INTRODUCTION

One central concept comes to mind in connection with the academic writings of Ronald L. Watts: federalism. Further consideration gives rise to two more thoughts, namely, definitional clarity about federalism and the facts of comparative federalism. My question is simply this – is that all there is? Is the Watts oeuvre nothing more than an analytical catalogue of all things federal?

My answer to the question is – no. That’s not all there is. On the contrary, there is a good deal more. However, it takes a little digging to find it. Watts is so utterly professional in the approach to his work that he has done a superb job of hiding his politics. But the politics are there. The easiest way of getting at them is to ask why he has been so interested in federalism that he has devoted a life of study to it. Clearly he finds in federalism both the techniques and the values that assist citizens to meet the ongoing challenges of living together in fairness and peace.
In the remainder of the paper, I propose to examine the techniques and to uncover the values. They are linked closely to one another. As promulgated by Watts, the design of the federal system is sufficiently elastic to enable political actors to find in it creative processes to meet a vast array of demands from regionally-based communities as well as citizens at large. In the processes are the values. Put differently, the pursuit of the processes is consistent with a particular set of values, without which political actors undoubtedly would choose to settle matters differently.

Before turning to the techniques and values associated with federalism, however, it is essential to consider the empirical side of the equation, the definitions and the facts. This is undoubtedly the side with which innumerable students of government and politics are most familiar.

EMPIRICAL WORK ON ALL THINGS FEDERAL

DEFINITION OF THE FEDERAL POLITICAL SYSTEM

E. E. Schattschneider reminded the group theorists of the mid-twentieth century who were wont to cast all politics in the mould of interest-group politics of the need to “get hold of something that has scope and limits and is capable of being defined” (1975, 22). Otherwise, he said, the subject has no beginning, no end, and ultimately no significance whatsoever. In a careful and consistent approach to the definition of his subject, Watts has given federalism a beginning, an end and therefore significance for those looking for assistance in crafting governmental arrangements and processes in response to the demands of diverse societies.
While Watts’ understanding of what is at stake in the work of defining the federal system has been consistent, the actual definition itself has been a work in progress. In *Administration in Federal Systems*, published in 1970, he wrote that the federal system is “a political system characterized by two sub-systems, one of central government and the other of state governments, in which the component governments are co-ordinate, in the sense that neither is politically subordinate to the other, but which interact with each other at many points both co-operatively and competitively” (1970, 8). At this early stage he was concerned to broaden the definition beyond the legal dimension to include the administrative, financial and political dimensions, and to counter the excessive (in his view) focus of analysts on the cooperative behaviour among governments at the expense of the rivalries between them.

In 1985, Watts and Donald V. Smiley expanded the definition of the federal system to include the concept of intrastate federalism, that is, the ways in which the interests of the regional governments and/or the residents of the regions are represented in the structures and operations of the central government (Smiley, 1985, 4). A few years later this conceptualization took the form known to many students today, that is, “two (or more) levels of government which combine elements of *shared-rule* through common institutions and *regional self-rule* for the governments of the constituent units” (1996, 7). The reference to common institutions is the invitation to consider whatever intrastate components they might possess, an exercise best accomplished in the study of particular federal systems and how they actually work.
DISTINGUISHING THE CONCEPTS OF FEDERALISM, THE FEDERAL POLITICAL SYSTEM AND FEDERATIONS

Latterly Watts has fixed on the utility of distinguishing between the concepts of federalism, the federal system and federations. He says that the term, federalism, is now a normative concept associated with such goods as democracy, freedom, sharing, diversity and the maintenance of identities. It is about finding ways of enabling citizens to combine political integration and political freedom within a system of government that is based on consent (1998, 4). On the other hand, the concept of the federal political system that is outlined above is an empirical one. It is also an umbrella concept within which are housed many combinations of shared rule and regional self-rule ranging from decentralized unions at one end to the league at the other, not to mention the variations in between (1996, 13). Latterly Watts has attended to yet another component of federal political systems, namely, the variety of de facto and de jure asymmetrical arrangements embodied in the structural relationships between the member states and the general government (1999).

For its part, the concept of a federation refers specifically to the American model, and it remains one of the best known types of federal political system. According to Watts, the key feature of a federation is that the powers of the federal government and the governments of the constituent units are derived from the constitution rather than from one another, so that neither is subordinate to the other. In a list often consulted by political-science instructors and their students, he includes other features: two elected orders of government that act directly on the citizens within their boundaries; a written constitution that is not amendable unilaterally by any of the parties to it and provision for
an umpire or final interpreter of the constitution to determine disputes arising under it; a constitutional division of powers among the governments and an allocation of revenue resources to them; provision for regional representation within the decision-making arrangements of the federal government; and the establishment of avenues of intergovernmental collaboration where that is required (1996, 13).

THE IMPORTANCE OF THE DEFINITIONAL EXERCISE

In specifying the scope of the subject matter, Watts lets us get hold of it and helps us to avoid confusing one thing with another. The real eye opener, however, is the commentary that accompanies the definitional exercise, from which it is clear that the right start is everything. The right start is to reject the definitions of the federal political system advanced by the likes of A. V. Dicey, W. P. M. Kennedy and K. C. Wheare. Why? First, because their definitions are too strict, too confining, too exclusive, and leave out almost anyone and anything with a claim to the federal label. Let us consider Watts’ handling of Wheare.

Wheare said that the essence of the federal system is the allocation of power among the federal and regional governments such that each is independent of the other within its own sphere of jurisdiction. As a result, neither level of government is subordinate legally to the other (1963, 10). As Watts points out, even Wheare had to concede at the time of writing in 1945 that, strictly speaking, no federation met the standard of his definition, either in law or in practice. This was not a promising effect of the exercise. Neither was the trend particularly helpful, since the older federations were heading into a period of centralization following the second World War that in some
cases would sharply curtail the so-called independence of the regional governments (1970, 6).

Critical of the exclusionary effect of Wheare’s essentialism, Watts continually has sought a definition of the federal system that is mindful of practice as well as law. He knows that political processes can negate unitary features of a system or modify them in the direction of federal practices. He is open to the complexity of the interactions among the governments of federal systems. To the charge that the independence of governments is the key to the federal puzzle, since otherwise governments form a dominant-subordinate relationship, Watts responds that the interdependence characteristic of the conduct of governments in federal systems is not necessarily hierarchical. In practice, he says, it is interdependence that secures the coordinate, non-subordinate position of the constituent governments of most federal systems, not constitutionally-sanctioned independence (1970, 7).

Being so rigid and therefore exclusionary, Wheare’s definition can have the effect of deterring the student of federalism from looking at a vast array of federal-like arrangements and practices. And therein lies a second reason why Watts rejected it from the beginning. The definition is not practical or useful to political and administrative actors who are looking for workable solutions along federal lines. From their standpoint, the workable and the practical win the day over “purity” and “theoretical niceties.” “Federalism,” Watts writes, “is not an abstract ideological model to which political society is to be brought into conformity, but rather a way or process of bringing people
together through practical arrangements intended to meet both the common and diverse preferences of the people involved” (1998, 4).

A final reason that Watts rejects Wheare’s definition of the federal system is best described in his own words as the “spirit of federalism,” by which he means the habits of pragmatic compromise and negotiation (1998, 4). He reminds us that the constitution of the United States, the first modern federation, was the product of such behaviour. The implication is that the pragmatism often required to get the federal project underway in any particular country should inform the analyst’s understanding of what federalism is really about – and it is not about a fixed definition. And so we are left with Watts’ definition of the federal system as the combination of shared-rule and regional self-rule. It is broad enough to cover off a remarkably wide set of governmental arrangements; it is useful to politicians and administrators who are looking for workable federal solutions to various problems; and it is consistent with the pragmatic, flexible approach to negotiation that produced the American model of federalism and many other federal states. All of which raises this question – why does Watts want to include so many political systems in the federal category?

COMPARATIVE FEDERALISM

Watts is a student of comparative federal political systems who has developed a definitional approach to the subject that results in the inclusion of a staggering number of countries under the federal umbrella. He includes “hybrids,” that is, countries with
unitary features as well as federal ones. He even mentions the possibility of innovations as yet unknown (1998, 5). His is a catholic approach.

If there is a good reason for this approach, it comes down to one thing - problem-solving. Not problem-solving on a small scale but problem-solving on a grand scale. The problem is nothing less than the stable accommodation of diversity in unity. It is about how to get citizens who are unlike one another in politically significant ways to live together, on their own volition, peaceably and fairly. Watts describes it as the search for political structures that accommodate the “powerful concurrent pressures both for larger political units and for smaller autonomous regional entities” (1998, 14).

Given the size of the problem, it is hardly any wonder that Watts prefers to work from the largest toolbox possible. As already indicated, he has amassed evidence from a large number of countries, the political arrangements of which exhibit some type of federal feature. Variety abounds. Nevertheless, the federal tools in the box are not simply there for the taking. Arrangements that look good on paper and work well in one system – say, the design of the Australian Senate - are not necessarily suitable for another. They get lost in the translation. Watts has been fully aware of the implications of this commonplace from the outset, and he is careful to distinguish between the formal federal arrangements and techniques in any one political system and the context within which they are given effect by those who administer the state. To paraphrase his teaching, the particular form that federal arrangements take in any one system needs to be understood against the contextual backdrop that prevails there.
As might be expected, the aspects of the backdrop to which Watts draws attention are numerous, beginning with the very building blocks of any federal system, that is, the number, size (in terms of population and territory) and economic wealth of the constituent units of the system. The effect of such factors on the choice of federal institutions and how well political and administrative leaders make them work are compounded by another set of factors, namely, the political institutions not normally regarded as federal that operate along with the federal arrangements. An obvious example is the form of government, that is, whether it is parliamentary or congressional, a mixture of both, or something uncommon, like the collegial executive of the Swiss. Another is the existence or otherwise of an entrenched bill of rights. Such institutions are bound to affect and be affected by the strictly federal ones.

Watts offers yet another set of factors - the political processes that citizens use to articulate their interests to elected and unelected governmental actors, processes that are also used by governments to speak to citizens. Among them are interest groups and movements, political parties, the media and the informal networking of societal elites. They play a significant role in the degree of internal cohesion and intergovernmental cooperation found in the system. Finally, there is the most complex factor of all - the economic, cultural and social makeup of the society itself.

Although he never fails to fill in the details of the backdrop that needs to be considered in connection with any particular federal system, Watts’ comparative
federalism is never merely a study of particulars – interesting in its own right but unhelpful in tackling the problem of accommodating diversity within unity. Certainly he is quick to caution his readers not to expect too much from the comparative exercise (1996, 1-2). Yet he also observes that, despite the dissimilarities among them, federal systems face many common problems. That being so, he outlines good reasons to study comparative federalism: to get a better grasp of cause and effect relationships within federal systems; to see more clearly why our own federal system operates the way it does; to distinguish the more successful from the less successful federal arrangements; and to identify new solutions to old problems (1996, 2).

Happily, Watts is his own test of the usefulness of comparative federalism. Throughout his career he has looked to the resolution or amelioration of problems that arise in federal systems. There are many examples of Watts in the role of the political scientist in action, and they stand as a model of what political scientists usefully do. In the next section I examine three of them: Nigeria; Canada and the Meech Lake Accord; and Canada and Aboriginal self-government.

PROBLEM SOLVING

NIGERIA

Nigeria is an example of thinking big. As he explains in the preface to *Administration in Federal Systems*, 1970, Watts put the book together on the basis of a series of lectures and seminars that he offered to government officials in Nigeria in 1969, while the country was still in the midst of a civil war. The theme is the administrative arrangements in federal systems and the connection between these arrangements and fundamental political
issues. Clearly he was looking to offer his audience useful data about other federal systems that they might consider in relation to the amendment of their own as well as some home truths about securing effective and peaceful government.

The home truths reflect sound judgement about governmental and political matters. The book is full of them, a good example being the section on the impact of the form of executive on intergovernmental administrative arrangements. Watts draws the structural contrasts between the American presidential system and the Swiss collegial system, both predicated on the principle of the separation of powers, and responsible cabinet government, predicated on the principle of the collective responsibility of the executive to the legislature, and then proceeds to outline the effects of each for intergovernmental processes and for cohesion within the federal system. In the American and Swiss cases, he points out, the effect is to give administrators at each level of government more freedom to negotiate with one another within their areas of expertise. Not so in the cabinet model, where the collective responsibility of the cabinet for all executive matters tends to elevate the role of the elected politicians in intergovernmental negotiations and restricts the role of the public servants in them. Watts’ analysis is far more detailed than this summary of it, of course, but the point to be stressed is that it holds up today.

So does the analysis of the same linkage between structure and process, this time with political parties as the intervening variable. In the American and Swiss cases, Watts says, the fixed executive coincides with somewhat undisciplined political parties that are
unable to maintain close control of the administrative side of government. As a result, public officials can and do take on a bit of a political role in lobbying for their preferred programmes. By contrast, in parliamentary systems the dependence of the cabinet on disciplined political parties leaves little room for administrators as independent political actors outside the cabinet system (1970, 20).

The structure of the executive has an impact on the cohesiveness of federal systems, which is always a concern. Watts makes the argument that in the United States, the combination of the fixed executive and the need for political mobilization generated by the checks and balances sewn in the system have combined to prod the country’s political leadership to generate a broad consensus on important public policies, not all of the time, and not at the time he was writing in 1970, but much of the time. The downside, he remarks, is the length of time often required to construct the consensus during which very little is accomplished. By contrast, the lack of checks and balances in the parliamentary systems enables majority governments to get a lot of things done, although not necessarily on the basis of widespread consensus. Thus the political parties have an important role to play in the reconciliation of the conflict of viewpoints. He writes: “If the political parties fail in this task, and particularly if a fragmented multi-party system or primarily regional parties develop, the parliamentary federation becomes prone to political instability” (1970, 22). He includes Canada in the years 1962-8 as an illustration of the point. One cannot help but think that Canada is now an even better example.
Before leaving the Nigerian example, it must be stated that the book is utterly non-judgemental. Written in the first instance for the Nigerian audience, there is nothing in it that would have signalled to the Nigerians that their problems were unique or somehow worse than anyone else’s. The tone invariably is objective, calm and helpful. There is really only one piece of advice. Written in Watts-speak, it needs to be taken seriously: “experience would seem to indicate that in multi-ethnic or large countries, the alternatives [to federalism] have rarely been very successful” (1970, 9).

CANADA AND THE MEECH LAKE ACCORD

In the midst of the impasse in Canada over the proposed Meech Lake Accord, Watts, along with Darrel R. Reid and Dwight Herperger, pursued the idea of a parallel accord as a way out of it. The deadline for the ratification of the Accord on 23 June 1990 was fast approaching, and only Parliament and seven provincial legislatures had voted to approve it. Newfoundland rescinded an earlier vote of approval, and New Brunswick and Manitoba remained hold-outs, demanding that changes be made to the agreement. Meanwhile Quebec, the constitutional satisfaction of which was the real target of the Accord, insisted that no changes be made to it.

There was talk in the air about a companion resolution or parallel accord that would stipulate additional provisions to satisfy the objectors. New Brunswick introduced such a resolution in the province’s legislative assembly. Accordingly, Watts, Reid and Herperger saw value in examining the American precedent as embodied in the Bill of Rights, a companion resolution if ever there was one. The result, a study of the ratification of the constitution drafted at the Philadelphia Convention in 1787 and the
later addition of the first 10 amendments of the constitution, is a classic exercise in useful public-policy analysis.

Lest the exercise be regarded as naïve or the comparison far-fetched, the authors are careful to outline fully the differences between the two cases as well as the similarities. They point out that the Americans were considering a new constitution while the Canadians were looking at a set of amendments to the existing one; the Americans used specially elected state ratification conventions while the Canadians resorted to their incumbent legislatures; the Americans required that at least nine of the thirteen states ratify the constitution while the Canadians demanded unanimity. Such procedural differences, they continue, imply disparate risk analyses on the part of the participants, the American venture being more high risk than the Canadian one. In addition, there are huge contextual differences to ponder, which they do, an example being the sustained and in-depth character of the American debate of the late eighteenth century versus the skimpier, mediated Canadian debate of the late twentieth century.

By contrast, the list of similarities is shorter. As the authors state, in both cases the proposed documents in question were hammered out in *in camera* negotiations and on release proved to be more extensive than the respective attentive publics expected; the reception the proposals received in the states and in the provinces ran the gamut from enthusiastic to deeply skeptical; concerns were expressed that the proposals would implicate the rights of individuals; and for some, the futures of nations were at stake (1990, 3-5).
Whether or not the similarities seem enough to go on, for Watts and his co-authors one compelling feature of the American case – and a lesson to draw from it - is the adroitness with which the supporters of the Philadelphia constitution shifted tactics to win the support of enough skeptics to succeed in their endeavour. They demonstrated flexibility, a prized Wattsian virtue in political conduct, by signaling their commitment to amend a ratified constitution by adding to it some rights provisions demanded by opponents. And they persuaded their opponents that they could be trusted to keep the promise. In applying the point to the Meech Lake situation, the authors write that “the key to saving the Accord…may lie in keeping the Accord intact while at the same time making in a parallel agreement a firm commitment to additional constitutional revisions that would accommodate the concerns of the reluctant provinces” (1990, 67).

The other lesson that the authors report from the American experience is the need of proponents of a proposal as significant as the Accord to explain fully what they are doing and why. In other words, the need of public debate - not just a partisan debate or even a robust, lively debate but also an informed debate. This is exactly what the proponents of the Philadelphia constitution were able to do, one of the highlights being the series of newspaper articles that came to be called The Federalist. The proponents joined with their opposite side to produce a very high level of public discussion that was carried on throughout the society, not simply at the elite level. By contrast, the authors point to the surveys of public opinion conducted during the three-year ratification period of the Accord that showed not only declining support for it but also an alarming lack of
knowledge about it. Over two-thirds of those surveyed indicated that they knew very little about the proposal (1990, 31-2).

The Meech Lake Accord died before the idea of a parallel accord got too far off the ground. It is impossible to know whether a concerted, early drive to rescue the accord with the promise of further amendments would have been a successful strategy or not. Nevertheless, in their monograph Watts, Reid and Herperger offer a useful discussion of the American case along with some shrewd observations about the reasons for the success of the strategy there. Since Canada faces a lot of unfinished business on the constitutional front, the idea of a parallel accord might still have a future, in which case students of these matters would do well to consult their analysis.

ABORIGINAL SELF GOVERNMENT
In a paper prepared for the Royal Commission on Aboriginal Peoples (RCAP), Watts writes about federalism in connection with the accommodation of distinct groups within the state in general and the Aboriginal quest for self-government in particular, or at least self-government within the Canadian state. He makes a convincing case that the federal idea and therefore federal arrangements are worth exploring for ways of responding to this quest.

The paper bears all the hallmarks of Watts’ scholarship: carefully crafted definitions, the use of comparative analysis, no stone unturned, caveats where required, no promise of a rose garden, no over-generalization and sound lessons learned. For the student who is concerned about the prospect of Aboriginal self-government, he offers
many leads to track down, ranging from how other federal systems are organized to respond, or not, to such self-government issues to the array of federal arrangements available for consideration and how they might be tweaked to get a result that is workable in the Canadian context. For the generalist, he offers some useful observations about the conditions under which the federal system can be expected to accommodate the interests and concerns of distinct groups.

There is no question that Watts thinks the federal system offers the likeliest prospect of such accommodation. Certainly he sees no evidence to indicate that, absent the use of coercion, any other candidate is in the offing. Nevertheless, he points out that the experience of federal systems in the years following the end of the second World War is a checkered one, to say the least. Many of the newly-established federations in formerly colonized areas in Africa, Asia and the Caribbean failed, as did the longer-lived and in some quarters much admired federations of Czechoslovakia and Yugoslavia. Even the oldest and most stable federations, like Canada, have experienced significant pressures of disintegration. To use his term, the federal system has proven to be no “panacea” for the goal of establishing and maintaining large states inhabited by communities of varied identity (1998, 11). There are lessons to be learned from the record, and he identifies four of them, beginning with the point already made – the federal system should never be regarded as a racing certainty in the hunt for solutions to the problem of holding a state together.
The second lesson that Watts draws is the need for the political leadership and the
citizenry at large to respect constitutional norms and structures in order for a federal
system to succeed. The federal system is rule-governed and therefore dependent upon the
maintenance of the rule of law for its survival. Related to the requirement of the rule of
law, and the subject of the third lesson, is the all-important concept of trust. There needs
to be an adequate level of trust amongst the communities within the system, he writes,
meaning the trust that generates among public actors a willingness to negotiate a way
through difficult issues, finding compromises that work. These two points are obvious,
yet at the same time reveal the normative standards that the political culture has to
embody before the federal system can be expected to work at all. The fourth lesson is the
importance of the particulars of any federal system and the extent to which they achieve
the right note between the demands of distinct communities within the state for some
self-governing room and the capacity of the central government to attend to the common
concerns of the whole. However difficult it might be to achieve the right note, the
achievement is a technical, institution matter. By contrast, generating and maintaining
respect for the rule of law and trust among communities not necessarily used to trusting
one another are extremely difficult tasks because they require widespread changes in the
behaviour of citizens.

It could be said, then, that Watts does not view federalism with rose-coloured
lenses. Certainly he never suggests to the RCAP that it is an easy solution to the
challenge of Aboriginal self-government, instead pointing out that most federations have
done little or nothing to accommodate their Aboriginal populations within the
constitution. Moreover, he suggests that federalism is worth consideration only if people are prepared to think creatively about the possibilities, emphasis on the adverb, creatively. How? Essentially by setting aside some of the standard features of the conventional model of the federation and pondering different features, such as: three or more constitutional orders of government rather than two; constituent units that comprise a federation within the federation; the non-territorial representation of constituent units; asymmetrical arrangements in the assignment of jurisdiction to some constituent units (1998, 30-1). Of course each of these entails problems for the system as a whole. Nothing is simple. For inspiration one needs to hold on to Watts’ promise that “within the realities of the contemporary world, federal forms of political organization can and do provide practical ways of reconciling common interests and the particular identity of distinct groups in a form based on consent” (1998, 30).

CONCLUSION: THE VALUE OF FEDERALISM

Federalism is all about rules, processes and institutions. As Watts stresses, these variables can be packaged in an enormous variety of ways. The effect of the package is to channel the behaviour of officials and citizens in complicated patterns as they work their way towards the resolution of the issues of the day. Any one package is unique, however, and the behavioural patterns that flow from it are not as predictable as one would like. In other words, the subject of federalism is technical and complex. It is also value laden. Why would Watts find it so appealing?
My personal view is that Watts is a Canadian liberal pluralist, a liberal constitutionalist at work. He understands that politics inevitably are not simply about difference and diversity, but how difference and diversity will line up in the ongoing political controversies of the life of the political community. The problem is how to get people with disparate interests and identities to make deals and compromises in such a way as to permit public resources to be shared somewhat equitably among them. The problem is how to deal with a politics of public accommodation.

One answer is to cultivate the habit of tolerance, to avoid the adoption of extreme political positions and instead maintain the middle ground. Lester B. Bearson counselled political leaders to stake out the middle ground in an effort to maintain the governing premise of the country, namely, “that by compromise and adjustment we can work out some sort of balance of interests which will make it possible for the members of all groups to live side by side without any one of them arbitrarily imposing its will on any others” (1970, 90).

Federalism is another answer to the problem of the politics of public accommodation, or at least a part of the answer. Through the study of federalism, Watts has found a way of contemplating institutional construction for the purpose of making the politics work. If federalism teaches anything, it is that government need not take a unitary form. On the contrary, federalism demonstrates how sovereignty can be divided amongst governmental institutions. Watts has pursued the next step, or how to tailor the institutions to assist elected and unelected leaders and public officials to develop the habit
of give and take in the resolution of the issues before them. Of course as Watts
continually reminds us, the institutions cannot stand alone in this venture. But they can
have the effect of influencing the individuals who work within them to develop the habit
of tolerance that Canadians like Pearson regard as so important in political life.

In describing Watts as a liberal pluralist, I emphasize that he embodies the
Canadian version of the type, not the version often associated with the American
position. His is not a pluralism that is focused exclusively on pressure-group diversity
and the politics of coping with it. The politics of pressure groups, albeit extremely
important, are essentially about money. Watts’ interest is broader than that. He is looking
for institutional mechanisms that encourage the accommodation of community diversity
in relation to a vast array of public-policy issues, not simply pressure-group diversity. It
is hardly surprising that a Canadian with the approach that I have described would be
anxious to study comparative federal government. It is a very Canadian thing to do, this
looking beyond the country’s borders for fresh ideas, both for help in resolving the
country’s issues and for help in assisting others with theirs. Watts is the academic
statement of both endeavours.

CITED WORKS

Couchiching, 13 August 1949. In his Words & Occasions, 90-5. Toronto: University of
Toronto Press.


