

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

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 Reich*,

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

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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

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

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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.

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

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* ,

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Sudan. For this work it has developed formal liaison arrangements with a variety 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.

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

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- Blindenbacher, R. and A. Koller, eds., 2003. *Federalism in a Changing World: Learning from Each Other*. Montreal: McGill-Queen's University Press.
- Blindenbacher, R. and R.L. Watts, 2003. "Federalism in a Changing World – A Conceptual Framework for the Conference." In Blindenbacher and Koller (above): 7-25.
- Boadway, R. and R.L. Watts, 2004. *Fiscal Federalism in Canada, the USA and Germany* Working Paper 2004(6). Kingston: Institute of Intergovernmental Relations, Queen's University.
- Boeckelman, K.A. and J. Kincaid, eds., 1996. *Federal Systems in the Global Economy*. *Publius: The Journal of Federalism* Special issue 26(1).
- Boothe, P., ed., 1996. *Reforming Fiscal Federalism for Global Competition: A Canada-Australia Comparison*. Edmonton: University of Alberta Press.
- Boothe, P., ed., 2003. *Fiscal Relations in Federal Countries: Four Essays*. Ottawa: Forum of Federations.
- Bowie, R.R. and C.J. Friedrich, 1954. *Studies in Federalism*. Boston: Little, Brown.
- Breton, A. and A. Scott, 1978. *The Economic Constitution of Federal States*. Toronto: University of Toronto Press.
- Brown, D., P. Cazalis, and G. Jasmin, eds., 1992. *Higher Education in Federal Systems*. Kingston: Institute of Intergovernmental Relations, Queen's University.
- Brown-John, C.L., ed., 1988. *Centralizing and Decentralizing Trends in Federal States*. Lanham: University Press of America.
- Brown-John, C. Lloyd, ed., 1995. *Federal-Type Solutions and European Integration*. Lanham, MD: University Press of America.
- Bryce, J., 1888. *The American Commonwealth*, 2 vols. London: Macmillan and Co. Ltd. (repr. New York: The Macmillan Company, 1928).
- Bryce, J., 1901. *Studies in History and Jurisprudence*. 2 vols. Oxford: Clarendon Press.
- Bryce, J., 1929. *Modern Democracies*. 2 vols. New York: Macmillan and Co. Ltd.
- Brzinski, J.B., T.D. Lancaster, and C. Tuschhoff, eds., 1999. "Federalism and Compounded Representation in Western Europe." *Publius: The Journal of Federalism* 29(1) (Winter).
- Buchanan, A., 1991. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Oxford: Westview Press.
- Buchanan, J.M., 1950. "Federalism and Fiscal Equity." *American Economic Review* 40(4): 421-32.
- Burgess, M., 1988. "Can Comparative Federalism Really Be Comparative?" In C. Lloyd Brown-John, ed., *Centralizing and Decentralizing Trends in Federal States*. Lanham, MD: University of America Press.
- Burgess, M., 2000. *Federalism and European Union: The Building of Europe 1950-2000*. London: Routledge.
- Burgess, M., 2006. *Comparative Federalism in Theory and Practice*. London: Routledge.
- Burgess, Michael and A.-G. Gagnon, eds., 1993. *Comparative Federalism and Federation: Competing Traditions and Future Directions*. Hemel Hempstead, UK: Harvester Wheatsheaf.
- Bzdera, A., 1993. "Comparative Analysis of Federal High Courts: A Political Theory of Judicial Review." *Canadian Journal of Political Science* 26(1): 3-29.

- Cameron, David R. and F. Valentine, eds., 2001. *Disability and Federalism: Comparing Different Approaches to Full Participation*. Montreal and Kingston: McGill-Queen's University Press.
- Carnell, F.G., 1961. "Political Implications of Federalism in New States." In U.K. Hicks et al., *Federalism and Economic Growth in Underdeveloped Countries*. London: George Allen and Unwin.
- Clark, Jane Perry, 1938. *The Rise of a New Federalism*. New York: Columbia University Press.
- Cole, R.L., J. Kincaid, and A. Parkin, 2002. "Public Opinion on Federalism in the United States and Canada in 2002: The Aftermath of Terrorism." *Publius: The Journal of Federalism* 30(1-2): 189-201.
- Coper, M., 1989. "The Role of the Courts in the Preservation of Federalism." *Australian Law Journal* 63(7): 463-73.
- Corry, J.A., 1958. "Constitutional Trends and Federalism" in A.R.M. Lower et al., *Evolving Canadian Federalism*. Durham, N.C.: Duke University Press: 92-125.
- Courchene, T.J., 1995. "Glocalization: The Regional/International Interface," *Canadian Journal of Regional Science*, 18(1): 1-20.
- Cox, R.H., and E.G. Franklund, 1995. "The federal state and the breakup of Czechoslovakia: an institutional analysis," *Publius: The Journal of Federalism* 25(1): 71-88.
- Davis, Rufus, 1978. *The Federal Principle: A Journey Through Time in Quest of Meaning*. Berkeley: University of California Press.
- de Villiers, B., ed., 1994. *Evaluating Federal Systems*. Cape Town, South Africa: Juta and Co.; Dordrecht, Holland: Martinus Nijhoff.
- Deutsch, K.W. and W.J. Foltz, eds., 1966. *Nation-Building*. New York: Atherton Press.
- Deutsch, K.W., 1953, 1966. *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*. Cambridge, MA: MIT Press.
- Deutsch, K.W. et al., 1957. *Political Community and the North Atlantic Area*. Princeton, NJ: Princeton University Press.
- Dicey, A.V., 1885, 1st ed., (1950, 10th ed.). *Introduction to the Study of the Law of the Constitution*. London: Macmillan.
- Dikshit, R.D., 1975. *The Political Geography of Federalism: An Inquiry into Origins and Stability*. New Delhi: The Macmillan Company of India.
- Dion, S., 1995. "The dynamic of secessions: scenarios after a pro-separatist vote in a Quebec referendum." *Canadian Journal of Political Science*. 28(3): 533-551.
- Dorff, R.H., 1994. "Federalism in Eastern Europe: Part of the Solution or Part of the Stability

- Elazar, D.J., ed., 1991a. *Constitutional Design and Power-Sharing*. Lanham: University Press of America.
- Elazar, D.J., 1991b (1st ed.). *Federal Systems of the World*. Harlow, UK: Longman Group.
- Elazar, D.J., 1993. "International and Comparative Federalism." *PS: Political Science and Politics* 26(2).
- Elazar, D.J., 1994a. *Federal Systems of the World*, 2nd ed. Harlow, UK: Longman Group.
- Elazar, D.J., 1994b. *Federalism and the Way to Peace*. Kingston, ON: Institute of Intergovernmental Relations, Queen's University.
- Elazar, D.J., 1995. "From Statism to Federalism: A Paradigm Shift." *Publius: The Journal of Federalism* 25(2): 5-18.
- Elazar, D.J., ed., 1996. "New Trends in Federalism." *International Political Science Review* Special issue 17(4).
- Elazar, D.J., 1997. "Contrasting Unitary and Federal Systems." *International Political Science Review* 18(3): 237-52.
- Erk, C. and A.-G. Gagnon, 2000. "Constitutional Ambiguity and Federal Trust: Codification of Federalism in Canada, Spain and Belgium." *Regional and Federal Studies* 10(1): 92-111.
- Escobar-Lemmon, Maria, 2001. "Fiscal Decentralization and Federalism in Latin America." *Publius: The Journal of Federalism* 31(4): 23-41.
- Etzioni, A., 1962. "A Paradigm for the Study of Political Unification," *World Politics* XV(1): 44-74.
- Fabrini, S. and D. Securelli, 2004. "The Federalization of the EU, the US and 'Compound Republic Theory': The Convention's Debate." *Regional and Federal Studies* 14(2): 232-254.
- Fleiner, T. and N. Schmitt, eds., 1996. *Towards a European Constitution: Europe and Federal Experiences*. Fribourg: Institut du Fédéralisme.
- Forsyth, M., 1981. *Unions of States: The Theory and Practice of Confederation*. Leicester: Leicester University Press.
- Forsyth, M., ed., 1989. *Federalism and Nationalism*. New York: St. Martin's Press.
- Forum of Federations, 2001. *Intergovernmental Relations in Federal Countries*. Ottawa: Forum of Federations.
- Forum of Federations, 2002. *Handbook of Federal Countries 2002*

- Goldwin, R.A., A. Kaufmann, and W.A. Schambra, eds., 1989. *Forging Unity out of Diversity: The Approaches of Eight Nations*. Washington, D.C.: American Enterprise Institute for Public Policy Research
- Golembiewski, R.T. and A. Wildavsky, eds., 1984. *The Costs of Federalism*. New Brunswick (USA): Transaction Books.
- Gordon Walker, Patrick, 1961. "Federalism in the Commonwealth." *Journal of the Parliaments of the Commonwealth*. xliii:351.
- Gray, G., 1991. *Federalism and Health Policy: The Development of Health Policy in Canada and Australia*. Toronto: University of Toronto Press.
- Greaves, H.R.G., 1940. *Federal Union in Practice*. London: George Allen & Unwin.
- Greer, S., ed., 2006. *Territory, Democracy and Justice: Regionalism and Federalism in Western Democracies*. Basingstoke, Hampshire: Palgrave Macmillan.
- Gress, F., et. al., 1994. *The American Federal System: Federal Balance in Comparative Perspective*. Frankfurt am Main: Peter Lang.
- Gress, F. and J. Janes, 2001. *Reforming Governance: Lessons from the United States of America and the Federal Republic of Germany*. Frankfurt am Main: Campus.
- Grodzins, M., 1966. *The American System: A New View of Government in the United States*, ed. D.J. Elazar, Chicago: Rand McNally.
- Gunlicks, A.B., ed., 1989. *Federalism and Intergovernmental Relations in West Germany*. *Publius: The Journal of Federalism*. Special issue 19(4).
- Hanf, K. and T.A.J. Toonen, eds., 1985. *Policy Implementation in Federal and Unitary Spheres*. Dordrecht: Martinus Nijhoff.
- Hesse, J.J. and V. Wright, eds., 1996. *Federalizing Europe? The Cost, Benefits and Preconditions of Federal Political Systems*. Oxford: Oxford University Press.
- Hicks, U.K. et. al., 1961. *Federalism and Economic Growth in Underdeveloped Countries*: London: George Allen and Unwin.
- Hicks, U.K., 1978. *Federalism: Failure and Success: A Comparative Study*. London: Macmillan.
- Hodgins, B.W., J.J. Eddy, S.D. Grant, 53 Am

Karve, D., 1932. *Federations: A Study in Comparative Politics*. London: Oxford University Press.

Keating, M., 1999. "Asymmetrical Government: Multinational States in an Integrating Europe." *Publius: The Journal of Federalism* 29(1): 71-86.

- Pennock, J.R., 1959. "Federal and Unitary Government – Disharmony and Reliability." *Behavioural Science* 4(2): 147-157.
- Peterson, P.E., 1995. *The Price of Federalism*. Washington, D.C.: Brookings.
- Pratt, R.C., 1960. "The Future of Federalism in British Africa." *Queens' Quarterly*. lxxvii: 188.
- Prest, A.R., 1962. *Public Finance in Underdeveloped Countries*. London: Weidenfeld and Nicolson.
- Pinder, J., 1998. *The Building of the European Union*. Oxford: Oxford University Press.
- Publius: The Journal of Federalism*. 1999. Special issue on *Compounded Representation in Western Europe*. 29(1).
- Rao, M.G., 1995. "Indian Fiscal Federalism from a Comparative Perspective" in B. Arora and D. Verney, eds., *Multiple Identities in a Single State: Indian Federalism in Comparative Perspective*. New Delhi: Konark Publishers PVT Limited: 272-316.
- Requejo, F., ed., 2001. *Democracy and National Pluralism*. London: Routledge.
- Requejo, F., 2004. "Federalism and the Quality of Democracy in Multinational Contexts: Present Shortcomings and Possible Improvements," in U.M. Amoretti and N. Berneo, eds., *Federalism and Territorial Cleavages*, Baltimore: Johns Hopkins University Press: 259-278.
- Riker, W.H., 1964. *Federalism : Origin, Operation, Significance*. Boston: Little, Brown.
- Riker, W.H., 1969. "Six Books in Search of a Subject or Does Federalism Really Exist and Does it Matter?" *Comparative Politics* 2(1): 135-146.
- Riker, W.H., 1975. "Federalism." in F.I. Greenstein and N.W. Polsby, eds., *Handbook of Political Science: Governmental Institutions and Processes*, Reading, MA: Addison Wesley 5:93-172.
- Robinson, Austin, ed., 1960. *Economic Consequences of the Size of Nations*. London: Macmillan.
- Robson, Peter, 1962. "Patterns of Federal Finance in the Newer Federations." *Friangarchin* xxi: 415.
- Rothchild, D.S., 1960. *Toward Unity in Africa*. Washington: Public Affairs Press.
- Rowat, D.C., ed., 1973. *The Government of Federal Capitals*. Toronto: University of Toronto Press.
- Saunders, C. and A. Mullins, eds., 1994. *Economic Union in Federal Systems*. Sydney: The Federalist Press.
- Saunders, C., 1995. "Constitutional Arrangements in Federal Systems." *Publius: The Journal of Federalism* 25(2): 61-79.
- Sawer, Geoffrey, 1969. *Modern Federalism*. London: C.A. Watts.
- Scharpf, F., 1988. "The Joint Decision-Trap: Lessons from German Federalism and European Integration." *Public Administration* 66:238-78.
- Sharma, B.M., 1951 and 1953 (2 vols.). *Federalism in Theory and Practice*. Chandouse: G.R. Bhargava and Sons.
- Sharman, C., ed., 1994. *Parties and Federalism in Canada and Australia*. Canberra: Federalism Research Centre, Australian National University.
- Shirras, G.F., 1944. *Federal Finance in Peace and War*. London: Macmillan.
- Simeon, R., 1998. "Considerations on the Design of Federations: The South African Constitution in Comparative Perspective." *SA Public Law* 13:42-71.
- Simeon, R. and D.-P. Conway, 2001. "Federalism and the Management of Conflict in Multinational Societies" in A.-G. Gagnon and J. Tully, eds., *Multinational Democracies*. Cambridge: Cambridge University Press: 338-365.

Simeon, R., 2002. *Political Science and Federalism: Seven Decades of Scholarly Engagement*. Kingston: Institute of Intergovernmental Relations, Queen's University.

Simeon, R., 2006. "Federalism and Social Justice; Thinking Through the Tangle" in S. Greer, ed., *Territory, Democracy and*

- Vile, M.J.C., 1977. "Federal Theory and the 'New Federalism'" in D. Jaensch, *The Politics of New Federalism*. Adelaide: Australian Political Studies Association.
- Wachendorfer-Schmidt, U., ed., 2000. *Federalism and Political Performance*. London and New York: Routledge.
- Wagner, W.J., 1959. *The Federal States and their Judiciary*. The Hague: Mouton.
- Warhurst, J., 1987. "Managing intergovernmental relations," in H. Bakvis and W.M. Chandler, *Federalism and the Role of the State*. Toronto: University of Toronto Press: 259-276.
- Watts, R.L., 1966, rev. 1968. *New Federations: Experiments in the Commonwealth*. Oxford: Clarendon Press.
- Watts, R.L., 1970a. "Second Chambers in Federal Political Systems." In *The Confederation Challenge*, ed. Ontario Advisory Committee on Confederation. Toronto: Queen's Printer of Ontario: 315-355.
- Watts, R.L., 1970b. *Administration in Federal Systems*. London: Hutchinson Educational.
- Watts, R.L., 1970c. *Multicultural Societies and Federalism* (Study No. 8 of the Royal Commission on Bilingualism and Biculturalism). Ottawa: Information Canada.
- Watts, R.L., 1977. "The Survival and Disintegration of Federations." In

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