

THE HISTORICAL DEVELOPMENT OF COMPARATIVE FEDERAL STUDIES

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INTRODUCTION

Political events in various parts of the world during the past two decades have attracted increasing attention to comparative federal studies. But the comparative scholarly literature attempting to assess the nature of federalism and to understand such issues as the theory and practice of federalism, the strengths and weaknesses of federal political solutions, the design and operation of various federal systems and the processes of political integration and disintegration has a long history. This paper will trace that history and the development of the comparative study of federalism, federal political systems and federations as a background for the following chapters which examine federal theories and the methodologies that have been employed in these studies.

Much of the scholarly study of federalism has taken the form of examining individual federations and from these a wealth of valuable insights has been gained. This paper, however, focuses specifically upon *comparative* federal studies.

At the outset, it has to be noted that comparisons of different polities require considerable caution. The basic federal notion of combining 'shared rule' for some purposes with regional 'self-rule' for others within a single political system so that both are a genuine reality has been applied in many different ways to fit different circumstances. Federations have varied and continue to vary in many ways:

- in the character and significant features of their underlying economic, social and cultural diversities;
- in the number of constituent units and the degree of symmetry or asymmetry of their size, resources and constitutional status;
- in the scope and form of the allocation of legislative, executive and expenditure responsibilities;

- in the allocation of taxing powers and resources; in the character of federal government representative institutions and in the degree of regional input to federal policy-making; in the procedures for resolving internal conflicts between governments;
- in the processes established to facilitate collaboration between interdependent governments;
- and in the procedures for formal and informal adaptation and change.

Clearly then, there is no single pure model of federation that is applicable everywhere. Even where similar institutions are adopted, different circumstances have often made them operate differently. A classic illustration of this is the operation of the similar formal constitution amendment procedures in Switzerland and Australia requiring ratification by double majorities in a referendum. In a century this procedure produced over 110 constitutional amendments in Switzerland and only eight in Australia (Watts, 1999: 2).

Nevertheless, as long as these limitations are kept in mind, there is a genuine value in the undertaking comparative analyses. Many problems are common to virtually all federations. Comparisons, therefore, may help us to understand more clearly the consequences of particular arrangements. Through identifying similarities and differences, comparisons may draw attention to certain features whose significance might otherwise be overlooked or underestimated. It should be noted that comparisons may also suggest both positive and negative lessons through identifying successes and failures of different arrangements and mechanisms employed to deal with similar problems.

This paper therefore focuses on the development of comparative studies relating to 'federalism', 'federal political systems' and 'federations'. These interrelated terms are based on a three-fold distinction (Watts, 1998: 119-22; see also Burgess, 2006: 47-8). 'Federalism' is understood as a normative concept involving the advocacy of federal arrangements combining

both shared rule and regional self-rule. 'Federal political systems' is a generic descriptive term for the whole range of political systems marked by the combination of 'shared rule' and 'self-rule' including constitutionally decentralized unions, quasi-federations, federations, confederations, federacies, associated states, condominiums, leagues, joint functional authorities and hybrids of these. 'Federations' refers to one specific species within the broader genus of 'federal political systems': a compound polity combining constituent units and a general government, each possessing powers delegated to it by the people through a constitution, each empowered to deal directly with the citizens in the exercise of a significant portion of its legislative, administrative and taxing powers, and each including institutions directly elected by its citizens.

Comparative federal studies have related to all three of these terms. Some have focused particularly on the development and refinement of normative theories of 'federalism' advocating federal relationships within a society or polity. Some have compared empirically how different forms of 'federal political systems' have operated in practice, e.g. federal vs. confederal, or how these have operated by comparison with non-federal, i.e. unitary, systems. Others have focused more particularly on how within the specific category of 'federations', similarities and differences are to be found and the significance of these.

These studies have encompassed different ranges of comparison. Some have focused solely on one federation, but have applied a comparative perspective (e.g. Arora and Verney, 1995; Rao, 1995). Many have involved comparisons of just two political systems enabling direct comparisons but resulting in a limited explanatory range (e.g. Gress 1994; Gress and Janes 2001; Hodgins et al., 1989; Sharman 1994; Watts 1987). Others, however, have included a more broadly inclusive range of federal examples to seek general conclusions (e.g. Wheare 1963, Watts 1966, Duchacek 1970, Riker 1975, Elazar 1987, Watts, 1999; Hueglin and Fenna, 2006; Burgess 2006). Another and increasingly popular approach has been the production of edited works containing chapters

by different authors writing on individual federations but with the editors or specific authors drawing general conclusions from all of these (e.g. Kincaid and Tarr 2005; Majeed, Watts and Brown 2005). A variant of this approach has been to examine the handling of a specific aspect or of a particular policy area in a wide range of federations (e.g. Brown, Cazalis and Jasmin, 1992; Cameron and Valentine, 2001; Banting and Corbett, 2002; Noël, 2004). Not to be overlooked are also those general comparative studies of governments and political systems which, although not focused explicitly on federal political systems, have in their analysis distinguished the operation of federal and non-federal systems (e.g. Lijphart 1984, 1999; Loughlin 2001; Gagnon and Tully, 2001). For the purposes of this chapter, all these different types of comparative studies will be included in terms of the contribution they have made to our understanding of federalism, federal political systems and federations.

In this paper the development of comparative federal studies will be portrayed in terms of broad historical periods, but it should be noted at the outset that these historical boundaries are not intended to be precise since each period tends to shade into the next.

THE DEVELOPMENT OF FEDERAL COMPARISONS IN THE EIGHTEENTH AND NINETEENTH CENTURIES

The Federalist Papers 1787-8

While the history of federal ideas is rooted in earlier writers such as Althusius, Locke and Montesquieu, *the Federalist Papers* provided the first example of explicit comparative federal references. While the primary purpose of *the Federalist Papers* was one of the advocacy for what its authors considered the new innovative proposals of the Philadelphia Convention, the merits of these proposals were supported by direct comparisons not only with the preceding Articles of Confederation, but with specific historical examples of the ancient Greek confederacies, and the German and Netherlands confederacies (*Federalist* 18, 19, 20). Further, the "comparative method" was also used to

expound the character of the proposed presidency by comparison with the British monarchy (*Federalist* 69). Indeed, so devastating was the critique of earlier confederacies in *The Federalist Papers*, that for two centuries the prevailing wisdom concerning effectiveness and stability regarded confederal political systems as virtually always inferior to federation. It has only been in recent years that some credence has been given to the notion that in a world marked by deep ethnic diversities confederal solutions might provide more suitable solutions (See Elazar 1995 and Lister 1996).

The Nineteenth Century

Following the establishment of the United States of America, the first modern federation late in the eighteenth century, the next century saw the establishment of a number of federal or ostensibly federal regimes, all influenced, although in varying degrees, by the American model. These included Switzerland (1848), Canada (1867), the German Empire (2nd Reich, 1871-1918), and at the turn of the century, Australia. Furthermore, in Latin America federal constitutions were first adopted in Venezuela in 1811, Mexico 1824, Argentina 1853, and Brazil 1891. Although the Latin American federations exhibited considerable instability, by the end of the nineteenth century there now existed some basis for comparison among a considerable range of federations and between federations and non-federations.

Most of the major writers in the nineteenth century contributing to the literature on comparative federal studies, took as their primary focus the analysis of the United States as a federal model, using this as a basis for comparison with British and European non-federal political systems. Alexis de Tocqueville, in his *Democracy in America* first published in 1835, combined the role political scientist, sociologist and political philosopher (Burgess 2006: 10) to explain the political values, traditions, social conditions and behaviour that distinguished that federation from the political regimes in Europe. John Stuart Mill in his *Considerations on Representative Government*, first published in 1861, included a good chapter comparing the American federation to the

British representative parliamentary tradition. He particularly emphasized the major preconditions of federation and the significance of representation in federal systems.

In 1863, E.A. Freeman published the first and only volume of his projected *History of Federal Government from the Foundation of the Achaean League to the Disruption of the United States* which in fact took the story only to the dissolution of the Achaean League. A second edition published in 1893 after his death and entitled *A History of Federal Government in Greece* added an additional chapter dealing with defective forms of federalism that had appeared in Italy and a piece on the German confederacy. Much of what Freeman discussed related to confederal rather than federal government, but it represented the first attempt at an empirical comparative approach to the history of federal political systems. In undertaking this study, Freeman saw federal systems as essentially a compromise reconciling nation-building with long-established particularity, and as combining the advantages of large states and of small states. Both Wheare (1963: 247) and Burgess (2006: 13) have suggested that Freeman's writing, being the first major comparative academic study of federal government, remains a valuable reservoir of insights for the modern student of federations.

Two other authors in the nineteenth century are of particular interest. James Bryce's two-volume *The American Commonwealth* 1888, followed in the footsteps of Tocqueville but with a more empirical approach in identifying the strengths and weakness of the United States as a federation in comparative terms. His *Studies in History and Jurisprudence*, first published in 1901, drew particular attention to centrifugal and centripetal forces affecting constitutional law.

The other author of note was A.V. Dicey, whose *Introduction to the Study of the Law of the Constitution* first published in 1885, included a discussion of federalism. Succeeding editions devoted increasing space to the subject. This influential work, essentially a study of English constitutionalism based upon comparisons with constitutionalism in the United States and France, compared and contrasted parliamentary

sovereignty and federation, and he included short comparative studies of the American, Canadian and Swiss federations. Clearly an advocate for unitary rather than federal government, he assessed the latter negatively as likely to lead to national disintegration, a view which to this day continues to have deep roots within British political thought.

THE TWENTIETH CENTURY PRIOR TO 1945

This period, marked by two world wars, a world-wide depression, and the Wilsonian advocacy of new sovereign nation states, was one in which the advocacy of federal political organization was not a predominant feature. Nevertheless, the development of federal thought was marked by two positive and one negative features.

The first was the development of a number of comparative studies, mostly in the 1930s. Sobei Mogi's two-volume *The Problem of Federalism, a study in the history of political theory* (1931) provided an exhaustive survey of what American, British and German statesmen and theorists had thought about federalism as an ideal form of government, although it contained no empirical study of the institutions or working of federations. On the other hand, D.G. Karve's *Federations: A Study in Comparative Politics* (1932) presented a comparative summary of constitutional provisions in several federal systems. The problems of federal finance also began to attract particular attention. B.P. Adarkar, *The Principles and Problems of Federal Finance* (1933) was followed by G.F. Shirras, *Federal Finance in Peace and War* (1944) which was more detailed. In 1940, H.R.G. Greave's *Federal Union in Practice*, a short comparative study with an empirical focus on the USA, Switzerland, Canada, the Union of South Africa, Australia and Germany, and including a brief sketch of federations in South America and the Spanish Republic, appeared. A forerunner of much of the subsequent analytical literature relating to the causes and conditions leading to federal unions, the onset of World War II obscured its impact, however.

A second feature of this period was the focus of a number of writers in the United States upon the redefinition of the essential character of federations in terms of 'cooperative federalism' replacing 'dual federalism'. These attempts at redefinition arose especially from the examination of the administrative and financial rather than the legal aspects of federal systems. These focused on the important role of administrators and also of political parties and interest groups in the operation of federal systems, leading to an increasing recognition of the extent of the interaction and interdependence, rather than independence, among governments within federations, administratively, financially and politically. The result was a new preoccupation with the study of intergovernmental relations. Because writers studying the administrative and financial arrangements within the United States were struck by the extent of the administrative cooperation between governments that existed in practice in the 1930s the term 'cooperative federalism' was coined to describe it. Jane Perry Clark's *The Rise of a New Federalism* (1938) and a symposium on cooperative federalism in the *Iowa Law Review* (1938) typified this trend. This new emphasis was largely limited at least in the 1930s, to studies within and about the United States rather than to internationally comparative studies, but as will be noted below, this laid the foundations for extensive post-war comparative studies of this aspect of the operation of federations.

At the same time, a feature of this period was the continued negative evaluation of federalism and federation in many comparative studies, illustrating both the difficulties federations were facing in coping with the world-wide depression and the continued influence of the sort of views Dicey had articulated. Prior to 1945, the general attitude, especially in Europe and Britain, appeared to be one of benign contempt for the federal form of government. Many viewed federation as an incomplete form of national government, and a transitional mode of political organization; and where adopted, to be an undesirable but necessary concession made in exceptional cases to accommodate political divisiveness. The more

ideologically inclined considered federalism to be a product of human prejudices or false consciousness preventing the realization of unity through such more compelling ideologies as radical individualism, classless solidarity or the General Will.

For example, writing in 1939, Harold Laski (1939: 367) pronounced: "I infer in a word that the epoch of federalism is over." Federation in its traditional form, with its compartmentalization of functions, legalism, rigidity and conservatism, was, he argued, unable to keep pace with the tempo of economic and political life that giant capitalism had evolved. He further suggested that federalism was based on an outmoded economic philosophy, and was a severe handicap in an era when positive government action was required. Decentralized unitary government, he concluded, was much more appropriate to the new conditions of the twentieth century. Even Sir Ivor Jennings, a noted British constitutionalist, who was an advisor in the establishment of several new federations within the Commonwealth during the immediate post-war period, once wrote that "nobody would have a federal constitution if he could possibly avoid it" (Jennings 1953: 55).

THE SURGE IN THE POPULARITY OF FEDERAL SOLUTIONS 1945-1970

Factors contributing to the proliferation of federal systems

While up to 1945 the federal idea appeared to be on the defensive, the following two decades and a half saw a remarkable array of governments created or in the process of creation that claimed the designation 'federal'. Indeed only eight years after 1945, Max Beloff (1953: 114) was able to assert that the federal idea was enjoying "a popularity such as it had never known before." With this occurred a burgeoning of comparative federal studies.

Three factors contributed to this post-war surge in the popularity of federal solutions. One was the wartime success and post-war prosperity of the long-established federations such as the United States, Switzerland, Canada and

Australia, coupled with their development into modern welfare states.

A second factor stemmed from the conditions accompanying the break-up of the European colonial empires in Asia, Africa and the Caribbean. The colonial political boundaries rarely coincided with the distribution of the racial, linguistic, ethnic and religious communities or with the locus of economic, geographic and historic interests. In the resulting clashes between the forces for integration and for disintegration, political leaders of independence movements and colonial administrators alike saw in federal solutions a common ground for centralizers and provincialists. The result was a proliferation of federal experiments in these colonies or former colonies. These included India (1950), Pakistan (1956), Malaya (1948) and then Malaysia (1963), Nigeria (1954), Rhodesia and Nyasaland (1953), the West Indies (1958), Indochina (1945-7), French West Africa and its successor the Mali Federation (1959), and Indonesia (1945-9). In the same period, in South America where the federal structure of the United States had often been imitated at least in form, new ostensibly federal constitutions were adopted in Brazil (1946), Venezuela (1947) and Argentina (1949).

A third factor was the revival of interest in federal solutions in post-war Europe. World War II had shown the devastation that ultra-nationalism could cause, gaining salience for the federal idea, and progress in that direction began with the creation of the European Communities. At the same time, in 1945 in Austria the federal constitution of 1920 was reinstated making Austria once more a federation, Yugoslavia established a federal constitution in 1946, and in 1949 West Germany adopted a federal constitution.

Thus, the two decades and a half after 1945 proved to be the heyday of the federal idea. In both developed and developing countries, the "federal solution" came to be regarded as the way of reconciling simultaneous desires for large political units required to build a dynamic modern state and smaller self-governing political units recognizing distinct identities. Not

surprisingly, these developments produced a burgeoning of comparative federal studies by scholars.

Kenneth Wheare's Contribution

During this period the most valuable and widely used work comparing federations was that of Kenneth Wheare, an Australian at Oxford. The first edition of *Federal Government* appeared in 1946, followed by subsequent editions in 1951, 1953 and 1963. This was a pioneering effort to provide a detailed and comprehensive comparison not only of the constitutions but also of the actual working of federal governments within the USA, Australia, Switzerland and Canada and including in the last edition references also to developments in Western Germany, India and other emerging examples in the British Commonwealth. Although following in the earlier British tradition of casting his definition of the federal principle in largely legal and institutional terms, Wheare emphasized the distinction between federal constitutions and the actual operation of federal governments. Consequently, a major part of his comparative study was devoted to examining in detail how different federations worked in relation to public finance, control of economic affairs, provision of social services, control of foreign affairs, and exercise of the war power. He examined not only the role of constitutions, the distribution of powers and the courts, but also the impact of political parties. In his chapters on the preconditions for federal government he went beyond legal requirements into such aspects as the interaction of communities and the role of political leadership. Writing in a period which followed a major economic depression and a world war, he identified a general tendency for most federal governments to gain power at the expense of the constituent units, but also added that no federation had yet become a unitary one and doubted that federation was simply a stage of evolution towards unitary government.

The subsequent flood of comparative federal studies

In the decade and a half after the first appearance of K.C. Wheare's *Federal*

Government, there followed a flood of comparative studies. B.M. Sharma, *Federalism in Theory and Practice* (1951), covered much the same ground including lengthy descriptions of structures and devoted a great deal more space to India. Two major edited works appeared in 1954 and 1955, R.R. Bowie and C.J. Friedrich (eds.), *Studies in Federalism* and A.W. Macmahon (ed.), *Federalism Mature and Emergent*. The first contained detailed country by country surveys of the nature and working of specific institutional features and policy issues in the United States, Switzerland, Canada, Australia and Germany. The latter contained a series of chapters on various aspects of federations, some dealing with established federations, some with the particular circumstances of developing federations, and focused particularly on the project for a supernational union in Western Europe. The Sixth World Congress of the International Political Science Association held in Geneva 1964 under the chairmanship of Carl Friedrich took as its theme 'Federalism' and papers prepared for the conference by C. Aikin, T. Cole, R.L. Watts, M. Merle, D. Sidjanski and L. Lipson were published in 1965 (J.D. Montgomery and A. Smithies, 1965).

Subsequently, between 1968 and 1970 several further comparative federal studies appeared, one edited by V. Earle in 1968, emphasizing the infinite variety of federations in theory and practice, one written by Carl Friedrich in 1968 identifying trends in federalism and drawing attention to the importance, not just of structures, but of dynamic processes within federations, one by Geoffrey Sawyer, an Australian, in 1969 surveying the wide range of modern federations, and one by Ivo Duchacek in 1970, comparing various aspects of federations as a territorial form of political organization.

Studies of Emergent Federations

This was a period too which saw a number of comparative studies focusing particularly on the many emerging federations in Asia, Africa and the Caribbean. A particularly perceptive article was that by F.G. Carnell (1961) on "Political Implications of Federalism in New

States.” W.S. Livingstone (1963) provided a comprehensive survey of works published in English which touched on the emergence, development and operation of federations in countries of the Commonwealth. In 1966 R.L. Watts, a student of K.C. Wheare, published *New Federations: Experiments in the Commonwealth*, a detailed examination of six major federal experiments in India, Pakistan, Malaya (later Malaysia), Nigeria, Rhodesia and Nyasaland and the West Indies in the years between 1945 and 1963. This study led him to modify Wheare’s conceptual approach. He concluded that there were enormous variations including new forms and adaptations in the application of the federal principle and that when we turn from constitutional law to definitions which include political and administrative practice and social attitudes the problem of classification becomes more complex. He emphasized that in most of the cases examined, federal experiments were the only possible constitutional compromise in the particular circumstances, that in practice ‘dual federalism’ had in these federations given way to ‘interdependent federalism’ in which federal and constituent unit governments were mutually interdependent without either being subordinate to the other, and that it was in the interaction of federal societies, federal constitutions and federal governments that research on federalism should focus (see Burgess 2006: 40).

Among other comparative works relating to emergent federations during this period were S.A. de Smith (1964) including a chapter on federal developments in Africa, Malaysia and the West Indies, D.S. Rothchild (1960) giving a well documented but primarily chronological account of attempts at federal unions in East, Central and West Africa, R.C. Pratt (1960) a more interpretive analysis, and Patrick Gordon Walker (1961) who suggested that the adaptation of British parliamentary system to federation had in the Commonwealth federations produced a variant distinct from other federations.

The range of comparative studies

A number of works during this period addressed particular aspects of federalism and federation comparatively. In addition to

Musgrave’s 1965 classic on the general theory of fiscal federalism; Hicks (1961), Robson (1962), Prest (1962) and Due (1964) dealt with issues of federal financial relations within emergent federations. To these was added in 1969, R. May’s comprehensive comparative study of federalism and fiscal adjustment. Livingstone (1956) surveyed constitutional change in a range of federations and W.J. Wagner (1959) reviewed the structure and working of courts in federations together with their role in constitutional interpretation.

Developments within Europe also had a significant impact. There was a growing body of thought advocating European integration and federalism (outlined in Burgess 2000 and Pinder 1998; see also Monnet 1978). These developments also led to studies of the factors and patterns contributing to integration across national lines (e.g. Deutsch 1953, 1957; Etzioni 1962 and for a subsequent adaptation of Etzioni’s analysis, see Watts 1981; Jacob and Toscano, 1964).

Two prescient articles which also appeared in this period should be noted, although neither drew substantial attention until much later in the development of comparative federal studies. One was a speculative piece by C.D. Tarlton (1965) on symmetry and asymmetry as elements of federalism, and the other was an analysis by J.R. Pennock, 1959, entitled “Federal Government – Disharmony and Reliability” which argued that multi-level governance by minimizing the frustration of voter preferences enabled the maximizing of democracy. Both themes were to become important issues in the last decade of the century.

Methodological debates

This was a period too when a number of major methodological issues relating to comparative federal studies came to the forefront. A particularly important work in this respect was A.H. Birch’s *Federalism, Finance and Social Legislation in Canada, Australia and the United States*. At a time following World War II when federations were wrestling with their development as welfare states and with the related problems of federal financial relations, he extended the notion of “cooperative

federalism” as it had developed in the 1930s in the United States to other federations. He suggested that federalism was not obsolescent as Laski had argued, but had developed new intergovernmental cooperative arrangements in responding to the issues facing them. This led him to suggest that the ‘dualism’ inherent in the federal principle, as defined by K.C. Wheare, needed to be redefined to make room for intergovernmental cooperation and financial transfers as a normal feature. The emphasis upon interdependence and upon the study of intergovernmental relations thus became a major focus of many subsequent individual and comparative federal studies. Among such examples were Corry (1958), Vile (1961), Grodzins (1966) and Watts (1966).

A second methodological development was a new emphasis upon the social factors shaping federations. Livingston (1952, 1956) argued that “the essence of federalism lies not in the constitutional or institutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected” (1956: 2). The constitution and legal institutions were simply the “instrumentalities” employed to articulate the diversities and integrating forces within the society (1956: 7-11). Some critics (e.g. Birch 1966) argued that this definition in effect classified all societies as federal. Furthermore they noted that Livingston’s own comparative study of constitutional change in federations was in fact little different from Wheare’s in its constitutional and legal emphasis. Nevertheless, following Livingston comparative federal studies paid much more attention to the interaction between federal societies and federal political institutions, finding expression for instance in the writing of both Watts (1966) and Stein (1971).

A third methodological shift arose from the general movement within political science, particularly in the United States, to shift the focus of the discipline from legal and political institutions to the study of political behaviour with an emphasis upon quantitative analyses. W.H. Riker (1964, 1969 and 1975) exemplified this trend and made an important contribution by drawing attention to the importance of

negotiation and bargaining in the creation and subsequent operation of federations and to the role of political parties in these processes. This thought-provoking approach proved stimulating to many students of federation, although its force was somewhat diminished by a tendency for Riker to treat some of the comparative evidence in a simplistic and cavalier way.

In 1960, A.H. Birch contributed an article to *Political Studies* on “Approaches to the Study of Federalism.” This article summarized the major approaches of the period referred to above, including a critique of each, and as such provides a good outline of where the methodology for comparative federal studies stood at the end of the two decades following Wheare’s first publication of his major study.

Before we turn to the next historical stage, it is worth noting that towards the end of this period some developments were occurring to facilitate the work of scholars interested in federal studies. In 1965, the first academic centre specializing in federal studies was established with the Institute of Intergovernmental Relations at Queen’s University in Canada. Founded by J.A. Corry, its mandate was to promote research and public discussion on the challenges facing the Canadian federation and federations elsewhere. Soon after, in 1967, Daniel Elazar founded the Center for the Study of Federalism at Temple University, Philadelphia in the USA, and such was the growth of similar centres in a number of federations that by 1977 it was possible for ten such centres in eight different countries to meet together to form an international association.

A MORE CAUTIOUS ENTHUSIASM FOR FEDERAL SOLUTIONS, 1970-90

Impact of federal difficulties and failures

From late in the 1960s on, it became increasingly clear that federal political systems were not the panacea that many had in the early years after 1945 imagined them to be. Most of the post-war federal experiments experienced difficulties and a number of these were abandoned or temporarily suspended. Examples were the continued internal tensions and frequent resort to emergency rule in India, the

secession of Bangladesh from Pakistan, the forcing out of Singapore from Malaysia, the Nigerian civil war and the subsequent prevalence of military regimes, the dissolutions of the federations of the West Indies and of Rhodesia and Nyasaland, and the collapse of most of the French colonial federations.

These experiences indicated that even with the best of motives, there were limits to the appropriateness of federal solutions. In addition, the experience in Latin America, where many of the constitutions were federal in form but unitary in practice, added skepticism about the utility of federation as a practical approach in countries lacking a long tradition of respect for constitutional law.

In Europe the slow pace of progress towards integration, at least until the mid-1980s, also seemed to make the idea of a federal Europe more remote.

Even the classical federations of the United States, Switzerland, Canada and Australia were experiencing renewed internal tensions and a loss of momentum which reduced their attractiveness as shining examples for others to follow. In the United States, the centralization of power through federal preemption of state and local authority, and the shifting of costs to state and local governments through unfunded or underfunded mandates had created an apparent trend towards what became widely described as “coercive federalism” (Kincaid 1990, Zimmerman 1993). Furthermore the apparent abdication in 1985 by the Supreme Court of its role as an umpire within the federal system (*Garcia v. San Antonio Metro Transit Auth.*, 469 US 528 (1985)) raised questions, at least for a time, about the judicial protection of federalism within the American system.

Switzerland had remained relatively stable, but the long-drawn crisis over the Jura problem prior to its resolution, the problems of defining Switzerland’s future relationship with the European Community, and the prolonged unresolved debate for three decades over the renewal of the Swiss constitution raised concerns within the Swiss federation.

In Canada, the Quiet Revolution in Quebec during the 1960s, and the ensuing four rounds of mega-constitutional politics in 1963-71, 1976-82, 1987-90 and 1991-2 had produced three decades of severe internal tension. Aboriginal land claims, crises in federal provincial financial relations and the problems of defining the relative federal and provincial roles under the free-trade agreements with the United States, and later Mexico, created additional stresses.

In 1975, Australia experienced a constitutional crisis that raised questions about the fundamental compatibility of federal and of parliamentary responsible cabinet institutions. The result was a revival in some quarters in Australia of the debate about the value of federation.

Through most of this period West Germany remained relatively prosperous. Nevertheless, increasing attention was being drawn to the problems of revenue sharing and of the “joint decision trap” entailed by its unique form of interlocked federalism requiring a high degree of co-decision making (Scharpf, 1988). Furthermore, the impact of membership in the European Union upon the relative roles of the Bund and the Länder was also a cause of concern.

At the end of this period, the disintegration of the former authoritarian centralized federations in the Soviet Union, Yugoslavia and Czechoslovakia exposed the limitations of these federal façades.

A new focus on the pathology of federations

In such a context, one strand of comparative federal studies focused on the pathology of federations. As early as 1966, T.M. Franck had edited a book entitled *Why Federations Fail* which examined the cases of the West Indies, Rhodesia and Nyasaland, Malaysia and East Africa. In 1978 Ursula Hicks examined the issue of success and failure in a wider range of cases, concluding that neither failure nor success could be attributed to a unique factor but were to be explained by a combination of factors. At about the same time the tensions within Canada inspired Watts (1977) to make a comparative study of the variety of factors contributing to the

survival or disintegration of federations elsewhere. Federations and unions composed of only two constituent units have tended to suffer severe political difficulties and these were examined in a special issue of *Publius: The Journal of Federalism* edited by Ivo Duchacek (1988). Two other general comparative studies of federation which during this period dealt with the subject of secession were Duchacek (1970) and King (1982), the former noting that “the temptation to secede and form an independent territorial unit had assumed epidemic proportions” by the time he was writing (1970: 69). Subsequent discussions of the pathology of federations can be found in later periods in Young (1998: chs. 10 and 11), Watts (1999a: 109-115) and Burgess (2006: 269-282).

The continued development of federal studies

But during this period not all comparative federal studies focused on the difficulties and problems of federations. Indeed, there was a substantial flow of books furthering discussions introduced earlier in the period 1945-70. These refined and extended our understanding of federations and federalism. Among these were comparisons of factors leading to political integration and the formation of federations (e.g. Watts 1970c; Dikshit 1975; Breton & Scott 1978; Watts 1981; Elazar 1984). Many dealt with various aspects in the operation of federations (e.g. Vile 1973; Bakvis & Chandler 1987; Goldwin et al. 1989; Wood et al. 1989), including fiscal federalism (Oates 1972; McClure 1983; Bird 1986), intergovernmental relations (Watts 1970b; Nice 1987; Watts 1989), constitutional change (Banting and Simeon 1986), patterns of centralization and decentralization (Brown-John, 1988), the role of federal second chambers (Watts 1970a), the role of courts in preserving federalism (Coper 1989) and the role and organization of federal capitals (Rowat 1973). Some addressed the issue of the effectiveness of federations (e.g. Golembiewski et al., 1984; Hanf & Tooner, 1985). A considerable number also further developed the theory of federalism (Landau 1973; Vile 1977, 1986; Davis 1978; King 1982; Forsyth 1981 and 1989; Kincaid & Elazar 1985; Burgess 1988 and Elazar 1987a and 1987b).

The major contribution of Daniel Elazar

It was during this period that Daniel J. Elazar emerged as the major figure in comparative federal studies both in terms of his own scholarly work and in terms of his encouragement of collaboration among those engaged with the field. (For a fuller account of Elazar’s contributions see Watts, 2000).

From the foundations of his empirical work on federalism in the USA in the 1960s, Elazar turned his attention in the late 1970s to the consideration of federalism and federations elsewhere. His first foray into this field was an edited book on the subject of federalism and political integration (Elazar, 1984). In the succeeding year, together with John Kincaid, he introduced the concept of “covenant” as a conceptual foundation of federalism (Kincaid & Elazar 1985), a notion that was to mark all his work in federal theory. Two years later, Elazar (1987a) edited a book on the philosophical basis of federalism reviewing the contributions to federal thought of a wide range of philosophers including Althusius, Kant, Rousseau, Tocqueville, Proudhon, Marc, James, Dewey and Buber. In the same year, his major contribution to the comparative study of federalism, *Exploring Federalism* (1987b) appeared. In this work he explored the roots of federalism, traced its historical development, and portrayed how federal systems had been employed to promote a variety of workable governmental systems for people with diverse traditions. Three major themes of this work were his emphasis on (1) the covenantal foundations of federalism, (2) the identification of the variety of institutional forms expressing the federal principle, and (3) the drawing of attention to the contemporary resurfacing of federalism through this variety of forms in an increasingly complex and interdependent world.

In addition to his writing which presented fresh conceptual foundations for understanding federalism internationally, Daniel Elazar devoted much personal effort to encouraging international collaboration among scholars engaged in comparative federal studies. During his many international travels from his bases in Philadelphia and Jerusalem, he encouraged

groups of scholars to develop their own centres for federal studies, and in June 1977, largely through his initiative, representatives from ten such centres drawn from eight countries met in Switzerland and established an International Association of Centres for Federal Studies (IACFS) in order to further the study of federal principles, patterns and experience. Daniel Elazar became the founding president and provided leadership in that capacity until 1991 when R.L. Watts succeeded him as president. By that time the membership of the IACFS consisted of twelve centres, seven of the original founding institutions plus five that had joined subsequently. The normal pattern of annual business meetings combined with conferences on various themes relating to federalism, and the regular publication of these conference papers had become firmly established by then. IACFS conference topics during this period included: "Federalism and Regionalism (Aosta, Italy, 1978), Covenant and Federalism (Philadelphia, USA, 1979), the Politics of Constitution-Making (Kingston, Canada, 1981), Constitutional Design and Power-Sharing (Jerusalem, Israel, 1984), the Role of Constitutions in Federal Systems (Philadelphia, USA, 1987), the Organization of States and Democracy (Bahia, Brazil, 1988), Autonomy and Federation (Madrid, Spain, 1989), Federalism and the European Community (Brugge, Belgium, 1989), Federalism in the Soviet Union (Leicester, UK, 1990), and Higher Education in Federal Systems (Kingston, Canada, 1991). The IACFS also sponsored other publications including a survey of federal concepts by William Stewart (1984), and a handbook of federal systems of the world edited by Daniel Elazar (1991, a revised second edition followed in 1994). Elazar's initiative in establishing the IACFS and encouraging its development clearly made a major contribution to the expansion of international activity and collaboration in federal studies.

Daniel Elazar also played a major role in the establishment in 1984 of another international body for collaborative federal studies. This was the International Political Science Association (IPSA) Research Committee on Comparative Federalism and Federation. While the IACFS had brought

together representatives of the various multidisciplinary centres for research on federalism, the IPSA Research Committee linked individual political scientists working on federal studies. This body not only organized panels on comparative federal studies at the triennial IPSA World Congresses, but also held on occasion its own conferences and round tables, including joint conferences from time to time with the IACFS. Among its publications during its first decade was a volume edited by Lloyd Brown-John (1988) on centralizing and decentralizing trends. For much of its existence up to 2000, Lloyd Brown-John was its chairman, but the development of the IPSA Research Committee owed much to Daniel Elazar's personal encouragement and participation in its activities as a member of its executive committee.

Another way in which Daniel Elazar encouraged federal studies was through his role as founder and editor for some thirty years of *Publius: The Journal of Federalism*. Quite early in the journal's history, John Kincaid became associate editor (1981) and then co-editor (1985) and the two worked closely together until 2000 when, following Elazar's death, Kincaid became the sole editor until he was succeeded by Carol Weissert in 2006. During its early years, *Publius* was primarily focused on the underlying ideas and operation of American federalism, but progressively over the years under the joint editorship of Elazar and Kincaid *Publius* included more and more articles about federal systems elsewhere, and it clearly established itself as the leading journal not only on American federalism, but on federalism and federations internationally.

RESURGENCE IN ENTHUSIASM FOR FEDERAL SOLUTIONS SINCE THE 1990s

Trends since the 1990s

In the 1990s, there developed a general revival in the enthusiasm for federal political solutions. Outside the academic realm, political leaders, leading intellectuals, and even some journalists came increasingly to refer to federalism as a liberating and positive form of political organization. Indeed by the turn of the

century, it could be said that some 40 percent of the world's population lived in some two dozen federations or countries that claimed to be federal. Belgium, Spain, South Africa and to a lesser degree also Italy were moving towards new federal forms. In a number of other countries, such as the United Kingdom, some consideration was being given to the efficacy of incorporating some federal features, although not necessarily all the characteristics of a full-fledged federation. Furthermore, the conversion of the European Community into the European Union suggested (at least up until 2005) a regained momentum in the evolution to a wider and federal Europe. In Latin America the restoration of federal regimes in a number of countries after periods of autocratic rule provided positive indications. In Asia, the economic progress of India showed that coalition-based federalism was a workable response to the problems of development. Elsewhere in the Third World and especially Africa, the failure of "strong leaders" to resolve persistent social and political problems, and the realization of such international bodies as the World Bank that decentralization was the preferred strategy for economic development contributed to the widespread renewed interest in federal or at least devolutionary political solutions.

A number of other factors contributed to this trend. One was the widespread recognition that an increasingly global economy had unleashed centrifugal economic and political forces weakening the traditional nation-state and strengthening both international and local pressures, a combined trend which Tom Courchene (1995) has called "glocalization". Another was the changes in technology that were generating new, more federal, models of industrial organization with decentralized and flattened hierarchies involving noncentralized interactive networks. These developments have influenced the attitudes of people in favour of noncentralized political organization.

Developments in three political areas also appeared to have an impact. One was the resurgence of the classical federations which, despite the problems they had experienced in the preceding two decades, had nevertheless

displayed a degree of flexibility and adaptability in responding to changing conditions. Another was the collapse of the totalitarian regimes in Eastern Europe and the former Soviet Union. These developments undermined the appeal of transformative ideologies and exposed the corruption, poverty and inefficiency characteristic of systemic and authoritarian centralization. A third was the progress made during this period in Europe's apparent federal evolution with the Single European Act and the Maastricht Treaty and the broadening of the European Union to incorporate a much widened membership.

The expansion of comparative federal studies

All of these factors contributed to the renewed general interest in federal methods of organizing political relationships and distributing political powers in a way that would enable the common needs of people to be achieved while accommodating the diversity of their circumstance and preferences. This revival of interest in federal political systems beginning in the 1990s has differed, however, from the excessively enthusiastic proliferation of federations that occurred in the early decades after 1945. Experience since that decade has led to a more cautious sanguine approach (Elazar, 1993).

The past decade and a half has seen a vast production of comparative federal studies building upon, refining and modifying the earlier writing. At the same time there has been a new emphasis upon a number of themes. For instance, although Tarlton (1965) had indulged in some speculations on the impact of asymmetry within federations, it was only in the 1990s that this issue drew substantial attention. Given the historical examples of asymmetry in Canada, India, Malaysia and the more recent examples in Spain, Belgium, Russia and the European Union, a joint IACFS-IPSA Research Committee Conference held in South Africa in 1993 identified asymmetrical federalism as a major research focus (de Villiers 1994). As a result, in 1999 a volume of collected studies on this subject edited by Robert Agranoff (1999) reviewing the effectiveness and limits of asymmetry in federations was produced.

Another topic which has received prominence in this period, particularly as a result of a number of articles written by and special issues of journals edited by Daniel Elazar (1995, 1996, 1997), has been the identification of an international paradigm shift from a world of states modeled on the seventeenth century idea of the nation-state to a world of diminished state sovereignty involving a great variety of increasingly constitutionalized interstate linkages of a federal character. Elazar suggested that we were still in the early stages of this shift, but that the trend was illustrated by numerous current developments in international relations and in domestic government and politics.

Closely related has been the increasing attention given to the effect of the global economic relationships which came increasingly to the forefront in this period. The result has been a number of comparative studies relating to the impact of economic globalization upon federations including those edited by Knop et al. (1995), Boeckelman and Kincaid (1996) and Lazar, Telford and Watts (2003).

The rapid development of the European Union during this period has also produced a number of works on the character of European integration as well as studies comparing its hybrid character with those of other federations and confederations. Examples have been Burgess and Gagnon (1993), Brown-John (1995), Leslie (1996), Hesse and Wright (1996), Lister (1996) Pinder (1998), Burgess (2000), Nikolaidis and Howse (2001), and Burgess (2006: 226-247). The failure in 2005 of the Constitutional Treaty to receive ratification in several key member countries appears, however, since 2005 to have arrested the momentum of the European Union somewhat, and this can be expected to lead to a new set of analyses.

In addition to these new themes, there has been a flood of comparative studies expanding on themes examined in earlier comparative federal studies. A number, including Kymlicka (1999), G. Smith (1995), Ghai (2000), Maiz (2000), Gagnon and Tully (2001), Simeon and Conway (2001), Requejo (2001, 2004), and Amoretti and Berneo (2004) have focused upon the multiethnic and multinational cleavages and

challenges with which many federations have attempted to deal. Numerous studies of fiscal relations within federations have also continued as illustrated by Ball and Linn (1994), Rao (1995), Boothe (1996), Watts (1999b), Bird and Stauffer (2001), Blindenbacher and Koller (2003: 349-516), Jeffery and Heald (2003), Boadway and Watts (2004), and Watts (2005). A notable feature of these, especially Blindenbacher (2003) and Jeffery and Heald (2003) has been the emphasis upon the political and not just the economic consequences of the financial relations within federations. Among studies on other aspects of federations, Bzdera (1993) reviewed the theory of judicial review in the light of a comparative analysis of the actual operation of federal high courts. Intergovernmental relations has continued to be the focus of many comparisons, a particularly notable example being that of Agranoff (2004). During this period the Institute of Intergovernmental Relations at Queen's University in Canada produced a series of comparative studies relating to the handling of specific policy fields in different federations: examples were Cameron and Valentine (2001) on disability, Banting and Corbett (2002) on health policy, and Noël (2004) on labour market policy. Closely related have been a number of works revisiting through comparative studies the general effectiveness of federations in achieving the objectives of a welfare state: Obinger *et al* (2005) and Greer (2006).

There has recently also been a considerable body of literature addressing the issue of representation in federations and the interrelationship of federalism and democracy. Olson and Franks (1993) Brzinski *et al* (1999) Patterson and Mughan (1999) have been examples. More recently Alfred Stepan (1999, 2001, 2004a, 2004b, 2004c) has produced a series of studies comparing the different roles of second chambers and of veto players in different federations and unitary systems in terms of their 'demos-constraining' and 'demos-enhancing' effects and hence their character as democracies. Stepan's studies have emphasized the great variety of these features among federations. Further contributing to these analyses have been Swenden (2004) and Tsebelis (1995 and 2002).

From a more general point of view a number of comparative studies of democracies by Arendt Lijphart (1984, 1999) have drawn attention to patterns of majoritarian and consensus democracy in non-federal and federal countries. In terms of the role of political parties in federations, Sharman's (1994) Australian-Canadian comparisons and the comparative IACFS-IPSA volume edited by Hrbek (2004) are noteworthy.

This period has seen a number of other significant new contributions to the comparative study of federations. Montero (2001) and Gibson (2004) have filled a void in our understanding of Latin American federations. Furthermore, the latter volume includes two articles by Stepan (2004a, 2004b) encompassing a broader international range of comparisons. The article by Anckar (2003) on "Lilliput Federalisms" outlining the particular characteristics of relatively tiny mostly island federations has also helped to fill another gap in the range of comparative federal studies. Another new element in comparative federal studies in this period has been a focus on public opinion and attitudes regarding federalism (Kincaid et al., 2003). Given the many devolutionary movements occurring during this period in Europe, Loughlin's (2001) broad comparison of these which encompassed both federal and less than federal examples has provided an overview, and numerous articles in *Regional and Federal Studies* have added insights into these cases. Closely related has been the extensive series of studies produced by the UK ESRC Research Programme on Devolution and Constitutional Change under the leadership of Charlie Jeffery, many of them involving significant comparisons with other countries including federations.

In the realm of federal theory, Orban (1992) has examined contrasting interpretations of federalism aiming at a supranational state or an association of sovereign states, a volume edited by Burgess and Gagnon (1993) has emphasized the distinction between the Anglo-American and European traditions of federalism, and Burgess (2006) has provided a masterful comprehensive review of federal theory and practice. A work edited by U. Wachendorfer-Schmidt (2000)

assessed the political and economic performance of a range of federations, concluding that on balance federations have tended to perform better than non-federal political systems. Current empirical research by John Kincaid (publication forthcoming) would appear to confirm this assessment.

During this period a number of comparative overviews of federations have also appeared. These have included R.L. Watts (2nd edition, 1999, also subsequently published in French, Spanish, and with modifications in Ukrainian and Arabic), J. Smith (2004) and T. Hueglin and A. Fenna (2006).

The broadening infrastructure for comparative federal studies

The period since 1990 has seen a significant broadening of the infrastructure supporting research and publications in the field of comparative federal studies. *Publius: The Journal of Federalism* has continued under the joint editorship of Daniel Elazar and John Kincaid until the former's death in 1999, then the sole editorship of John Kincaid up to 2005, and since then the sole editorship of Carol Weissert (after a year of joint editorship). It has produced not only its many articles on US federalism and its annual 'State of American federalism' issue, but an increasing number of articles dealing with federalism elsewhere. In addition, from time to time special issues have been published on individual cases of federation or devolution elsewhere: Australia (20(4), 1990), Nigeria (21(4), 1991), Europe (26(4), 1996), Spain (27(4), 1997), India (33(4), 2003) and the United Kingdom (36(1), 2006). In addition it published a global review of federalism (32(2), 2002).

In this period, *Publius* was joined by several other journals focusing particularly on federalism and federations. In 1991, a new journal, originally entitled *Regional Politics and Policy*, was founded under the editorship of John Loughlin. But within a few years it had changed its title to *Regional and Federal Studies* focusing particularly, but by no means exclusively, on European experience. At various times John Loughlin, Paul Hainsworth, Michael Keating

and Charlie Jefferey have served as editors and Charlie Jefferey now occupies the post of managing editor. It too has from time to time devoted a whole issue to some general topic as for example: volume 6(2) 1996 on “the Regional Dimension of the European Union,” volume 10(2) 2000 on “Europe and the Regions”, volume 11(3) 2001 on “Ethnicity and Territory in the Former Soviet Union”, volume 12(2) 2001 on “Region, State and Identity in Central and Eastern Europe”, volume 12(4) 2002 “New Borders for a Changing Europe”, volume 13(4) 2003 edited by Jefferey and Heald on territorial finance in decentralized states, volume 15(2) 2005 on “Europe’s Constitutional Future: Federal Lessons for the European Union,” and volume 15(4) 2005 on “Devolution and Public Policy: A Comparative Perspective”. In addition a number of regional journals have also entered the field: *The African Journal of Federal Studies* edited by Isawa Elaigwu and *The Indian Journal of Federal Studies* edited by Akhtar Mahjeed. Articles on issues relating to federations have also frequently been published in the more general journals on political science, economics and constitutional law in individual federations. Thus, it can be said that federal studies are now well supported by a range of journals.

During the past decade and a half, the two organizations established to foster academic cooperation in federal studies have continued to operate. The International Association of Centres of Federal Studies, under the presidency of Ronald Watts (1991-1998), John Kincaid (1998-2004), and Cheryl Saunders (2004-) has continued to hold annual conferences and as a result has published a number of books: on economic union in federal systems (Mullins and Saunders, eds., 1994), evaluating federal systems (jointly with the IPSA Research Committee, de Villiers, ed., 1994), issues relating to a proposed European constitution (Fleiner and Schmitt, eds., 1996), federalism and civil societies (Kramer and Schneider, eds., 1999), political parties and federalism (Hrbek, ed., 2004), and the place and role of local government in federal systems (Steytler, ed., 2005). In addition, in 1994 it published a substantially revised second edition of *Federal Systems of the World* edited by D.J. Elazar and a

Dictionnaire international du fédéralisme (originally under the direction of Denis de Rougemont, but edited by François Saint-Ouen). The IACFS also undertook a number of joint projects including an online international bibliography on federalism. In the period from 1991 to 2005 the IACFS expanded from an association of ten member centres to one of 23 centres located in 15 different countries in six different continents.

The International Political Science Association Research Committee on Federalism and Federation also continued under the chairmanship of Lloyd Brown-John until 2000 when Robert Agranoff succeeded to the chair. During this period it continued to mount several panels at each IPSA Congress (every three years) as well as organizing meetings between these events, on occasion jointly with the IACFS. The IPSA Research Committee has provided a particularly useful vehicle for those individual political scientists not attached to a specialized centre or institute to meet regularly in pursuing their interest in comparative federal studies. Two particularly noteworthy publications arising from the Research Committee were de Villiers, ed. (1994) on assessing the then state of the discipline, and Agranoff, ed. (1999) on asymmetry in federal systems. A third project is a volume (forthcoming), edited by Robert Agranoff, to assess the state of the discipline at the beginning of the twenty-first century.

A new development at the turn of the century was the establishment on the initiative of the Canadian federal government of the Forum of Federations. The Canadian government, convinced that there would be real value in organizing an opportunity not just for scholars but particularly for practitioners (statesmen, politicians and public servants) in federations to exchange information and learn from the experience of each other, arranged a major international conference on federalism at Mont Tremblant in the autumn of 1999. Over 500 representatives from twenty-five countries, including the Presidents of the United States and Mexico and the Prime Minister of Canada, participated. Major presentations and papers of the conference were subsequently published in the *International Social Science Journal* ,

special issue 167, 2001. Among the themes upon which the conference focused were social diversity and federation, economic and fiscal federalism, intergovernmental relations, and federalism and the welfare state. Such was the success of this conference, that it was decided to put the Forum of Federations on a permanent basis with its own international board chaired by Bob Rae, a former premier of Ontario. Initially the funding for the Forum came totally from the Canadian federal government, and although it still contributes the largest share, the Forum has now evolved to the point where governments in seven federations (Australia, Austria, Canada, India, Nigeria, Mexico and Switzerland) are contributing members. A number of others are contemplating membership, and the current chairman of the board is a former President of Switzerland.

The Forum is particularly concerned with the contribution that federal arrangements make and can make to the maintenance and construction of democratic societies and governments. It has been pursuing this goal by building international networks fostering the exchange of experience on federal governance, enhancing mutual learning and understanding among practitioners in federations, and disseminating knowledge and technical advice of interest to practitioners in existing federations and of benefit to countries seeking to introduce federal elements into their governance structures.

Among the major activities of the Forum has been the sponsorship at three yearly intervals of major international conferences of practitioners and academics on federalism. The second was held at St. Gallen, Switzerland in 2002 with over 600 participants from more than 60 countries. The conference papers and proceedings (Blindenbacher and Koller, 2003) contain a wealth of material on the three major themes of that conference: federalism and foreign relations (51-193), federalism, decentralization and conflict management in multicultural societies (195-347), and fiscal federalism (349-516). The third international conference was held in Brussels in 2005 with over 1000 participants from some 80 countries, considering the themes: the foundations of federalism, federalism and the

distribution of responsibilities, federalist techniques and functioning methods, and federalism in international relations. The fourth international conference is scheduled for Delhi in November 2007.

In addition to these major international conferences, a particular activity of the Forum has been its Global Dialogue on Federalism program which it has conducted in association with the IACFS. This has involved the consideration of particular themes relating to federalism. In all it is planned to address a dozen or so themes, but the first seven focus on (1) the role of constitutions in federations, (2) the distribution of powers and responsibilities in federations, (3) legislative, executive and judicial institutions in federations, (4) financial arrangements in federations, (5) the handling of foreign relations and policy in federations, (6) the place and role of local governments in federations and (7) diversity within federal systems. For each theme a dozen or so federations, always including a basic six (United States, Switzerland, Canada, Australia, Germany and India) plus a varied selection of others is examined. For each theme a country round table of practitioners and academics is held in each country, followed by an international round table drawn from the country round tables. These dialogues have then provided the basis for a comprehensive book on each theme supplemented by a brief booklet for those wishing an overview. The Senior Editor of the series is John Kincaid. To date publications have already resulted from the first three themes, Kincaid and Tarr (2005), Majeed, Watts and Brown (2005) and LeRoy and Saunders (2006). The fourth (Shah) on fiscal relations is expected to appear during 2007, with the fifth (Michelman) on foreign relations and sixth (Steytler) on local government themes due to follow soon after. These are producing substantial increases in the resources available in comparative federal studies.

In addition to these two major activities the Forum also conducts a governance program to make available expertise to a wide range of newer or potential federations. This has included programs in Mexico, Brazil, Nigeria and India and also in Sri Lanka, the Philippines, Iraq and

Sudan. For this work it has developed formal liaison arrangements with a variety of organizations in individual federations and more recently with the IPSA Research Committee on Comparative Federalism and Federation.

As part of its effort to further the international exchange of information among federations, the Forum also produces several times a year a magazine *Federations*, which contains brief articles, mainly directed at practitioners, on recent developments in federations around the world. It also publishes a separate newsletter on its own activities. At regular intervals a *Handbook of Federal Countries* (2002, 2005) carries on the role previously filled by Elazar (1991b and 1994a). During its brief history the Forum has also developed a website making available a vast array of articles on various aspects relating to the operation of federations.

Although the primary thrust of the Forum is to serve practitioners within federations or pre-federations rather than to be an association of scholars, the Forum, by gathering information and providing opportunities for the exchange of experience in different federations, has contributed enormously to broadening the base for comparative federal studies.

THE CUMULATIVE STATE OF COMPARATIVE FEDERAL STUDIES

The cumulative scope of comparative federal studies

From the preceding historical survey it is clear that the cumulative result has been a substantial body of comparative studies relating to federalism as a concept, to the analysis of the formation and operation of federal political systems generally and more specifically to federations. In different historical periods the focus on particular issues has varied, but the cumulative effect has been to establish a broad base on which future research and literature can continue to be built.

At the beginning of the twenty-first century, we may identify a broad range of sub-fields in each of which a substantial body of comparative federal studies has been built up (Watts 1998).

Federal Theory

One major area has been the development of federal theory and its relationship to practice, a subject which is dealt with more fully in the following chapter by Michael Burgess and Franz Gress. Federal theory has evolved from that in the *Federalist Papers* through Wheare (1945), Birch (1955), King (1982) and Elazar (1987, 1995, 1996). This evolution is comprehensively covered by Burgess (2006). The result is a movement from a largely exclusive and legalistic and institutional focus on federations to a broader focus upon complex social and political relationships and their interaction.

The Impact of Federal Societies

In the realm of descriptive comparative analysis of federal political systems and of federations one may identify a number of areas in which there is now a substantial body of scholarly literature examining the interaction between 'federal societies' and their political institutions. Among studies emphasizing this aspect have been Livingston (1952), Watts (1966), Stein (1971) and Blindebacher and Watts (2003: 12-16). An important aspect of this has been the comparative study of the factors and processes affecting the formation and evolution of federal systems. This has been considered by Friedrich (1968), Riker (1975), Dikshit (1975), Watts (1981), Elazar (1987, 1994b), Hesse and Wright (1996) and Kramer and Schneider (1999). These have examined the interaction among geographical, historical, economic, ideological, security, intellectual, cultural, demographic and international factors inducing simultaneous pressures for both unity and regional diversity, and the significance of these factors in leading to the consideration of unitary, federal and confederal alternatives and influencing their subsequent operation. Also significant, Friedrich (1968) and Watts (1999: 36) have noted, is whether the process of establishment has involved aggregation, devolution, or a mixture of both. Pinder (in Burgess and Gagnon, 1993) has also pointed out the significance of whether the creation of the federal system was achieved all at once or by stages. Another important aspect of the establishment of federal systems is the degree of

elite accommodation, negotiation among political parties and public involvement in the process of creation (Riker 1975; Watts 1981).

Once established, federal systems are not static structures, but dynamic evolving entities. Historical accounts of individual federations make this clear hence the importance of a number of recent comparative general studies of patterns in the evolution of federal systems such as those by Duchacek (1970, 1987), Elazar (1987, 1994b), Orban (1992) and Watts (1999). These various analyses have contributed to our understanding of how the interactions of social, political, economic and ethnic factors have shaped institutional structures and political processes, producing trends toward centralization in some federations and decentralization in others.

The Role of Constitutions in Federations

While the comparative study of federal systems and federations is no longer confined to a legalistic and institutional focus, nevertheless, federations are a form of constitutional political system, and therefore, an analysis of the role that constitutions play in their establishment and operation is one particularly important aspect. Here Elazar's focus on the covenantal character of federations (Kincaid and Elazar, 1985) has had an important influence. More recently the first volume of the Forum of Federations/IACFS Global Dialogue series (Kincaid and Tarr 2005), is devoted to an in-depth analysis of the constitutional origins, structure and change in a range of federations, and provides an up-to-date overview of the importance and role of constitutions in federations.

Institutional Patterns: Centralization, Decentralization and Noncentralization

Historically, the distribution of legislative and executive powers and the impact of this upon policy-making within federations has been a major area of comparative studies in a tradition that goes back to Wheare (1945) and comes down to the present with the publication in 2005 of the second volume in the Global Dialogue series of the Forum of Federations/IACFS (Majeed, Watts and Brown, 2005). What is clear

is that there is an enormous variation in both the form and scope of the distribution of constitutional powers in different federations, and no single quantifiable index can portray the extent of both autonomous decision-making and co-decision making within federations.

Although federations have often been characterized as decentralized political systems, a number of studies have emphasized the distinction between decentralization and noncentralization. Elazar (1987) was one who stressed this distinction, noting that what distinguishes federations from decentralized unitary systems is not the scope of decentralized responsibilities, but the constitutional guarantee of autonomy for the constituent governments in the responsibilities they perform. Where 'decentralization' implies a hierarchy of power flowing from the top or centre, 'noncentralization' suggests a constitutionally structured dispersion of power, better representing the essential character of federations.

A related concept that has recently received considerable attention, especially in Europe, is the principle of 'subsidiarity', the notion that responsibilities should be assigned to the lowest level of government that can adequately perform them (Burgess, 2006: 147-7). Although philosophically appealing, this principle has in practice proved difficult to operationalize legally because of the critical question of who ultimately determines the application of the principle.

Institutional Patterns: The Character of the Institutions of Shared Rule

A crucial variable affecting the operation and internal political dynamics of federations has been the executive-legislative relationship within the shared institutions. The different forms of this relationship are exemplified by the separation of powers in the presidential congressional structures of the United States and the Latin American federations, the fixed-term collegial executive in Switzerland, and the executive-legislative fusion with responsible parliamentary cabinets in Canada, Australia, Germany (with some modifications), Belgium,

India and Malaysia. These and their electoral systems have shaped not only the character of politics and administration within the shared representative executive and legislative institutions, but also the nature of intergovernmental relations and the generation of cohesion or conflict within federations. Among studies that have examined the significance of these institutional patterns have been Olson and Franks (1993), Saunders (1995), Verney (1995), Watts (1999: 83-97) and Hueglin and Fenna (2006: 179-214). The third volume of the Forum of Federations/IACFS Global Dialogue series edited by Katy Leroy and Cheryl Saunders and deals in depth with the legislative, executive and judicial institutions within different federations.

One feature of most federations has been the clash between pressures for regional equality and for citizen equality in the arrangements for representation in the shared institutions. As King (1993) has noted, most federations have sought to balance these two types of equality in representation through a bicameral federal legislature. In the works noted above in this section a number of scholars have focused specifically on the variety of these bicameral arrangements in different federations: Duchacek (1970, 1987), Watts (1970a), Tsebelis (1995, 2002), Brzinski et al. (1999), Lijphart (1999), Patterson and Mughan (1999), Stepan (1999, 2004abc) and Swenden (2004).

The Importance of Economic Factors

The benefits of economic union have been a traditional motive for the establishment of a federal political system and among the particularly relevant studies have been Robinson (1960) and Saunders and Mullin (1994). More recently the emergence of a global economy has had a major impact on the relative roles and activities of federal and constituent unit governments. This has led to a consideration of this impact upon the character of federal systems in such works as Knop et al. (1995), Boeckelman and Kincaid (1996), Lazar, Telford and Watts (2003) and Burgess (2006: 251-268).

The Distribution of Financial Resources

The allocation of financial resources to each order of government within a federation is important for two reasons. First, financial resources enable or constrain governments in the exercise of their constitutionally assigned legislative and executive responsibilities. Second, taxing powers and expenditures are themselves important instruments for affecting and regulating the economy. In practice it has proved impossible to design a federal constitution so that the allocation of autonomous revenue sources to each government will match precisely its expenditure responsibilities. Even if such a match can be roughly achieved initially the relative value of different taxes and the costs of fields of expenditure inevitably shift over time, creating imbalances. This has meant that federations have had to resort to a variety of financial transfers to correct both vertical fiscal imbalances between orders of government and horizontal financial imbalances arising from differences in the revenue capacities and expenditure needs of different constituent units.

Consequently, there has developed a vast specialized comparative literature on the experience of different federations with revenue sharing, conditional and unconditional grants, equalization arrangements, and the intergovernmental institutions and processes for adjusting fiscal arrangements. More recent comparative studies contributing to an understanding of these issues have included Bird (1986), Bell and Linn (1994), Rao (1995), Boothe (1996), Watts (1999b), Bird and Stauffer (2001), Blindenbacher and Koller (2003: 349-516), Jeffery and Heald (2003), Boadway and Watts (2004) and Watts (2005). It should be noted also that the forthcoming fourth volume in the Forum of Federations/IACFS Global Dialogue series, edited by Anwar Shah and due in 2007 will focus upon a comparative review of fiscal federalism.

Intergovernmental Relations

Beginning with the work of Jane Perry Clark (1938) in the United States and Birch's (1995) post-war extension of cooperative federalism to comparative studies, it has become generally

recognized that the inevitability of overlap and interdependence in the exercise by governments of their constitutional powers has generally required extensive intergovernmental consultation, cooperation and coordination. This has led to a recognition of the importance of studying intergovernmental relations as a key element in the operation of federal systems and federations. Indeed, virtually every issue of *Publius: The Journal of Federalism* has contained articles focusing on some particular aspect of intergovernmental relations and its impact on policy outcomes. In the United States, Deil Wright (1982) produced the classic work on this subject, but there have been a number of comparative studies in this field also. Scharpf's (1988) analysis of co-decision making in Germany has attracted widespread attention by identifying "the joint-decision trap" reducing opportunities for flexibility and initiative. Among other comparative analyses are Warhurst (1987), Watts (1989), Cameron and Simeon (2000), and Trench (2006). Particularly prolific in the area of intergovernmental relations has been R. Agranoff (1996, 2000, 2004, 2007). It should be noted that although many earlier studies of intergovernmental relations within federations concentrated upon "cooperative federalism" some more recent ones such as Cameron and Simeon (2000) and Trench (2006) have emphasized the importance of "competitive federalism" within federations and the degree to which intergovernmental "collusion" may undercut democratic accountability.

Closely related to the study of intergovernmental relations have been a number of studies analyzing the role and impact of political parties, including their number, their character and the relations among federal, state and local branches, as important elements in understanding the political dynamics within federations. Riker (1967, 1975) was a pioneer in this area. More recent studies examining the impact of political parties on the operation of federations have been Gunlicks (1989), comparing parties in Germany, Switzerland and Austria, Sharman (1994), comparing Australian and Canadian parties, and Hrbek (2004), an international comparison. These studies have tended to indicate that the impact of parties on

the operation of federations is more complex than Riker had originally suggested and that political parties have reinforced both intergovernmental cooperation and competition.

The Role of the Courts

Most federations, along with the European Union, have relied on the courts to play the primary adjudicating role in interpreting constitutional law and adapting it to changing circumstances. The exception has been Switzerland, where the legislative referendum has played the major adjudicating role in defining the limits of federal jurisdiction. Elsewhere, most analyses of the operation of individual federations have included extensive examination both by the constitutional lawyers and political scientists of the role and impact of the courts. Comparative studies of this aspect are limited in number, however, although note should be taken of Wagner (1959), Coper (1989) and Bzdera (1993). The latter attempted to document the tendency of federal courts of appeal appointed by federal governments to augment through judicial review the powers, values and institutions of the federal government at the expense of the constitutional units. From Wheare (1945) on, general comparative studies of federations have normally included comparative sections on the impact of judicial review, recent examples being Watts (1999: 100-108), Hueglin and Fenna (2006: 275-314) and Burgess (2006: 156-160).

Federations and the Welfare State

Beginning with Birch's (1955) study of federalism, finance and social legislation, there has been continued discussion of the extent to which federal institutions facilitate or hinder the objectives of a welfare state. The issue has remained current to the present day and Obinger, Liebfried and Castles (2005) and Greer (2006) each contain collections of chapters examining this issue. What emerges from these studies is that a decentralized polity does not necessarily imply a weaker welfare state, and that federations have in practice proved remarkably flexible structures of governance in achieving welfare policies.

Federations, Liberties, Rights and the Consolidation of Democracy

A traditional argument in support of federal political systems is that the constitutional dispersion of powers inherent in this form of political organization protects and enhances the liberties and rights of its citizens and particularly its minorities (see Agranoff, Draft Introduction to this volume: 18-20; Elazar 1987: 91; King, 1982: 58-9). In comparative terms, it is notable that most federations have included in their constitutions a set of constitutional fundamental rights and some have incorporated additional provisions particularly to safeguard minorities within minorities (Watts, 1999: 104-7).

A closely related issue is that of the degree to which federal political systems enhance or curtail democracy. The checks upon the powers of the federal government which have been inherent in most federations and particularly the usual existence of a bicameral federal legislature have often been interpreted as constraints upon the *demos* conceived as the simple majority of the federation's total citizenry. Indeed, Stepan (2004 a, b, c) has applied the concepts of "demos-constraining" and "demos-enhancing" to an analysis of the variety of representative institutions in a range of unitary and federal systems. What emerges from such studies is that the issue of the relation between federalism and democracy is much more complex than would appear to be the case at first sight. Indeed, as Agranoff notes in his introduction to this volume (p. 24), (1) federal political systems entail a democratic basis since the notion of self-rule is incompatible with authoritarian government, (2) federal systems enhance democracy by extending self-rule to multiple levels of government (see also Pennock, 1959), and (3) federal systems through institutions for shared rule facilitate the bringing together of disparate social, economic, ethnic and religious interests. These issues are very much a focus of contemporary discussion as illustrated for instance by Ghai (2000), Gagnon and Tully (2001), Gibson (2004) and a conference held at Kent University Britain in 2006 on the subject of "Federalism and Democracy".

Symmetry and Asymmetry with Federal Political Systems

As previously noted, the issue of asymmetry among the constituent units within a federal system has attracted considerable attention from scholars in recent years. Fuelling this interest has been the debate within the European Union about the concepts of "variable geometry" proceeding at "varying speeds," the debate in Canada about Quebec as a "distinct society" differing from other provinces, and the asymmetrical constitutional arrangements or practices within the Spanish, Belgian, Indian, Malaysian and Russian federations. In the analysis of asymmetry within federal political systems, two types of constitutional asymmetry need to be distinguished. One is asymmetry among the full-fledged constituent units within a federation. The cases cited above all provide examples and among the analyses of these are Milne (1993 in Burgess and Gagnon), Maclay (1992), de Villiers (1994), Watts (1999: 63-68), Agranoff (1999) and Burgess (2006: 209-225). These studies suggest that asymmetry among constituent units within a federal system does introduce complexity and often severe problems, but that for some federations it has proved necessary in order to accommodate severely varied regional pressures for autonomy.

A second form of constitutional asymmetry is the relationship between a small or peripheral state (often an island or group of islands) and a larger state (often a former colonial power), in which the smaller unit shares in the benefits of association with the larger polity but retains complete internal autonomy and self-government. Elazar (1987) identified a variety of such forms of asymmetry which he labelled 'associate states', 'federacies' and 'condominiums', all as distinct types within the broad genus of federal political systems. To date, no in-depth comparative analysis of this type of asymmetry has yet been undertaken, however.

The Pathology of Federal Systems

Early comparative studies of federal political systems tended to concentrate upon their establishment and operation, but there is now a

considerable body of scholarly literature examining cases of internal stress and the conditions and processes leading to breakdowns. Among these analyses have been Franck (1966), Watts (1977), Hicks (1978), Dorff (1994), Cox and Franklund (1995), Young (1995), Dion (1995), Watts (1999: 109-115) and Burgess (2006: 269-282). All of these studies point to the danger of a cumulative reinforcement of political cleavages resulting in the development of increasingly polarizing processes that undermine support for tolerance and compromise. Furthermore, the particular difficulties of bicomunal societies and polities have proved noteworthy (Duchacek, 1988).

The Comparison of Federal and Non-federal Political Systems

The tradition of contrasting federal and non-federal political systems has a long tradition going back to the nineteenth century. Among noteworthy theoretical arguments emphasizing the inherently beneficial features of federal political systems have been those of Pennock (1959) and Landau (1973). More recently, there have been a number of studies attempting to show on the basis of comparative empirical analyses that federal systems on balance facilitate political integration, democratic development and economic effectiveness better than non-federal systems. Here the work of Lijphart (1984, 1999), the edited volume by Wachendorfer-Schmidt (2000) and the current research of Kincaid are noteworthy in this respect.

Conclusion

The extensive literature that has been built up over time through comparative federal studies points to three broad conclusions. First, federal political systems combining shared rule and regional self-rule do appear to provide a practical way of combining the benefits of unity and diversity through representative institutions, but they are not a panacea for humanity's political ills. Second, the effectiveness of a federal political system depends in large measure on the degree of public acceptance of the need to respect constitutional norms and structures, and on a prevailing spirit of tolerance

and compromise. Third, within the broad spectrum of federal political systems and even within the narrower category of federations, there has been an enormous variety in the application of the federal idea. Indeed, it would appear that the extent to which a given federal system can accommodate political realities depends not merely on the adoption of a federal structure, but on whether the particular variant of federal system or federation that is adopted or evolved, and the processes it incorporates, give adequate expression to the circumstances and needs of that particular society. As Elazar (1993) has noted, the application of federalism involves a pragmatic prudential approach, and its applicability in different and changing circumstance may well depend on further innovations in the institutional features adopted. The challenge for scholars is to contribute through further critical, objective and comparative analyses to a better understanding of what is required in the establishment of new federations or in making existing ones more effective.

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