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***“The World Changed Today!” Can We  
Recognize Critical Junctures  
When We See Them?***

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On the morning of September 11, 2001, while it was still early on the west coast, I placed a phone call to David Collier to discuss a matter of departmental business at Cornell. He has recently reminded me that the first thing I said in this conversation, prior to getting down to business, was “David, the world changed today!” This conversation raises an important question: *Can we recognize critical junctures when they occur? Or must we await the long or medium-term changes that they institute?*

In his book on critical junctures in Latin America, my colleague Kenneth Roberts has emphasized that recognizing critical junctures routinely requires the astute, 20-20 vision of hind

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sight.<sup>1</sup> In that framework, the answer to my question would have to be “no; critical junctures cannot be recognized when they occur.” How enduring they will turn out to be depends on the mechanisms that are triggered in their wake. Drawing on a research site distant from both Roberts and from Collier and Collier<sup>2</sup>—America post-9/11<sup>3</sup>—this note will support that idea with evidence from the “spillover” of low-level, and even “submerged” mechanisms, in the American legal system.<sup>4</sup>

**On Critical Junctures and Incremental Change**

My argument about the possibility of recognizing critical junctures as they occur relies on certain assumptions about what constitutes a critical juncture and how it brings about change. Indeed, what follows relies on three assumptions, all of them compatible with the Colliers’ work,<sup>5</sup> but perhaps going beyond it, based on subsequent work in the “new” field of comparative public policy:

- *First*, at times, sometimes as the result of exogenous change and sometimes through internal developments, states go through phases of major earthquakes—*critical*

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<sup>1</sup> Roberts 2014.

<sup>2</sup> Roberts 2014; Collier and Collier 1991.

<sup>3</sup> Tarrow 2015.

<sup>4</sup> Mettler 2011.

<sup>5</sup> Collier and Collier 1991.

*junctions*—i.e., “moments in which uncertainty as to the future of an institutional arrangement allows for political agency and choice to play a decisive causal role in setting the institution on a certain path of development, a path that then persists over a long period of time.”<sup>6</sup>

· *Second*, for most of the time in most places, institutional change occurs through what Wolfgang Streeck and Kathleen Thelen call “gradual transformations”: “institutional discontinuity caused by incremental, ‘creeping’ change.”<sup>7</sup>

· *Third*, during critical junctions, “far-reaching change can be accomplished through the accumulation of small, often seemingly insignificant adjustments.”<sup>8</sup>

Streeck, Thelen, and their collaborator, Jacob Hacker, suggest five ways in which gradual processes can have potentially transformative effects:

· *Displacement*: This is what happens “when new models emerge and diffuse which call into question existing, previously taken-for-granted organizational forms and practices.”<sup>9</sup>

· *Layering*: This is a mechanism “in which proponents of change work around institutions that have powerful vested interests.”<sup>10</sup>

· *Policy Drift*: “Drift describes a shift in the context of policies [often through demographic change] that significantly alters their effects.”<sup>11</sup>

· *Conversion*: “Conversion describes changes in implementation that occur without formal policy revision,”<sup>12</sup> leading to the redirection of institutions to new goals, functions, or purposes.<sup>13</sup>

· *Exhaustion*: This is a mechanism that leads to institutional breakdown rather than change—though the process is gradual rather than abrupt.<sup>14</sup>

These assumptions are not shared by all researchers who analyze critical junctions. Most notably, in a glancing blow aimed at Thelen and her collaborators,<sup>15</sup> Giovanni Capoccia sees no relationship between critical junctions and what he calls “piecemeal reform and reinterpretation.” He argues that “if institutions are constantly vulnerable to piecemeal modification and reinterpretation and their shape changes continu-

ously in accordance with shifts in power and influence among the relevant actors...then there is little reason to study in detail the politics of their origins.”<sup>16</sup>

Yet I think that Capoccia has erected an artificial boundary between critical junctions and incremental change, for there is no reason to declare that the incremental changes resulting from critical junctions cannot bring about institutional change. On the contrary, to the extent that such junctions produce disequilibria in the relations among key actors and sectors of the system and create new combinations of actors, incremental mechanisms are more than likely to take hold.

### On Post-9/11 as a Critical Juncture in American Politics

Based on this conceptualization, the case for considering 9/11 as a shock that precipitated a critical juncture is strong. Indeed, there is good evidence to claim that 9/11 was an earthquake that loosened up institutional routines and gave the American political elite the power to use the policy instruments at their disposal to carry out the small, often seemingly insignificant adjustments that have cumulated into fundamental changes in American institutions.

Scholars like David Cole and Kim Scheppele have identified a number of major threats to liberty in American politics that result from the shock of 9/11,<sup>17</sup> but I am also struck by the incremental changes that may be having transformative results on American institutions. For example, both “drift” and “conversion” are evident in post 9/11 institutional practices.<sup>18</sup> I have investigated the mechanism I call “spillover”: *the extension of institutional change from one institutional sector to another in which the implications of the extension are not immediately obvious either to observers or even to policy-makers.*<sup>19</sup>

Consider the increased use of secret evidence outside of national security law: it “is seeping into the criminal justice system,” according to legal scholar Ellen Yaroshefsky.<sup>20</sup> The claim of the government’s use of secret law “has been most famously levied in recent years against classified opinions of the Foreign Intelligence Surveillance Court (FISC) and against classified or otherwise unreleased Justice Department Office of Legal Counsel (OLC) opinions on interrogation, surveillance, and detainees...and targeted killings.”<sup>21</sup>

But there has also been a growth of secrecy in areas that are only tangentially connected to national security. For example, Laura Donahue found that the state secrets doctrine has come to be used in a wide variety of ways to protect private actors with government contracts from revealing information that might hurt their interests. She found that the state secrets doctrine has evolved into a powerful litigation tool, “wielded by both private and public actors...to undermine

<sup>6</sup> Capoccia 2015, 148. For the Colliers’ formulation of the concept of “critical junctions”, see Collier and Collier 1991, Chapter 1. For subsequent formulations, see especially Capoccia and Kelemen 2007 and Capoccia 2015.

<sup>7</sup> Streeck and Thelen 2005, 9.

<sup>8</sup> Streeck and Thelen 2005, 8.

<sup>9</sup> Streeck and Thelen 2005, 19.

<sup>10</sup> Hacker 2005, 48.

<sup>11</sup> Hacker 2005, 45.

<sup>12</sup> Hacker 2005, 46.

<sup>13</sup> Streeck and Thelen 2005, 26-29.

<sup>14</sup> Streeck and Thelen 2005, 29.

<sup>15</sup> Hacker, Pierson, and Thelen 2015.

<sup>16</sup> Capoccia 2015, 174-75.

<sup>17</sup> Cole 2003; Scheppele 2006.

<sup>18</sup> For an enlightening investigation of these two mechanisms, see Hacker, Pierson, and Thelen 2015.

<sup>19</sup> Tarrow 2016.

<sup>20</sup> Yaroshefsky 2006, 1010.

<sup>21</sup> Rudesill 2016.

contractual obligations and to pervert tort law, creating a form of private indemnity for government contractors in a broad range of areas. Patent law, contracts, trade secrets, employment law, environment law, and other substantive legal areas have similarly been affected.”<sup>22</sup> Even defense contractors being sued in civil litigation have been permitted to use the claim that evidence against them cannot be used in court because it might expose classified information.

I cannot claim that I foresaw such developments on the morning of 9/11 when I declared to David Collier that “the world changed today,” a claim that was based more on the horror of the twin towers falling than on detached analysis. But this is exactly the point: incremental mechanisms triggered by an external shock cannot be predicted ahead of time. Had I been more cautious, I would have proposed that Collier and I investigate more deeply the changes triggered by that event, changes that would only have been evident by tracing the mechanisms it produced in American politics, which is why they are so invidious. They are like the “loaded gun” that Justice Jackson warned would be silently aimed at Americans’ civil liberties in the wake of a much earlier shock—Pearl Harbor.<sup>23</sup>

### References

Capoccia, Giovanni. 2015. “Critical Junctures and Institutional Change.” In *Advances in Comparative-Historical Analysis*, edited by James Mahoney and Kathleen Thelen. New York: Cambridge University Press, 147-179.

Capoccia, Giovanni and R. Daniel Kelemen. 2007. “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism.” *World Politics* vol. 59, no. 3: 341-369.

Cole, David. 2003. “The New McCarthyism: Repeating History in the War on Terrorism.” *Harvard Civil Rights and Civil Liberties Law Review* vol. 38, no. 1: 1-30.

Collier, Ruth Berins and David Collier. 1991. *Shaping the Political Arena: Critical Junctures, the Labor Movement and Regime Dynamics in Latin America*. Princeton: Princeton University Press.

Donohue, Laura K. 2010. “The Shadow of State Secrets.” *University of Pennsylvania Law Review* vol. 159, no 1: 77-216.

Hacker, Jacob S. 2005. “Policy Drift: The Hidden Politics of US Welfare State Retrenchment.” In *Beyond Continuity: Institutional Change in Advanced Political Economies*, edited by Wolfgang Streeck and Kathleen Thelen. New York: Oxford University Press, 40-82.

Hacker, Jacob S., Paul Pierson and Kathleen Thelen. 2015. “Drift and Conversion: Hidden Faces of Institutional Change.” In *Advances in Comparative-Historical Analysis*, edited by James Mahoney and Kathleen Thelen. New York: Cambridge University Press, 180-210.

Mettler, Suzanne. 2011. *The Submerged State: How Invisible Government Policies Undermine American Democracy*. Chicago: University of Chicago Press.

Roberts, Kenneth M. 2014. *Changing Course in Latin America: Party Systems in the Neoliberal Era*. New York: Cambridge University Press.

Rudesill, Dakota S. 2016. “It’s Time to Come to Terms with Secret Law: Part I.” *Just Security*. July 21. (<https://www.justsecurity.org/32120/time-terms-secret-law-part/>).

Scheppele, Kim Lane. 2006. “The Migration of Anti-Constitutional Ideas: The Post-9/11 Globalization of Public Law and the International State of Emergency.” In *The Migration of Constitutional Ideas*, edited by Sujit Choudhry. New York: Cambridge University Press, 347-373.

Streeck, Wolfgang and Kathleen Thelen. 2005. “Introduction: Institutional Change in Advanced Political Economies.” In *Beyond Continuity: Institutional Change in Advanced Political Economies*, edited by Wolfgang Streeck and Kathleen Thelen. New York: Oxford University Press, 1-39.

Tarrow, Sidney. 2015. *War, States, and Contention*. Ithaca: Cornell University Press.

Tarrow, Sidney. 2016. “Critical Junctures and Institutional Spillover: How 9/11 Changed the American State.” Paper presented to the Wissenschaftszentrum Berlin, October 4, 2016. (Available by request to the author.)

Yaroshefsky, Ellen. 2006. “Secret Evidence is Slowly Eroding the Adversary System: CIPA and FISA in the Courts.” *Hofstra Law Review* vol. 34, no. 3: 1063-1104.

<sup>22</sup> Donahue 2010, 91.

<sup>23</sup> See Justice Jackson’s dissent in the case of *Koromatsu v. U.S.*, 323 U.S. 214 (1944).