

²⁷ I gratefully acknowledge the contributions of A J Brown, John Parkinson and Annika Werner (Griffith University), and John Davis (OmniPoll) for their advice on possible revisions to the first drafts of these items, helping result in those ultimately used.

of the measure, the following chapters will demonstrate that the approach taken is an acceptable and promising first step in capturing subsidiarity values, and it is open to future research to extend on the items described in this section.

Taking this approach better captures the broader values behind the principle, and offers an opportunity to explore how different people understand subsidiarity differently. Measuring subsidiarity on these three dimensions will provide insight into the strength of attachment to each aspect of subsidiarity individually, and allows for the testing of a range of questions, for example: are decentralist values more salient than non-absorptionist; are attitudes towards certain elements more or less favourable between countries or regions; do attitudes appear to be related to demographic variables such as age, gender, and education? These questions go to the heart of the search for a subsidiarity political culture, and the 2016 approach provides a mechanism for answering them.

The overall approach to the structure and language of the items will be discussed before proceeding to detail the exact wording of the measures in Table 4.9. As the survey items are targeted at the general public, the use of sophisticated language is undesirable, as it may hinder gaining meaningful responses. Accordingly, the surveys take the somewhat counter-intuitive approach of avoiding express use of the word ‘subsidiarity’. There are three reasons for doing so. First, there are concerns citizens would apply different interpretations to ‘subsidiarity’, as scholars do,²⁸ if they recognised it at all.²⁹ Second, Chapter 2’s consideration of the historical development of subsidiarity showed that values of decentralism, non-absorption and support long pre-date the term ‘subsidiarity’. Therefore, it is more useful to target these values directly, rather than attempting to tie them to the word ‘subsidiarity’. Finally, as evidenced by the German case, ‘subsidiarity’ may have religious connotations which, though relevant, are unhelpful to the present goal of assessing the way the elements of subsidiarity are valued. Of course, this necessarily means

²⁸ Whether they mean to or not – Andreas Follesdal ‘Survey Article: Subsidiarity’ (1998) 6(2) *The Journal of Political Philosophy* 190; Andreas Follesdal, ‘Competing Conceptions of Subsidiarity’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014); Andreas Follesdal, ‘Subsidiarity and the Global Order’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014).

²⁹ See, for example, David Cameron’s quip that nobody knows what subsidiarity means: Prime Minister’s Office, ‘PM Speech on EU reform: 2 February 2016’, speech delivered by David Cameron at Siemens Headquarters, Wiltshire, 2 February 2016, available at <https://www.gov.uk/government/speeches/pm-speech-on-eu-reform-2-february-2016>, accessed 5 May 2016.

that the survey items will be an approximation of attitudes towards the core values of subsidiarity, and in some ways prevents respondents from bringing their own meaning to the term. However, restricting respondents in this way allows clarity in assessing how decentralism, non-absorption and support are meaningful to citizens, and is therefore a preferable approach.

To further assist participants' understanding, the 2016 survey retained the 2008-2014 ACVS approach of presenting respondents with a pair of dichotomous options, and asking them to pick which one they prefer or aligns more closely with their views. This approach is easy to understand, because it takes complex ideas about subsidiarity and government responsibility, and turns them into a simple question: 'would you rather government be more like X, or more like Y?' However, this approach is limited because it does not allow for much variation within the sample; this impacts on the workability of some statistical analyses. To retain the benefit of the 'X or Y' questioning, but still introduce some more variance in the sample, an 'unfold' question was added. After participants nominated their preferred option (e.g., 'it is better for decisions to be made at the lowest level...') they were then asked whether they were 'strongly' of that view, or 'tend to be' of that view. Combining the two parts of the item produces a 4-point scale of attitudes towards subsidiarity.

Next, the specific wording of each is discussed; the three items are reproduced in Table 4.9 below. For each item, an overview of the decisions made in the creation of the questions is provided.

Table 4.9. Description of subsidiarity measures in the 2016 ACVS and ICVS

Element	Anti-subsidiarity option	Pro-subsidiarity option
Decentralism	Thinking of the federal government as being the highest level of government, and state and then local as being lower levels of government, which one of the following comes closest to your view? It is better for as many decisions as possible to be made at the higher levels of government	It is better for decisions to be made at the lowest level of government competent to deal with the decision
	1 2	3 4
Non-absorption	Imagine a situation where a lower level of government is responsible for a particular task, but a higher level of government thinks it could do a better job and wants to take over the task itself: The higher level should be able to just take over the task itself, whether the lower level likes it or not	A higher level of government should not be able to just take over a task that is the responsibility of a lower level, simply because it thinks it could do a better job
	1 2	3 4
Support	Which of these statements comes closest to your view? Lower levels of government should find their own resources to fulfil their responsibilities, without relying on support from higher levels of government	It's part of the job of higher levels of government to support lower levels with the resources they need to fulfil their responsibilities
	1 2	3 4

4.3.1 Decentralism

As discussed, this decentralism measure matches the item already used in the 2008-2014 ACVS, although it adds the new ‘unfold’ question. There are two main reasons to retain the 2008-2014 wording. First, while this thesis raised concerns above about using the item as a measure of subsidiarity as a whole, there is nothing to suggest that it does not work as a measure of decentralism. To the contrary, previous analysis suggests that this item in fact produces results that are entirely consistent with expectations, and are therefore likely valid and reliable.³⁰ This item has also produced stable results, and has had the benefit of several rounds of pilot testing over the years. Second, retaining the original wording of this item allows for comparisons in the Australian case over time. This is useful as another check of the reliability of the measure, especially with the move to an online format.

4.3.2 Non-absorption

The second item seeks to measure attitudes towards non-absorption by modifying the approach taken by a previous ACVS item.³¹ Item 2 opens by asking participants to ‘imagine a situation where a lower level of government is responsible for a particular task, but a higher level of government thinks it could do a better job and wants to take over the task itself’. They are then presented with an option of either: ‘A higher level of government should not be able to just take over a task that is the responsibility of a lower level, simply because it thinks it could do a better job’ (pro-subsidiarity); or ‘The higher level should be able to just take over the task itself, whether the lower level likes it or not’ (anti-subsidiarity).

³⁰ Brown, ‘Measuring the Mysteries’, above n 4, 317; Deem et al, above n 12.

³¹ The previous item, used in 2008 and 2012, asked participants whether the federal government should step in if state governments were failing to act on an important issue.

There are a number of crucial elements here. The first is that the higher level only *thinks* it could do a better job, as opposed to some omnipotent and objective knowledge that it could in fact do a better job. Had the item been worded where the higher level could objectively do better, there was a risk that participants would interpret the question as simply asking ‘do you want responsibility to go to the best government for the job?’, or even ‘Do you want government to do a good job?’. While these questions of competence are certainly relevant to subsidiarity (and correspondingly, to public attitudes towards the principle), it is likely that respondents would almost all have answered in the affirmative, significantly reducing the utility of the item. In order to provide meaningful and practical responses, this item necessarily falls short of Chaplin’s assertion that subsidiarity is about giving power to the ‘right level’.³²

In addition, the item is framed in terms of what the higher level thinks. This is important because, as Follesdal notes, one of the defining characteristics of subsidiarity (and key reasons for its complexity) is that there is confusion and debate as to who should get to decide whether a higher level is more competent or not.³³ As Follesdal points out, this is something that is often not explicitly acknowledged, but rather develops according to the conception of subsidiarity in question.³⁴ The survey items tap into this debate by providing for it in the options: for the anti-subsidiarity option, the higher level’s judgement is to be preferred (allowing for intervention on the basis of what it thinks is best), while the pro-subsidiarity option favours lower-level assessment, essentially giving a veto against higher-level interference.

Finally, it is significant that the higher level wants to ‘take over’, rather than simply ‘get involved’. This is to distinguish this item from the notion of supportive subsidiarity, where the higher level might simply lend resources and expertise to assist the lower level in doing a better job.

³² Jonathan Chaplin ‘Subsidiarity and Social Pluralism’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 65.

³³ Follesdal, ‘Subsidiarity and the Global Order’, above n 28, 209.

³⁴ *Ibid.*

4.3.3 Support

The item measuring supportive subsidiarity proved to be the most challenging to develop of the three. No existing measure, in the ACVS or otherwise, has sought to capture public attitudes towards this element of subsidiarity. The creation of this measure therefore relied heavily on the theory, and in particular drew on Komonchak's statement that subsidiarity is about 'helping others help themselves'.³⁵ Any measure of the support element of subsidiarity therefore had to capture the idea that higher orders play a facilitatory and empowering, rather than directive, role in society.

This was difficult to convey in a manner suitable for a public attitude survey. On the one hand, it was desirable to keep what was meant by 'support' fairly abstract; as outlined in Chapter 2, while support is often financial, it can also be provided by sharing information and expertise, or by delivering other kinds of resources. On the other hand, respondents generally respond better to questions that are more concrete and 'real-life oriented'. Caught between the need to make the question as relatable as possible to participants, without unduly restricting their interpretation of 'support', the question asks respondents to choose between: 'Lower levels of government should find their own resources to fulfil their responsibilities, without relying on support from higher levels of government'; and 'It's part of the job of higher levels of government to support lower levels with the resources they need to fulfil their responsibilities'. It is argued that the word 'resources' is a good compromise, as it has enough financial connotations for respondents to see how support might be provided, but can also be understood in a broader sense – 'resources' may refer to expertise or manpower to get a job done, or training or data collection.

³⁵ Joseph A. Komonchak 'Subsidiarity in the Church: The State of the Question' (1988) 48 *Jurist* 298, 302.

4.4 Conclusion

The approach outlined above offers a new way of understanding and measuring civic attachment to different attributes associated with different conceptions of subsidiarity, for the purpose of identifying and comparing whether a subsidiarity political culture exists in Australia, Canada, Germany and the UK, in a manner that makes sense across these countries. In doing so, it presents an answer to the second focus question of this thesis: how are we to measure subsidiarity political culture? This chapter outlined the main survey instruments used to measure attitudes towards the principle in this thesis: the ACVS, ICVS and, to a lesser degree, the Policymakers Survey. The first section of this chapter provided an overview of the surveys, highlighting how they were administered and how respondents were sampled. The second section demonstrated that the samples obtained are representative of the wider populations of Australia, Canada, Germany and the United Kingdom, a crucial threshold in any study of political culture.³⁶ The final section explained the development of a three-item measure of subsidiarity values. While future research might usefully expand on the number of items included in the measure, and trial different wording of the items, the approach presented here represents a crucial best first attempt at capturing subsidiarity values. The new conceptualisation of subsidiarity provided in Chapter 2 was instrumental here, as it offered a framework for extending previous approaches to understanding citizens' attitudes towards the principle. By asking respondents how they value decentralism, non-absorption and support, this new approach is sensitive to differences in subsidiarity's meaning. The questions for the next chapters, then, are whether we can indeed find evidence of a subsidiarity political culture (or cultures), and if so, what factors might influence these values?

³⁶ Smith, above n 1, 8; see also Fuchs, above n 1.

V

Key Results: Evidence of Subsidiarity

Political Culture

Having established how we might recognise and measure a subsidiarity political culture, the next step is to apply and test these measures in order to investigate whether Australia, Canada, Germany and the United Kingdom have discernable subsidiarity political cultures, including whether there are significant differences between them. This chapter and the next therefore answer the third focus question of this thesis: do the four cases have a subsidiarity political culture or culture(s), and if so, what are its features? This chapter provides an analysis of the data from the ACVS and ICVS, highlighting how each of the elements of subsidiarity is valued in each country, while Chapter 6 explores the factors that might influence these values and attitudes.

This chapter is broken into two parts. The first part provides evidence of subsidiarity political cultures in Australia, Canada, Germany and the UK by showcasing how decentralism, non-absorption and support are each valued in these national communities, and revealing that subsidiarity is not ‘dead’,¹ ‘dying’² or ‘disregarded’,³ at least to citizens. Highlighting points of similarity and difference between the elements and between countries provides strong confirmation that the measure works as intended, and begins to

¹ R. A. B. Leaper, ‘Subsidiarity and the Welfare State’ (1975) 9(2) *Social and Economic Administration* 82, 82.

² Greg Taylor, ‘Germany: A slow death for subsidiarity?’ (2009) 7(1) *International Journal of Constitutional Law* 139.

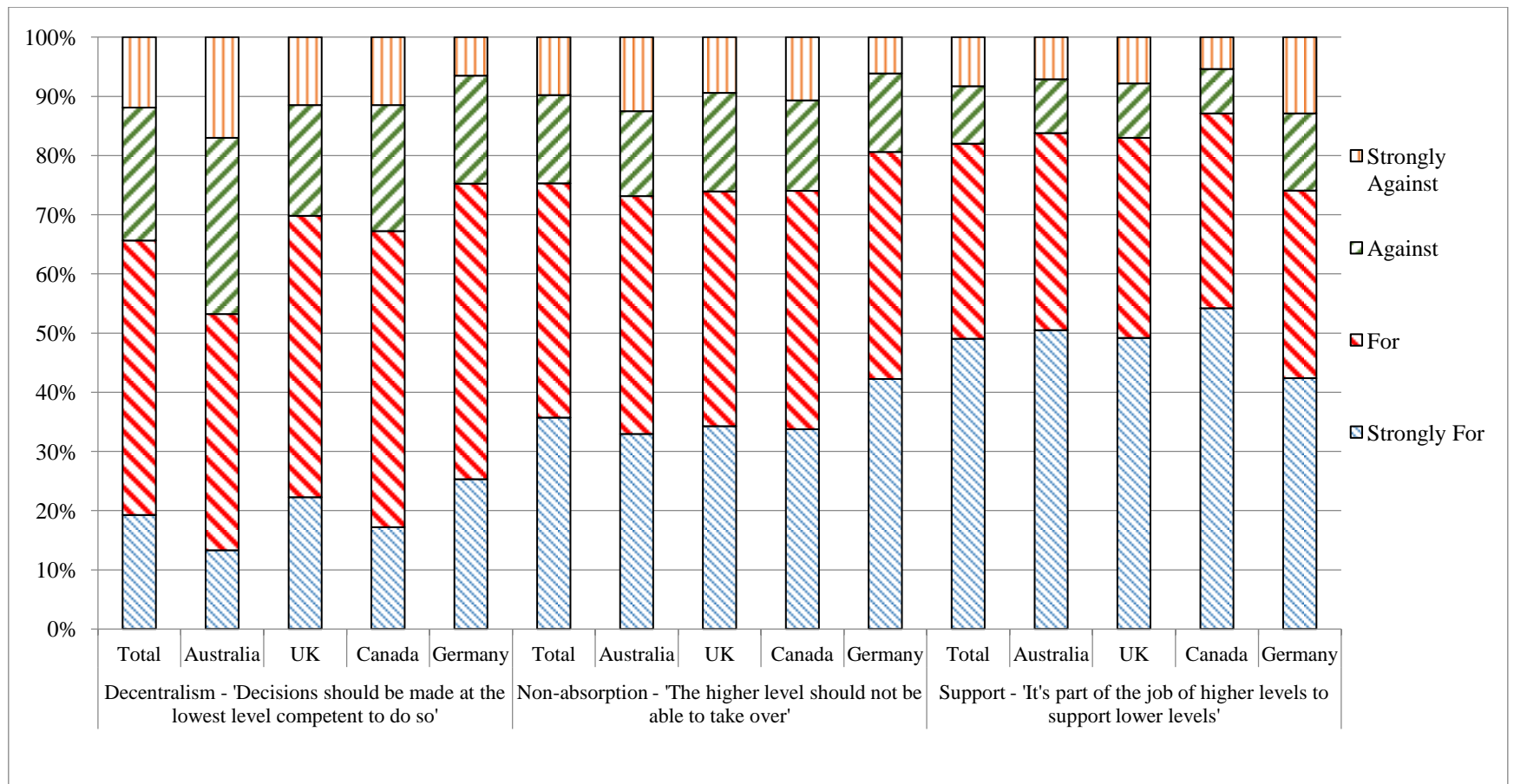
³ Michelle Evans, ‘Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation’, in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 185.

reveal the different ways that the principle is viewed as meaningful in each country, paving the way for further analysis in Chapters 6 and 7. The second part examines the extent to which the different elements ‘fit’ together to form an overall value of subsidiarity. It follows the theoretical discussion in Chapter 2 that the different elements are related in a limited sense, but remain largely independent of one another, rather than seamlessly meshing together. This is crucial to establishing the validity of the measure, and to understanding subsidiarity’s meaning, because it demonstrates how the elements can be valued in different ways.

5.1 Attitudes towards Subsidiarity

Figure 5.1 presents the overall picture of attitudes towards subsidiarity in each country, when measured in each of three ways outlined in Chapter 4. This section explains the wealth of information in Figure 5.1 in a series of smaller analyses. It begins by comparing and discussing the values attached to decentralism, non-absorption and support across the sample as a whole, showcasing how attachment to the three elements varies. The section then turns to a country-by-country analysis, exploring the ways in which attitudes towards the different elements differ within each case. Finally, the case countries are compared with each other, showing how the principle is valued in different ways in each country.

Figure 5.1. Attitudes towards decentralism, non-absorption and support in Australia, Canada, Germany and the UK (ACVS 2016, ICVS 2016)



5.1.1 Attitudes towards Decentralism, Non-absorption, and Support

The first step in analysing the data presented in Figure 5.1 is to ask: is there a general pattern to the way that decentralism, non-absorption and support are each valued across the four countries? By establishing this, we can both assess whether these measures are working as intended, and establish a context for further analysis of the ways in which individual country results may depart from these overall trends.

To begin, all three elements were generally popular with most participants; decentralism was the least valued of the three, but even it was viewed favourably by two-thirds (65.7%) of valid respondents. Immediately, this presents a challenge to the idea that subsidiarity is not a meaningful principle;⁴ to citizens at least, decentralism, non-absorption and support are valuable considerations in the way power is allocated and exercised in government.

Within this context of overall appreciation for subsidiarity, there are some important differences. The support element of subsidiarity was the most valued, with 82.1% of respondents holding the view that it is part of the higher levels' job to support lower levels. This is substantially greater than the advocates of decentralism (65.7%) and non-absorption (75.3%). It is possible that some respondents were drawn to supportive subsidiarity simply as a question of good governance; they interpreted the question as asking: do you want your governments to get along and help each other out? Additionally, because the question was designed to be fairly abstract in its use of the word 'resources' (see section 4.3.3 above), it cannot distinguish between respondents who based their answers on financial assistance, versus other means of support. However, these varied interpretations are all still valid understandings of supportive subsidiarity, as they reflect Komonchak's argument that higher orders should help lower orders to help themselves.⁵ Thus, the strong attachment to

⁴ See, e.g., Gabriel A. Moens and John Trone, 'The Principle of Subsidiarity in EU Judicial and Legislative Practice: Pancea or Placebo?' (2015) 41 *Journal of Legislation* 65, 65.

⁵ Joseph A. Komonchak 'Subsidiarity in the Church: The State of the Question' (1988) 48 *Jurist* 298, 302.

supportive subsidiarity is not problematic, although future research might usefully investigate whether there are particular forms of support to which citizens respond especially favourably.

The responses to non-absorption are also telling. As discussed in Chapter 4, the question was carefully worded to avoid good governance connotations, and was instead designed to encourage participants to answer on principle alone. That three-quarters of respondents were against intervention by a higher level therefore also shows a strong commitment to subsidiarity.

Finally, as highlighted above, two-thirds of participants saw value in decentralism. While this ‘total’ result is probably dragged down by the Australian data (see below), there is still a clear trend of viewing subsidiarity favourably.

5.1.2 Country-by-country Analysis

While there is a broad pattern to the results, does this pattern hold for each country individually, or are there differences in the level of attachment to each element, such as might provide evidence of distinct subsidiarity political cultures? This section considers each country separately, thereby extending the previous work on Australia and introducing insights into the way subsidiarity is valued in Germany, Canada and the UK. It reveals how respondents in each country react to decentralism, non-absorption and support, establishing the ways in which citizens give the principle meaning. It leaves detailed examination of the factors that may influence the results to Chapter 6.

Germany

Attachment to the principle is extremely high in Germany, even by the standards set by the sample as a whole. As shown in Figure 5.2, 75.2% of German respondents thought that decisions of government should be made at the lowest level possible, 80.5% valued

non-absorption, and 74.1% felt that higher levels should support lower levels. Apart from the overall popularity of the subsidiarity values, the German results are remarkable because of the similarity between the endorsement of the three items; there was only 5% difference between non-absorption and support. A series of paired sample t-tests (which compare the mean score on one item with the mean score on a second item, see Table 5.1) confirmed that, while the differences between attitudes towards the three items were statistically significant, even the most meaningful difference (decentralism v non-absorption) was very small in effect. In other words, the three elements can be regarded as being fairly equally (and highly) valued by the average German, but the non-absorptionist element resonates especially strongly.

Figure 5.2. Attitudes towards decentralism, non-absorption and support (Germany)

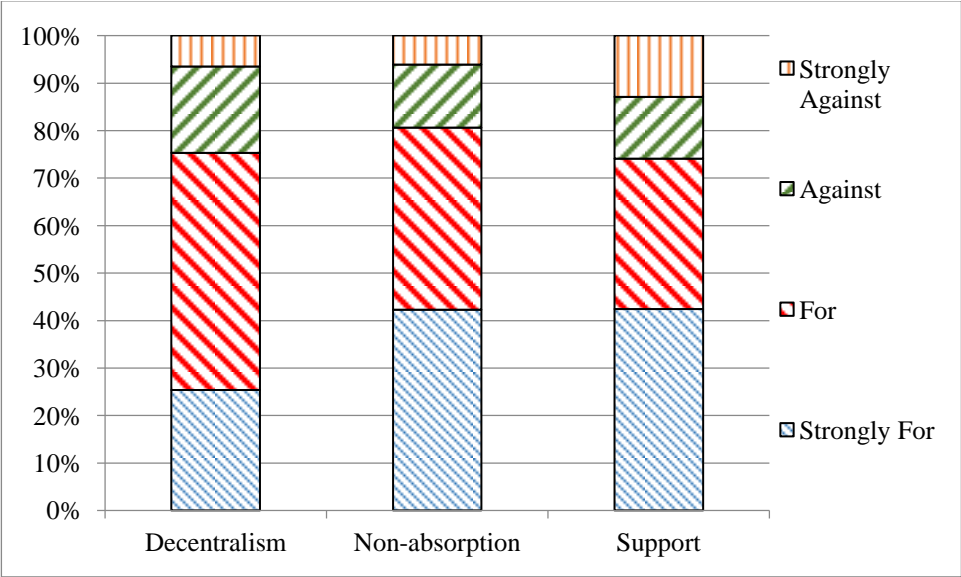


Table 5.1. Paired samples t-test (Germany)

	M	SD	<i>t</i>	<i>p</i>	<i>d</i>
Decentralism/ Non-absorption	-.211	1.037	-5.566	<.001	0.20
Decentralism/ Support	-.095	1.352	-1.959	.050	0.07
Non-absorption/ Support	.132	1.394	2.641	.008	0.09

Canada

Most Canadians also valued all three elements highly, although there was greater variation in attachment to each item: decentralism: 67.3%; non-absorption: 74.1%; and support 87.1%. The attachment to supportive subsidiarity is especially striking: more than half of respondents strongly held the view (as opposed to ‘tending’ to be of the view) that higher levels should support lower levels. Paired sample t-tests (Table 5.2) confirmed that the particular attachment to supportive subsidiarity is important: the difference between mean attachment to support and decentralism was both statistically significant and moderate in effect.⁶ Thus, Canadians can generally be characterised as highly attached to subsidiarity, but the supportive element of the principle is especially meaningful.

⁶ Support v Non-absorption was also significant, but only small in effect.

Figure 5.3. Attitudes towards decentralism, non-absorption and support (Canada)

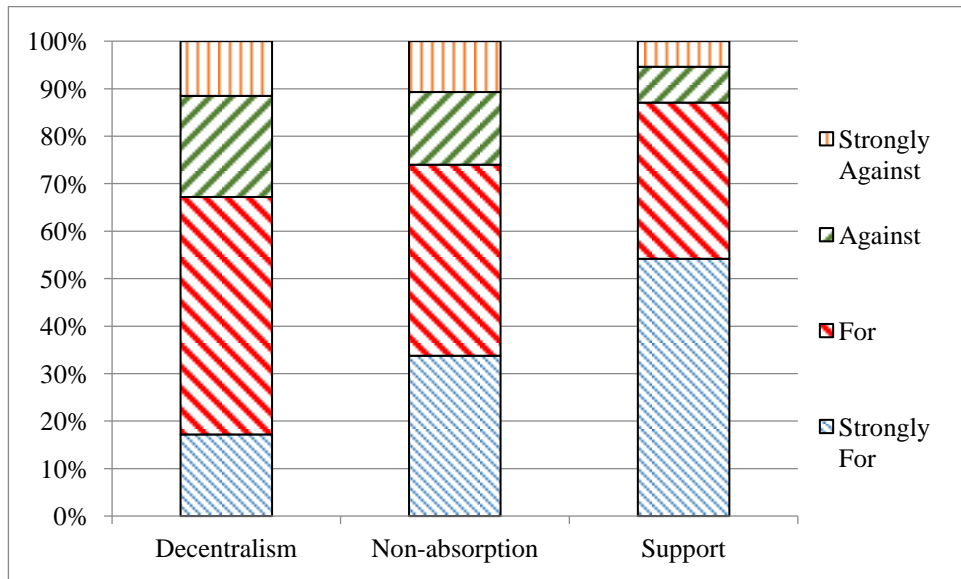


Table 5.2. Paired samples t-test (Canada)

	M	SD	<i>t</i>	<i>p</i>	<i>d</i>
Decentralism/ Non-absorption	-.217	1.164	-4.612	<.001	0.19
Decentralism/ Support	-.638	1.147	-14.173	<.001	0.56
Non-absorption/ Support	-.408	1.232	-8.921	<.001	0.33

United Kingdom

Attachment to subsidiarity was also generally high in the UK; 69.9%, 79.0% and 83.0% of participants respectively valued decentralism, non-absorption and support. However, the variation between levels of attachment was less substantial than in Canada, as paired samples t-tests revealed only a small difference between decentralism and support, and non-absorption and support, while the difference between decentralism and non-absorption was significant but had no real effect.

Figure 5.4. Attitudes towards decentralism, non-absorption and support (UK)

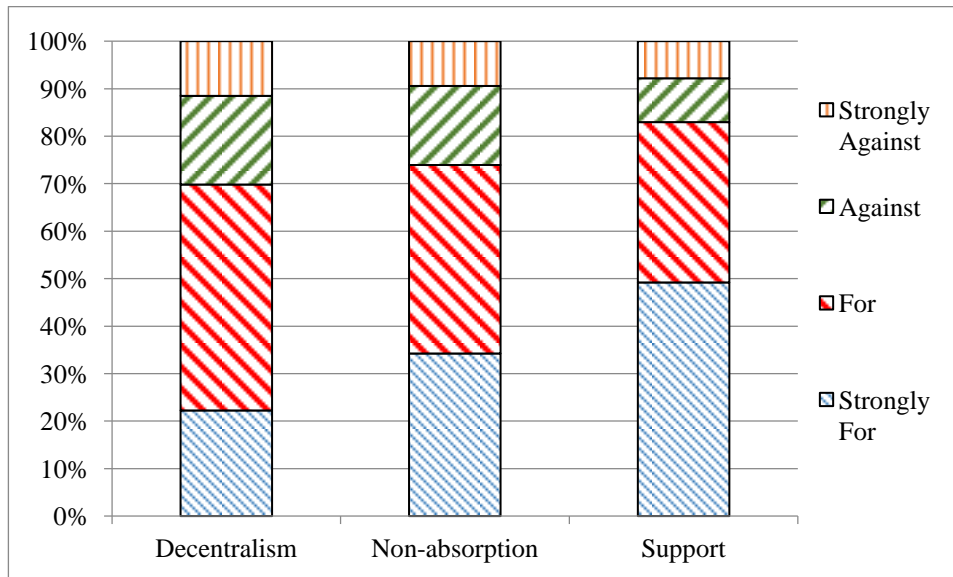


Table 5.3. Paired samples t-test (UK)

	M	SD	t	p	d
Decentralism/ Non-absorption	-.180	1.164	-4.122	<.001	0.15
Decentralism/ Support	-.444	1.237	-9.729	<.001	0.36
Non-absorption/ Support	-.273	1.293	-5.863	<.001	0.21

Australia

Australians were the most varied in their attitudes towards the elements of subsidiarity. The immediately noticeable difference to the previous cases is the (relative) lack of attachment to decentralism. While a majority of Australians valued decentralism (53.2%), this number was far below the total sample of all four countries. The Australian decentralism results are very consistent with previous ACVS data; attachment to

decentralism has remained at around 50% since 2008.⁶ This consistency reinforces the reliability of this item. It also suggests that the item does in fact capture the deeper political orientations necessary for analysing subsidiarity political culture, rather than more fleeting attitudes.

By contrast, supportive subsidiarity was extremely popular (83.8%), while on the non-absorption item, almost three-quarters of Australians thought that a higher level of government should *not* take over the responsibilities of lower levels. Paired sample t-tests (Table 5.4) confirmed that these differences were significant and important, and the difference between the way that decentralism and support is valued had the largest effect of any of the within-country comparisons. These results indicated that, while Australians are evenly divided on the question of decentralism, they value the idea of higher levels of government supporting lower levels. However, it seems that this support should not be used as an opportunity to just take over responsibility. Instead, the support should be used to empower lower levels. This is a significant insight for the Australian debate, where the subsidiarity literature has invariably focused on decentralist elements of the principle. The implications of this finding are considered further in Chapters 7 and 8.

⁶ Jacob Deem, Robyn Hollander and A J Brown, 'Subsidiarity in the Australian Public Sector: Finding Pragmatism in the Principle' (2015) 74(4) *Australian Journal of Public Administration* 419, 423.

Figure 5.5. Attitudes towards decentralism, non-absorption and support (Australia)

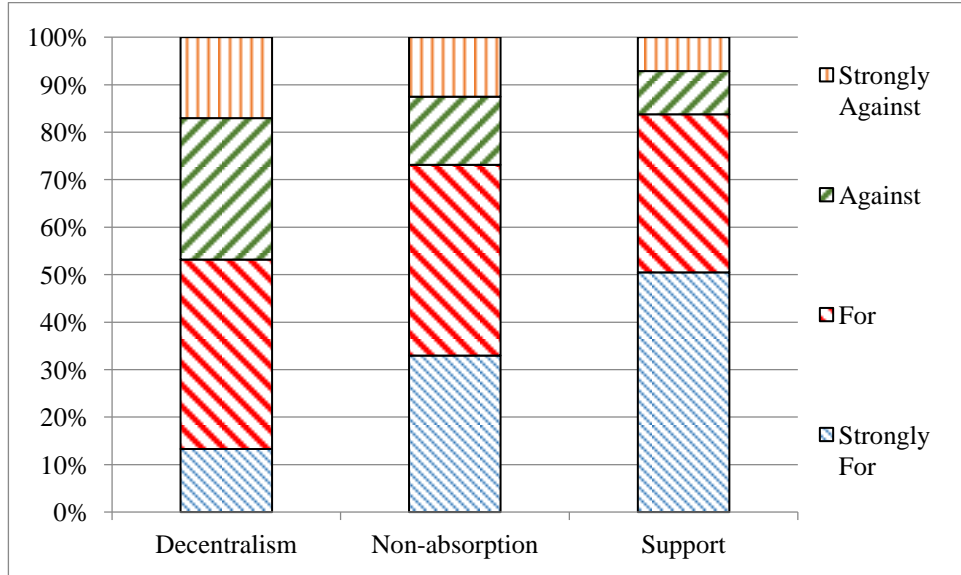


Table 5.4. Paired samples *t*-test (Australia)

	M	SD	<i>t</i>	<i>p</i>	<i>d</i>
Decentralism/ Non-absorption	-.434	1.156	-11.306	<.001	0.38
Decentralism/ Support	-.788	1.188	-20.423	<.001	0.66
Non-absorption/ Support	-.342	1.253	-8.592	<.001	0.27

5.1.3 Between-country comparisons

Having revealed that decentralism, non-absorption and support are valued differently in each country, we must now ask: how important are these differences? A simple visual analysis of Figure 5.1 highlights that there are differences between the countries in the way subsidiarity is valued, but what is the significance of this variation? These differences in subsidiarity’s meaning are statistically confirmed by comparing the mean scores for each case: analysis of variance shows that there are significant differences on all three

dimensions.⁷ This section considers each dimension of subsidiarity in turn, examining the key points of difference and similarity in the way citizens perceive subsidiarity's meaningfulness and value.

Decentralism

The most obvious difference in attitudes towards decentralism is between Germany (75.2% pro-subsidiarity) and Australia (53.2%). The statistical significance and moderate effect size of this difference demonstrates that there are important variations in the way that subsidiarity is valued. However, even the smaller differences are important. Germans were also significantly more attached to decentralism than Canadians and respondents from the UK. While the difference was not especially strong, particularly comparing Germany and the UK, it reinforces that subsidiarity's meaningfulness varies between countries.

Second, at the other end of the spectrum Australia had by far the lowest score on the decentralism item. In addition to the significant difference between Australia and Germany mentioned above, linear contrasts revealed that Australians were also significantly less attached to decentralism than Canadian and British respondents.⁸ This suggests that, alongside Brohmer's observation that the academic debate has a strange preference for centralism,⁹ public attitudes are also more centrally aligned than elsewhere.

Finally, respondents from the UK were more attached to decentralism than Canadian participants. The observed difference is, admittedly, quite small (2.6%) and statistically insignificant. However the fact that the two cases are even close is important, given Canada's strongly decentralised federal system, compared to the UK's formally unitary one. The potential role and influence of federal institutions is further examined in Chapter 7.

⁷ Decentralism: $F(3, 3283) = 40.577, p < .001$; Non-absorption: $F(3, 3440) = 10.318, p < .001$; Support: $F(3, 3686) = 19.063, p < .001$.

⁸ $p < .001$.

⁹ Jurgen Brohmer, 'Subsidiarity and the German Constitution', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 129.

Non-absorption

Attitudes towards non-absorption were less varied across the four case countries. Indeed, there is less than 1% difference in the level of attachment to this element in Australia (73.2%), the UK (74.0%) and Canada (74.1%).¹⁰ However, there was a significant difference between Germany and the other cases,¹¹ with 80.5% of respondents valuing non-absorption. This seems to confirm that non-absorption holds a special place in the minds of the German public (see Chapter 7 for further discussion).

Support

Finally, the value placed on supportive subsidiarity also seems to vary between countries, although not to the same extent as attitudes towards decentralism. As with non-absorption, attitudes in the UK (83.8%), Canada (87.1%) and Australia (83.8%) appear broadly consistent.¹² The German results again stand apart (74.1%), but this time Germans were markedly less attached to supportive subsidiarity than the other countries.¹³ That is not to say, however, that Germans do not value supportive elements of the principle. Rather, it suggests that supportive subsidiarity is just not as meaningful relative to the other elements in German subsidiarity political culture in comparison to Australia, Canada and the UK.

5.2 Cohesion of Values

The next task in examining how subsidiarity is understood and valued in the four cases is to examine the extent to which the subsidiarity elements of decentralism, non-

¹⁰ Unsurprisingly, these differences are not statistically significant: UK/Canada: $p= 1.000$; UK/Australia: $p= 1.000$; Canada/Australia: $p= 1.000$.

¹¹ UK/Germany: $p= .001$; Canada/Germany: $p<.001$; Australia/Germany: $p< .001$.

¹² Linear contrasts show no significant differences between UK, Canada and Australia: UK/Canada: $p= .064$; UK/Australia: $p= 1.000$; Canada/Australia: $p= .225$. Contrasts with Germany were significant in all cases: UK/Germany: $p<.001$; Canada/Germany: $p< .001$; Australia/Germany: $p< .001$.

¹³ Contrasts with Germany were significant in all cases: UK/Germany: $p<.001$; Canada/Germany: $p< .001$; Australia/Germany: $p< .001$.

absorption and support fit together. This is an important question, as it explores how attitudes to one element relate to the others. In developing the three element conceptual approach to subsidiarity in Chapter 2, it was argued that while these elements can be related to one another, they do not have to be, and in fact it is the emphasis on different aspects (e.g., decentralism and not support) that leads to different understandings of the principle in the literature. A bivariate correlation suggests that this is true of citizens' attitudes as well - there is a relationship, but it is not especially strong (Table 5.5). The correlation between decentralism and non-absorption was weak to moderate at best in all four cases, while support was only related to the other two items in any meaningful way in Australia. While these correlations offer a helpful insight into understanding the relationship between the three variables, and lend themselves to the interpretation that the three elements are only broadly related to one another, additional factor and reliability analysis provides further confirmation.

Table 5.5. Bivariate correlations between decentralism, non-absorption and support (ACVS 2016, ICVS, 2016)

Sample		Decentralism	Non-absorption	Support
United Kingdom	Decentralism	1	.222***	.097**
	Non-absorption		1	.019
	Support			1
Germany	Decentralism	1	.287***	-.004
	Non-absorption		1	-.026
	Support			1
Canada	Decentralism	1	.245***	.093*
	Non-absorption		1	.056
	Support			1
Australia	Decentralism	1	.280***	.182***
	Non-absorption		1	.145**
	Support			1

* $p < .05$; ** $p < .01$; *** $p < .001$.

5.2.1 Factor Analysis

Factor analysis provides a rigorous examination of the relationship between variables, and is useful because it aims to explain whether the relationship between a group of observed variables can be understood through a smaller number of unobserved variables. In this case, are the three elements of subsidiarity better understood as one overarching ‘subsidiarity value’? An exploratory factor analysis (i.e., one that does not make prior assumptions about the number of factors) is preferable, as there is no prior empirical evidence on which to make assumptions about the number of underlying factors.

Three factor analyses were performed; the first analysed the sample as a whole, while the second tested each case country individually. Analysing the sample as a whole first is useful, as it provides an insight into the viability of the broader concept, while examining the cases separately tests the claim that subsidiarity’s meaning varies between countries. The third factor analysis included the three subsidiarity items alongside other items in the Constitutional Values Surveys, such as satisfaction with current multi-levelled governing arrangements, in order to test whether the subsidiarity items are usefully distinct from citizens’ attitudes towards other aspects of their political system. While this analysis did not directly address questions of the cohesiveness of subsidiarity values, it goes to the important question of whether the subsidiarity items captured a set of values that hold together against other perceptions of the system.

Analysis begins with the ‘total sample’.¹⁴ A component matrix for principal component analysis extracted only one factor, suggesting that these three variables are linked by a broad value of subsidiarity.¹⁵ However, some of the specifics of these analyses require further attention. First, while the participant-variable ratio easily meets common guidelines on minimum sample sizes,¹⁶ the sample only just met requirements on a Kaiser-

¹⁴ N= 2876.

¹⁵ Rotated component matrix could not be extracted due to only one component being extracted.

¹⁶ See, e.g., Fred Bryant and Paul Yarnold, ‘Comparing Five Alternative Factor-Models of the Student Jenkins Activity Survey: Separating the Wheat from the Chaff’ (1995) 64 *Journal of Personality Assessment* 145; Joseph Hair, William Black, Barry Babin and Rolph Anderson, *Multivariate Data Analysis* (7th ed, Pearson Education Limited, 2014), 100.

Meyer-Olkin Measure of Sampling Adequacy.¹⁷ While this is not fatal to the factor analysis, it does limit the reliability of the results. Next, the item measuring attitudes towards supportive subsidiarity had a very low communality score,¹⁸ and was only very weakly correlated to the other two items.¹⁹ This indicates that, despite all three items loading on to the one component, supportive subsidiarity may stand apart from the other two.

The apparent separation of the support item may give some credence to theories of subsidiarity that see the principle as comprising of negative and positive limbs.²⁰ Such an interpretation draws on the general lack of correlation between support and the other items, and that understanding the items through the lens of two factors rather than one would explain a further 32.64% of the variance on these items.²¹ However, the Kaiser rule for determining the number of factors prefers Eigenvalues above 1.0,²² a standard which the second component just failed to meet (the Eigenvalue of a second component is .979). However, considering that the Kaiser rule can underestimate the number of factors if there are fewer than 20 variables (as there is in this case),²³ there is certainly some cause for debate as to whether the factor analysis should be interpreted as producing one or two factors. Importantly, this must be weighed against Hayton, Allen and Scarpello's observation that Kaiser's rule may overestimate the number of factors;²⁴ this interpretation would prefer the one factor approach. Overall, the conflicting interpretations of these results provide a critical insight into subsidiarity's meaning. They suggest that the elements of decentralism, non-absorption and support broadly relate back to an underlying subsidiarity value, but they do not do so neatly or convincingly. Part of the reason for this disparity is that the supportive element of the principle stands more apart from the other

¹⁷ .511 – According to Hair et al, a factor analysis should not be performed if the KMO result is less than .50: Hair et al, above n 16, 91.

¹⁸ .095

¹⁹ Decentralism/Support: $r = .081$, $p < .001$; Non-absorption/Support: $r = .040$, $p < .001$.

²⁰ See, e.g., Patrick McKinley Brennan 'Subsidiarity in the Tradition of Catholic Social Doctrine' in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 29.

²¹ On top of the 43.56% of the first component, for a cumulative total of 76.2%.

²² See, e.g., Hair et al, above n 16, 107.

²³ Ibid.

²⁴ James C. Hayton, David G. Allen, and Vida Scarpello, 'Factor Retention Decisions in Exploratory Factor Analysis: a Tutorial on Parallel Analysis' (2004) 7(2) *Organizational Research Methods* 191, 193; see also Joseph Drew and Brian Dollery, 'A Factor Analytic Assessment of Financial Sustainability: The Case of New South Wales Local Government' (2016) 26(2) *Australian Accounting Review* 132, 135.

two; more than anything, this serves as an important reminder that the subsidiarity literature, which has been dominated by decentralist accounts, must not neglect to consider the supportive limb as well.

This debate opens up further upon consideration of the individual country analysis. In Canada and Australia, the three subsidiarity items load far more clearly on to one component; while the communalities for the support variable remain quite low, they are much higher than the ‘total sample’ analysis,²⁵ and the loadings on the component matrix are stronger for the support item.²⁶ By contrast, in Germany the communality of the support item weakened to an extremely low level.²⁷ This suggests that, in Germany, the ‘two-limbed’ understanding of subsidiarity might be a far more useful approach, while in Canada and Australia, there seems to be a stronger underlying singular concept of ‘subsidiarity’, reinforcing the claim that subsidiarity’s meaning is not consistent everywhere. Finally, the results from the UK fall in between these two categories – while the support variable had a stronger loading on the component matrix,²⁸ the Eigenvalue for the first component was slightly lower than for the ‘total sample’ analysis. This suggests that there is a particular difficulty in understanding the way that respondents in the UK value subsidiarity.

The third factor analysis repeated the process of the second by considering each country separately, but included four additional variables that, while broadly related to subsidiarity because they measured respondents’ perceptions of and satisfaction with their political system, were expected to be distinct from a measure of an underlying subsidiarity political culture. These items respectively asked how well respondents thought democracy was working in their country today,²⁹ how well they thought their current multi-levelled system of government was working,³⁰ whether they agreed with the statement that their

²⁵ Canada: .207; Australia: .324.

²⁶ Canada: Decentralism: .745, Non-absorption: .729, Support: .455; Australia: Decentralism: .765, Non-absorption: .712, Support: .569.

²⁷ .021.

²⁸ .379.

²⁹ 1= Not at all well, 2= Not very well, 3= Quite well, 4= Very well.

³⁰ 1= Not at all well, 2= Not very well, 3= Quite well, 4= Very well.

State/province was treated with respect,³¹ and whether they agreed that different levels of government were working well together.³²

In all four cases, the factor analysis identified the three subsidiarity items as loading onto a separate component compared to the other variables.³³ This tends to confirm that the measure of subsidiarity values is therefore a useful and reliable one, as it can distinguish between attitudes that go to the heart of the subsidiarity principle, and attitudes towards the system that, while broadly relevant to subsidiarity (for example, subsidiarity may be more popular if citizens think the system works well), are not directed to the core values of decentralism, non-absorption and support.

Overall, while factor analysis provided few conclusive answers from a statistical perspective on the cohesiveness of subsidiarity values, it did demonstrate the reliability of the measure. Additionally, the results broadly confirm that subsidiarity is a complex principle, and that citizens value the elements of subsidiarity in ways that reflect this complexity. It is also clear that there are important differences between countries. Thus, regardless of what might be said about how attitudes towards subsidiarity are understood, there is strong evidence that adopting a nuanced approach to the principle's meaning is crucial.

5.2.2 Subsidiarity Scale

An alternate approach to understanding the relationship between subsidiarity values is to use a scale of subsidiarity attitudes, in order to determine whether this approach yields a better understanding of subsidiarity values. Adding together the scores on the three items created a scale of subsidiarity attitudes: this forms a range from 0 (strongly *against* subsidiarity on all three items) to 9 (strongly *for* subsidiarity on all items). The inter-item

³¹ 1= Strongly disagree, 2= Disagree, 3= Agree, 4= Strongly agree.

³² 1= Strongly disagree, 2= Disagree, 3= Agree, 4= Strongly agree.

³³ In the German case, support again loaded onto a separate factor to decentralism and non-absorption, but the other items remained distinct from either component.

correlations shown in Table 5.6 reflect the earlier observations that while the number of significant correlations suggests some connection between these variables, they are at best moderate, and often weak.

*Table 5.6. Inter-item correlations for decentralism, non-absorption and support (ACVS and ICVS 2016)*³⁴

Sample		Decentralism	Non-absorption	Support
Total	Decentralism	1	.282***	.078***
	Non-absorption		1	.046**
	Support			1
United Kingdom	Decentralism	1	.247***	.104**
	Non-absorption		1	.050
	Support			1
Germany	Decentralism	1	.288***	-.008
	Non-absorption		1	-.031
	Support			1
Canada	Decentralism	1	.236***	.100*
	Non-absorption		1	.066
	Support			1
Australia	Decentralism	1	.300***	.175***
	Non-absorption		1	.131***
	Support			1

* $p < .05$; ** $p < .01$; *** $p < .001$.

Despite the weakness of some of these correlations, item-total correlations for the subsidiarity scale (shown in Table 5.7) fall within conventional standards of acceptability.

³⁴ Correlations are different to those presented in the factor analysis section above due to differences in listwise deletion.

Table 5.7. Item-total correlations for subsidiarity scale (ACVS and ICVS 2016)

Sample		Item-total correlation
Total	Decentralism	.685***
	Non-absorption	.684***
	Support	.581***
United Kingdom	Decentralism	.686***
	Non-absorption	.672***
	Support	.585***
Germany	Decentralism	.631***
	Non-absorption	.636***
	Support	.591***
Canada	Decentralism	.673***
	Non-absorption	.709***
	Support	.575***
Australia	Decentralism	.717***
	Non-absorption	.710***
	Support	.627***

*** $p < .001$.

The scale also holds face-validity. It distinguishes between Germany and Canada at the top end of the scale, and Australia at the bottom,³⁵ which an ANOVA confirms as significant, though small in effect.³⁶

However, while these are indicators that there is an underlying subsidiarity value, reliability analysis puts this suggestion into doubt. In particular, Cronbach's alpha falls well

³⁵ Mean (SD) scores in order of attachment to subsidiarity: Germany 6.21(1.7), Canada 6.17(1.8), UK 6.10(1.8), Australia 5.73(2.0).

³⁶ $F(3, 2872) = 11.387, p < .001, \eta^2 = .011$.

short of generally accepted standards.³⁷ As with the factor analysis, breaking the reliability statistics down by country results in a clearer picture in Australia and Canada (although still not to an acceptable standard of reliability),³⁸ a less clear picture in Germany,³⁹ and the UK results remain largely unchanged.⁴⁰

Again, the messiness of these results would seem to perfectly capture the essence of subsidiarity: it is a complex principle. Further, even if the different elements of decentralism, non-absorption and support are important components of a common, overall civic attachment to a broader principle of subsidiarity, it is not necessary – to make sense of their presence and impact - that they always fit neatly together, and certainly not always in the same way. For the purposes of this thesis, this means that it is clearer and more reliable to deal with each element separately in the remaining analysis.

5.3 Conclusion: Evidence of Subsidiarity Political Culture

The analysis in this chapter reveals that subsidiarity's meaning is different in each of the four cases, both in the way that the three elements are valued (is it meaningful?), but also in the sense that the attitudes towards each element sit alongside one another with varying degrees of cohesiveness (suggesting that subsidiarity means something different in each country). We can say that most Germans place great value on all three elements, but that non-absorption is especially important. On the other hand, Australians are significantly less attached to decentralism than elsewhere, but value supportive elements extremely highly. Additionally, while the three elements do not combine especially well, there is a greater cohesion in values in Australia than elsewhere. Finally, Canadian and British respondents had, on average, very similar approaches to subsidiarity, as the analysis detected no significant differences between attitudes in these countries. In both cases

³⁷ Cronbach's alpha: .315. Normally .70 would be an absolute minimum, with .80 being better. While removing the support item would improve this score, it still does not reach the .70 level (Cronbach's alpha without support = .440).

³⁸ Australia Cronbach's alpha: .435; Canada Cronbach's alpha: .330.

³⁹ Germany Cronbach's alpha: .173.

⁴⁰ UK Cronbach's alpha: .308.

therefore, there was a generally high level of the three elements. However, while the results were remarkably similar, Canadian values appeared more cohesive and more highly correlated. This suggests that even if the values appear the same on the surface, there may be deeper influences at work – while attachment to the three elements may be similar in the UK and Canada, is this attachment being driven by different forces in each case? Further, why are Australians comparatively less attached to decentralism than respondents from elsewhere, and why is subsidiarity so highly valued in Germany? The next chapter unpacks these questions by examining the potential influence of broader drivers of political culture.

VI

Unpacking Subsidiarity Political Culture

The preceding chapter provided evidence to suggest that there may indeed be a distinct ‘subsidiarity political culture’, as respondents from the four case countries seem to hold collective ideas about the value of decentralism, non-absorption and support. The way these three elements are valued differs between countries, both in terms of the attachment to each element (e.g. Australians are generally less attached to decentralism than Canadians), and the way the elements are valued relative to each other (e.g. support was the most valued element in the UK, while in Germany non-absorption was the most popular). This provides early evidence of a subsidiarity political culture: the citizens of each country hold distinct orientations towards the elements of subsidiarity. The next step is to further unpack this culture, by testing the influence of potential drivers of subsidiarity values. Doing so helps explain differences in subsidiarity political culture between the cases, and in turn offers a clearer understanding of why respondents from each country view particular subsidiarity elements as more (or less) meaningful.

Because this study follows the conventional approach of measuring political culture through the aggregation of micro-data (i.e., survey responses),¹ the best way to begin unpacking subsidiarity values is to investigate factors that might influence subsidiarity political culture that can be identified or that manifest at an individual level (i.e. in the micro-data). This chapter uses Smith’s taxonomy of political culture models to help frame this investigation.² Smith identified four dominant models of explaining how political cultures form and are either kept stable or change: socioeconomic interest, childhood socialisation, foundation, and political mobilisation. Socioeconomic models

¹ Dieter Fuchs ‘The Political Culture Paradigm’ in Russell J. Dalton and Hans-Dieter Klingemann (eds) *The Oxford Handbook of Political Behavior* (Oxford University Press, 2007), 173.

² Rodney Smith, *Australian Political Culture* (Pearson Education Australia, 2001), Chapter 6.

focus on the assumption that an individual's political orientations are based on their individual characteristics (demographics, education, etc.), and political culture is therefore seen as a reflection of the aggregate socioeconomic and demographic distribution of a nation.³ The childhood socialisation model attributes the stability of political culture to the transmission of political orientations from adults to their children.⁴ Foundation models suggest that key moments in a nation's history establish cultural values, which are then imbued in political institutions and reinforced as political culture over time.⁵ Finally, mobilisation models (which Smith prefers) take a more eclectic approach, and suggest that the stability or change of political culture comes from the rhetoric and actions of political institutions and actors, and posits that particular factors are only relevant if they are activated or mobilised.⁶

This chapter considers each of the four models in turn, using data from the ACVS and ICVS to test for factors that potentially influence subsidiarity values; do the variables that explain the formation of broader political cultures also help account for subsidiarity political culture in each case? Because the four models offer competing views about the relevance of particular factors, they are each used to identify and test a wide range of potential influences – the goal here is not to argue that one model offers a better explanation of subsidiarity political culture than another, but rather to use the models to systematically investigate potential drivers of culture in each case. Because the subsidiarity literature has generally not recognised the importance of public attitudes towards the principle, there is limited literature speculating on the kinds of variables that might be influential. Framing the investigation through the lens of political culture models therefore helps identify factors that are potentially or likely to be relevant. Where possible, these factors are linked to discussions within the subsidiarity literature. Cross-country comparisons are provided in the consideration of each model, in order to better highlight the potential importance and impact of the different variables examined.

³ Ibid, 132.

⁴ Ibid, 123, see also Brian Graetz and Ian McAllister *Dimensions of Australian Society* (2nd ed, Macmillan, 1994), 368; Robert William Connell, *The Child's Construction of Politics* (University of Melbourne Press, 1971); Alan Davies, 'Political Socialisation' in Frederick John Hunt (ed) *Socialisation in Australia* (Angus and Robertson, 1972); Paul Reynolds, *Political Sociology* (Longman Cheshire, 1991).

⁵ Ibid, 130, see also Louis Hartz 'The Fragmentation of European Culture and Ideology' in Louis Hartz (ed) *The Founding of New Societies* (Harcourt Brace and World, 1964), 11-12.

⁶ Ibid, 135.

6.1 Socioeconomic Interests

Socioeconomic models offer a good starting point because their emphasis on demographic data makes them easy to test. These models take a broad view of the social and economic variables that are relevant, and as a result this section tests the impact of geographic factors, gender, income and level of education. ‘Socioeconomic’ typically suggests an interaction between the social and economic factors, although Smith notes that this model has tended to look at particular factors, such as class, in isolation.⁷ This section therefore tests each variable individually, while potential interactions between the variables are examined as part of the political mobilisation model in Section 6.4, as that model better captures the relationship between variables.

6.1.1 Geographic Factors

The best starting point for this investigation is to examine whether where a respondent lives is important to their subsidiarity attitudes. This is because, in addition to testing the socioeconomic model, analysing geographic factors addresses the broader question of whether it is fair or accurate to group citizens’ political orientations together at the national level. For example, reflecting on Canadian political culture, Wiseman argued that not enough research has explored regional differences in Canada, and that instead scholars erroneously assume that all Canadians share the same political culture.⁸ Testing whether there are significant differences within each country is therefore critical to establishing that ‘subsidiarity political culture’ is meaningful at a national level.

The first step in examining the importance of geography was to group respondents together into subnational categories that struck a balance between being (a) meaningful, and (b) large enough for reliable analysis. In some cases, especially the UK, it was preferable to use groupings that resulted in small ($n < 20$) cell sizes, because they reflect meaningful subnational groups. Future research, which can either significantly expand

⁷ Ibid, 132.

⁸ Nelson Wiseman, *In Search of Canadian Political Culture* (University of British Columbia Press, 2008), 1.

the overall sample size, or which oversamples from these smaller regions (at the expense of obtaining a nationally representative sample, which was achieved in this study) may be necessary to further interrogate these findings. Forming meaningful yet adequately sized groups was most easily achieved in Australia, where the six States were represented by a reasonable number of respondents. The Australian Capital and Northern Territories were grouped together to improve sample size; while the two Territories are demographically and geographically very different, they are united by tensions about their powers vis-à-vis the national government.

Canada was also reasonably straightforward: Ontario, Quebec, Alberta and British Columbia were all well represented and could be analysed individually. The remaining provinces were grouped into well-recognised regional categories that have been shown to share elements of broader political culture, and so may also share values towards subsidiarity, even if as a group they typically do not demand subsidiarity as a regional group.⁹ Manitoba and Saskatchewan were grouped together as the Prairie provinces (minus Alberta), while Newfoundland and Labrador, New Brunswick, Nova Scotia and Prince Edward Island were grouped together under the label of ‘Atlantic’.

The German case was more complex. There were enough respondents from Baden-Wurtemberg, Bayern (Bavaria), and Nordrhein-Westfalen to analyse these Länder individually. However, the remaining Länder were organized as follows:¹⁰

- Eastern: Brandenburg, Sachsen, Sachsen-Anhalt, Thüringen, Mecklenburg-Vorpommern and Berlin: these Länder constituted the former German Democratic Republic, although of course only part of Berlin fits this historical grouping.
- North West: Niedersachsen, Schleswig-Holstein, Hamburg and Bremen: These Länder are geographically proximate, but also share strong economic ties.
- South West: Rheinland-Pfalz, Saarland, and Hessen: These Länder do not fit together as neatly as the other groups, but share a broad geographic connection.

⁹ David McGrane and Loleen Berdahl, ‘Small Worlds’ No More: Reconsidering Provincial Political Cultures in Canada’ (2013) 23(4) *Regional and Federal Studies* 479, 482-485.

¹⁰ These groups were made based on suggestions from German federalism expert Stephan Vogel (Universität zu Köln) to the ‘Confronting the Devolution Paradox’ project.

Finally, the UK was divided on territorial lines between England, Scotland, Wales and Northern Ireland, despite the small samples in Northern Ireland and Wales. This is an important issue because, both because of the history of subsidiarity's use in devolution debates in the 1990s, and because, as Henderson and colleagues noted in their study of the role of national identification in Brexit, researchers often adopt a 'whole of Britain' approach using a dataset dominated by English respondents, without critical consideration of their approach, or of particularly 'English' attitudes.¹¹ While this ICVS took a nationally representative sample (as demonstrated in Section 4.2 above), rather than the 'bottom-up' approach of obtaining a statistically powerful sample for each territory,¹² breaking the UK sample down along territorial lines is the most appropriate in terms of detecting potentially divergent subnational subsidiarity political cultures.

Table 6.1 displays the mean level of attachment for each element of subsidiarity in each geographic group. Broadly, these results show that attitudes towards subsidiarity did not vary substantially according to where a respondent lives. A Gabriel post-hoc analysis of variance, which is designed to detect significant differences between groups, confirmed that there were no important or significant differences between geographical groups within each country.¹³ In other words, while the analysis in Chapter 5 demonstrated that there are important differences between countries in the way subsidiarity is valued, subsidiarity's meaningfulness does not vary within each country. For example, the observation in the previous chapter that Germans are more attached to decentralism than Australians is reflected in Table 6.1, as Tasmanians (the State where decentralism was most valued) were still less attached to decentralism than participants from Nordrhein-Westfalen (the Land where decentralism was least valued). But, comparing the German Länder, attachment to decentralism did not differ between respondents from Nordrhein-Westfalen and those from Baden-Württemberg, (the Land with the highest mean attachment to decentralism).

¹¹ Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, 'How Brexit was made in England' (2017) 19(4) *British Journal of Politics and International Relations* 631, 633.

¹² *Ibid.*

¹³ Gabriel post-hoc is the most appropriate test here, as it is robust to the variations in sample sizes of the different regions. A Games-Howell test (which does not assume equal variation) revealed similar results. While there were some significant differences between Australian States, the effect sizes were not large enough to warrant further attention.

Table 6.1. Regional mean scores for attitudes towards decentralism, non-absorption and support (ACVS 2016; ICVS 2016)¹⁴

Decentralism				
Region	Country	N	Mean	SD
North Ireland	UK	18	2.1111	.67640
Baden-Wurttemberg	Germany	103	2.0680	.84322
Bayern	Germany	124	2.0403	.76932
South-West Germany	Germany	69	2.0290	.83966
Alberta	Canada	80	2.0125	.80338
Scotland	UK	67	1.9254	.94249
Eastern Germany	Germany	179	1.9106	.85647
Prairies	Canada	39	1.8718	.89382
North West Germany	Germany	138	1.8696	.88644
Nordrhein-Westfalen	Germany	216	1.8657	.79856
Wales	UK	46	1.8478	1.03209
England	UK	646	1.7833	.90448
Tasmania	Australia	35	1.7714	.84316
Ontario	Canada	259	1.7259	.88383
Queensland	Australia	175	1.7086	.92269
Quebec	Canada	180	1.7000	.85809
British Columbia	Canada	78	1.6154	.84101
Western Australia	Australia	112	1.5625	.86765
Atlantic	Canada	51	1.4706	.98697
Australian Capital and Northern Territories	Australia	20	1.4500	.94451
New South Wales	Australia	289	1.4256	.91790
Victoria	Australia	248	1.4113	.94387
South Australia	Australia	115	1.3826	.93267

¹⁴ Scores ranged from 1= Strongly against subsidiarity to 4= Strongly for subsidiarity.

Non-absorption				
Region	Country	N	Mean	SD
South West Germany	Germany	73	2.3014	.82807
Northern Ireland	UK	21	2.2857	.84515
Bayern	Germany	118	2.2203	.84869
Baden-Wurttemberg	Germany	100	2.2100	.91337
Tasmania	Australia	43	2.2093	.83261
Atlantic	Canada	54	2.2037	.89821
Alberta	Canada	90	2.1889	.95863
North West Germany	Germany	138	2.1522	.86203
Nordrhein-Westfalen	Germany	224	2.1429	.88188
Western Australia	Australia	119	2.1261	.89778
Eastern Germany	Germany	171	2.0936	.90911
Scotland	UK	64	2.0469	.88065
Queensland	Australia	173	2.0231	1.01130
Ontario	Canada	298	2.0000	.91747
England	UK	690	1.9783	.94299
Australian Capital and Northern Territories	Australia	24	1.9583	1.04170
Wales	UK	47	1.9362	1.03008
South Australia	Australia	121	1.9256	.92345
Prairies	Canada	56	1.9107	.93957
New South Wales	Australia	293	1.8942	1.00635
British Columbia	Canada	85	1.8471	1.02940
Quebec	Canada	184	1.8261	.98745
Victoria	Australia	258	1.7946	1.00990

Support				
Region	Country	N	Mean	SD
Alberta	Canada	100	2.5400	.73057
Tasmania	Australia	46	2.4783	.72232
Atlantic	Canada	60	2.4333	.81025
British Columbia	Canada	97	2.4330	.77604
Western Australia	Australia	135	2.4222	.71724
Wales	UK	50	2.4000	.80812
Prairies	Canada	59	2.3729	.94501
Ontario	Canada	328	2.3689	.78277
Queensland	Australia	184	2.3478	.81562
Victoria	Australia	278	2.2446	.92570
England	UK	724	2.2445	.92134
South Australia	Australia	131	2.1985	.95611
New South Wales	Australia	310	2.1935	.97938
South West Germany	Germany	73	2.1918	1.00909
Quebec	Canada	201	2.1891	.96129
Scotland	UK	67	2.1791	.91990
Eastern Germany	Germany	182	2.1264	1.04086
Australian Capital and Northern Territories	Australia	24	2.1250	.89988
Northern Ireland	UK	19	2.0526	.91127
Nordrhein	Germany	237	2.0380	.98862
Baden-Wurttemberg	Germany	110	2.0364	1.03982
Bayern	Germany	126	2.0079	1.01584
North West Germany	Germany	149	1.8725	1.11069

Overall, the lack of significant differences between sub-national groups in each country suggests that geography plays little role in subsidiarity attitudes. This is an important, if surprising, finding, as it rebuts concerns that national attitudes cannot be aggregated fairly. This means that this thesis can continue its approach of conceptualising subsidiarity political culture at the national level: subsidiarity's meaning differs between countries, but it does not seem to differ significantly within them. Chapter 7 considers why this may be the case in each country, although further

research using a 'bottom-up' sampling approach¹⁵ to maximise the number of participants from smaller areas may help to further interrogate this finding. However, on the data at hand, it appears that attachment to subsidiarity does not serve a manifestly regional or peripheral agenda. Respondents from parts of the country that have historically shown a greater cause to prefer subsidiarity¹⁶ are not significantly more attached to the principle than their fellow citizens. Instead, subsidiarity is a principle that all members of society can value.

6.1.2 Gender

Gender is another variable that is potentially important to socioeconomic models of culture.¹⁷ Additionally, previous analysis of the ACVS data from 2008 and 2010 revealed some gender differences,¹⁸ with Australian women being more likely to value decentralism than men.¹⁹ Table 6.2 displays the results of a bivariate correlation designed to test the relationship between gender and subsidiarity values. The only significant results were very weak correlations between gender and non-absorption in Australia, and gender and support in the UK. In both cases, the positive direction of the relationship indicated that females were more attached to the principle than males. However, it must be emphasised that the relationship was weak, and therefore a better interpretation of the overall results is that gender is not related to subsidiarity.

¹⁵ Henderson, et al, above n 11, 633.

¹⁶ Quebec and perhaps Alberta in Canada, Bayern in Germany, Scotland in the UK, and to a lesser extent Western Australia in Australia – see, e.g., Thomas Musgrave, 'The Western Australian Secessionist Movement' (2003) 3 *Macquarie Law Journal* 95; Elliot J. Feldman and Lily Gardner Feldman, 'The Impact of Federalism on the Organization of Canadian Foreign Policy' (1984) 14(4) *Publius* 33; Russell J. Dalton and Steven Weldon 'Germans Divided? Political Culture in a United Germany' (2010) 19 *German Politics* 9.

¹⁷ Smith, above n 2.

¹⁸ A J Brown, 'From Intuition to Reality: Measuring Federal Political Culture in Australia' (2012) 43(2) *Publius* 297.

¹⁹ *Ibid*, 307.

Table 6.2. Bivariate correlations between gender and decentralism, non-absorption and support (ACVS 2016, ICVS 2016)

	Australia	UK	Germany	Canada
Decentralism	.040 (.207)	.024 (.497)	-.047 (.174)	-.008 (.837)
Non-absorption	.103** (.001)	.014 (.692)	.012 (.730)	-.014 (.701)
Support	.040 (.180)	.083* (.015)	.052 (.122)	.000 (.998)

However, this does not mean that gender and subsidiarity are not important to one another. Rather, subsidiarity's relevance and utility to gender policy is extremely complex, and the literature is divided on whether decentralism is useful to addressing gender inequality,²⁰ and it therefore makes sense that participants' reactions to decentralism, non-absorption and support would generally not appear correlated with gender.

6.1.3 Income

Income is perhaps the most readily recognisable socioeconomic variable. It is also especially important to consider, as the subsidiarity literature has a strong economic sub-component.²¹ In particular, subsidiarity has been used to argue against the growing welfare state. For instance, Colin Clark advocated for a diminished taxation system, and

²⁰ See, broadly, Andreas Follesdal, 'Between Petros and a Hard Place? Human Rights to Religious Liberty or to Gender Equality in Europe', in Kari Borresen and Sara Cabibbo (eds) *Gender, Religion, Human Rights in Europe* (Herder, 2006); Joan Grace, 'Gender and Institutions of Multi-Level Governance: Child Care and Social Policy Debates in Canada' in Mona Lena Krook and Fiona Mackay (eds), *Gender, Politics and Institutions: Towards a Feminist Institutionalism* (Palgrave Macmillan, 2011), 101, cited in Louise Chappell, Deborah Brennan and Kim Rubenstein, 'A Gender and Change Perspective on Intergovernmental Relations', in Paul Kildea, Andrew Lynch and George Williams (eds) *Tomorrow's Federation: Reforming Australian Government* (Federation Press, 2012), 230; Marilyn Lake, 'The Republic, the Federation and the Intrusion of the Political' (2006) 47 *Vox Republicae* 5, 12.

²¹ See, e.g., Colin Clark, 'Australia's Economic and Population Capacity' (1955) 1 *Australian Journal of Politics and History* 49; Colin Clark, *Population growth and land use* (St Martin's Press, 1977); Colin Clark, 'Welfare Taxation: Opting Out to Shrink the State' (1987) *Economic Affairs* 38; Alan Fenna, 'The Division of Powers in Australian Federalism: subsidiarity and the single market' (2007) 2(3) *Public Policy* 175; Brian Galligan, *A Federal Republic: Australia's Constitutional System of Government* (Cambridge University Press, 1995), 205; Didier Fourage, *Poverty and Subsidiarity in Europe* (Edward Elgar Publishing, 2004); Roger Van den Bergh, 'The Subsidiarity Principle in European Community Law: Some insights from Law and Economics' (1994) 1(4) *Maastricht Journal of European and Comparative Law* 337.

corresponding reduced public expenditure for social services, so that ‘people could provide these services for themselves’.²² Additionally, the ‘fiscal federalist’ approach to subsidiarity argues that the costs of public service should be borne by those who gain a benefit from them, or that revenue should be raised from the populations on whom the funds will be spent.²³

The results of a bivariate correlation testing the relationship between income and subsidiarity values are shown in Table 6.3. It reveals that the only significant associations with income were decentralism in Canada, and non-absorption in Australia, and these associations were weak in both cases. In Australia, the negative relationship between income and attachment to non-absorption indicates that wealthier Australians are less likely to value non-absorption, and that poorer respondents place a greater value on it. However, the opposite was true of the relationship in Canadian attitudes towards decentralism: as wealth increased, so too did attachment to decentralism. Overall, however, these relationships are weak, and none of the other correlations in Table 6.3 are significant. This suggests that, as with gender, income has little influence on attitudes towards subsidiarity.

Table 6.3. Bivariate correlations between income and decentralism, non-absorption and support (ACVS 2016, ICVS 2016)

	Australia	UK	Germany	Canada
Decentralism	-.012	-.025	-.046	.083*
Non-absorption	-.120**	.012	.054	.032
Support	-.023	.020	-.010	-.021

* $p < .05$; ** $p < .001$

²² Clark, ‘Welfare Taxation: Opting Out to Shrink the State’ above n 21, 38; see also Clark, above n 21; Clark, above n 21.

²³ Andreas Follesdal ‘Survey Article: Subsidiarity’ (1998) 6(2) *The Journal of Political Philosophy* 190; Andreas Follesdal, ‘Competing Conceptions of Subsidiarity’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 217.

6.1.4 Education

Finally, education stands as a variable that socioeconomic models suggest may be extremely important. In their pioneering comparison of political culture in the United States, United Kingdom, West Germany, Italy and Mexico, Almond and Verba found that highly educated citizens had similar political orientations, regardless of country. Almond and Verba commented on the observation: ‘that higher education tends to reduce national differences suggests that the nature of political culture is greatly determined by the distribution of education’.²⁴ This raises the question of whether a similar pattern is true in subsidiarity political culture: are attitudes towards subsidiarity affected by the level of education people have attained?

Previous studies based on the 2014 ACVS have identified that education is important to subsidiarity values.²⁵ The current analysis of the ACVS dataset builds on that work. It confirms the significance of education in relation to decentralist values. Table 6.4 shows an increase in attachment to decentralism with increased education in all years except 2012 (where there did not appear to be any significant variation). However, education does not appear to be related to attitudes towards non-absorption and support. This suggests that, at least in the Australian context, there is something distinctive about decentralism that does not carry over to the other two elements. While it is difficult to isolate the exact reasons behind such results, it is possible that participants with higher levels of education were slightly more likely to prefer decentralism because they were better placed to tease out the potential benefits of localised decision-making. This would also explain why there was no education effect in non-absorption and supportive subsidiarity: the benefits here are more straightforward.

²⁴ Gabriel Almond and Sidney Verba, *The Civic Culture, Political Attitudes and Democracy in Five Nations* (Little Brown, 1965), 320.

²⁵ Jacob Deem, Robyn Hollander and A J Brown, ‘Subsidiarity in the Australian Public Sector: Finding Pragmatism in the Principle’ (2015) 74(4) *Australian Journal of Public Administration* 419, 425-426.

Table 6.4. Bivariate correlations between highest level of education and decentralism, non-absorption and support (ACVS 2008, 2010, 2012, 2014, 2016)

	2008	2010	2012	2014	2016		
					Decent	Non-ab	Support
<i>r</i>	-.138	-.092	-.035	-.073	.078	-.048	.019
<i>p</i>	<.001	.003	.248	.016	.014	.125	.535

As noted in Chapter 5, the sheer variation in education pathways between case countries makes comparison difficult. However, some useful patterns emerge upon examination of the other three cases. First, there was little variation between levels of education in Canada; attitudes towards any element of subsidiarity appeared unrelated to the kind of education participants had received. By contrast, there was a weak positive relationship in the UK on the non-absorption and supportive items. The picture was somewhat confused because university graduates (the most educated group) were not as attached to subsidiarity as other, less well-educated, respondents from the UK. These results stand directly opposite the Australian findings, and undermine the explanation provided above. Instead, when taken together, the UK and Australian results suggest that education itself may not be directly relevant, although they could be an indicator of some other related factor.

In the German case, there is little difference between education groups in relation to decentralist and supportive subsidiarity. Responses to the non-absorption item did vary, although in a non-linear fashion where endorsement of the item increased with education, up to ‘Vocational school, no High School’, and then declined again moving through tertiary qualifications. However, because of the specificity of the German education data, cell sizes were quite small, which could have some bearing on the results. However, this cannot be a complete explanation, as the same sampling limitations also apply to the other two items.

Table 6.5. Bivariate correlations between highest level of education and decentralism, non-absorption and support (ICVS 2016)

	UK			Germany			Canada		
	Decent	Non-a	Supp	Decent	Non-a	Supp	Decent	Non-a	Supp
<i>r</i>	.057	.074	.076	-.050	-.010	.029	.014	-.017	-.010
<i>p</i>	.117	.034	.027	.153	.783	.396	.713	.633	.774

6.1.5 Socioeconomic Summary

This analysis of social and economic factors reveals a few things about subsidiarity political culture. First, there is little to no significant variation in subsidiarity attitudes at a sub-national level. This provides a strong justification for continuing to analyse and speak of nationally coherent subsidiarity political cultures. Second, gender and income do not appear to be influential variables, contrary to what may be expected. This may reflect Pateman’s critique of socioeconomic models – she argues that it is unclear exactly why people should view their socioeconomic attributes as politically relevant.²⁶ In the case of subsidiarity political culture, this means that we should not expect that citizens would view their income or gender as relevant to, say, which level of government should make a decision, and so these variables have little or no impact on their attitudes towards the principle. Third, level of education does seem to be an important factor in attitudes towards subsidiarity, although the pattern is not overwhelmingly clear, nor is it consistent between countries. This highlights the need for further analysis of political culture models, as it is possible that level of education interacts with, or is a mediating variable for, other influences.

²⁶ Carol Pateman, ‘The Civic Culture: A Philosophic Critique’ in Gabriel Almond and Sidney Verba (eds) *The Political Culture Revisited* (Little Brown, 1980); see also Smith, above n 2, 134.

6.2 Childhood Socialisation

According to Smith, childhood socialisation models are ‘undoubtedly the dominant model for explaining the stability of Australian political culture’.²⁷ The model has also gained popularity elsewhere.²⁸ Part of the reason for this model’s appeal is its synergy with other theories of social psychology, which recognise the importance of childhood and adolescent development in forming a person’s worldview (of which political orientations may be one part).

Typically, childhood socialisation is tested by studying children and teenagers’ political attitudes, and is focused on ‘the process that individuals experience, primarily within the family, in the decade or so before joining the electorate’.²⁹ For instance, Connell’s seminal study relied on interviews of Sydney children aged as young as five years old.³⁰ This kind of data is not available for the current study. Instead, two measures from the Constitutional Values Surveys will be relied upon as proxies for the socialisation process respondents went through as children.

The first is the participant’s self-reported age (in years). Critics of the childhood socialisation model may find this problematic, as interviewing a sample of adults falls into the trap of assuming (as the model does) that individuals do not change their political orientations in adulthood.³¹ To these critics, the age of the participant might be better regarded as a relevant demographic or socioeconomic variable, as it will shape and influence one’s interactions with government. While the data used is limited, investigating whether any observed differences appear to be evidence of an age effect (where an individual’s views change throughout the lifetime) or a cohort effect (where an individual’s views are unchanged, but differences between age groups can be explained through generational shifts). Here, a cohort effect would provide evidence of

²⁷ Smith, above n 2, 123.

²⁸ See, e.g., David Easton and Jack Dennis, ‘The Child’s Image of Government’, in Edward Greenberg (ed), *Political Socialization* (Transaction Publishers, 1970); Fred Greenstein, ‘Children and Politics’ in Edward Greenberg (ed), *Political Socialization* (Transaction Publishers, 1970); Robert Hess and Judith Torney, ‘The Development of Political Attitudes in Children’ in Edward Greenberg (ed), *Political Socialization* (Transaction Publishers, 1970). Naturally, there are aspects of this volume, especially in relation to race, that no longer reflect current understandings, however the volume is illustrative of the wide popularity of childhood socialisation models.

²⁹ Brian Graetz and Ian McAllister, *Dimensions of Australian Society* (2nd ed, Macmillan, 1994), 365.

³⁰ Connell, *The Child’s Construction of Politics*, above n 4.

³¹ Smith, above n 2, 127.

socialisation, as it would suggest that there are important socialising factors or events that vary between generations, while an age effect would indicate that age is in this instance better regarded as a socioeconomic variable. There are two ways of testing whether the age of the respondent can be used as evidence of socialisation. The first is to use respondents' attitudes towards other relevant variables, especially policy issues, to examine whether their attachment to subsidiarity is influenced by a focus on issues that become more or less relevant at different stages during the lifetime. The second is to use the Australian data (which reaches back to 2008) to look for shifts in Australian attitudes over time. Both approaches will be used in the following section.

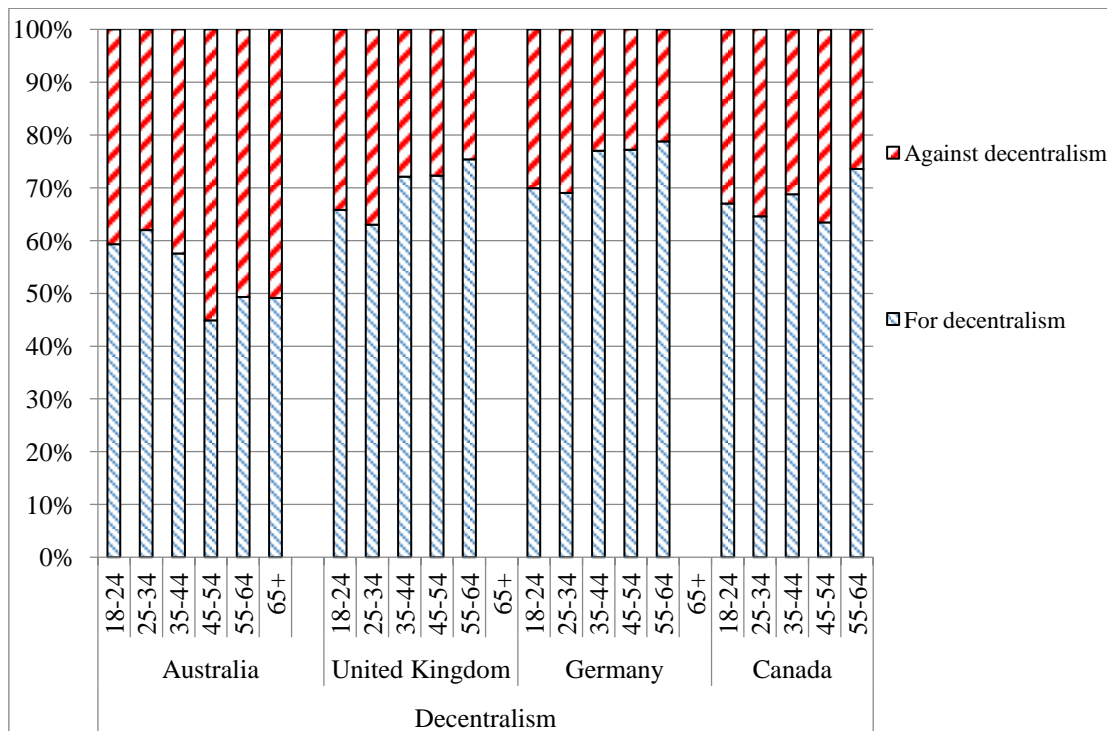
Second, interest in politics also offers useful insights. While this is again removed from interviewing children as their political orientations form, it is argued that those who are more interested in politics are likely to have been interested from a young age, while those who are politically disinterested are likely to have been socialised to hold such attitudes.

6.2.1 Age

First, attention turns to the age of participants as a potential explanatory variable. Little consideration has been given in the literature to age and its possible relationship with subsidiarity. As emphasised previously, the ICVS dataset is limited, because it only sampled participants up to the age of 64, and this should be kept in mind when interpreting the results that follow. To test whether and how attachment to subsidiarity varies between age groups, attitudes towards the three elements were calculated based on the age of the respondent.

Figure 6.1 shows how each age group in the four case countries valued decentralism. The results for each country will be considered in turn, before comparisons between countries are made.

Figure 6.1. Attitudes towards decentralism by age of participant (ACVS 2016, ICVS 2016)



In Australia, it is evident that there is a general decline in attachment to the principle as age increases. Bivariate correlation analysis confirms that this is a significant negative relationship,³² although as will be discussed below, while this is consistent with the results of previous years, it is not as pronounced. Second, the reverse pattern can be observed in the UK, with older participants being more attached to decentralism.³³ The same is true in Germany, although the pattern is not as smooth; instead, the responses level onto two plateaus, with participants aged 35 and older being markedly more attached to the principle than 18-34 year olds. A One-way ANOVA confirms that the difference between these two groups is indeed significant.³⁴ Finally, in Canada the results are more varied. While there is an overall trend of increasing attachment to decentralism with age, not all age groups conformed to this pattern. This meant that Canada was the only case where age was not significantly correlated with

³² Australia $r = -.044, p < .001$.

³³ UK $r = .112, p = .002$.

³⁴ $p < .001$.

attachment to decentralism.³⁵ This in itself is an important finding, however as it suggests that, while attitudes towards decentralism are very similar in the UK and Canada, the reasons for this attachment are different (in this instance, age, perhaps as an indicator of socialisation). The non-significance of the Canadian result is also important for the dataset as a whole; large sample sizes such as those obtained in the ACVS and ICVS can inflate the risk of identifying a significant result where none exists (type I error). The fact that the Canadian analysis shows up as insignificant, despite the large sample size therefore suggests that, while the other correlations had weak effect sizes, they are indeed more likely to be genuinely significant, rather than being a product of the large samples.

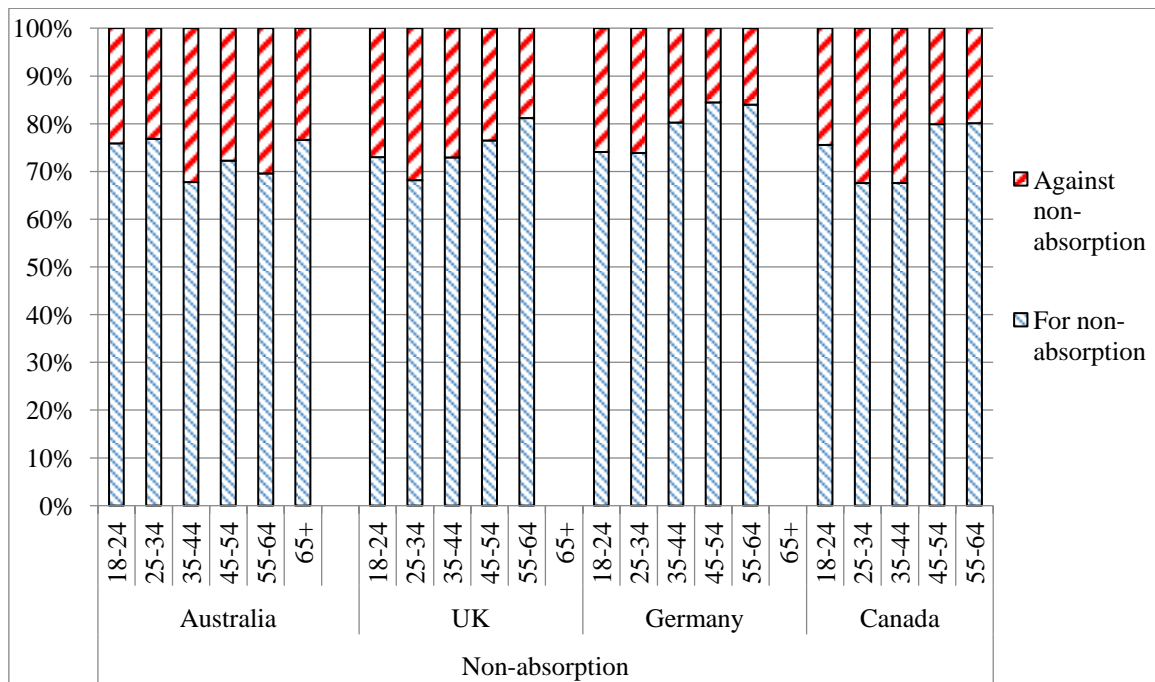
Comparing between the cases, while age appears to be relevant in different ways in each country, the observed variations operate within the context of the way that subsidiarity is valued in each country; for instance, the highest-scoring Australian group (25-34 year olds; 62.0%) was slightly less attached to decentralism than the lowest-scoring Brits (25-34 year olds; 63.0%), Canadians (45-54 year olds, 63.4%) and Germans (25-34; 69.0%).

Figure 6.2 shows the non-absorption results. In Australia, in contrast to decentralism, there was little variation between age groups on the non-absorption item.³⁶ However, the value of this element in the UK, Germany and, to a lesser extent, Canada appeared to grow with age. In other words, older people tended to value non-absorption more highly. As with decentralism, in the UK this was quite a smooth trend, while in Germany, the same ‘jump’ between 34 and 35 year olds is observable.

³⁵ Canada: $r = .015$, $p = .686$.

³⁶ The greatest difference on the non-absorption item was between 25-34 y.o. (76.8% in favour) and 35-44 y.o. (67.8%).

Figure 6.2. Attitudes towards non-absorption by age of participant (ACVS 2016, ICVS 2016)

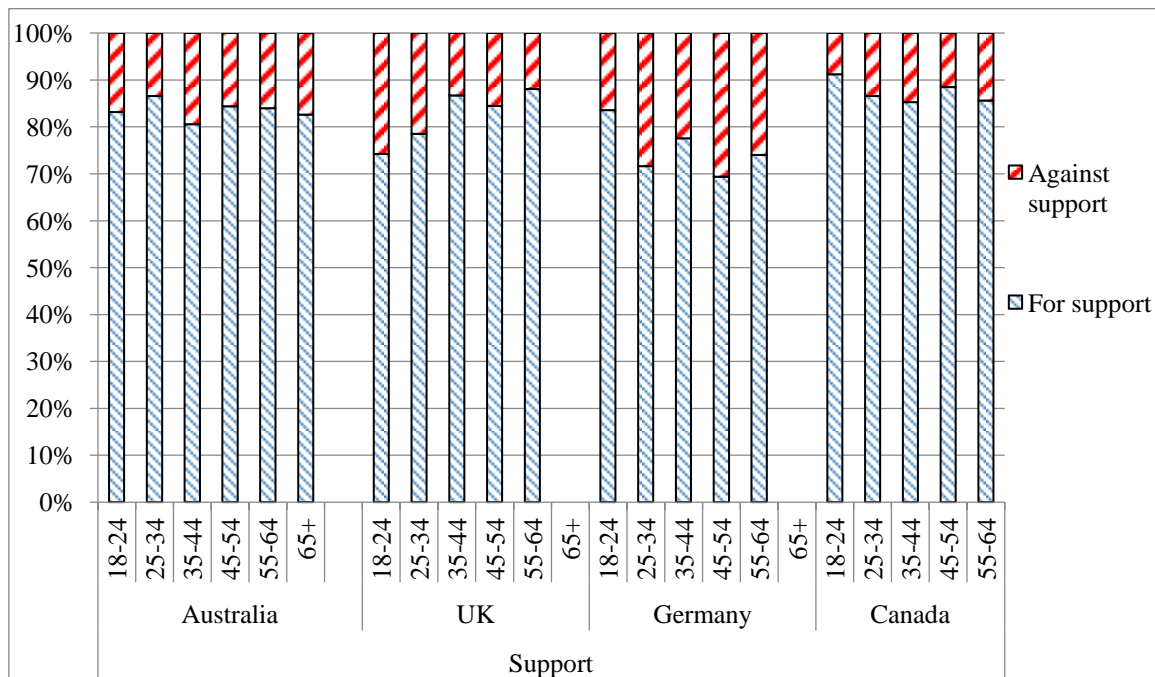


Finally, attitudes towards supportive subsidiarity had the most varied patterns between the cases. In Australia, as with non-absorption, there seemed to be little relationship between age and supportive subsidiarity.³⁷ The same appears true of Canada; while there was a slight negative trend, it was not a significant difference. By contrast, in the UK the positive association between age and attachment continued, with 14% more 55-64 year olds valuing supportive subsidiarity than 18-24 year olds.³⁸ Finally, while the pattern was not a direct trend, the German results show a negative association: younger people were more likely to value support between levels of government.

³⁷ In Australia, the gap was even smaller than with non-absorption, with the greatest difference between 86.6% (25-34) and 80.6% (35-44)

³⁸ 88.1% v 74.2 %.

Figure 6.3. Attitudes towards support by age of participant (ACVS 2016, ICVS 2016)



Overall, the results show that, while age is clearly an important factor in understanding attitudes towards subsidiarity, it is important in different ways in each country. This suggests that the limitation of not sampling participants over the age of 65 in the ICVS does not produce the differences in subsidiarity values observed in Chapter 5. Instead, age seems to interact with subsidiarity in ways unique to each country, suggesting that there may be clear subsidiarity political cultures at work.

While this analysis suggests that age is indeed an important factor in relation to subsidiarity attitudes, the next step is to evaluate whether this indicates that childhood socialisation is important, or whether age is better understood as a relevant demographic variable in a socioeconomic model of culture. The first way of addressing this issue is to evaluate whether the observed trends are the product of changes in attitude across the lifetime (age effect, indicating socioeconomic), or have the surveys captured generational differences of opinion (cohort effect, indicating socialisation)? In reality, the results are likely to be driven by a combination of age and cohort effects, but making a best attempt to unpack the effects is important to better understanding subsidiarity political culture. Additionally, the question of an age effect versus a cohort effect has important policy implications, given the ageing populations of Australia, Canada, Germany and the UK, making this an especially worthy investigation.

If the observed effect is a true chronological progression, the higher proportion of older adults in the future is likely to mean that the patterns in Figures 6.1-6.3 will be amplified in the coming years. Conversely, if these results are driven by generational factors, in thirty to forty years' time, the current levels of attachment may reverse, as the current supporters (or detractors, depending on the country) of subsidiarity will make up a greater sector in society. Further, it would suggest that attitudes towards subsidiarity can be shaped, and provides an opportunity for policymakers to make a concerted effort to meaningfully engage with citizens on this issue in order to generate lasting support.

One way of testing the strength of an age effect is to look at how participants of the survey viewed the allocation of real-world policy. Broadly speaking, the 'age effect hypothesis' would hold that changes in attitudes are related to, or even caused by, changing relationships with government(s) at different points throughout the lifetime. It is reasonable to expect that attitudes towards subsidiarity would change with age. As people grow older, their relationships with and needs from their governments change. A 25-year-old, with the mobility and career potential to take advantage of 'foot voting'³⁹ might be strongly in favour of decentralism and inter-governmental competition, while a 70-year-old might prefer centralism to ensure that they have a fair or equal access to social services no matter where they live. Conversely, older people, who typically have greater community involvement,⁴⁰ may find their values more closely align with supportive subsidiarity. While the arguments pull in both directions, there is a plausible expectation that people of different ages will have different attitudes towards subsidiarity. Further, these interactions should be roughly the same across Western liberal democracies; a 50 year old in Canada would probably have similar needs and expectations of their government as a 50-year-old German. While this picture is complicated by variations in the structuring and division of governmental responsibility in each country, it provides a useful starting point for analysis.

Conversely, or perhaps additionally, a cohort or generational effect may operate in relation to subsidiarity. People's values and attitudes towards government are inevitably shaped by historical experience and wider cultural or community values. Amongst the

³⁹ See, e.g., Ilya Somin, 'Foot Voting, Federalism, and Political Freedom', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014).

⁴⁰ See, e.g. HSBC & Oxford Institute of Ageing, *The future of retirement* (HSBC Insurance, 2007); M Kloep and L B Hendry, 'Retirement: A new beginning?' (2007) 20 *The Psychologist* 742; J Hendricks and S J Cutler, 'Volunteerism and socioemotional selectivity in later life' (2004) 59B *Journal of Gerontology* S251.

cases of this research, Germany stands as the clearest example: since federation in 1950, Germany has transitioned through periods of division (the Cold War split between East and West) and unification, and has been at the forefront of international relations and the formation of the European Union.

The changes over time need not be this extreme, however. For example in the same time period, local government in Australia has evolved, increasingly taking on policy responsibilities, either solely or in conjunction with higher levels of government, but has also been subjected to consolidation through amalgamations. At the same time, Australia has experienced considerable centralisation in the relationship between State and federal governments, which may have its own effects on subsidiarity attitudes.

To test respondents' attitudes towards policy responsibility, the surveys asked participants which level(s) of government they thought should be responsible for the policy domains of health, education, and community law and order. By structuring responses to these items, it is possible to create a rough scale of devolved policy responsibility for each domain, from people who wanted only federal responsibility, to people who only wanted state or local control. If an age effect drives the results presented above, we would expect that older participants are being especially influenced by their views on particular policy areas, especially healthcare. Previous analysis of the 2014 ACVS indicates that, in Australia at least, healthcare is widely regarded as the most important policy area, but this result is especially pronounced amongst older Australians.⁴¹

Table 6.6 displays the results of a linear regression designed to test the relative importance of the three policy areas, in addition to age, in predicting attitudes towards decentralism.⁴² Relevantly, regression analysis is not a test of causation, meaning that it is just as possible that participant's principled views on subsidiarity influenced their policy allocations, as it is that their practical ideas about policy responsibility shape

⁴¹ Deem et al, above n 25; see also Rodney Smith and A J Brown, 'Beyond 'Sovereign Spheres': Public Officials' Views on Allocating Policy Responsibilities in the Australian Federation', in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People's Federation* (Federation Press, 2017).

⁴² Decentralism is the best element on which to test the relationship, because the respondents' allocations of responsibility give them a chance to choose greater centralism or decentralism. Conversely, because non-absorption and support are more closely linked to the relationship between levels of government, it is difficult to infer that a respondent who chooses, say, national and state/provincial power for a particular policy did so because they want the national government to support the lower level, or because they do not value non-absorption.

their views on decentralism. However, isolating these effects one way or the other provides an important insight into the role age plays.

Table 6.6. Linear regression of age and policy devolution, and decentralism, non-absorption and support (ACVS 2016, ICVS 2016)

	Australia	United Kingdom	Germany	Canada
	β (<i>p</i>)	β (<i>p</i>)	β (<i>p</i>)	β (<i>p</i>)
Age	-.017 (.040)	.113 (.002)	.080 (.026)	.004 (.915)
Education	.011 (.219)	.065 (.099)	.110 (.005)	.059 (.159)
Health	.159 (<.001)	.075 (.062)	-.009 (.820)	.098 (.017)
Law & Order	.108 (<.001)	.091 (.020)	.077 (.034)	.082 (.035)
Observations	14358	747	776	679
R ²	.043	.040	.027	.028
F-Test	160.904 (<i>p</i> <.001)	7.705 (<i>p</i> <.001)	5.310 (<i>p</i> <.001)	4.843 (<i>p</i> <.001)

The results in Table 6.6 present an interesting picture. In Australia and Canada, allocations of responsibility for healthcare did indeed emerge as the most important and significant predictors.⁴³ The positive relationships indicate that people who thought responsibility for healthcare should be decentralised are more likely to value subsidiarity. However, this was not the case in the UK or Germany; views on health responsibility were not significant predictors in either country. Instead, the most consistently significant (if never quite the most important) predictor was attitudes towards community law and order. To frame this result in terms of an age effect, it is possible that this result was consistently relevant because it becomes steadily more

⁴³ The β values of .159 in Australia and .098 in Canada were the highest in each country.

important throughout the lifetime; where younger citizens may be apathetic to, less fearful of, or even actively against law enforcement agencies, middle-aged respondents likely have a greater appreciation for policing activities and may even supplement this through participation in neighbourhood watch groups, while finally older citizens might feel especially vulnerable and in need of law enforcement. In contrast to this steady progression, healthcare is a policy area that becomes exponentially relevant with age.

Notably, however, even after the importance of these policy areas is accounted for, age remained an independently significant predictor in Australia, Germany and the UK; in fact, in the UK age was easily the most important variable.⁴⁴ This highlights that age is indeed a crucial consideration, independent of any questions about citizens' views about specific policymaking functions. Further, the differences in results in each country suggests that, while there may be some general phenomena at work, it is more helpful to further investigate age and cohort effects on a country-by-country basis.

As the country where age remained the most important predictor variable, it is useful to begin discussion with the United Kingdom. In analysing the UK results, it is particularly helpful to consider the 'Brexit' referendum of June 2016, where polls suggested that higher proportions of older citizens voted to leave the European Union.⁴⁵ The role of subsidiarity in the Brexit decision is not a clear one, both because subsidiarity values are just one of many factors that might influence a person to vote one way or the other,⁴⁶ and because, as Chapters 2 and 3 highlighted, elements of subsidiarity could be seen in both the Leave and Remain arguments.⁴⁷ Nevertheless, in addition to the conceptual connection, the timing of the ICVS in relation to the referendum on Britain's future in the Union makes Brexit a key consideration (the surveys were fielded in late May and early June of 2016, with the referendum taking place on 23 June 2016). While it is important to avoid overstating subsidiarity's

⁴⁴ $\beta = .113$.

⁴⁵ See, e.g., Paul Whiteley and Harold D. Clarke, 'Why did older voters choose Brexit? It's a matter of identity' *The Conversation*, published 26 June 2016, available online <https://theconversation.com/why-did-older-voters-choose-brexit-its-a-matter-of-identity-61636>.

⁴⁶ See, e.g., Harold D. Clarke, Matthew Goodwin and Paul Whiteley, 'Why Britain voted for Brexit: An individual-level analysis of the 2016 referendum vote' (2017) 70(3) *Parliamentary Affairs* 439; Henderson et al, above n 14.

⁴⁷ Prime Minister's Office, 'PM Speech on EU reform: 2 February 2016', speech delivered by David Cameron at Siemens Headquarters, Wiltshire, 2 February 2016, available at <https://www.gov.uk/government/speeches/pm-speech-on-eu-reform-2-february-2016>, accessed 5 May 2016; Benjamin Wiker (2016) 'Brexit and the Principle of Subsidiarity' Blog Post in the National Catholic Register, accessed 7 June 2017 <http://www.ncregister.com/blog/benjamin-wiker/brexit-and-the-principle-of-subsidiarity>.

influence in Brexit, and conversely Brexit's influence on these survey results, there is an important triangulation between (a) elements of subsidiarity reflected in debates about the EU, (b) the ICVS's identification that older UK respondents are more attached to subsidiarity, and (c) other research indicating that older citizens were more likely to vote to leave the EU, even when other factors such as attitudes about immigration are accounted for.⁴⁸ It is impossible, based on this data, to definitely connect these dots, but there is a potentially valuable insight here. Specifically, it brings together Henderson and colleagues' findings that age was an important factor in the Brexit vote,⁴⁹ and Goodwin and Heath's 'left behinds'⁵⁰ (older, less well-educated, less affluent voters) to suggest that older UK citizens may have been socialised in a different environment to younger citizens in terms of the UK's relationship with the rest of Europe. To the extent that this relationship is relevant to subsidiarity, the observed differences in subsidiarity values might therefore provide evidence of childhood socialisation.

The German case also potentially offers evidence of a cohort effect that would indicate childhood socialisation is a relevant factor. The standout result from Figures 6.1 and 6.2 was the apparent (and statistically significant) jump in support for the principle from participants aged up to 34, to participants 35 and above. This particular differential corresponds to the fall of the Berlin Wall in 1989 and German Reunification in 1990. Participants who fell within the 25-34 year old bracket when they completed the survey in 2016 were, at most, 8 years old in 1990, while some were yet to be born. Participants in the 35-44 year old bracket were aged between 9 and 18 in 1990. In other words, they were at the age in which research suggests political views are formed.⁵¹ The experience of both cohorts during these years is likely to have been quite different. The older group was in the process of socialisation at the time of reunification, and therefore would have had to unlearn many of their earliest conceptions about politics and the world, and about how different levels of government interact with one another. The younger group was just starting this socialisation, and many were too young (or not alive yet) to truly comprehend the events of 1989 and 1990. Instead, they grew up and

⁴⁸ Henderson et al, above n 14, 641-642.

⁴⁹ Ibid.

⁵⁰ Matthew Goodwin and Oliver Heath, (2016) 'Brexit vote explained: poverty, low skills and lack of opportunities', accessed 7 June 2017 at <https://www.jrf.org.uk/report/brexit-vote-explained-poverty-low-skills-and-lack-opportunities>.

⁵¹ See, e.g., Robert William Connell, 'The Origins of Political Attitudes: An Introduction' (1968) 2(2) *Politics* 141; Connell, *The Child's Construction of Politics*, above n 4 (University of Melbourne Press, 1971).

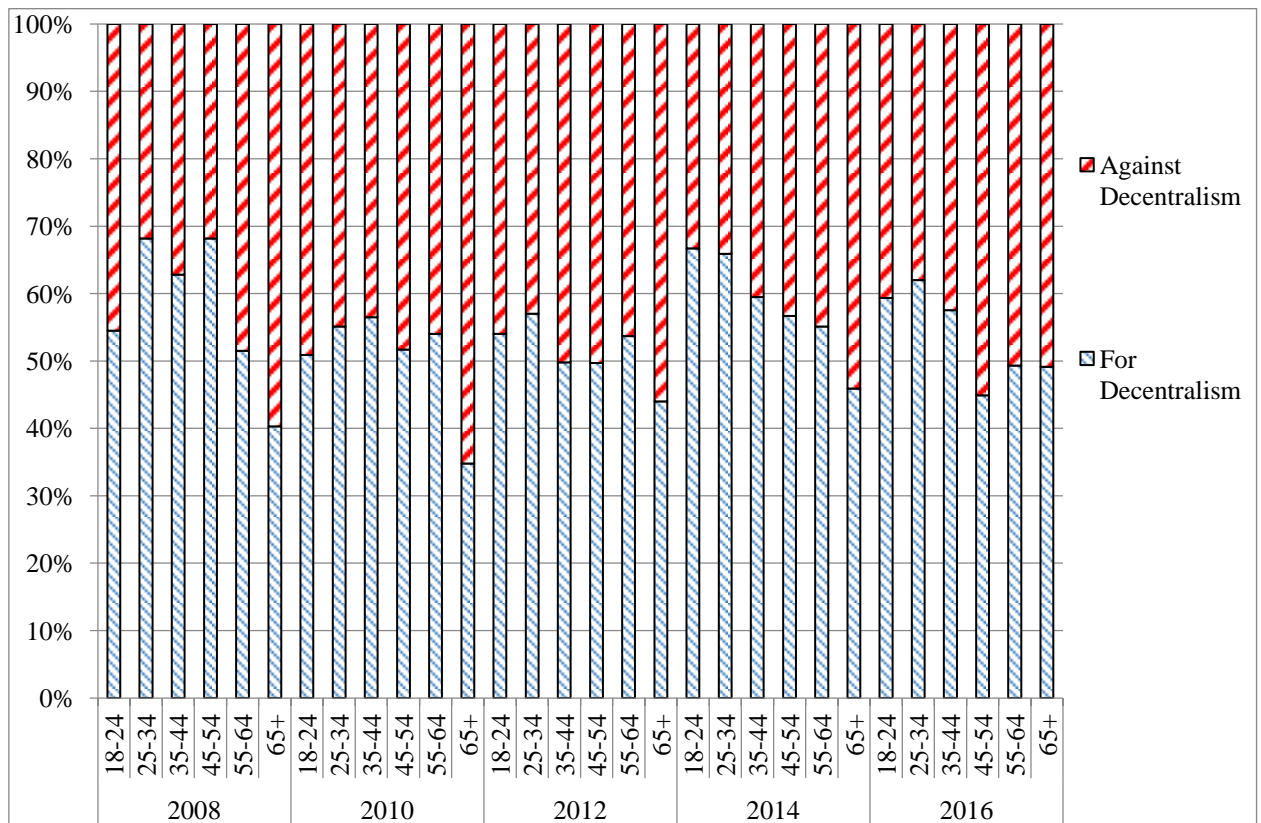
were socialised in a Germany full of rhetoric about unity, German togetherness and national cohesion. This interpretation also accounts for why attitudes towards decentralism and non-absorption are constant for all the German age groupings over 35 (rather than the 35-44 year olds being a standout group based on their unique perspective of growing up through such a turbulent time in German history), because it suggests that the socialisation of Germans during and since reunification has been especially distinctive compared to older generations.

While this interpretation is plausible, it is difficult to test empirically. For now, it is enough to conclude that there is preliminary evidence of a cohort effect influencing attitudes towards subsidiarity in Germany, and that further research is needed to better interrogate this possibility.

The Canadian results depart from the other countries, as there was little significant or cohesive pattern when the results were broken down by age. However, the fact that no real pattern was found may imply a certain timelessness to attitudes towards subsidiarity in Canada. This may be evidence of a socialisation effect, because it suggests that childhood socialisation has been stable in Canada over the last sixty years, and therefore has not lead to noticeable or important differences between generations.

Finally, attention turns to Australia, where the continuous collection of data since 2008 presents a unique opportunity for exploring how attitudes towards subsidiarity have changed over time, and for isolating age and cohort effects. The discussion above noted that the pattern obtained from the 2016 ACVS did not exactly match the results of previous years; Figure 6.4 highlights the difference by presenting the results from each survey since 2008. There are several potential explanations for the difference; perhaps the most compelling is differences in survey administration (online versus telephone) and the samples those techniques might attract.

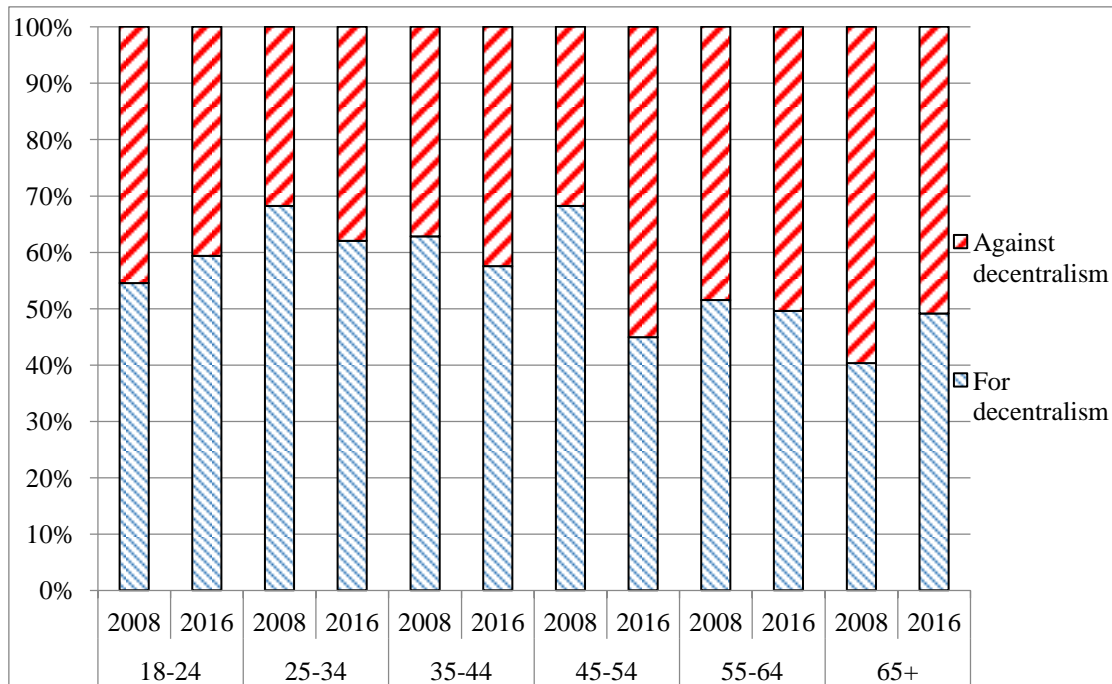
Figure 6.4. Attitudes towards decentralism by age of participant (ACVS 2008-2016)



However, despite this difference, the overall pattern of attachment to decentralism declining with age remains consistent, and has done so for almost ten years. This is important, as it is a broad enough timeframe to detect the presence of a strong cohort effect (such as that ostensibly found in Germany) – if the decline in support for subsidiarity was generationally driven, we would expect that pattern of responses to shift along one age bracket. Although the surveys were time-series, not longitudinal (i.e., they do not track the same participants in each iteration), most people who completed the survey in 2008 would have moved up a bracket if they completed the 2016 version of the survey. Across such a large and nationally representative sample, we would therefore detect a cohort effect by comparing attitudes for each age group in the 2008 survey with the next oldest bracket in the 2016 survey (e.g. comparing 25-34 year olds in 2008 with 35-44 year olds in 2016); if generational differences exist, we would expect the compared groups to be the same. Figure 6.5 indicates that a cohort effect did not take place. Instead, attachment to decentralism decreased between 2008 and 2016 for all groups except for the 2008 18-24 age group compared to the 2016 25-34 age group. By implication, this suggests that an age effect may be at play in Australia; as Australians get older, their views become more centrist. The results of the

regression in Table 6.6, particularly in relation to health policy, provide additional support for this conclusion. Specifically, they point to an important interaction between Australians growing older, their interest in healthcare policy, and which level of government is responsible for it.

Figure 6.5. Attitudes towards decentralism by age of participant (ACVS 2008, 2016)



6.2.3 Interest in Politics

Another potentially important variable is the interest participants take in politics because of its link to childhood socialisation. Although difficult to locate within Smith’s taxonomy (as noted above), the connection follows the general idea that, as children are socialised into the political world, their interest in politics will be shaped by their environment and especially by their parents. Typically, we would expect people raised in a household where politics was regularly discussed to be more politically interested in adulthood.

Figure 6.6.1-3 shows that there is generally no clear pattern between interest in politics and attachment to subsidiarity across all four cases (i.e. interest in politics does not have a consistent influence), but that it does seem to be important in different ways in each case. In the UK, decentralism appears related to political interest, with attachment to lower-level decision making increasing the more distant participants are from politics. However, this was not a linear relationship, as participants who were ‘not at all’ interested in politics were the least attached to decentralism, although this was a small group (n= 45), and caution should be exercised. By contrast, the relationship in Canada was linear, although it went in the opposite direction; people who were interested in politics were more attached to decentralism than those who were not.

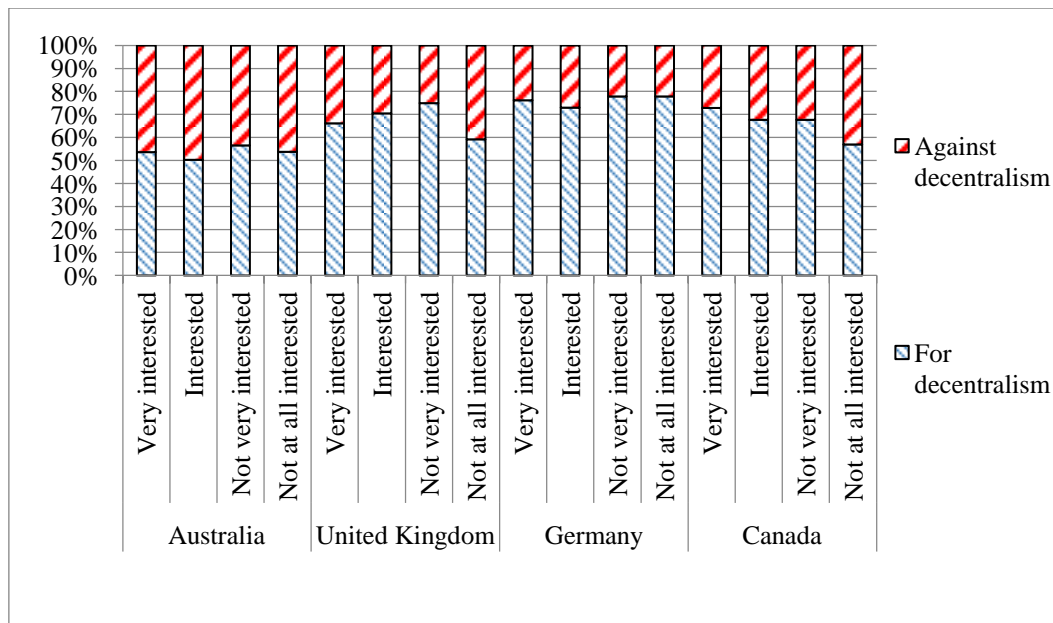
Interestingly, while these two relationships go in different directions, they reflect the current structural arrangements in their respective countries. In other words, the participants who were the most interested in politics held views that were closer to the political system in their country than respondents who were not interested. This offers an important point of divergence between two countries where attitudes towards subsidiarity are very similar. Specifically, it suggests that while subsidiarity is equally meaningful in Canada and the UK, the reasons that drive this meaning are based on deeper structural or institutional forces. This is further investigated in Chapter 7.

For non-absorption, there was an important relationship in Australia and Germany. In both cases, attachment to non-absorption increased as interest in politics decreased. This is also the case in Canada, although with less strength, as the ‘not at all interested’ group does not conform to the trend because they were the least attached. By contrast, there was no significant difference between the groups in the UK, the only non-federal case in this study. Again, this suggests that there may be something important about federalism that is relevant to subsidiarity values, and will be further considered in the next chapter. In addition, familiarity with the system seems to breed dissatisfaction; people who are interested in politics generally seem to be happier to have a higher level of government step in and take control. It should be noted that this does not mean that non-absorption is unpopular: the lowest ‘very interested’ group (Australia) still had over 60% of respondents in favour of the principle.⁵² Rather, people who are disinterested in politics appear even more strongly in favour of non-absorption.

⁵² 60.5%.

This may provide evidence of some kind of ‘critical citizenship’, whereby citizens who are more engaged with the political process are more aware of its failings.⁵³ While this explanation may have some merit, it is limited by the lack of similar findings in the other two elements of subsidiarity, particularly support, where interest in politics seemed to have little effect in any country. It is difficult, though not impossible, to believe that citizens are critical in their approach to non-absorption, but not decentralism and support.

Figure 6.6.1. Attitudes towards decentralism by interest in politics (ACVS 2016, ICVS 2016)



⁵³ Pippa Norris, *Critical Citizens: Global Support for Democratic Governance* (Oxford University Press, 1999).

Figure 6.6.2. Attitudes towards non-absorption by interest in politics (ACVS 2016, ICVS 2016)

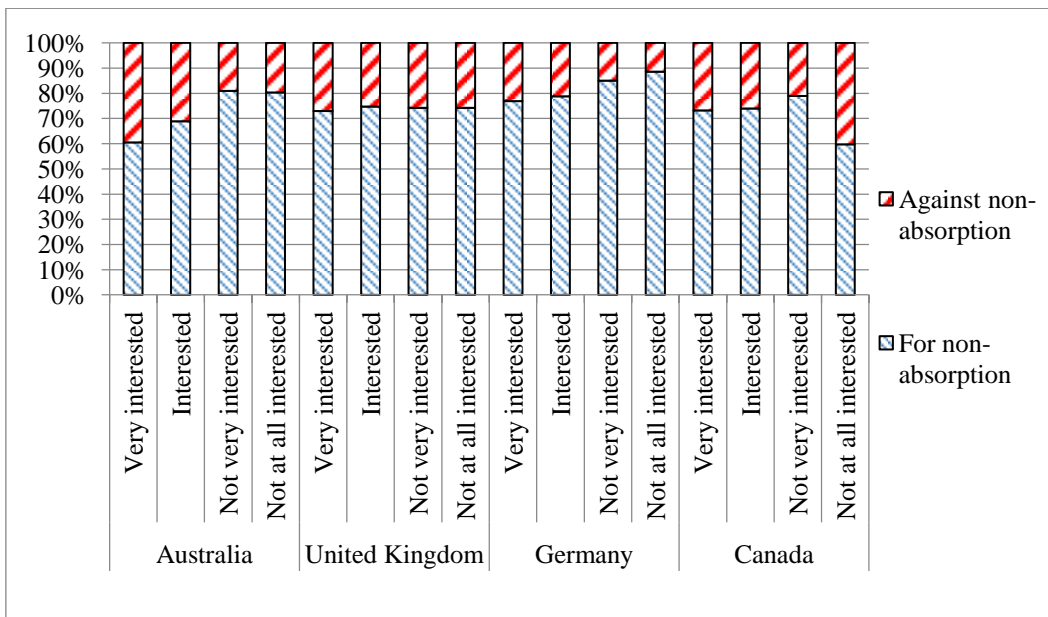
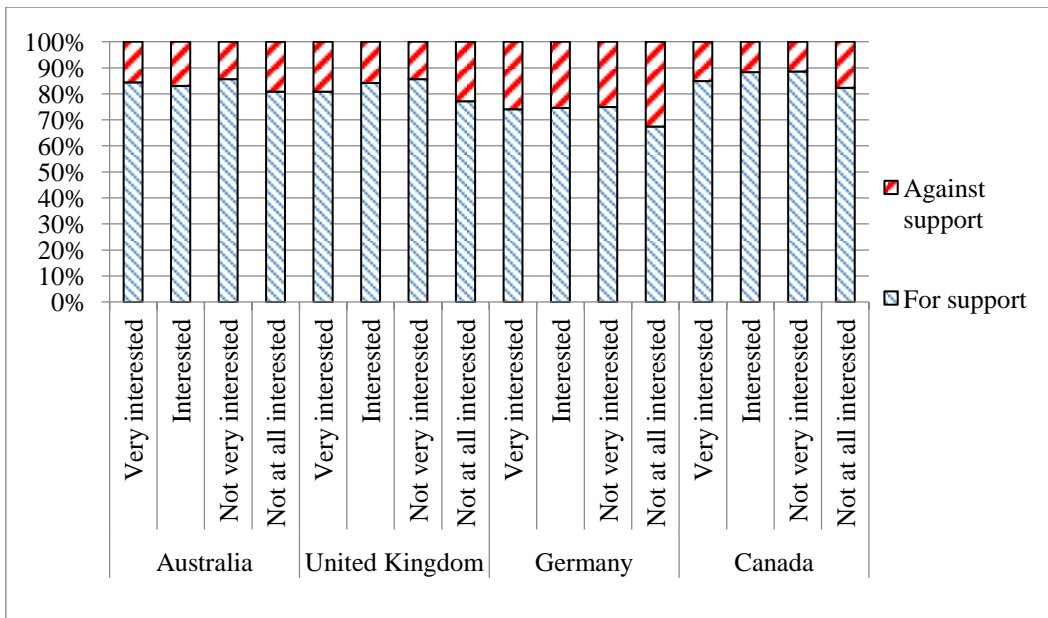


Figure 6.6.3. Attitudes towards support by interest in politics (ACVS 2016, ICVS 2016)



6.2.3 Childhood Socialisation Summary

The results presented in this section provide some evidence to suggest that childhood socialisation is relevant to the way subsidiarity is valued in each country. While the analysis was limited by not being able to explore children's attitudes, evidence of potential cohort effects in the UK and Germany indicates that subsidiarity political culture can be understood in terms of the political environment in which citizens are raised. Additionally, to the extent that political interest might indicate the effects of socialisation, people who are more interested in politics in Canada are more attached to decentralism, but less attached to non-absorption. Increased interest in politics was also associated with less attachment to non-absorption in Germany and Australia, while in the UK there was a limited relationship where politically interested respondents were more in favour of centralism. The mixed nature of these results indicates that there may indeed be wider socialising influences at play, but that these are difficult to detect at the individual level. This will be addressed in Chapter 7.

6.3 Foundation Models

6.3.1 Political Orientation

Foundation models are the third approach Smith identifies in his taxonomy;⁵⁴ they typically refer to key moments at the formation of a nation and its institutions as being the drivers of political culture. It is generally beyond the scope of the ACVS and ICVS and the micro, individual-level variables considered in this chapter to test the impact of these historical factors, although some aspects are explored further in Chapter 7. However, one variable that is testable and potentially relevant is political orientation, expressed in the form of voting preferences. Broadly, the argument is that party loyalty is a key driver of political culture, because parties provide citizens with a stake in the political process, and help focus and guide preferences on a range of policy issues. Key

⁵⁴ Smith, above n 2, 130.

moments in the history of a nation, such as workers' movements,⁵⁵ or ongoing desires for party representation of key territorial units in parts of Canada (notably Quebec), Germany, and the UK, serve to link political preference to foundational models of political culture. However, declining party membership globally suggests that, while this may once have been an important variable, it is now less relevant.

To measure political orientations, the ACVS and ICVS asked participants which political party they would vote for if a national election were to be held tomorrow. These responses were necessarily different from country to country, and also varied within-country to reflect area-specific parties (e.g. Parti Quebecois in Quebec, and the Christian Social Union in Bayern), while the UK version of the survey had different options for English, Scottish, Welsh and Northern Irish participants. While this is the necessary approach, it does make analysis difficult, as it breaks respondents down into groups that are too small to reliably test. Wales and Northern Ireland are extreme examples here, as respectively 40 and 25 participants were split amongst 7 and 8 voting options. The results presented below must therefore be treated with some caution.

Broadly speaking, party preference appeared to have little relation to subsidiarity attitudes. A Chi-square analysis was conducted to test whether people who voted for a particular party were more (or less) likely to value subsidiarity. This analysis revealed that in most instances, attachment to subsidiarity values was no higher or lower than chance would predict regardless of voting preference.⁵⁶ Where differences did emerge, the variance was not large, and was still consistent with the overall preferences in that case; for example, although Conservative voters in England were more likely than chance would predict to think that it is better for decisions to be made at higher levels of government, the majority⁵⁷ still preferred decentralised subsidiarity. Overall, these

⁵⁵ See, e.g., Don Aitkin, 'Country-mindedness: The Spread of an Idea' (1985) 4 *Australian Cultural History* 34.

⁵⁶ Australia: Decentralism: $X^2(7, N=942) = 17.248, p = .016$; Non-absorption: $X^2(7, N=971) = 14.148, p = .049$; Support: $X^2(7, N=1047) = 17.739, p = .013$; Canada: Decentralism: $X^2(8, N=622) = 23.232, p = .003$; Non-absorption: $X^2(8, N=693) = 15.288, p = .054$; Support: $X^2(8, N=770) = 10.258, p = .247$; Germany: Decentralism: $X^2(9, N=780) = 31.924, p < .001$; Non-absorption: $X^2(9, N=770) = 19.774, p = .019$; Support: $X^2(9, N=823) = 14.074, p = .120$; UK (Eng): $X^2(8, N=594) = 22.100, p = .005$; Non-absorption: $X^2(8, N=637) = 26.230, p = .001$; Support: $X^2(8, N=676) = 18.838, p = .016$; UK (Scot): Decentralism: $X^2(7, N=64) = 10.861, p = .145$; Non-absorption: $X^2(7, N=62) = 5.243, p = .630$; Support: $X^2(7, N=69) = 5.333, p = .619$; UK (Wales): Decentralism: $X^2(7, N=38) = 8.745, p = .271$; Non-absorption: $X^2(7, N=37) = 3.913, p = .790$; Support: $X^2(7, N=40) = 8.000, p = .333$; UK (Nth Ire): Decentralism: $X^2(8, N=22) = 11.917, p = .155$; Non-absorption: $X^2(8, N=25) = 12.374, p = .135$; Support: $X^2(8, N=24) = 11.672, p = .166$.

⁵⁷ 57.2%

results therefore suggest that party allegiance is not a particularly good indicator of subsidiarity values. However, this does not mean that foundational models are of no use to understanding subsidiarity political culture; other aspects considered relevant to foundational models such as national history and identity, which are not captured in the micro-data of the surveys, will be reviewed in Chapter 7.

6.4 Political Mobilisation

The final model of political culture to explore from Smith's taxonomy is political mobilisation. Smith acknowledges that this is a somewhat eclectic model, as it draws on the signifiers of the other models; that is, it accepts that socioeconomic factors like income and education, or socialising influences through childhood and adolescence can be relevant. However, mobilisation models only see these factors as relevant to political culture if they are mobilised, whether that be by governments, political parties, the media, or other interested groups. Accordingly, this section revisits the variables discussed in the previous models and examines the interactions between them and their relative importance, as this will reveal which factors are more likely to have been mobilised at the time participants completed the surveys.

Sometimes, it is relatively straightforward to identify when and how a factor has been mobilised and is therefore relevant to political culture because of the outcome it produces. For example, earlier sections of this chapter highlighted how gender is often regarded as an important variable in the socioeconomic model of political culture (even if it had little influence on subsidiarity political culture). However, political mobilisation argues that gender is only relevant when it has been mobilised. For some citizens, gender will be an important part of their political identity, and will therefore be mobilised frequently (when voting, when consuming political media, and when interacting with other citizens), while for others, gender will only be mobilised in response to a particular issue (e.g. the feminist marches against Trump's presidency in

January 2017,⁵⁸ or protests against goods and services taxes on feminine hygiene products⁵⁹). Here, it is important to note that the identifying variable (gender) and the outcome (support for a party or policy) are separate. This makes it easier to trace the pathway of mobilisation and influence.

However Smith cautions against relying too heavily on outcomes as explanations,⁶⁰ because sometimes the variable and the outcome are related or mutually reinforcing. For example, a tax break to small businesses attempts to mobilise small business owners into supporting the government (or, the governing party at the next election) by making it easier for them to be successful. However, the tax break might also incentivise would-be owners to start their own businesses. Thus, the identifying variable is ‘small business’, but the outcome is an increased number of small businesses, both because existing businesses are able to stay afloat, and because there are incentives to start new businesses. Where the variable and the outcome are the same or similar, they can become mutually reinforcing, helping the affected individuals stay mobilised long after the initial policy.

Logically, trust and confidence in government can be viewed in a similar way. Governments try to mobilise existing trust in the government, and try to build on that foundation to create more trust. Trust in government is especially relevant to subsidiarity and subsidiarity political culture, because at a fundamental level, much of the principle can be seen as a wariness of other orders of government. Thus, decentralism and non-absorptionist ideas reflect distrust of the centre and concerns about the ‘grave evils’⁶¹ of centralism, while those who resist supportive subsidiarity may do so based on the view that lower orders are untrustworthy or undeserving of special help. Accordingly, trust and confidence in the various levels of government is potentially relevant to subsidiarity political culture if it is mobilised when considering

⁵⁸ See, e.g., ABC News, ‘Women’s March rallies bring millions together worldwide to protest against new US President’ 23 January 2017, online < <http://www.abc.net.au/news/2017-01-22/donald-trump-protest-marches-to-take-place-by-women-worldwide/8200784>>.

⁵⁹ See, e.g., Judith Ireland, ‘Why women can’t go with the flow on the tampon tax’ 21 June 2017, online < <http://www.smh.com.au/federal-politics/political-opinion/why-women-cant-go-with-the-flow-on-the-tampon-tax-20170620-gwv3nb.html>>; see also BBC, ‘‘Tampon tax’ paid around the world’, 21 August 2015, < <http://www.bbc.com/news/world-32883153>>.

⁶⁰ Smith, above n 2, 138.

⁶¹ Pope Pius XI, *Quadragesimo Anno: Encyclical on Reconstruction of the Social Order* (1931) online, < http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html>, 79.

subsidiarity values, either because of political factors taking place at the time, or even because the CVS asked participants to consider the issue.

Additionally, given the eclectic nature of the political mobilisation model, it is just as important to revisit many of the variables already considered in this Chapter, in order to explore how they interact with one another in influencing subsidiarity political culture. For instance, where the observed age effect pulls in one direction, and education in the other, which will be a more important predictor of the values of an older, well-educated participant? This section considers these questions and the political mobilisation model in detail by conducting a log-linear regression analysis.

6.4.1 Development of the Regression

A log-linear regression is a robust form of analysis, designed to unpack interactions between a range of variables. Regression fundamentally relies on correlations, and accordingly is based on ordinal or scale data (simple categorical data like gender may be used through dummy coding). This presents some difficulties for assessing the contribution of regional factors and political party voting preferences, as these are categorical variables. However, as neither emerged as particularly relevant to subsidiarity attitudes, they can be excluded from the regression. This leaves gender, age, highest level of education completed, income, and interest in politics as variables to include in this regression.

To these variables, three others are added. These three additions measured respondents' 'trust and confidence' in Federal, State/Provincial and Local governments respectively. As discussed earlier, trust in government is very relevant to subsidiarity political culture, although the direction of influence is difficult to pinpoint. While we would expect participants who are pro-subsidiarity to have greater trust in lower levels and less trust in higher levels, it is hard to tell whether respondents' trust in different levels influences their subsidiarity values (e.g. I prefer decentralism because I do not trust the national government, either generally, or on a particular policy issue), or whether their values shape the perceived trustworthiness of governments (I do not trust

the national government because they try to interfere with/absorb the functions of lower levels). Because regression analysis is non-causal, it cannot determine which perspective is dominant.

6.4.2 Results

Table 6.7 presents the outcome of the regression analysis. The amount of variance the model explains differed substantially between the cases, and at most it accounted for 14% of the variance in attitudes.⁶² This means that there is still a broad range of factors that are not covered by the variables considered in this chapter – the next chapter considers further factors that may be relevant. Nevertheless, the model does offer useful insights into the relative significance of the variables and models of political culture covered in this chapter. In particular, it highlights the importance of trust and confidence as a predictor variable: in almost every case across the three subsidiarity dimensions, trust in the federal level of government was the most important predictor of attachment to subsidiarity,⁶³ accounting for as much as 10% of the total variation.⁶⁴ Trust in local government was also generally a strong predictor of subsidiarity values. It was a significant predictor of decentralist values in all countries, and of non-absorptionist attitudes in all countries in Germany, and was also important in explaining attitudes towards supportive subsidiarity in Australia and the UK. Conversely, trust in the State/provincial government was generally not a good predictor of subsidiarity values, suggesting that participants were thinking of the highest (national) and lowest (local) governments in responding to the subsidiarity items. Additionally, collinearity analysis demonstrated that there was indeed little overlap between the three trust items, further demonstrating the distinct effects of national and local trust.⁶⁵

Outside the trust variables, few factors emerged as significant. It is possible that the general lack of significant results was in part a product of the limited 3-item

⁶² Decentralism in Australia, $R^2 = .139$

⁶³ The only exceptions here were Germany and Canada on supportive subsidiarity.

⁶⁴ Australia, Attitudes towards Decentralism.

⁶⁵ Variance Inflation Factors (VIF) scores were all >1 and <10 , which is the accepted standard for collinearity diagnostics – see, e.g., Robert M. O'Brien, 'A Caution Regarding Rules of Thumb for Variance Inflation Factors' (2007) 41(5) *Quality and Quantity* 673.

measure, and that future research which makes use of multiple items per subsidiarity dimensions would detect more significant predictors. Based on the data and measures at hand, however, age remained a significant predictor of non-absorption in the UK, which further reinforces the consistency between these results and Henderson and colleagues' finding that age was relevant to the Brexit decision.⁶⁶ Further, interest in politics predicted attitudes towards non-absorption and supportive subsidiarity in Australia, and towards supportive subsidiarity in Canada. Trust in government was by far the most important predictor, however.

The strength of the trust in government results requires further discussion. While it *prima facie* confirms the idea that trust in government is mobilised by political actors and is therefore highly relevant to subsidiarity political culture, it must be determined whether these attitudes reflect transient perceptions of current governments, or whether they capture deeper sentiments. Easton's 'specific' and 'diffuse' categories may be especially relevant here.⁶⁷ According to Easton, specific support relates to the way citizens perceive the current government, and is therefore quite transient. On the other hand, diffuse support is deeper, and captures evaluations of the institutions that make up a political system.

The ongoing nature of the ACVS offers some insight here. In particular, the ACVS has tracked a steady decline in trust and confidence since 2012. This decline now spans across both major parties having terms in government, and the rule of four Prime Ministers. The steadiness of the decline despite these political fluctuations indicates that, while there is indeed movement in the general trust in government, it reflects a deeper and growing disenchantment with government, rather than specific dissatisfaction with a particular party or leader. It suggests that these results are the product of diffuse value changes, and are therefore important indicators of subsidiarity political culture. While nature of the data used here makes it very difficult to determine whether the attitudes captured by the ICVS are specific or diffuse, it is plausible to expect that the relationship is deeper than mere transient attitudes towards the current government.

⁶⁶ Henderson et al, above n 14, 641-642.

⁶⁷ David Easton, 'A Re-Assessment of the Concept of Political Support', (1975) 5(4) *British Journal of Political Science* 435.

Table 6.7. Linear regression of attitudes towards decentralism, non-absorption and support (ACVS 2016, ICVS 2016)

	Decentralism				Non-absorption				Support			
	Australia <i>B</i>	UK <i>B</i>	Germany <i>B</i>	Canada <i>B</i>	Australia <i>B</i>	UK <i>B</i>	Germany <i>B</i>	Canada <i>B</i>	Australia <i>B</i>	UK <i>B</i>	Germany <i>B</i>	Canada <i>B</i>
Gender	.019	.006	-.033	.023	.066*	.001	.025	.009	.046	.080*	.068	.014
Age	.023	.065	.047	-.005	.062	.045	.062	.062	.004	.077*	-.044	-.030
Education	.079*	.055	-.031	.011	.014	.064	-.011	-.029	.003	.057	.022	-.025
Income	.012	-.001	-.025	.072	-.087**	.020	.090	.031	-.016	.027	-.040	-.035
Pol. Interest	-.004	-.005	-.043	-.070	.080*	-.036	.012	-.056	-.108**	-.050	-.072	-.112**
Trust in federal	-.403***	-.295***	-.312***	-.373***	-.293***	-.294***	-.282***	-.286***	-.205***	-.151***	.012	-.017
Trust in state	.105*	-.004	.017	-.012	.099*	.111	.059	.024	.101*	-.017	.007	.048
Trust in local	.287***	.138*	.148**	.227***	.234***	.120*	.050	.186***	.116**	.127*	.088	.041
N	994	777	829	687	1031	822	824	767	1108	860	877	845
Adj. R ²	.139	.068	.066	.112	.105	.066	.048	.063	.037	.032	.011	.007
F-test	18.996***	7.186***	7.261***	11.062***	14.439***	7.289***	5.474***	6.851***	5.665***	4.091***	2.041*	1.721

* $p < .05$; ** $p < .01$; *** $p < .001$

6.5 Conclusion

Overall, the analysis of individual-level variables presented in this chapter provides a deeper insight into subsidiarity political culture in each country. In particular, it appears that education, age, political interest and trust in government have some importance to the way citizens value subsidiarity. However, while trust in government (especially the national level) was consistently important across cases, the strength and direction of the other effects is different between countries: in the UK, older participants were more likely to value all aspects of subsidiarity, while in Australia, attachment to decentralism declined with age. Additionally, while political interest was related to decentralist values in Canada and the UK, in the former attachment to decentralism increased with interest, while in the latter politically interested participants placed less value on decentralism. The differences in the strength and direction of these variables reinforce the importance of acknowledging subsidiarity political culture as being distinct in each country. The principle not only takes on different meanings to citizens in each country, but these meanings also seem to be shaped by different factors in each case, and those factors are influential in different ways.

Analysing individual-level variables from the micro-data of the surveys has therefore helped unpack the subsidiarity political cultures of Australia, Canada, Germany and the UK by identifying key factors that seem to influence subsidiarity values in each case. However, these insights are limited because they do not account for broader societal factors that may also be at play – for instance, why are politically interested Canadians generally more attached to decentralism, while politically interested respondents from the UK are less so? What is the relevance of founding values and identities favoured by foundational models of political culture? Answering these questions requires a wider examination of subsidiarity's meaning in each case, which will be provided in the next chapter.

VII

Subsidiarity's Meaning in Australia, Canada, Germany and the UK

Chapters 5 and 6 have shown that a political culture or cultures of subsidiarity can be measured, that subsidiarity is broadly valued, and that individual-level factors seem to vary in their influence over these values, by examining the ways that citizens in Australia, Canada, Germany and the United Kingdom value subsidiarity, in its different forms. In other words, these chapters have identified a political culture of subsidiarity that helps us understand the principle in these countries. However, questions remain about whether there are wider forces that are relevant to or influence subsidiarity political culture. This chapter considers each country separately to bring together the insights from the analysis of public attitudes in the previous chapters, and the discussion of institutions in Chapter 3. This is important because, as Stevens argues, political culture encompasses both the governmental structures of a nation, as well as citizens' orientations towards those structures.¹ Considering public attitudes in their institutional context is especially crucial here because Chapter 6 revealed that trust in government is an important predictor of subsidiarity values. Thus, in order to understand subsidiarity's meaning, we must unpack the way that citizens make sense of the broader context in which subsidiarity operates.

To assist in this investigation, this chapter pursues three lines of inquiry in each case to supplement the insights from previous chapters: (a) what is the relationship between subsidiarity values and federal structures of government (and citizens' perceptions of those structures)? (b) do people who work in government hold different views about subsidiarity compared to those outside government? and (c) how does subsidiarity political culture fit within the broader political culture of each country?

¹ Arthur Stevens 'State Boundaries and Political Culture: An Exploration in the Tri-State Area of Michigan, Indiana and Ohio' (1974) 4 *Publius* 111, 112.

Testing the relationship between federalism and subsidiarity is important for better understanding subsidiarity political culture because it explores whether citizens' attitudes towards decentralism, non-absorption and support influence or are influenced by their views about federal institutions. The notion that there is a connection between the way citizens value subsidiarity and federalism derives from Ivo Duchacek's comment that 'the tendency or habit of thinking primarily in terms of local (territorial) initiative and responsibility... may perhaps present *prima facie* evidence of a 'federal political culture'',² while Mueller has gone further, suggesting that 'subsidiarity political culture' and 'federal political culture' are the same thing.³ Chapter 3 examined and challenged the conceptual and institutional assumptions that subsidiarity and federalism are inextricably linked, instead arguing that the relationship between the two principles is more nuanced and complex than is often assumed.⁴ This chapter now examines whether public attitudes towards the principles are similarly complex.

Understanding the role of political elites is also important to unpacking subsidiarity political culture. For instance, it was noted in Chapter 1 that in Australia the Howard government proved especially adept at centralising policy control, while David Cameron's Big Society agenda was considered in Chapter 3. Such observations point to the potential for political elites (politicians and public servants) to influence the development and realisation of subsidiarity in a particular country, because parliaments and executives are in a position to shape the way subsidiarity is given meaning. This raises an important question about the role of political elites: does subsidiarity mean the same thing to people within governmental institutions as it does to people outside of them?

² Ivo D. Duchacek, *Comparative Federalism: The Territorial Dimension of Politics* (University Press of America, 1987), 344.

³ Sean Mueller, *Theorising Decentralisation: Comparative Evidence from Sub-National Switzerland* (ECPR Press, 2015), 16-17; Chapter 5. Notably, Mueller approaches political culture with a stronger sociological lens, which explains the differences between his findings in the Swiss case and the analysis presented in this thesis.

⁴ See, e.g., Jenna Bednar, 'Subsidiarity and Robustness: Building the Adaptive Efficiency of Federal Systems', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 231; Daniel Halberstam, 'Federal powers and the principle of subsidiarity' in Vikram David Amar and Mark V. Tushnet (eds) *Global perspectives on constitutional law* (Oxford University Press, 2009) 34; William S Livingstone, 'A Note on the Nature of Federalism' (1952) 67 *Political Science Quarterly* 81; Cheryl Saunders, 'Dividing power in an age of globalisation', in Charles Sampford and Tom Round (eds) *Beyond the Republic: Meeting the Global Challenges to Constitutionalism* (Federation Press, 2001), 130.

Finally, because subsidiarity political culture does not operate in a vacuum, we will reach a better understanding of the principle's meaning by exploring how subsidiarity political culture fits within broader ideas about the political cultures of each country. This is achieved by exploring how differences in attitudes towards decentralism, non-absorption and support align with observations about the values, identities and culture of Australia, Canada, Germany and the UK. Doing so provides insights into how subsidiarity political culture operates as a subcomponent of the broader political culture of each country.

These three additional perspectives, together with those provided in previous chapters, answer the final question of this thesis: 'what can subsidiarity political culture reveal about the principle's meaning?' The chapter then concludes by using this perspective on subsidiarity political culture to examine the implications for public policy and practice that arise from this new understanding of subsidiarity's meaning.

7.1 Germany

Perhaps the least surprising result presented in this thesis was the strength of subsidiarity political culture in Germany. From subsidiarity's development in the Holy Roman Empire in the works of Althusius, to the institutional provisions for the principle, in the Basic Law and Germany's functional or administrative federation, one could only expect to find a vibrant subsidiarity political culture, despite some concerns that subsidiarity's influence in Germany may be weakening.⁵ Chapter 6 suggested that childhood socialisation may be relevant to subsidiarity political culture, and that reunification in 1990 potentially influenced the way younger Germans understand and value the principle. However, trust in government, especially the federal and local levels, emerged as the most important predictors of subsidiarity values in Germany. This raises

⁵ Greg Taylor, 'Germany: A slow death for subsidiarity?' (2009) 7(1) *International Journal of Constitutional Law* 139.

questions about the role and importance of federalism and federal structures in relation to subsidiarity political culture.

7.1.1 Subsidiarity and Federalism

This chapter uses a measure of citizens' attitudes towards federalism developed by Brown and colleagues that was fielded in the ACVS and ICVS to test the potential relationship between citizens' perceptions of what is desirable about federal structures,⁶ and their attitudes towards decentralism, non-absorption and support.

The measurement of public attitudes towards federalism and federal institutions has a much longer history than attempts to do the same for subsidiarity. In response to what Duchacek described in 1987 as the 'blank space we have tentatively called federal political culture',⁷ scholars have undertaken several investigations into the way citizens react to the federal structures of their governments.⁸ While several approaches have been developed,⁹ the approach taken in the 2016 ACVS and ICVS was the product of a series of developments and refinements based on testing a wide range of measures in previous

⁶ A J Brown, John Kincaid, Jacob Deem and Richard Cole 'Measuring citizen attachment to federal principles: results from Australia, Canada, the United States, Germany and Great Britain', International Political Science Association, World Congress of Political Science, Poznan, Poland, July 2016.

⁷ Duchacek, above n 2, 346.

⁸ A J Brown, 'Measuring the Mysteries of Federal Political Culture in Australia' in Paul Kildea, Andrew Lynch and George Williams (eds), *Tomorrow's Federation: Reforming Australian Government* (The Federation Press, 2012); A J Brown, 'From Intuition to Reality: Measuring Federal Political Culture in Australia' (2012) 43(2) *Publius* 297; Michael Burgess, *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives* (Oxford University Press, 2012); Richard Cole, John Kincaid and Alejandro Rodriguez, 'Public Opinion on Federalism and Federal Political Culture in Canada, Mexico, and the United States' (2004) 34(3) *Publius* 201; John Kincaid and Richard Cole, 'Citizen Attitudes Toward Issues of Federalism in Canada, Mexico, and the United States' 2010 41(1) *Publius* 53; Patrick Fafard, Francois Rocher and Catherine Cote, 'The Presence (or Lack Thereof) of a Federal Culture in Canada: The Views of Canadians' (2010) 20 *Regional and Federal Studies* 19.

⁹ Kincaid and Cole, above n 8; see also Brown, 'Measuring the Mysteries', above n 8; Brown, 'From Intuition to Reality', above n 8; Burgess, above n 8; Cole et al, above n 8.

ACVS instruments.¹⁰ It asks respondents to rate the desirability of four features that are central to federal governance:

- A. Having power divided up between different levels of government ('divided power')
- B. Allowing different laws in response to varying needs and conditions in different parts of [country] ('different laws')
- C. Allowing the governments of different parts of [country] to get involved in decision-making on national issues ('participation')
- D. Different levels of government being forced to respect each other's roles and responsibilities when dealing with a problem ('respect')

Items A and B were retained from earlier versions of the ACVS, and are designed to capture what are often thought to be the fundamental features and benefits of federal governance, namely dividing power and sovereignty, and the capacity to adapt law and policy to reflect the needs of constituents.¹¹ Items C and D were new developments in the 2016 surveys, and were developed by Brown and colleagues following a series of workshops with international experts in federalism.¹² Item C was designed to cover the ability of federal systems to facilitate geographic representation and pluralism, while Item D taps into the German concept of *bundestreue*, a principle of "comity", "loyalty", "fidelity" or "faithfulness" in intergovernmental relations.¹³

Table 7.1 displays the results of a bivariate correlation analysis designed to test the relationship between subsidiarity values and attitudes towards federal ideals in Germany. It reveals a weak but significant relationship between most variables. The strongest correlation was between non-absorption and respect ($r = .216$). This seems to capture the essence of *bundestreue* and German federalism in operation: the different levels of government should respect each others' roles and responsibilities and not interfere with or take over each others' functions. The next most important correlation from the German results was the correlation between decentralism and divided power. Arguably, this

¹⁰ Brown, et al, above n 6.

¹¹ Brown, 'Measuring the Mysteries', above n 8; Brown, 'From Intuition to Reality', above n 8.

¹² Brown, et al, above n 6.

¹³ See, e.g., Rudolf Hrbek, 'Germany' in Anne Griffiths (ed), *Handbook of Federal Countries*, (Forum of Federations/McGill-Queen's University Press, 2005), 156; Greg Taylor, 'The Division of Power in Federal Systems', in Gabriella Appleby, Nicholas Aroney and Thomas John (eds), *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives*, (Cambridge University Press, 2012), 107.

provides some confirmation of Duchacek’s idea that thinking in terms of local initiative is a sign of federalist values.¹⁴ It also reflects the classic conception in the literature that ‘subsidiarity is a rule rather than a principle’,¹⁵ as subsidiarity provides a (decentralist) guide for how power should be divided. It suggests that Germans can see (and value) the link between dividing power, and holding that power at lower levels when possible.

Table 7.1. Bivariate correlations for subsidiarity and federal values – Germany (ICVS 2016)

<i>r</i>	Divided power	Different laws	Respect	Participation
Decentralism	.178**	-.005	.115*	.087*
Non-absorption	.088*	-.073*	.216**	.095*
Support	.055	-.098*	.085*	.127**

* Significant at $p < .05$; ** Significant at $p < .001$

A factor analysis of the items measuring attitudes towards subsidiarity, federalism, and trust in each level of government, was conducted to further interrogate the relationship between subsidiarity and federal values, and the importance of trust identified as relevant to subsidiarity attitudes in the previous chapter. Doing so provided a means of determining whether it is accurate to treat subsidiarity and federal values as related but separate, or whether there is some underlying factor or principle driving attitudes towards both doctrines. Given previous research has identified trust in government as relevant and important to federal constitutional values, it was possible that trust was this driving factor.¹⁶

However, the factor analysis instead identified four distinct factors.¹⁷ The rotated component matrix highlighted that trust in the three levels of government loaded strongly

¹⁴ Duchacek, above n 2, 344.

¹⁵ Daniel Weinstock, ‘Cities and Federalism’, in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014), 261.

¹⁶ See, e.g., John Kincaid and Richard Cole, ‘Citizen Evaluations of Federalism and the Importance of Trust in the Federation Government for Opinions on Regional Equity and Subordination in Four Countries’ (2015) 46 *Publius* 51.

¹⁷ Based on the Kaiser Rule preferring Eigenvalues greater than 1. The Eigenvalues for the first four components were: 1= 2.375; 2= 1.977; 3= 1.241; 4= 1.036. The Kaiser-Meyer-Olkin Measure of Sampling Adequacy was of an acceptable value (.660) – see Joseph Hair, William Black, Barry Babin and Rolph Anderson, *Multivariate Data Analysis* (7th ed, Pearson Education Limited, 2014), 91.

onto the first component,¹⁸ while the four federal values items loaded onto the second component.¹⁹ Finally, the subsidiarity items were split across two components, which was consistent with the factor analysis reported in section 5.2.1, where decentralism and non-absorption loaded onto one factor,²⁰ and attitudes towards supportive subsidiarity occupied a separate factor.²¹ The results of the factor analysis therefore provide confirmation of the bivariate correlations in identifying attitudes towards subsidiarity and federal values as being related and important to one another, but nevertheless separate and distinct. Further, while a person's trust in government is important and relevant to their subsidiarity values, the two sets of variables remain distinct.

7.1.2 Attitudes of Government Workers

The (relative) importance of the relationship between most Germans' attachment to non-absorption and their desire for governments to respect each others' roles and responsibilities also raises questions about the role and potential influence of political elites. Specifically, does subsidiarity mean the same thing to people within governmental institutions as it does to people outside them? The amendment of Article 72 of the Basic Law, reducing the number of powers under its protection,²² suggests that German policymakers may be less attached to subsidiarity than ordinary citizens, while on the other hand, Kaiser and Vogel's observation that Germany has experienced sporadic but important decentralisation in recent years would suggest the opposite: that policymakers are more favourably inclined towards the principle.²³

The attitudes of people who work or have worked in government are therefore potentially relevant to understanding subsidiarity political culture. Previous analysis of the

¹⁸ Federal trust = .828; Länd trust = .716; Local trust = .831.

¹⁹ Divided power = .717; Different laws = .493; Respect = .682; Participation = .729.

²⁰ Decentralism = .731; Non-absorption = .765.

²¹ Support = .839.

²² Taylor, 'Germany: A slow death for subsidiarity?', above n 5.

²³ André Kaiser and Stephan Vogel, 'Dynamic De/Centralization in Germany, 1949-2010' (forthcoming) *Publius*.

2008-2014 ACVS data has identified small differences in attitudes towards subsidiarity between those who have or have not worked in government, with people who have worked in government before being more attached to decentralism.²⁴ This part therefore replicates this analysis for the 2016 ICVS, comparing the way subsidiarity is valued by German respondents who do or do not have experience in government (at either the federal, Land or local level). This can only provide a limited picture, as it does not address the attitudes of current government workers, nor can it account for the seniority or role within government (the views of more senior policymakers are in the best position to influence subsidiarity's meaning, and therefore are of most relevance to this discussion). Additionally, while the previous analysis of the ACVS data suggested that there may be important differences in attitudes based on the level(s) of government in which respondents have worked, the number of German respondents with government experience who specified which levels they had previously worked in was too small to conduct reliable analysis of any potential differences.

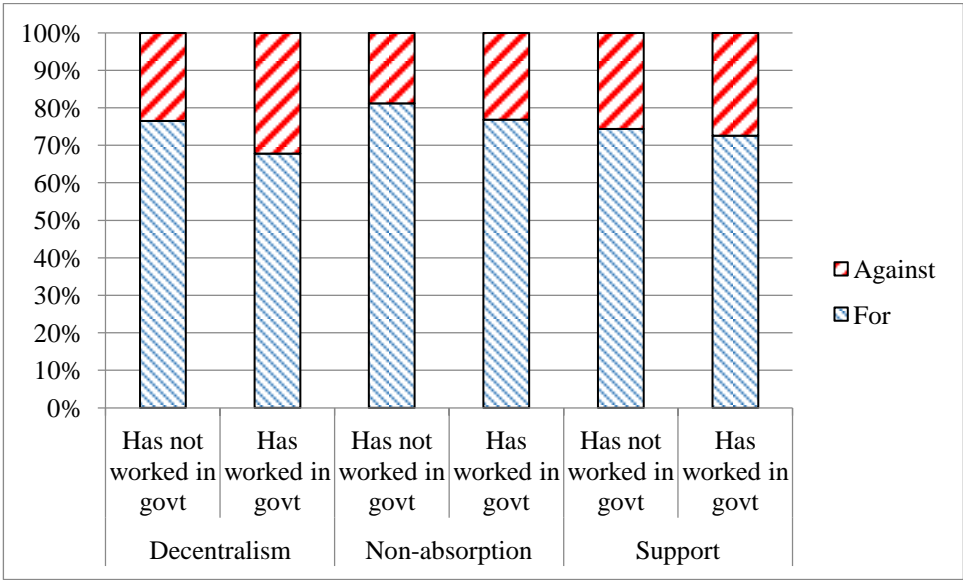
Figure 7.1 breaks down the attitudes towards each of the subsidiarity elements by experience working in government. It shows, for non-absorption and support, little difference in opinion between those who have worked in government and those who have not: 76.9% of participants who have worked in government valued non-absorption, compared to 81.2% of those who have not, while the value attached to supportive subsidiarity was even closer (72.6% for those who have worked in government, 74.4% for those who have not). This lack of variation is confirmed by chi-square analysis, which generally showed no significant differences between people who have and have not worked in government.²⁵ However, Germans who have worked in government were less attached to decentralism than those who have not, although this difference was only just significant (67.8% of participants with government experience, compared to 76.5% of those who have not). This suggests that while the average German government worker is less attached to decentralism than the average citizen, the difference is small enough that we need not fear

²⁴ Jacob Deem, Robyn Hollander and A J Brown, 'Subsidiarity in the Australian Public Sector: Finding Pragmatism in the Principle' (2015) 74(4) *Australian Journal of Public Administration* 419.

²⁵ Decentralism: $X^2(1, n= 829) = 3.976, p= .046$; Non-absorption: $X^2(1, n= 824) = 1.256, p= .262$; Support: $X^2(1, n= 877) = .167, p= .683$.

subsidiarity dying a ‘slow death’ in Germany.²⁶ Instead, it fits well with Kaiser and Vogel’s observation of a ‘misfit of the initial constitutional set-up with the preferences of political actors which jointly create frictions that were gradually resolved’,²⁷ suggesting that if there was ever also a misfit between the views of political actors and ordinary citizens, this too has been resolved.

Figure 7.1. German attitudes towards decentralism, non-absorption and support – ‘Have’ or ‘Have Not’ worked in government (ICVS 2016)



7.1.3 Understanding German Subsidiarity Political Culture

Having established the potential individual-level and institutional drivers of subsidiarity political culture, how are we to understand its place in German political culture? Discussions tend to emphasise regional or other geographic differences as a

²⁶ Taylor, ‘Germany: A slow death for subsidiarity?’, above n 5.
²⁷ Kaiser and Vogel, above n 23, 24.

defining feature of German political culture, but the analysis in Chapter 6 did not reveal significant differences in attitudes towards decentralism, non-absorption and support between geographic groupings. However, this does not mean that geography is not relevant to subsidiarity values in Germany. Instead, it might be that its effects are consistent across the country.

The German concept of *Heimat* is especially relevant here. At its simplest, *Heimat* is a sense of attachment or belonging to a particular place, and identification with a particular group of people.²⁸ *Heimat* usually places the strongest attachment to the local or regional area, and progressively weaker attachment to the national (country) level. The strong sense of *Heimat* and how it relates to German national identity is captured perfectly in Applegate's statement that 'the survival and transformation of *Heimat* reveal to us the struggle to create a national identity out of the diverse materials of a provincially rooted society'.²⁹

Crucially, *Heimat* draws on and relies on early socialisation experiences, and in many respects is an emotion as much as it is an identity. Ratter and Gee argue that '*Heimat* inevitably comes with a strong sense of place, but sense of place can also be experienced without the deeper emotionality and social connectivity which is inherent in the experience of *Heimat*. ... *Heimat* creates more profound emotions than the technical term 'sense of place' which is predominantly used in science'.³⁰ Additionally, *Heimat* typically has a romanticised or sentimental dimension.³¹ It is, in many respects, an idealised version of one's childhood home, a 'persistent German longing for a space of innocence'.³² In that regard, *Heimat* takes on an almost mythical quality: for Applegate, '*Heimat* has never been a word about real social forces or real political situations. Instead it has been a myth about the possibility of a community in the face of fragmentation and alienation'.³³

²⁸ Celia Applegate, *A Nation of Provincials: The German Idea of Heimat* (University of California Press, 1990); Peter Blickle, *Heimat, A Critical Theory of the German Idea of Homeland* (Camden House, 2002); Beate M. W. Ratter and Kira Gee, '*Heimat* – A German concept of regional perception and identity as a basis for coastal management in the Wadden Sea' (2012) 68 *Ocean and Coastal Management* 127.

²⁹ Applegate, above n 28, 19.

³⁰ Ratter and Gee, above n 28, 129.

³¹ Blickle, above n 28.

³² *Ibid*, ix.

³³ Applegate, above n 28, 19.

However, on the other hand, *Heimat* is not just an idealised, fantastical picture of the homeland. *Heimat* captures the very real, usually natural, elements of a region, such as forests, lakes and rolling hills, or the North Sea as in Ratter and Gee's study of *Heimat* in Niedersachsen and Schleswig-Holstein.³⁴ The apparent conflict in meaning, according to Blickle, 'is in no way unsettling to German speakers. Just the opposite, it seems. *Heimat* is everywhere'.³⁵

In many respects, the complexity and multi-faceted nature of *Heimat* is more important for subsidiarity political culture than its actual meaning. To illustrate *Heimat*'s elusive meanings, Blickle draws a parallel between Germans' inherent understanding of *Heimat*, and an anecdote that in answering the question 'what is time?', Saint Augustine stated 'I think I know – as long as no one asks me. But as soon as someone asks and I want to explain, I don't know anymore'.³⁶ Similarly, Ratter and Gee state that 'to German-speakers, the term has an almost intuitive meaning, with everyone knowing or feeling what is implied even though most would find it difficult to offer a hard and fast definition'.³⁷ The idea of an intuitive, complex and deep sense of local homeland and regional identity that the English language simply fails to capture might go a long way to explaining why Germans had the strongest subsidiarity political culture compared to the other (predominantly Anglophone) cases studied. Specifically, the connection between *Heimat*'s preference for the local is likely to manifest as a strong attachment to decentralism, non-absorption and support, but because any German can have a *Heimat*, regardless of where it is, this would explain why no significant differences in subsidiarity values between regions were detected in Chapter 6. Additionally, to the extent that federal structures protect local or regional areas by dividing power and forcing governments to respect each other, it is logical that attachment to these features was most strongly correlated with attitudes towards decentralism and non-absorption (Table 7.1). Thus, given subsidiarity's long and rich history there, Germany might be considered subsidiarity's *Heimat*; a place where the principle will always be at home.

³⁴ Ratter and Gee, above n 28.

³⁵ Blickle, above n 28, 4.

³⁶ Ibid, 1.

³⁷ Ratter and Gee, above n 28, 128.

7.2 Canada

Measurement of Canadian subsidiarity political culture in Chapter 5 showed an overall strong attachment to decentralism, non-absorption and support amongst respondents. While supportive elements were the most valued, over two-thirds of respondents favoured decentralism over centralism (the least valued element). Broadly, the high value citizens place on subsidiarity seems to reflect institutional arrangements in Canada; scholars have noted a considerable trend of policy decentralism over the last fifty to sixty years,³⁸ and the Supreme Court, while previously more centralist in its decision-making, has now also expressly acknowledged subsidiarity.³⁹ Chapter 6 showed that while politically interested respondents' views were broadly reflective of institutional arrangements, this effect was not particularly strong. Additionally, Chapter 6 found little difference between age groups in terms of attachment to decentralism, non-absorption and support, suggesting that if childhood socialisation is important to subsidiarity political culture, it has remained constant for the last sixty years or so years. The fact that the average Canadian and UK respondents held similar subsidiarity values, but that the effect of political interest and age was different in the two cases suggested that there is a deeper factor at play. Institutionally, one of the key differences between the two is that Canada is a federal nation, while the UK falls short of this label. Accordingly, it is important to explore the relationship between subsidiarity values and federal structures in Canada.

³⁸ André Lecours, 'Dynamic De/centralization in Canada, 1867-2010' (forthcoming) *Publius*; Richard Simeon, 'Considerations on centralization and decentralization,' (1986) 28 *Canadian Public Administration* 445; see also Grace Skogstad, *The Politics of Agricultural Policy-Making in Canada* (University of Toronto Press, 1987) 53; Mireille Paquet, *La fédéralisation de l'immigration* (Presses de l'Université de Montréal, 2016) cited in André Lecours, 'Dynamic De/centralization in Canada, 1867-2010' (forthcoming) *Publius*.

³⁹ Eugénie Brouillet, 'Canadian Federalism and the Principle of Subsidiarity: Should We Open Pandora's Box?', (2011) 54 *Supreme Court Law Review* 601.

7.2.1 Subsidiarity and Federalism

Table 7.2 presents the results of a bivariate correlation analysis between decentralism, non-absorption and support, and the federalism items described above. In contrast to the German case, there were few significant associations. The strongest was between non-absorption and respect, and only had an r value of .129 (a weak relationship), and most correlations were not significant at all. This general lack of association is in itself revealing, however. It suggests that, even though Canada scored highly across the subsidiarity and federal measures, seeing value in one did not necessarily lead participants to value the other. Echoing the German analysis, a factor analysis again revealed that subsidiarity values, federal values, and trust in government, remained distinct sets of variables.⁴⁰ The federal values and items assessing trust in government respectively loaded onto the first two factors,⁴¹ while all three subsidiarity items loaded onto the third factor.⁴² Again, this tends to confirm that these three sets of variables, while related and important to one another, are best understood as distinct, rather than as joined together by some underlying factor. Further, in the context of the general lack of relationship between subsidiarity and federal values identified in Table 7.2, the strength of the separation between the first (federal) and third (subsidiarity) components indicates that, for Canadians, subsidiarity values are not strongly influenced by attitudes towards the federal system. This means we must turn to other factors to explain subsidiarity's meaning in Canada.

⁴⁰ Eigenvalues: 1 = 2.304; 2 = 1.848; 3 = 1.287. Kaiser-Meyer-Olkin Measure of Sampling Adequacy = .680.

⁴¹ First component: Divided power = .762; Different laws = .656; Respect = .709 Participation = .720; Second component: Federal trust = .787; Province trust = .848; Local trust = .741.

⁴² Decentralism = .732; Non-absorption = .713; Support = .457.

Table 7.2. Bivariate correlations for subsidiarity and federal values – Canada (ICVS 2016)

<i>r</i>	Divided power	Different laws	Respect	Participation
Decentralism	.023	.086*	.055	.063
Non-absorption	.063	-.033	.129**	.043
Support	.085*	.029	.115*	.084*

* Significant at $p < .05$; ** Significant at $p < .001$

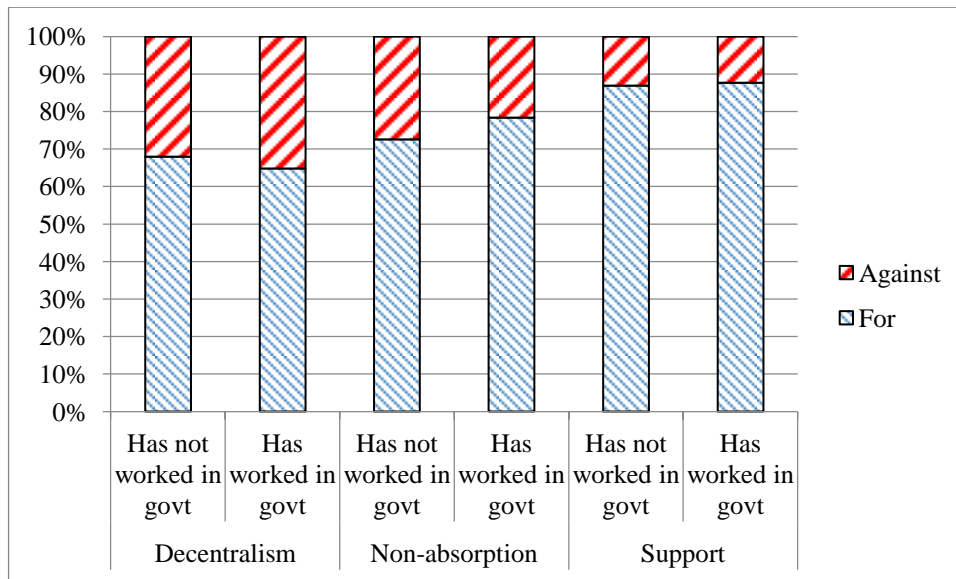
7.2.2 Attitudes of Government Workers

Given that Canadians who showed greater interest in politics were more likely to favour subsidiarity (suggesting that closeness to the system fosters attachment to the principle), can we make sense of subsidiarity's meaning by comparing the attitudes of those who have or have not worked in government? Figure 7.2 shows that there is no significant difference in the attitudes of those who have government experience compared to those who do not.⁴³ The largest difference between government and non-government workers was in attachment to the non-absorption item, and even this difference was quite small (78.4% of people who have government experience valued non-absorption, compared to 72.6% of participants with no experience in government). The difference on the other two items was even smaller, such that attachment to the support item was almost identical (Worked in government: 87.7%, compared to never worked in government: 87.0%). Additional Chi-square analysis comparing the levels of government in which respondents had work experience also failed to detect any significant differences (i.e., attitudes did not differ between those who had worked at the national level, compared with those who had worked at the sub-national level). This finding suggests that the observed institutional and policy decentralisation of Canadian federalism⁴⁴ is likely to be stable and long-lasting, because political elites are as committed to subsidiarity as ordinary citizens.

⁴³ Chi square analysis confirms that any differences were not significant: Decentralism: $X^2(1, n= 687) = .570, p= .450$; Non-absorption: $X^2(1, n= 767) = 2.372, p= .124$; Support: $X^2(1, n= 845) = .079, p= .779$.

⁴⁴ Lecours, above n 38; Simeon, above n 38; see also Skogstad, above n 38,53; Paquet, above n 38.

Figure 7.2. Canadian attitudes towards decentralism, non-absorption and support – ‘Have’ or ‘Have Not’ worked in government (ICVS 2016)



7.2.3 Understanding Canadian Subsidiarity Political Culture

How, then, are we to account for Canada’s apparently thriving subsidiarity political culture, when the variables highlighted as potentially relevant by dominant models of political culture,⁴⁵ and formal institutional factors such as attitudes towards federal government do not seem to influence subsidiarity values? The answer may lie in conceptions of broader Canadian political culture. Increasingly, institutional approaches in political science adopt a broader understanding of institutions, one that encompasses shared norms and rules within society.⁴⁶ These informal institutions have been under-studied in the subsidiarity literature, but offer a useful insight for the Canadian case. In particular the potential role of national identity is important. The concern in earlier chapters was that where it is possible or likely that individuals identify with a nation or sub-nation that is not

⁴⁵ Rodney Smith, *Australian Political Culture* (Pearson Education Australia, 2001).

⁴⁶ Colin Hay, *Political Analysis: A Critical Introduction* (Palgrave, 2002), 14.

the political nation-state (e.g., Quebec rather than Canada), attitudes towards subsidiarity would be different to other parts of the country. While these concerns were allayed by the data demonstrating that Quebecois were not different from other Canadians, this section returns to suggest that in a country like Canada where there are attachments to a nation that is not the political nation-state, this will create an environment where subsidiarity can thrive, not just amongst people who identify as part of that nation, but across the country as a whole.

The connection between national identity and political culture is the subject of a small but important literature.⁴⁷ For instance, Verba concluded that nations are the ‘foci of identification and loyalty’,⁴⁸ while, Deutsch considered national integration as the way of overcoming attachment to or identification with smaller ethnic, cultural or linguistic groups.⁴⁹ Henderson’s *Hierarchy of Belonging* stands out as an especially important investigation of national identity and political culture. Henderson focused on national identities in Quebec and Scotland, and argued that the various ways in which one identifies as Quebecois or Scottish impact on the way an individual relates to the state and with others. Such inquiries touch on the question here: how does identification with a nation influence one’s relationship with the state in terms of the value placed on subsidiarity?

According to Henderson, ‘nation’⁵⁰ can refer to two ideas: one objective and one subjective. Objectively, a nation can be defined by signifiers such as its geopolitical borders and shared language.⁵¹ Subjectively, a nation can be a matter of perception and a sense of shared-ness or connectedness that groups of people feel towards one another. In reality, Henderson argues, the true concept of ‘nation’ is probably a combination of the two, where

⁴⁷ See, e.g., Karl Deutsch *The Nerves of Government: models of political communication and control* (Free Press, 1966); Ailsa Henderson, *Hierarchies of Belonging: National Identity and Political Culture in Scotland and Quebec* (Queen’s University Press, 2007); Sidney Verba, ‘Conclusion: Comparative Political Culture’, in Lucian W. Pye and Sidney Verba (eds) *Political Culture and Political Development* (Princeton University Press, 2015, first published 1965).

⁴⁸ Verba, above n 47.

⁴⁹ Deutsch, above n 47.

⁵⁰ Henderson uses this term to describe places like Quebec and Scotland, rather than nation-states. For clarity, in this chapter, ‘country’ will refer to the broader political nation of ‘Canada’ (and later, Australia, Germany and the UK), while entities or areas such as Quebec, which Henderson calls nations (and others have called ‘non-nations’, e.g., Erika Arban, ‘Beyond sub-state nationalism. Accommodating strong, distinct and non-national regions in large polities’, Paper delivered at International Political Science Association World Congress 23-28 July 2016) will follow Henderson’s label of ‘nation’.

⁵¹ Henderson, above n 47.

the perception of connectedness people share is influenced by concrete characteristics such as language and tradition.

National identity can also be conceptualised in more objective or more subjective ways. Objectively, citizenship, demographic markers, or linguistic ties can determine identification with a nation.⁵² Subjectively, national identity can be seen (and measured) as a sense of belonging to a particular group, and as an exercise in self-labelling. Crucially, for the purposes of the argument that subsidiarity political culture is strong in Canada because of the influence of Quebec, which undermines cohesive ‘country identity’, it is not actually necessary to determine whether individual citizens’ sense of belonging to a sub-nation is correlated with their attitudes towards subsidiarity. Instead, it is argued that the mere existence of a sub-nation detracts from the cohesion of a national identity, allowing citizens throughout the country to appreciate and witness decentralism, non-absorption and support. It is not possible to test whether respondents to the ICVS who were more attached to the three elements of subsidiarity held those views because of their awareness of or exposure to division in Canadian identities, because the question was not put to participants. Future research to better interrogate this possibility is therefore crucial.

The identification and potential influence of a fracture in Canadian country identity also invokes consideration of foundational models of subsidiarity political culture; clearly, the divide in Canadian identities has a historical basis. Foundational models focus on the basic founding structures of government, and aim to identify key points in history when a nation’s culture was established and settled.⁵³ Hartz’s ‘fragment theory’ has been a particularly influential foundational model. In a wide-ranging study of former European colonies, Hartz proposed that each colony took on a fragment of European values from the time of settlement, and this fragment then served as a basis for that nation’s political culture.⁵⁴ To illustrate this claim, Hartz referred to South America’s colonisation during the period of authoritarianism and militarism, the US during the height of liberalism, and South

⁵² See, e.g., Ibid, 8.

⁵³ Smith, above n 45, 130, see also Richard Rosecrance, ‘The Radical Culture of Australia’, in Louis Hartz (ed) *The Founding of New Societies* (Duke University Press, 1964); J. B. Hirst, ‘Keeping Colonial History Colonial: The Hartz Thesis Revisited’ (1984) 21(82) *Historical Studies* 85.

⁵⁴ Louis Hartz, ‘The Fragmentation of European Culture and Ideology’ in Louis Hartz (ed) *The Founding of New Societies* (Duke University Press, 1964).

Africa under Calvinistic radical determinism.⁵⁵ Crucially for Hartz, these fragments are merely pieces of a contested ideology in Europe, but in the colony, ‘the part often become the whole’.⁵⁶ Unchallenged by competing views as they would have been in the ‘Old World’, these fragments then flourish to new extremes not reached in Europe: Hartz wrote that ‘Bossuet, Locke and Cobbett, miserable men abroad, all wake up in worlds finer than they have known’,⁵⁷ while Bell and Tepperman liken it to ‘a game in which the opposing team did not show up’.⁵⁸

Hartz’s fragment theory proposes that Canada ‘offers almost a classic instance of a two-fragment society’,⁵⁹ with the French feudal fragment settling in Quebec in 1608 and truly forming in 1663, and the English fragment forming from British Loyalists fleeing the American Revolution.

Despite its initial attractiveness, fragment theory has been critiqued on a number of grounds. On a theoretical level, Hartz fails to explain how these fragments of political culture maintain themselves in the face of immigration from new cultures, let alone acculturate immigrants.⁶⁰ This is especially true in Canada, which has experienced significant waves of immigration since colonial settlement. Additionally, fragment theory relies on the isolation of the settled culture, but as Bell and Tepperman point out, ‘migration does not inevitably lead to isolation’.⁶¹ Finally, the theory assumes that the particular values will be universal, which is difficult to reconcile with reality.⁶² Thus, while fragment theory may be an attractive explanation at face value, further examination reveals some problems with this approach.

However, while fragment theory as a whole may fail to provide a solid account, it does highlight the potential importance of the divide between Anglophone and

⁵⁵ Ibid, 3-48.

⁵⁶ David Bell and Lorne Tepperman, *The Roots of Disunity: A Look at Canadian Political Culture* (McClelland and Stewart Publishers, 1979), 20.

⁵⁷ Louis Hartz, ‘The Fragmentation of European Culture and Ideology’ in Louis Hartz (ed) *The Founding of New Societies* (Duke University Press, 1964), cited in Bell and Tepperman, above n 56, 21.

⁵⁸ Bell and Tepperman, above n 56, 21.

⁵⁹ Kenneth McRae, ‘Louis Hartz’s Concept of the Fragment Society and Its Applications to Canada’ (1978) 5 *Etudes Canadiennes* 17.

⁶⁰ Bell and Tepperman, above n 56, 23.

⁶¹ Ibid, 22.

⁶² For example, in Australia see Smith, above n 45.

Francophone Canada. While immigration and other factors may have indeed limited the influence of the colonial ideas on which Canada was born, the persistence of a national identity that undermines a cohesive country identity (or never allowed it to form in the first place) highlights the potential explanation that subsidiarity is meaningful throughout Canada because citizens are used to accommodating for diversity and decentralism.

7.3 United Kingdom

On the surface, public attachment to subsidiarity in the UK is very similar to that in Canada: Chapter 5 highlighted how respondents from the two countries did not significantly differ in the way that subsidiarity is valued, both in the level of attachment (generally quite high across all three dimensions), and in the way that support was the most highly valued element. However, despite the similarities in subsidiarity's meaningfulness, the principle's value appears to be driven by very different factors. Chapter 6 identified that at an individual level in the UK, attitudes towards the principle differ between younger and older respondents, with older respondents being more attached to all elements of subsidiarity. Additionally, respondents who were more politically interested were less likely to favour decentralism, while trust in the national government was especially significant (greater trust in government was associated with less attachment to subsidiarity). As in Canada, this suggests that formal institutional structures (particularly the UK's lack of federalism) is an important consideration.

7.3.1 Subsidiarity and Federalism

Table 7.3 presents the correlation analysis for the subsidiarity and federalism items. The immediately noticeable result is that almost all the associations are significant, a remarkable result given the lack of formal or institutional provisions for federalism in the

UK. We therefore cannot accurately say that federal institutions explain variations in subsidiarity's uptake, or produce cultures of subsidiarity. Instead, it may be better to say that the factor that matters is a general receptiveness to or value of federal notions, for which federal institutions are influential but not a prerequisite (as in the case of the UK). Additionally, a factor analysis again identified federal values and trust in government as being separate from the subsidiarity items, further confirming that the correlations between subsidiarity and federal attitudes are a meeting of related concepts, rather than drawing from a common wellspring of underlying values.⁶³

The correlation with the most impact was between support and respect. As these were the most popular items in general, and are inherently positive concepts, caution must be exercised so as not to overstate the importance of this correlation. Nevertheless, this combination of responses seems to reflect a desire for a more positive, considerate brand of governance. This is hardly a surprising position, nor one that is likely to be unique to the UK. Even if this is a fairly common attitude, however, it is notable that the association was strongest in the UK compared to the other cases.⁶⁴

Perhaps of greater interest, however, is the correlation between non-absorption and divided power. Though the broader federalism literature tends not to focus on this connection as much as the decentralism/divided power connection, models of coordinate federalism draw heavily on non-absorptionist aspects of subsidiarity. For instance, Freeman defined the perfect federal system as one where the levels of government are entirely independent of one another, such that the members of the union have complete power in their areas of jurisdiction, with no interference from the central government, and that the central government has total authority in areas of its competency.⁶⁵ That such a sentiment would be stronger in the non-federal UK than in the federations of Australia, Germany and Canada is remarkable. However, in the context of devolutions to Scottish and Welsh

⁶³ Eigenvalues: 1 = 2.419; 2 = 2.009; 3 = 1.102; 4 = 1.088; Kaiser-Meyer-Olkin Measure of Sampling Adequacy = .683. First component ('trust in government'): Federal trust = .609; State trust = .891; Local trust = .883. Second component ('federal values'): Divided power = .748; Different laws = .733; Respect = .618; Participation = .686. Third component (Subsidiarity, 'negative limb' (Brennan 2014)): Decentralism = .689; Non-absorption = .798. Fourth component (Subsidiarity; 'positive limb'): Support = .902. The split between the subsidiarity factors is consistent with the earlier factor analysis presented in section 5.2.1.

⁶⁴ Germany $r = .085$; Canada $r = .115$; Australia (Table 7.4 below) $r = .100$.

⁶⁵ Edward A. Freeman, *History of Federal Government in Greece and Italy* (Hardpress Publishing, originally published by Macmillan & Co, 1893), 2-3.

parliaments, such a result can be logically explained as British citizens seeing value in divided power, but not necessarily wanting that divided power to go to the most local level; rather, each ‘level’ of government should be free to exercise whatever powers they have.

Table 7.3. Bivariate correlations for subsidiarity and federal values – UK (ICVS 2016)

<i>r</i>	Divided power	Different laws	Respect	Participation
Decentralism	.160**	.095*	.112*	.081*
Non-absorption	.196**	.082*	.084*	.160**
Support	.065	-.003	.204**	.142**

* Significant at $p < .05$; ** Significant at $p < .001$

7.3.2 Attitudes of Government Workers

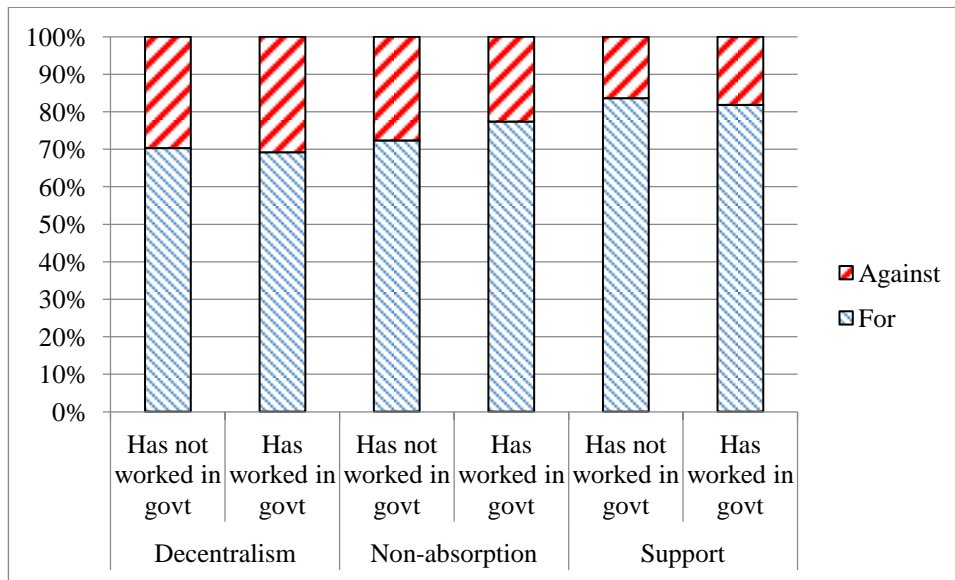
The finding that subsidiarity values can thrive in the UK in the absence of federalism raises questions about the role and importance of political elites – if subsidiarity political culture in the UK does not rely on federal institutions, how important are other structural factors? Further, in the context of the high attachment to subsidiarity uncovered by the ICVS, David Cameron’s remark that nobody knows what the principle means suggests that there may be a disconnect between the way the public and policymakers view the principle. However, within the limits of the available data, Figure 7.3 suggests that this is not the case, and that the principle is valued equally between participants who have or have not worked in government.⁶⁶ This is an important finding, as it suggests that, regardless of the comments of some politicians and scholars,⁶⁷ the principle is valued both within and outside the UK government. It also means that the failure of Cameron’s ‘Big Society’

⁶⁶ Chi-square analysis confirms that any differences were not significant: United Kingdom: Decentralism: $X^2(1, n = 777) = .088, p = .767$; Non-absorption: $X^2(1, n = 822) = 2.477, p = .116$; Support: $X^2(1, n = 860) = .441, p = .506$. An additional chi-square did not detect any significant differences between the level(s) of government in which respondents had work experience.

⁶⁷ See, e.g., Prime Minister’s Office, ‘PM Speech on EU reform: 2 February 2016’, speech delivered by David Cameron at Siemens Headquarters, Wiltshire, 2 February 2016, available at <https://www.gov.uk/government/speeches/pm-speech-on-eu-reform-2-february-2016>, accessed 5 May 2016; R. A. B. Leaper, ‘Subsidiarity and the Welfare State’ (1975) 9(2) *Social and Economic Administration* 82.

agenda,⁶⁸ which drew on subsidiarity in both its state-society and within-government reforms,⁶⁹ was probably not the result of a lack of commitment to subsidiarity on the part of those working in government. Instead, we must turn to other explanations for its failure, such as poor execution.⁷⁰

Figure 7.3. UK attitudes towards decentralism, non-absorption and support – ‘Have’ or ‘Have Not’ worked in government (ICVS 2016)



7.3.3 Understanding UK Subsidiarity Political Culture

The findings that subsidiarity thrives despite the lack of formal federal institutions, and that people who have worked in government before are just as attached to decentralism, non-absorption and support as those who have not combine in an important way.

⁶⁸ Civil Exchange, ‘Whose Society? The Final Big Society Audit’ (Report, January 2015).

⁶⁹ Jonathan Chaplin ‘Subsidiarity and Social Pluralism’ in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 76.

⁷⁰ Civil Exchange, above n 68.

Specifically, while the UK is not federal, devolutions to territorial assemblies do represent institutional acknowledgements of the principle. Additionally, these devolutions highlight the importance of acknowledging the separate nations within the UK. This raises the possibility that, as in Canada, national identity could be a vital component of subsidiarity's meaningfulness to citizens.

Alongside Quebec, Henderson's *Hierarchy of Belonging* examined Scotland as an important nation in the UK, while Northern Ireland and Wales can also be included. England is also a distinct nation, and researchers such as Kenny and Henderson and colleagues have shown that English citizens increasingly view English identity as being under threat.⁷¹ While the character of these nations is very different compared to the Canadian case, the important link here is that it is plausible that the mere existence of these nations undermines identification with the UK as a whole, and encourages citizens to think in terms of local authority, non-absorption and support for the nation. As in Canada, additional research is required to test this potential explanation. Unlike Canada, however, the link between subsidiarity and these internal debates has been more explicit (e.g. the devolution referendum in 1997), further strengthening the plausibility of this theory.

7.4 Australia

Subsidiarity political culture in Australia differed substantially compared to the other three cases studied. Australians were strongly attached to the supportive element of the principle, but placed far less value on decentralism (both in comparison to support, and compared to the other cases). Additionally, where differences in attitudes towards the principle based on age in the UK and Germany suggested evidence of childhood socialisation and a 'cohort effect', in Australia it seems more likely that people become less attached to decentralism as they grow older. Further, trust in the federal government was

⁷¹ See, e.g., Michael Kenny 'The Return of 'Englishness' in British Political Culture – The End of the Unions?' (2014) 53 *Journal of Common Market Studies* 35; Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, 'How Brexit was made in England' (2017) 19(4) *British Journal of Politics and International Relations* 631.

the dominant predictor of subsidiarity values. This may be because of Australia's longstanding institutional 'disregard'⁷² for the principle, leading to a vast expansion in the federal government's power. The increasing centralisation of Australia's federal system described in Chapter 3 has, for the most part, attracted little public outcry or discontent. This makes it important to consider whether subsidiarity values, especially the relative lack of attachment to decentralism, are reflected in Australian participants' views on federal governance.

7.4.1 Subsidiarity and Federalism

The correlations between subsidiarity and federal values were strongest in Australia (Table 7.4). As with the previous cases, however, factor analysis confirmed that this was a relationship between two distinct sets of values, rather than drawing from the same underlying factor, and that trust in government also remained a separate factor.⁷³ Of the associations between subsidiarity and federal values, the clearest (approaching moderate effect size) was between decentralism and divided power. This association is important in the context of the Australian federalism literature, which is skewed towards decentralist interpretations of subsidiarity.⁷⁴ Of course, it must be noted that this relationship takes place in the context of Australians' comparatively weaker attachment to subsidiarity, especially decentralism. This suggests that the strength of this correlation arises because in Australia's centralised federation, citizens who are committed to federal ideas such as

⁷² Michelle Evans, 'Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 195.

⁷³ Eigenvalues: 1 = 2.585; 2 = 1.816; 3 = 1.153. Kaiser-Meyer-Olkin Measure of Sampling Adequacy = .715. First component (federal values): Divided power = .735; Different laws = .666; Respect = .638 Participation = .754. Second component (trust in government): Federal trust = .785; State trust = .835; Local trust = .729. Third component (subsidiarity values): Decentralism = .730; Non-absorption = .716; Support = .504.

⁷⁴ Ibid; see also Alan Fenna, 'The Division of Powers in Australian Federalism: subsidiarity and the single market' (2007) 2(3) *Public Policy* 175; Anne Twomey and Glenn Withers, *Federalist Paper 1 – Australia's Federal Future: Delivering Growth and Prosperity* (Council for the Australian Federation, 2007) 4.

dividing power are also more attached to that divided power being decentralised, despite institutional arrangements to the contrary.

The next strongest association was between support and participation. Combined, these variables suggest a preference for different levels of government to work together and share power, in the sense of supporting one another, and getting involved in decision making. This interpretation is supported by qualitative data from the 2014 ACVS. In an earlier variant of the ‘allocation of policy’ question described in Chapter 6, participants were given five policy areas (health, education, housing, environment, and roads and highways), and were asked to nominate which level(s) of government they thought should be responsible for each. Then, for the policy area they thought was most important, they were asked to justify why they selected the level(s) for that area. These responses were then coded for content along several core themes.⁷⁵ Across all policy areas, there was a strong preference for intergovernmental collaboration - 18.2% of respondents cited either the desirability of wider consultation, or the ability for governments to keep each other honest, as at least one of the factors in their choices. For instance, one participant wanted to share responsibility for health policy between federal and state governments because ‘if they collaborate then the population can be given the best possible care. The State can make it more specific [to the needs of citizens] and federal can ensure [the States] have enough money and equipment’.⁷⁶ Another, also on health, provided: ‘I think it’s probably best to have two places looking after it; two governments working together. If one fails, the other one doesn’t; they’re working together and you can probably get the best option out of it’.⁷⁷ This emphasis on collaboration and support is an important theme in Australian federalism, and will be returned to in Section 7.4.3.

⁷⁵ I gratefully acknowledge the ARC Discovery Project ‘Confronting the Devolution Paradox’ for funding the work that went into this coding, and thank Professor Rodney Smith and Luke Mansillo (University of Sydney) for their assistance as cross-coders.

⁷⁶ Respondent #64.

⁷⁷ Respondent #18, transcription corrected for readability.

Table 7.4. Bivariate correlations for subsidiarity and federal values – Australia (ACVS 2016)

<i>r</i>	Divided power	Different laws	Respect	Participation
Decentralism	.208**	.168**	.142**	.174**
Non-absorption	.160**	.126**	.108*	.110*
Support	.099*	.112**	.100*	.179**

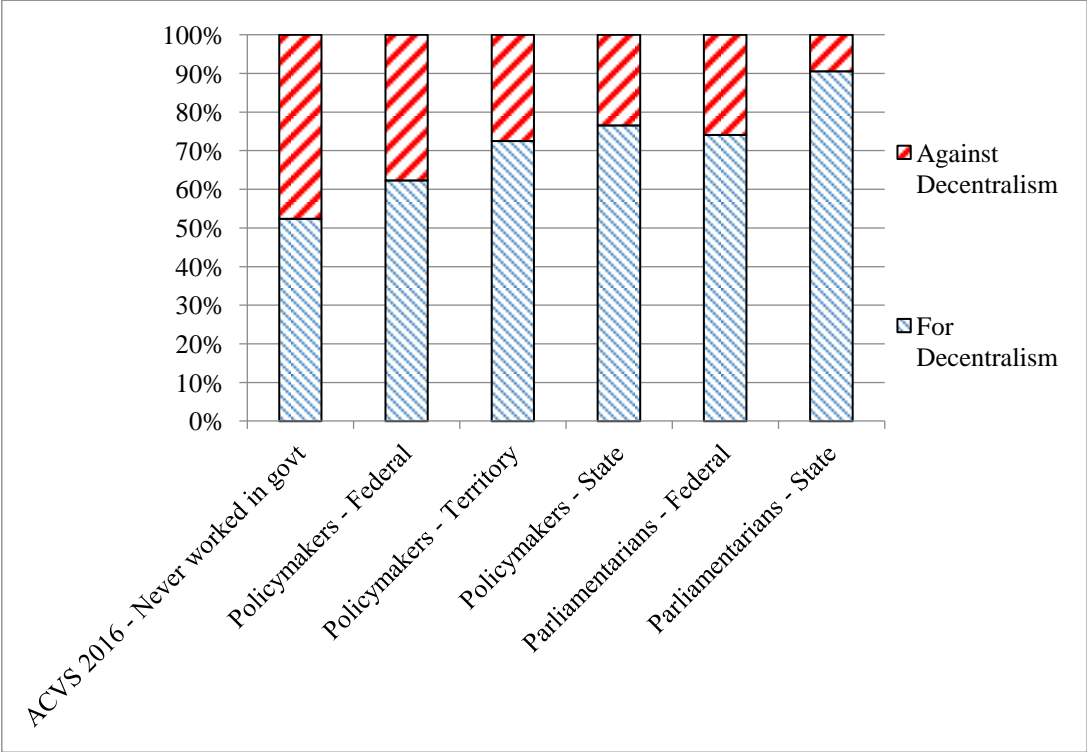
* Significant at $p < .05$; ** Significant at $p < .001$

7.4.2 Attitudes of Government Workers

If there is some connection between subsidiarity and federal attitudes, such that Australians who value decentralism, non-absorption and support are generally more likely to view the core features of a federal system as desirable, is subsidiarity's apparent failure in Australia the result of hesitance towards the principle from those within government? Data from the Policymakers Surveys, which were completed in 2015-16 by current public servants and parliamentarians, helps answer this question. However, it suggests that in Australia, policymakers do attach a different (higher) value to subsidiarity, but these values do not always or even often translate into institutional reform.

As with the 2008-2014 ACVS, the Policymakers Survey only included the decentralism measure of subsidiarity. Nevertheless, on this item alone, clear differences emerge (Figure 7.4). Participants of the ACVS who had never worked in government were the least attached to decentralism, with 52.4% thinking that decisions should be made at the lowest level possible. Next, a full 10% higher on 62% were current federal public servants. Another 10-15% higher again were Territory and State public servants. Federal politicians were on a similar level (74.1%), while 90% of State politicians thought that decisions should be made at the lowest level of government possible.

Figure 7.4. Australian policymakers' attitudes towards decentralism (Policymakers 2015-16; ACVS 2016)



There are several findings to unpack here. The first, naturally, is the disparity between the Policymakers data and the respondents to the ACVS who have never worked in government; decentralism is generally more meaningful to those within government than those outside of it.

The second finding is the difference between federal and state policymakers, both in the public service and in parliament. It seems that Australia's increasingly centralised system has not gone unnoticed by those working at the State level. That is not to say, however, that the federal level desires centralism; the data suggests that almost two-thirds

of federal public servants and three-quarters of federal politicians were in favour of decentralism. Instead, it shows that federal policymakers are more generally attached to decentralism than people who have not worked in government, but that State and Territory policymakers are even more attached again.

This relates to the final point. There are also clear differences between public servants and politicians, and that they are both different to those of citizens who do not work in government. The key implication here is that Australian institutions, which are increasingly centralised, are moving in the opposite direction of the attitudes of the people who make up those institutions.

There are several potential explanations for the gap between the centralised direction taken in Australian institutions, and the values of political actors within those institutions. The first is based on the argument that the participants of the survey are not in a position to influence subsidiarity's uptake by their respective institutions. In other words, the respondents worked in line-agencies, lower-level positions or backbench parliamentarians, and are therefore unable to act on their subsidiarity beliefs, however firmly those beliefs are held. While this explanation is plausible, there are some aspects of the data that challenge it. An examination of the portfolios of the public servants who participated in the survey reveals that 27% came from departments of Prime Minister and Cabinet, Premier and Cabinet, or Chief Minister, and a further 6.1% worked in the various federal and State treasuries. Thus, a third of respondents to the public servant version of the Policymakers survey were employed in a central agency. Similarly, all levels of seniority within the public service were well represented, with 12% of respondents coming from high-level management, leadership or specialised roles, and a further 34.4% holding middle-management roles.

Additionally, chi-square analysis shows that respondents from the central agencies were not significantly more or less attached to decentralism than their counterparts in line agencies than chance would predict.⁷⁸ Indeed, attitudes towards decentralism generally did not vary between the various central and line agencies. This was also true of organisational

⁷⁸ $\chi^2(9) = 40.282, p < .001$; Standardised residuals for 'PM&C, P&C, CM' x 'For decentralism' = 0.7, for 'PM&C, P&C, CM' x 'Against decentralism' = -1.1; for 'Treasury' x 'Fore decentralism' = 0.9, for 'Treasury' x 'Against decentralism' = -1.5.

roles: no significant differences in attitudes towards subsidiarity emerged from chi-square analysis of the levels of seniority. These results therefore offer a challenge to the possibility that the discrepancies in results are explained by a lack of central or senior participants, although they do not negate the possibility that Policymakers, no matter how senior, may have little influence against pervasive centralising trends.

An alternate possibility is that, while policymakers may strongly believe in subsidiarity (or at least, in decentralism), any attempt to address increasing centralism in the Australian federation may be avoided because of a perception that attachment to the principle is not widely held in the community. Previous research using parts of the Policymakers dataset by Bruerton and Kildea helps test this explanation.⁷⁹ The authors examined public servants'⁸⁰ qualitative (free-text) responses to the question 'in your own words, what do you see as the main barriers to reform of Australia's current federal system?'. Because of Australia's centralised federation, reforming the federation is usually thought to involve decentralism,⁸¹ and so responses to this question offer an insight into the perceived difficulties with subsidiarity's meaning. Bruerton and Kildea found that the answers could be grouped into four categories: structural, environmental, attitudinal and procedural, with attitudinal being the most common.⁸² These kinds of responses saw the specific attitudes or approaches of particular groups or individuals as being an obstacle to federal reform.⁸³ A significant number of responses referred to a lack of will or lack of vision amongst politicians.⁸⁴ Others, according to Bruerton and Kildea, identified the attitudes of the general public as posing an important barrier to federal reform.

Bruerton and Kildea identify several reasons underpinning the responses. First, some respondents attributed public resistance to fears of change and the unknown.⁸⁵ An example of this fear in practice is Australia's low rate of endorsement of constitutional

⁷⁹ Mark Bruerton and Paul Kildea, 'Practitioners' Opinions on Barriers to Reforming the Federal System', in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People's Federation* (Federation Press, 2017).

⁸⁰ Parliamentarians were not asked these questions in the shorter version of the survey they received.

⁸¹ See, e.g., Commonwealth of Australia, 'Reform of the Federation Issues Paper 1: A Federation for Our Future' (2015).

⁸² Bruerton and Kildea, above n 79, 221.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 223.

⁸⁵ *Ibid.*, 227.

amendment.⁸⁶ In relation to subsidiarity, this may mean that policymakers are concerned that reforms that give greater effect to the principle will be rejected simply because it represents the unknown.

Second, Bruerton and Kildea found that policymakers reported that community awareness, interest and engagement with federal issues was lacking, and that this lack of engagement presented another barrier to reform.⁸⁷ One respondent put it this way: ‘The general populous (sic) doesn’t appreciate the funding arrangements behind service provision at state and local government levels and they probably don’t care’.⁸⁸ Analysis of the 2014 ACVS results challenges this perception, by demonstrating that many Australians are indeed interested in and capable of engaging with complex federal issues, including those arising from fiscal imbalance.⁸⁹ However, if ‘many political leaders and commentators presume that ... public awareness of subsidiarity is unsophisticated’,⁹⁰ it is unlikely that federal reform - and in turn reforms to achieve greater subsidiarity - will be pursued.

Finally, and perhaps most importantly for present discussion, Bruerton and Kildea identified trust as a significant factor. Specifically, ‘some officials felt that the public were disinclined to trust governments and/or politicians and that this created difficulties for reform’.⁹¹ This aligns with the analysis presented in Chapter 6 of this thesis, which identified trust in government, especially the federal government, as being the most important predictor of subsidiarity values. The combination of Bruerton and Kildea’s analysis, and the results from Chapter 6 offer a useful insight for federal reform and subsidiarity political culture. In particular, it highlights the difficult situation where attachment to subsidiarity appears to be driven by, or at least closely related to, the perceived trustworthiness of the federal government, but federal reform generally requires

⁸⁶ Only 8 out of 44 amendments have received the levels of support required to pass.

⁸⁷ Bruerton and Kildea, above n 79, 227.

⁸⁸ Ibid.

⁸⁹ Jacob Deem, ‘Deliberating Federalism: Can the Australian Public Help Resolve Federalism’s Triple Challenge?’ in Mark Bruerton, Tracey Arklay, Robyn Hollander and Ron Levy (eds) *A People’s Federation* (Federation Press, 2017).

⁹⁰ Ian Gray and A J Brown, ‘The Political Viability of Federal Reform: Interpreting Public Attitudes’ in A J Brown and Jennifer Bellamy (eds), *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (Australian National University Press, 2007), 33.

⁹¹ Bruerton and Kildea, above n 79, 228.

involvement from the national government. As one policymaker noted: ‘there is a huge lack of trust in the current federal government. If they led the [federal reform] process, it wouldn’t be accepted by the jurisdictions or the public’.⁹²

While further research is necessary to examine whether the insights from Australia are applicable elsewhere, one thing is clear: even if policymakers see subsidiarity as more (or less) meaningful than a non-elite does, policymakers are still influenced by their perceptions of what the wider community thinks. Accordingly, better understanding subsidiarity political culture and unpacking the way citizens value the principle is an important first step towards meaningful reform.

7.4.3 Understanding Australian Subsidiarity Political Culture

The apparent disconnect between the Australian public’s attitudes towards subsidiarity, and the assumptions policymakers hold about those attitudes, highlights the importance of examining the importance of subsidiarity political culture in the context of a broader Australian political culture. What is it about Australian identities and values that might lead officials to assume that Australians distrust reform, especially decentralising change, and do these explanations also help account for the observed preference for supportive subsidiarity?

There are several important aspects to consider. First, the same theory of fractured or undermined national identity that might account for the strength of subsidiarity political culture in Canada and the UK, and the unique influence of *Heimat* in Germany, can potentially explain the weakness of decentralist subsidiarity values in Australia: where national identity that undermined the creation or maintenance of identifying with the country might have allowed a political culture of subsidiarity to grow in Canada, the UK and Germany, the strength of Australia’s national cohesion stifled attachment to the principle. Notably, Australia has no real contender for sub-nationhood along the same lines

⁹² Ibid.

as Scotland or Quebec. Historically, Western Australia may have had an equivalent status, to the point in 1933 where a majority of Western Australian voters voted in favour of secession.⁹³ However, in modern times there is little serious discussion of Australian States breaking away from the nation, and Smith observes that ‘Australian political culture contains a distinctive sense of national [(country)] identity’.⁹⁴ Thus, while the existence of identifiable nations within other countries encourages citizens to prefer decentralism and non-absorption, subsidiarity in Australia does not receive a similar boost.

Another core element of Australian political culture may help explain Australian citizens’ attachment to supportive subsidiarity and relative hesitance towards the decentralist element: its emphasis on equality and rejection of hierarchy. According to Smith, ‘equality is the most powerful defining cliché of Australian political culture’,⁹⁵ while Thompson argues that ‘egalitarianism has shaped our democratic institutions, our definition of democracy, and definition of ourselves’.⁹⁶ While Australia is not unique among Western countries, or indeed the cases studied in this thesis, in emphasising egalitarianism, and its commitment to equality can be challenged on a wide array of indicators⁹⁷ (Australia has been described as a social welfare ‘laggard’ when compared to many European countries),⁹⁸ Australians’ value for equality, a ‘fair go’ and a love of the underdog remains a powerful aspect of Australian identity and political culture.⁹⁹

The Australian approach to egalitarianism has a distinct flair that may be incompatible with subsidiarity. While some, distinctly Catholic, conceptions of subsidiarity see the principle as facilitating equality,¹⁰⁰ subsidiarity can produce unequal outcomes when the decentralist element is preferred. Thus, the way subsidiarity and egalitarianism interact is potentially very influential on subsidiarity political culture.

⁹³ Thomas Musgrave, ‘The Western Australian Secessionist Movement’ (2003) 3 *Macquarie Law Journal* 95.

⁹⁴ Smith, above n 45, 95.

⁹⁵ *Ibid.*, 96.

⁹⁶ Elaine Thompson, *Fair Enough* (University of New South Wales Press, 1994), 240.

⁹⁷ For instance, poverty levels, gender disparities, treatment of immigrants and Indigenous Australians: Smith, above n 45, 96.

⁹⁸ Francis Castles, *The Working Class and Welfare* (Allen and Unwin, 1985).

⁹⁹ *Ibid.*

¹⁰⁰ Andreas Follesdal ‘Survey Article: Subsidiarity’ (1998) 6(2) *The Journal of Political Philosophy* 190, 207.

A related and equally important concept is the notion of hierarchy in society. Subsidiarity very much draws on ideas about structure and order; the terms ‘higher’ and ‘lower’ levels of government alone prove this. Accordingly, societal perceptions of the value of structure and hierarchy are likely to be important to subsidiarity attitudes. Class is certainly relevant here, but it is not the only manifestation of hierarchy. Instead, it is more useful to consider broader notions of authority and power.

Together, these factors suggest that the reason Australians are markedly less attached to subsidiarity than citizens in Canada, Germany and the UK is because they have very different views about egalitarianism and societal structure. It is therefore argued that, just as a strong national identity may be inimical to subsidiarity political culture, so too is an emphasis on equality and a rejection of hierarchy.

Australians’ preference for equality can manifest as a rejection of authority and hierarchy. Accounts of Australian political culture and identity frequently draw on the ‘Anzac Myth’ as the starting point of Australian attachment to equality. According to some, the national identity born from Charles Bean’s account of Australia’s involvement in World War I is resistant to bonds between people and the state that normally create hierarchies of authority.¹⁰¹ Instead, ‘mateship and egalitarianism are both horizontal bonds between people that leave little room for the vertical power relations between the state and people’,¹⁰² or, one might add, between levels of government. These horizontal bonds do not fit comfortably with decentralist approaches to subsidiarity. The actions and rhetoric of the Howard government are particularly relevant here. As Prime Minister, John Howard was especially adept at centralising power into the hands of the federal government,¹⁰³ but was also well-known for his strong discourse around ‘Australian values’, and tied the language of ‘mateship’ and a ‘fair go’ to his controversial (and centralising) industrial relations reform.¹⁰⁴ However, while mateship and egalitarianism may be incompatible with

¹⁰¹ Bruce Kapferer, *Legends of People, Myths of State* (Smithsonian Institution Press, 1988), 168-171 cited in Smith, above n 45, 89.

¹⁰² Smith, above n 45, 89.

¹⁰³ See, e.g., Kenneth Wiltshire, ‘Reforming Australian Governance: Old States, No States or New States?’ in A J Brown and Jennifer Bellamy, *Federalism and Regionalism in Australia: New Approaches, New Institutions?* (Australian National University Press, 2007), 193.

¹⁰⁴ Nick Dyrenfurth, ‘John Howard’s Hegemony of Values: The Politics of ‘Mateship’ in the Howard Decade’ (2007) 42(2) *Australian Journal of Political Science* 211.

decentralism, they may resonate strongly with supportive elements when framed as two orders of government supporting each other as equals with the resources, expertise and insight needed to govern effectively.

Another useful insight comes from previous research indicating that Australians with experience in the public service may be ‘pragmatic’ in their attachment to subsidiarity; that is, while they see value in decentralism, they weigh this against other principles and values (equality being the most dominant), and practical concerns like distributions of resources and expertise.¹⁰⁵ These observations fit within a broader context of claims of a pragmatic streak in Australian political culture and a utilitarian approach to equality.¹⁰⁶ While arguments that Australians take a utilitarian view of equality have been the subject of a number of critiques,¹⁰⁷ the idea that Australians are pragmatic in their political outlook has proven more robust. Indeed, it has been used as a vehicle to explain Australian federalism (‘pragmatic federalism’¹⁰⁸). Pragmatism in this context can be defined as ‘a direct engagement or confrontation with pressing problems, an engagement unmediated by larger theoretical concerns’.¹⁰⁹ Importantly, this pragmatism is not an outright rejection of principled decision-making, however its apparent pervasiveness, at least in inter-governmental relations,¹¹⁰ suggests that it can be difficult for principles like subsidiarity to gain traction. This may be especially the case when subsidiarity is perceived as being inconsistent with other values (such as equality), or with practicalities.¹¹¹ This phenomenon may also stem from the Anzac myth, especially aspects that challenged authority. Bean noted that, during World War 1, ‘the best officers were those who knew and were known by the ordinary troops’.¹¹² This was especially the case when officers were promoted from amongst the rank and file. According to Smith, this created a culture of ‘personal and direct

¹⁰⁵ Deem et al, above n 24.

¹⁰⁶ Hugh Collins, ‘Political Ideology in Australia: The Distinctiveness of a Benthamite Society’ (1985) 114 *Daedalus* 147.

¹⁰⁷ Smith, above n 36, 113; 114.

¹⁰⁸ Robyn Hollander and Haig Patapan, ‘Pragmatic Federalism: Australian Federalism from Hawke to Howard’ (2007) 66(3) *Australian Journal of Public Administration* 280; see also Amanda Smullen, ‘Conceptualising Australia’s tradition of pragmatic federalism’ (2014) 49(4) *Australian Journal of Political Science* 677.

¹⁰⁹ *Ibid*, 281.

¹¹⁰ Smullen, above n 108.

¹¹¹ Deem et al, above n 24.

¹¹² Smith, above n 45, 88, referring to Charles Bean, *The Story of Anzac* (University of Queensland Press, 1981), 550.

authority, rather than bureaucratic authority'.¹¹³ Such relations presented a challenge to the state's need for legitimacy of office-holders regardless of their individual qualities. As a result, Smith suggests that 'rather than cementing the Australian people and state together, then, the Anzac experience may have developed expectations of authority that the Australian state (or any other modern bureaucratic state) could not meet'.¹¹⁴ Without a strong institutional basis for authority, political elites were forced to adopt a more pragmatic approach to governance, which in turn led to greater centralisation. This pragmatism might then also help explain why policymakers assume that Australian citizens are resistant to or fearful of federal reform, when the results presented in this thesis suggest that Australians place a high value on non-absorption and supportive elements of subsidiarity.

7.5 Does subsidiarity have meaning?

The analysis presented in this chapter, and indeed this thesis, suggests that subsidiarity is meaningful to citizens. However, this meaning varies between countries and contexts. This does not mean that we should despair that the versions of the principle are incomparable, or that subsidiarity lacks a unifying meaning because lessons in one country do not necessarily translate well to another. Instead, they simply call for a more nuanced approach to subsidiarity that is sensitive to the values of citizens. This section highlights the importance of this approach by outlining the implications of the lessons from each case, for subsidiarity's overall meaning.

Subsidiarity's continuing strength in Germany is a vital component of its policy outlook, and Germany's strong political culture of subsidiarity reinforces the importance of the principle. Nevertheless, this research does raise some important questions about the future of subsidiarity values. On the one hand, it is difficult to envisage subsidiarity as

¹¹³ Smith, above n 45, 88.

¹¹⁴ Ibid, 90.

anything other than a core principle in German federalism and culture. Its rich history of subsidiarity, dating back to the Holy Roman Empire and more modern institutional protections against central power, as well as a strong notion of local identity in the form of *Heimat*, presents a picture of a strong and stable subsidiarity political culture. However, significant differences in attitude based on age (with younger participants being less attracted to the principle), raise some questions about the future of subsidiarity political culture in Germany. As Cold War era divisions become increasingly distant, replaced by a rhetoric of German unity and cohesiveness, it is possible that the strength of attachment to subsidiarity values may fade. And while Germany has strong institutional provisions for the principle (e.g. the Article 72), Germany's increasing international role¹¹⁵ may demand the erosion of some of the localised emphasis. Equally, while the Federal Constitutional Court has protected the subsidiarity principle, it remains responsive to public attitudes:¹¹⁶ if these change, so too may the court's outlook. Accordingly, it is important that applications of the principle in Germany are sensitive to potential changes in subsidiarity political culture in coming years.

In Canada, identifying subsidiarity political culture offers a timely chance to stop and take stock of subsidiarity. While the country is rather unique globally in its trend of decentralism, it is important to remember that subsidiarity encompasses more than just a preference for local decision-making. Importantly, while Canadians placed a high value on decentralism, they were even more attached to non-absorptionist and supportive subsidiarity. In the context of recent controversies around oil and pipelines in British Columbia¹¹⁷ and Alberta¹¹⁸ it is important that both federal and provincial governments are guided by the nuances in subsidiarity's meaning, rather than defaulting to traditional

¹¹⁵ See, e.g., Narisong Huhe, Daniel Naurin and Robert Thomson, 'Decision-making and networks in the Council of the European Union after Brexit' Paper presented at Australian Political Studies Association Annual Conference 24-27 September 2017.

¹¹⁶ Arthur Benz, 'The Federal Constitutional Court of Germany: Guardian of Unitarism and Federalism' in Nicholas Aroney and John Kincaid (eds) *Courts in Federal Countries: Federalists or Unitarists?* (University of Toronto Press, 2017), 215.

¹¹⁷ Chris Varcoe, 'Welcome to the oilsands prime minister. Now, about that pipeline' *National Post* 5 April 2018, available online <http://nationalpost.com/business/energy/varcoe-welcome-to-the-oilsands-prime-minister-now-about-that-pipeline/wcm/0047d4fd-61c7-4ac8-a9de-46ca8971480d>, accessed 6 April 2018.

¹¹⁸ Don Braid, 'The NDP tries to fight off Ottawa's bloated Bill C-69', *National Post* 5 April 2018, available online <http://nationalpost.com/news/politics/braid-the-ndp-tries-to-fight-off-ottawas-bloated-bill-c-69/wcm/42a3488f-fb04-42e3-9077-134bc22cf211>, accessed 6 April 2018.

arguments about decentralism. Equally, it is worth noting that citizens' preferences for subsidiarity were strong right across Canada, not just the usual suspects like Quebec and Alberta. These values also do not appear to be especially closely tied to attitudes about federal institutions or trust in particular levels of government. Instead, it is possible that subsidiarity political culture in Canada is the product of longstanding divisions over national identity. If future research proves this theory, it will demonstrate the vitality of subsidiarity political culture as an integral and enduring part of the Canadian political landscape.

The insights of subsidiarity political culture are especially relevant in the UK, which is in the midst of extracting itself from the European Union. And while the Brexit discussion has shifted to a largely technical debate about the legalities, and exact economic and political goals of leaving, it is important that consideration of public attitudes and in particular subsidiarity's meaningfulness to citizens, is not lost. This is most obvious in agitations around another vote on Scottish independence, but it is also crucial to acknowledge that the success or failure of British institutions post-Brexit will be judged on how well they align with the values and orientations of its people. The analysis presented in this thesis reinforces Henderson et al's assessment of the challenges the UK now faces:

'[Leave voters'] choice to 'take back control' may well prove to be a double-edged sword for a UK Parliament that is not held in high regard... While the people of England have spoken about the EU, their focus may now train uncomfortably on the UK Parliament'.¹¹⁹

In that regard, policymakers would do well to note the UK's vibrant subsidiarity political culture. To the extent that Brexit represented concerns about centralisation and the absorption of government functions by the European Union, it is important to note that not all these returned powers need to be vested in Whitehall. Instead, this analysis has shown that, even though the UK is not a federation, its people have a powerful desire for localised and regional decision-making. Subsidiarity extends beyond the UK's relationship with the European Union, regardless of whether Brexit ends up being hard, soft, or red, white and blue.

¹¹⁹ Henderson et al, above n 71, 643-644.

Finally, while subsidiarity may have been ‘disregarded’ in Australia,¹²⁰ it is certainly not dead, to citizens, but its meaning to them differs from the way the principle is used in policy debates. Specifically, Australians are not especially attached to decentralism, especially when compared to Canada, the UK and Germany. Instead, they are far more attached to supportive notions of subsidiarity, potentially because it better aligns with Australia’s broader culture of egalitarianism and ‘mateship’. As a result, citizens may be more likely to endorse reform, or, more cynically, politicians will gain more popularity, if subsidiarity is used as a tool for community empowerment, rather than as a decentralising principle as in past reform attempts.¹²¹ Attempting to reproduce German federalism ‘Down Under’ may prove difficult, if not impossible, as this thesis has identified vastly different attitudes towards subsidiarity in these countries. Instead, the data from this thesis suggests that subsidiarity’s realisation in Australia will be more successful if attention is focused on the supportive elements of the principle, for example by addressing vertical fiscal imbalance to give the States greater financial capacity and independence.

Overall, these results show that subsidiarity does have meaning. While scholars and politicians debate the principle’s importance in institutions, there is a clear attachment to subsidiarity in Canada, Germany and the UK, and even Australia. This insight presents a new perspective from which to debate the principle, changing the debate from ‘is it meaningful?’, to ‘how can we give effect to its meaning?’

¹²⁰ Evans, ‘Subsidiarity and Federalism’, above n 72, 195.

¹²¹ See, e.g., Commonwealth of Australia, ‘Reform of the Federation Issues Paper 1: A Federation for Our Future’ (2015).

VIII

Conclusions and Implications

Opening his seminal work *The Federal Principle*, Solomon Rufus Davis pondered:

‘How many times has it been said that concepts, abstractions, and words are like living things; they come into life, they grow, they change, they die like the humans that live by them’.¹

The same thing might be said about subsidiarity: after coming to life in Ancient Greece in the works of Aristotle, the ideas and values that underpin subsidiarity have grown and changed, and according to some scholars, the principle is now dead or dying,² or at the very least has been rendered meaningless.³ However, this thesis has argued that subsidiarity is alive and well. The principles that underpin subsidiarity – decentralism, non-absorption and support – continue to be relevant and helpful and are recognised as such by people living in Germany, the UK, Canada and even in Australia.

This thesis sought to address concerns that the principle is only of limited use or importance by examining subsidiarity’s meaning. Here, ‘meaning’ was used in two senses. First, what does ‘subsidiarity’ mean; how are we to define or at least understand it? Second, is subsidiarity meaningful, in the sense that it is an important principle in government and that everyday citizens value it? While some parts of the existing literature have grappled with these questions, the major contribution of this thesis has been to answer these

¹ Solomon Rufus Davis, *The Federal Principle: A Journey Through Time in Quest of Meaning* (University of California Press, 1978), 1.

² Greg Taylor, ‘Germany: A slow death for subsidiarity?’ (2009) 7(1) *International Journal of Constitutional Law* 139; R. A. B. Leaper, ‘Subsidiarity and the Welfare State’ (1975) 9(2) *Social and Economic Administration* 82, 82.

³ Gabriel A. Moens and John Trone, ‘The Principle of Subsidiarity in EU Judicial and Legislative Practice: Pancea or Placebo?’ (2015) 41 *Journal of Legislation* 65, 65.

questions through the introduction, conceptualisation and measurement of a ‘subsidiarity political culture’; the collective attitudes and orientations of citizens towards subsidiarity values. Thus, the question of how subsidiarity is understood was considered from the perspective of citizens, and the thesis demonstrated important variations in the way the principle is viewed in each country. Similarly, the meaningfulness of the principle was assessed, not according to strict policy terms, but by measuring whether citizens saw value in the ideas central to subsidiarity, and it was revealed that decentralism, non-absorption and support are indeed seen as valuable. In doing so, this thesis provides answers to the central research question: ‘Does ‘subsidiarity political culture’ offer a new understanding of subsidiarity’s meaning and importance as a principle of politics and policy?’ To guide the answer to this question, four focus questions were developed:

1. How do we establish whether subsidiarity is an element of political culture, especially given differences and imprecisions in the concept?
2. How do we measure such a subsidiarity political culture?
3. What are the subsidiarity political cultures of Australia, Canada, Germany and the United Kingdom?
4. What can subsidiarity political culture, or cultures, reveal about the meaning and value of the principle, in response to uncertainties over its utility for future policy and practice?

This chapter begins by reviewing how these questions were answered, explaining the key findings and contributions of each chapter. It then considers the lessons and broader implications of this study, and identifies avenues for further research, before concluding with a final statement explaining subsidiarity’s continued importance.

8.1 Subsidiarity Political Culture, and the Principle's Meaning in Australia, Canada, Germany and the United Kingdom

8.1.1 How Do We Recognise Subsidiarity and Subsidiarity Political Culture?

Part of the problem for understanding subsidiarity (and in turn subsidiarity political culture) is that it can be difficult to know what exactly the principle means. As Chapters 1 and especially 2 demonstrated, 'subsidiarity' is a contested term, and it can mean different things in different contexts.⁴ Accordingly, a necessary first step in challenging claims that nobody knows what it means, and in developing an understanding of subsidiarity political culture, was to clearly define the principle. Chapter 2 proposed a new approach, conceptualising the principle as a combination of three elements: decentralism, non-absorption and support. It reached this model after a careful consideration of both the history of subsidiarity ideas and competing conceptions of the principle, where it was revealed that, while subsidiarity's meaning changed over time and between contexts, themes of decentralism, non-absorption and support were consistently present, if at times emphasised to greater or lesser degrees. Each element maps onto core ideas about subsidiarity, and understanding subsidiarity as a flexible application of these elements has the advantage of reconciling many of the competing conceptions⁵ in the literature under one umbrella. This is an important step forward for subsidiarity scholarship, as it will hopefully allow proponents to give more attention to the principle and its importance, rather than having to divert time and energy into debating its meaning.

⁴ Nicholas Aroney, 'Subsidiarity in the Writings of Aristotle and Aquinas', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 10.

⁵ Andreas Follesdal, 'Competing Conceptions of Subsidiarity', in James Fleming and Jacob Levy (eds) *Federalism and Subsidiarity* (New York University Press, 2014).

The usefulness of this new approach was further demonstrated in Chapter 3, which showcased subsidiarity's meaning in the contexts of Australia, Canada, Germany and the UK. It used the insights gained from the new conceptualisation of subsidiarity to explore how these understandings manifest in practice. It interrogated current institutional explanations for subsidiarity's value and importance (or lack thereof), examining the emphasis placed on decentralism, non-absorption and support in the German Basic Law and by the Federal Constitutional Court, the Canadian Supreme Court's recent engagement with subsidiarity as a principle of decentralism, subsidiarity's relevance to policymaking in the UK, and the Australian High Court's reluctance to engage with the principle. Chapter 3 then highlighted the 'blank spaces'⁶ that subsidiarity political culture can help fill. It also outlined the broader political culture of the four cases, thus providing not only an institutional context in which to understand subsidiarity political culture, but also a holistic picture of citizens' orientations about government. Specifically, it observed the importance of place and identity in the German concept of *Heimat*, the comparative newness and tentativeness of a sense of Canadian national identity, concerns in the UK that 'Englishness' may be under threat, but that other territorial identities are re-emerging, and the strong national identity, and value for egalitarianism and mateship in Australia.

8.1.2 How Do We Measure Subsidiarity Political Culture?

Having provided a clear understanding of subsidiarity's meaning, and contextualised that meaning in the four cases, the next question to be addressed was how to measure subsidiarity political culture. This was a key issue, as any attempt to study political culture must be very clear in its approach to avoid conceptual fuzziness or descending into using culture as a broad catch-all. The most important part of Chapter 4 was therefore its consideration and detailed discussion of the three items designed to measure each element of subsidiarity; the decentralist item has been used in previous ACVS questionnaires, while

⁶ Ivo D. Duchacek, *Comparative Federalism: The Territorial Dimension of Politics* (University Press of America, 1987), 344.

the other two items were new developments. Chapter 4 explained how these items were created, and how they capture attitudes towards the core values that underpin subsidiarity. By providing this clarity, Chapter 4 followed Fuchs' call for a theoretical rationale behind political culture research.⁷ As highlighted in Chapter 4, these measures represent a 'best attempt' at measuring subsidiarity political culture, but the detail provided on the development of this measure is designed to assist future research in further refining and testing this approach, including potentially developing a measure that includes more than one item per element.

8.1.3 What are the Subsidiarity Political Cultures of the Four Cases?

The core findings of this thesis were presented in Chapter 5. It revealed that respondents from Australia, Canada, Germany and the United Kingdom did indeed see value in the principle, but that these attitudes varied in important ways. First, the relative importance of each subsidiarity element was different across countries; Germans placed a high value on all three elements, but non-absorption was the most valued, while in Australia, supportive subsidiarity was easily the most important. Supportive subsidiarity was also the most popular for UK and Canadian respondents, but the difference between attachment to support and the other two elements was much smaller. Second, there were important differences between countries; Germans were the most attached to decentralism and non-absorption, while more Canadians saw more value in supportive subsidiarity than respondents from other countries. These results highlight that subsidiarity is indeed a meaningful principle, as it is highly valued in Australia, Canada, Germany and the UK. However, just as importantly, this meaning varies between countries; the way these values come together is different in each case, suggesting that we should embrace a different approach to the principle in each country.

⁷ Dieter Fuchs 'The Political Culture Paradigm' in Russell J. Dalton and Hans-Dieter Klingemann (eds) *The Oxford Handbook of Political Behavior* (Oxford University Press, 2007), 161.

Then, Chapter 6 further examined how this meaning is made by analysing the factors that might influence the development of subsidiarity political culture at an individual level. Specifically, it used additional data from the ACVS and ICVS to test a range of models of political culture. These tests revealed that education and political interest (socioeconomic model) and age of participant (potentially a childhood socialisation model) were important factors in subsidiarity attitudes. However, these variables were eclipsed by the importance of trust in government (mobilisation model), with higher trust in federal or national governments generally being related to weaker attachment to subsidiarity. Further, their impact differed across cases: for example, attachment to decentralism increased with age in the UK, but declined in Australia. These results reinforce the importance of understanding subsidiarity in a way that is sensitive to context.

8.1.4 What Does Subsidiarity Political Culture Reveal About Subsidiarity's Meaning and What are the Implications?

The final focus question asked: what can subsidiarity political culture reveal about the principle's meaning, and what implications does this have for future policy and practice? While Chapters 5 and 6 showed that subsidiarity is meaningful to citizens, Chapter 7 delved further into the factors that might create, sustain or influence subsidiarity political culture. It did so by considering each country individually, drawing together the analysis in preceding chapters, as well as introducing new insights from attitudes towards federal governance, the perspectives of elites, and aspects of wider political culture, to create a more complete picture of subsidiarity's meaning in each case.

In Germany, the relationship between the strong attachment to the non-absorptionist element of subsidiarity and a desire for a system of government where governments are forced to respect each others' roles and responsibilities may reflect the comity captured in the German notion of *bundestreue*. *Heimat* was also considered relevant because this strong

sense of belonging to the local area aligns well with the values of decentralism, non-absorption and support.

Identity was also evaluated as important to Canadian subsidiarity political culture, although it was argued that in Canada the mere presence of a competing or fractured national identity (namely, Quebecois and Francophones) might be what drives or encourages Canadians from all around the country to value subsidiarity. Once stated, drawing a parallel between national identity and subsidiarity's realisation seems obvious, however the existing subsidiarity literature's focus on formal institutions meant that it was an insight only made possible through the investigation of subsidiarity political culture. Further, the attachment to subsidiarity in Canada does not seem to be particularly strongly connected to attitudes towards federal governance.

Conversely, subsidiarity values in the UK did appear related to respondents' attitudes about the desirability of federal structures, even though the UK is not a federation. This suggested that federal institutions are not necessarily key drivers of subsidiarity political culture, but that perceptions of the values behind federalism are sometimes relevant. As in Canada, the presence of competing national identities was also identified as potentially relevant to subsidiarity political culture, and one that is likely to become more important amid English citizens' concerns that their identity is under threat.⁸

In Australia, there was a significant relationship between subsidiarity values and attachment to federal structures, although the analysis suggested that this may be because the increasingly centralist nature of Australian federalism means that citizens who are committed to subsidiarity hold these values despite institutional disregard for the principle. However, the more detailed data provided by the Australian Policymakers Survey complicated this picture. It showed that Australian public servants and politicians were on average more attached to decentralism than non-elites. Additional investigation suggested that Australian public servants hold particular concerns that citizens do not value or understand subsidiarity and federalism, views that this thesis challenges. This, in turn,

⁸ See, e.g., Ailsa Henderson, Charlie Jeffery, Dan Wincott and Richard Wyn Jones, 'How Brexit was made in England' (2017) 19(4) *British Journal of Politics and International Relations* 631; Michael Kenny 'The Return of 'Englishness' in British Political Culture – The End of the Unions?' (2014) 53 *Journal of Common Market Studies* 35.

reinforces the importance of studying political culture, as it offers the chance to correct any misconceptions about how the public values subsidiarity.

Additionally, the Australian case suggested that equality and egalitarian values might be relevant to subsidiarity political culture. While Chapter 7 acknowledged that equality was highly valued in all four cases (which is hardly surprising, given the centrality of such ideas in Western liberal democracies), it was argued that the way this value manifests in competition with other (subsidiarity) values is important to subsidiarity political culture. Specifically, Australian pragmatism and resistance to hierarchical authority was presented as being incompatible with decentralised conceptualisations of subsidiarity, but its value of mateship and a ‘fair go’ fosters attachment to supportive elements of the principle.

Chapter 7 then used the insights from unpacking subsidiarity’s meaning to consider the specific implications in each case. It was noted that in Germany, public attachment to subsidiarity is extremely high, and the principle can be considered meaningful on the basis of both public and institutional support for it. However, it cautioned that while these attitudes may be deep-set thanks to strong regional attachments, the influence of reunification might be causing a shift in Germany’s subsidiarity political culture. It argued for a broader approach to the principle in Canada, citing the strong attachment to all three elements and the apparent pervasiveness of these attitudes as a result of a weakened identification with the country. Subsidiarity political culture was identified as an important guide as the UK negotiates its exit from the EU. High attachment to all levels of subsidiarity suggests that questions of who has power will remain relevant long after the negotiations close. Finally, the lessons for Australia were proactive, providing a pathway for meaningfully realising the principle in Australia by recommending an approach that aligns more closely with supportive aspects of the principle.

8.2 Research Answer and Implications

The research question posed at the beginning of this thesis was: does subsidiarity political culture offer a new understanding of subsidiarity's meaning and importance as a principle of politics and policy? This thesis has answered that question in the affirmative: the current investigation has shown that subsidiarity political culture, as evidenced in the attitudes of citizens towards the core elements of the principle, in Australia, Canada, Germany and the UK is thriving, and that as a result subsidiarity is an important and meaningful principle to citizens. This thesis arrived at that answer by making three contributions to the subsidiarity literature:

1. Confusion about subsidiarity's definitional meaning can be resolved by conceptualising the principle as being a combination of decentralist, non-absorptionist and supportive elements.
2. Citizens in Australia, Canada, Germany and the UK generally see value in these three elements, in ways that fit with institutional and other contextual factors, such that they provide evidence of a subsidiarity political culture.
3. Subsidiarity political culture is different in each country studied, indicating that subsidiarity's meaning must be understood as different in different contexts.

As noted in Chapter 7 and in Section 8.1.4 above, the answer to this question has important implications for subsidiarity in each case. In Germany, where there were fears that reforms to Article 72 of the Basic Law might mark the beginning of a 'slow death' for subsidiarity,⁹ the identification of a thriving subsidiarity political culture allays these fears. Similarly, despite David Cameron's skepticism that subsidiarity is well understood in the UK, the data shows that subsidiarity is highly meaningful to British citizens, and has particular relevance in the post-Brexit debates. In Canada, where Brouillet questioned whether the subsidiarity scholarship should 'open Pandora's Box' by examining the

⁹ Taylor, above n 2.

principle in the Canadian context,¹⁰ it seems that subsidiarity political culture is already well established and is deep and stable. Finally, while the principle has been disregarded and overlooked in Australian institutions,¹¹ this thesis has suggested that although the current narrow focus on subsidiarity as a principle of decentralism may not resonate especially well, taking a broader and more supportive approach to the principle would better align with citizens' values, and may be the key to unlocking the principle in Australia.

In addition to the specific implications noted in relation to the four case studies, the answer provided by this thesis has wider importance to subsidiarity. That subsidiarity was highly valued in four countries where serious questions have been raised about the principle's ongoing relevance suggests that citizens in other countries where the principle has been criticised might also have clear attachments to decentralism, non-absorption and support. Further, the finding that these subsidiarity political cultures are different means that we should embrace variations in how the principle is understood, and adapt them to suit local contexts. In that regard, the new conceptualisation of subsidiarity offers a clear guide for making sense of differences in subsidiarity's meaning.

These findings also present three broad avenues for further research. First, additional research is needed to address some of the limitations of this study. Most notably, there might be some benefit in expanding the measure of subsidiarity values to include multiple items per dimension, to test whether particular aspects of decentralism, non-absorption, and support resonate especially strongly. For example, are citizens particularly drawn to higher levels providing financial support to lower levels, or do they also see value in support in the form of lending expertise or guidance? Further, constructing a bottom-up sample would allow for a more rigorous examination of subnational differences in attitudes towards subsidiarity values (extending on the analysis in section 6.1.1), and could also provide clearer insights on the attitudes of migrants, Indigenous citizens, and other identifiable communities within a nation.

¹⁰ Eugenie Brouillet, 'Canadian Federalism and the Principle of Subsidiarity: Should We Open Pandora's Box?', (2011) 54 *Supreme Court Law Review* 601.

¹¹ Michelle Evans, 'Subsidiarity and Federalism: A Case Study of the Australian Constitution and Its Interpretation', in Michelle Evans and Augusto Zimmerman (eds) *Global Perspectives on Subsidiarity* (Springer, 2014), 195.

Second, expanding on the research already conducted in Australia, Canada, Germany and the UK, the next step is to explore how to better reconcile the importance citizens give to the principle, with formal institutional arrangements that do not necessarily reflect these values. The attitudes and views of policymakers are key here, as data from the Australian policymakers survey suggests that one reason for the divide between subsidiarity political culture and institutional practice in Australia is that policymakers are concerned that citizens do not see the principle as meaningful. Additionally, investigation of a devolution paradox, where citizens desire greater decentralism and want state or regional governments to have more responsibility, but simultaneously desire policy uniformity and equality,¹² may also help identify where and how subsidiarity can be better realised – subsidiarity appears highly valued, but under what circumstances, and in which policy areas, do these values have to compete with citizens’ preferences for more centralised control? Such an investigation would also speak to the salience of subsidiarity political culture – while this thesis has identified that citizens view subsidiarity as meaningful, does the principle remain meaningful when it comes into conflict with other values (such as egalitarianism in Australia, discussed in section 7.4.3 above)?

The third avenue for further research is to investigate subsidiarity attitudes in a broader range of countries. The implication that subsidiarity’s meaning is different everywhere suggests that it should be studied everywhere. However, some cases stand out as being particularly useful. Studying subsidiarity political culture in a non-Western context would add particular insight: exactly how do broader Western democratic values and institutions relate to or influence subsidiarity political culture?

The continued study of Western countries can also be informative, however, as these offer different chances to refine the concept of subsidiarity political culture. A case like New Zealand offers a good comparison to Australia. Despite Gussen’s argument that

¹² See, e.g., John Curtice, ‘A Stronger or Weaker Union? Public Reactions to Asymmetric Devolution in the United Kingdom’ (2006) 36(1) *Publius* 95; Ailsa Henderson, Charlie Jeffrey, Daniel Wincott and Richard Wyn Jones, ‘Reflections on the “Devolution Paradox”: A Comparative Examination of Multi-Level Citizenship’ (2013) 47(3) *Regional Studies* 303; Charlie Jeffrey, ‘Devolution and Divergence: Public Attitudes and Institutional Logistics’ in John Adams and Katie Schmuecker (eds) *Devolution in Practice* (IPPR, 2005); Charlie Jeffrey, ‘Devolution and Social Citizenship: Which Society, Whose Citizenship?’ in Scott Greer (ed) *Territory, Democracy and Justice* (Palgrave Macmillan, 2006); Carol S. Weissert and David Blake Jones, ‘Devolution Paradox and the US South’ (2015) 25(3) *Regional and Federal Studies* 259.

subsidiarity can be found in New Zealand's constitution,¹³ subsidiarity is under-studied in New Zealand and is generally not considered to be an especially successful principle there.¹⁴ Further, research has identified a singular national identity, much like Australia.¹⁵ Evidence from the Australian case would suggest that subsidiarity political culture can still be meaningful in these circumstances, although perhaps not in the way that is expected, but studying attitudes towards decentralism, non-absorption and support provides an opportunity to test whether the same is true in New Zealand, or if there are additional factors that are important to the growth of subsidiarity political culture. Additionally, as a non-federal country with a Westminster democracy, New Zealand can also usefully be compared to the UK, helping clarify the role and importance of federal institutions and federal values in relation to subsidiarity.

A country like Switzerland offers a chance to further test the potential importance of national identity because of its readily identifiable nations,¹⁶ and a comparatively strong institutional realisation of subsidiarity. Additionally, Switzerland's multi-lingual society offers an opportunity to further test the influence of *Heimat* – is this idea unique to Germany because of its regional and historical development, or, as Blickle argues, is *Heimat* based in the German language¹⁷ (and therefore also prevalent in the German-speaking parts of Switzerland)? Mueller's comparison of the Swiss cantons also suggests that we would find important differences between geographic regions.¹⁸ Additionally, evidence of gradual centralisation, especially in the legislative arena,¹⁹ offers a chance to further test the connection between public values and institutional realisations of the

¹³ Benjamin F Gussen, 'Subsidiarity as a Constitutional Principle in New Zealand' (2014) 12 *New Zealand Journal of Public and International Law* 123.

¹⁴ See, e.g., Kevin Guerin 'Subsidiarity: Implications for New Zealand' (Treasury of New Zealand, 2002).

¹⁵ See, e.g., Stephanie Joyce Ann Taylor, 'Constructions of national identity and the nation: The case of New Zealand/Aotearoa' PhD Thesis, 1996. Notably, the indigenous Maori population has its own strong identity, but tends not to operate in competition with the national identity.

¹⁶ Or, as Eugster and Strijbis argue, a national identity defined by linguistic pluralism and regional diversity: Beatrice Eugster and Oliver Strijbis, 'The Swiss: A Political Nation?' (2011) 17(4) *Swiss Political Science Review* 394.

¹⁷ Peter Blickle, *Heimat, A Critical Theory of the German Idea of Homeland* (Camden House, 2002), 1.

¹⁸ Sean Mueller, *Theorising Decentralisation: Comparative Evidence from Sub-National Switzerland* (ECPR Press, 2015).

¹⁹ Paolo Dardanelli and Sean Mueller, 'Dynamic De/Centralization in Switzerland, 1848-2010' (forthcoming) *Publius*.

principle – have these developments occurred with the support of, or despite, citizens’ attitudes towards subsidiarity?

Finally, scholars are divided on the question of whether subsidiarity is meaningful in the United States.²⁰ Understanding subsidiarity political culture offers the chance to resolve this debate, either by showing that Americans have a strong or weak political culture of subsidiarity, or perhaps that their attitudes towards the principle are as confused or deeply divided as the academic literature. Further, like Australia, American identity is seen as more strongly tied to the country than regional or sub-national attachments; for instance Allan Smith described American identity as a ‘melting pot’ in which all other identities were Americanised, as opposed to the cultural mosaic of Canada.²¹ Unlike Australia, America’s aspirational politics means that it has retained a strong sense of hierarchy. Thus, two main factors this thesis has identified that are relevant to the development of subsidiarity political culture appear to operate in conflicting ways in America, potentially causing a confused subsidiarity political culture, or showing one influence to be more important than the other in the US. The array of further research directions highlights the value of identifying subsidiarity political culture as important to understanding subsidiarity’s meaning.

8.3 Subsidiarity’s Quest for Meaning: New Directions

This thesis has taken important steps in subsidiarity’s quest for meaning. It continues a journey that arguably began in Ancient Greece and in the writings of Aristotle; a journey shared by key thinkers in the Holy Roman Empire, heavyweights of Catholic Social Doctrine, advocates (and challengers) of the European Union, and a vast array of scholars who have examined the institutional drivers of subsidiarity’s importance. Conceptualising subsidiarity through three elements – decentralism, non-absorption and support – provides

²⁰ See, e.g., George Bermann, ‘Taking Subsidiarity Seriously: Federalism in the European Community and the United States’ (1994) 94(2) *Columbia Law Review* 33, contrasted with Calabresi and Bickford, above n 1.

²¹ Allan Smith, ‘Metaphor and Nationality in North America’ (1970) 51(3) *Canadian Historical Review* 245.

an approach that is sensitive to and able to account for the important developments of the principle, but also provides enough clarity that we no longer need to ask ‘what does ‘subsidiarity’ mean?’ Freed from debates over how to define subsidiarity, the literature can focus its attention on how to give effect to the principle and how best to realise its potential as a principle of good government.

In doing so, we also need not ask ‘is the principle meaningful?’, at least in Australia, Canada, Germany and the UK. The citizens of Canada, Germany and the UK see considerable value in the principle, and Australians are also positively inclined towards subsidiarity, albeit not in the ways it has previously been used in policy debates. Evidence of distinct subsidiarity political cultures in these countries highlights public appetite for the principle, even where there are concerns that institutions disregard or threaten subsidiarity’s meaningfulness. In that regard, subsidiarity political culture might be considered a whetstone to re-sharpen the dulled sword of subsidiarity,²² providing evidence that the principle remains important.

While there is scope to perfect and refine the theory of subsidiarity political culture, and explore the cultures of other nations as described in this chapter, the important challenge now is to take the lessons and insights revealed by this thesis and translate them into policy practice. In the context of key policy debates and issues of structural reform where subsidiarity can offer useful insight or benefit in Australia, Canada, Germany and the UK, as well as elsewhere, subsidiarity’s quest for meaning must take a new direction – now that it is clear that the principle does have meaning, as evidenced by subsidiarity political culture, we must turn our attention to how best to give effect to that meaning.

²² Christopher Ritzer, Marc Rutloff and Karin Linhart, ‘How to sharpen a dull sword – The principle of subsidiarity and its control’ (2006) 7(9) *German Law Journal* 733.

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