

# Introduction to the Volume

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This research companion is designed to serve the needs of scholars interested in the theory, practice, and historical development of the principle of federalism. As such, it is hoped that it will engage researchers from a variety of specialties, perspectives, and disciplines including political theory, comparative politics, public policy, and intellectual history. Not only does this volume aim to supply a range of interpretations on the topic of federalism, it seeks to allow the researcher the flexibility to focus on chapters of specific interest to their research program, while also providing a clear overview of the academic and policy debates that characterize the field of federalism studies more generally.

The rationale for this volume rests on two fundamental premises. The first is the continuing relevance of federalism studies today and for the future. The complex political, social, and economic developments in recent times have only deepened and intensified the revival of interest in federalism that Daniel Elazar identified more than 40 years ago. The dynamic character and intrinsically flexible properties of federalism as a principle of political and social organization have brought federalism to the forefront of constitutional debates in innovative and unprecedented ways. Even a cursory glance at world politics today reveals federalism assuming renewed importance as a potential means of economic and political development in some nations, and as a promising instrument for conflict management in others. Whether it is the introduction of federal elements in old unitary states such as Spain and the United Kingdom, the adaptation of intergovernmental relations in established federal states like Canada, or the great controversy surrounding the federal, or quasi-federal, trajectory of European integration, the meaning of these events for political life is unmistakable: federalism matters as much, or even more, now than it ever has.

The second premise of this volume is that the conceptual flexibility intrinsic to the idea of federalism means that federalism studies is by its very nature a “cloak of many colors.” Any attempt to confine such a complex and dynamic concept as federalism to a single authoritative definition is deeply problematic. As Michael Burgess recently reminded us “there is, as yet, no fully fledged theory of federalism” (Burgess 2006, 1, 2–4). Federalism seems to be the kind of political phenomenon

that cannily eludes and frustrates grand theoretical system-building, even as it so naturally invites theoretical reflection upon the most fundamental questions about the proper organization of the social and political institutions at the center of human life. This volume does not attempt to establish, propose, or defend a specific definition or conception of federalism. In each chapter of this volume, the authors have their own operating assumptions, explicit or implicit, about the meaning of federalism, and thus the volume strives to mirror the diversity of thought on the subject. While there is considerable overlap and conceptual agreement among the various contributors, there is no procrustean effort to provide a single authoritative idea of federalism. Rather the ambition for this volume is of a different sort; namely, to create a research companion of unparalleled scope and depth including the offerings of more than 30 scholars from nine countries and five continents with a range of different fields of expertise examining a variety of aspects of federal theory and practice. Our aim is to reflect as far as possible the rich conceptual diversity in federalism studies.

This is not to suggest that federalism or federalism studies are simply blank slates open to every imaginable interpretation and conceptual construction. This volume operates on the basis of two fundamental propositions. First, with respect to the idea of federalism, we propose that it is a multi-dimensional concept including both a theoretical and practical aspect, as well as a normative and empirical dimension. Practically from the beginning of the history of political thought, theorists have speculated about recognizably federal themes, just as for centuries peoples have instituted federal and quasi-federal political arrangements. This dual theoretical–practical nature produces important normative and empirical elements in the concept of federalism studies. Although it is natural to compartmentalize theoretical and practical issues given the wide range of topics covered by the field of federalism, the comprehensive scope of this research companion affords the luxury of integrating the theories and practices of federalism in a single volume. At some level, structural, legal and institutional questions about the division of power in a state and theoretical propositions concerning the nature of sovereignty inevitably point beyond themselves to fundamental issues of moral and political philosophy considering such values as liberty, tolerance, and civic engagement. Yet in another sense federalism is inextricably linked to empirical analysis. It is hard to imagine an aspect of political theory more dependent on, and modulated by, political practice than federalism. As this volume clearly demonstrates, any effort to grasp the meaning of federalism must include an understanding not only of its adaptation to a variety of local conditions, traditions, histories, and stages of economic development, but also of federalism’s capacity to transform itself in the face of the ever changing dynamics of political life.

The second proposition this volume advances relates to the role of theory in federalism studies more generally. There has been much debate recently about whether federalism studies is a field “theory rich, or theory poor.” This reflects an underlying concern in some quarters that the prodigious quantity and high quality of empirical studies of federalism makes treatment of theoretical issues pale by comparison. This volume hopes to demonstrate that federalism is a field “theory

rich" in several senses. First, many of the offerings in this volume draw heavily from the rich body of theoretical reflection on federalism produced in the English-speaking world over the past 50 years. Theorists such as K.C. Wheare, William Riker, Daniel Elazar, Michael Burgess, Thomas Hueglin, and Ronald Watts inform and provide the conceptual ballast for many of the contributions to this volume. These scholars and their influence clearly belie any suggestion that federalism is a study theory poor.

Moreover, this volume strives to reconnect, or perhaps reacquaint, contemporary thinking on federalism with the vast theoretical resources discoverable in the history of political thought. There are Parts covering thinkers and topics ranging from classical antiquity and medieval political theology through to early modern history and political philosophy, as well as the modern American, European, and international theories and experiences of federalism. These chapters promise to approach familiar subjects from a fresh perspective, as well as provide an introduction of sorts to exciting federal dimensions in thinkers hitherto neglected in federalism studies. Finally, this volume builds upon, and draws connections between, the work of scholars exploring the rich elements of both the Anglo-American and Continental traditions of political thought. Indeed, the broad scope of this research companion allows it to move even further to suggest possibilities and limits of federalism in the context of indigenous thought and experience outside of the western tradition by turning to Africa and the Islamic world. As this study hopes to demonstrate, federalism studies is a field marked by diffuse and often untapped theoretical sources, and this broadening and deepening of philosophical reflection on federalism can complement our growing awareness of political practice in federal systems.

Naturally, any attempt to encapsulate an idea as broad and influential as federalism in a single volume inevitably confronts certain limitations. First of all, while many of the chapters throughout the research companion explore and acknowledge the enormous contribution of empirical studies to research involving such topics as fiscal federalism (e.g. Chapter 24) and intergovernmental relations (e.g. Chapter 25), the primary focus of the volume is on historical and conceptual analysis. As such, the volume considers but does not focus on analysis of a number of recent path breaking empirical studies on the workings of federalism with respect to the efficient provision of public goods and different national experiences of subnational fiscal discipline (Rodden 2006), the management of territorially, culturally, linguistically, and ethnically divided societies (Amoretti and Bermeo 2004), or with respect to the functioning of intrastate relations in different federal systems (Bolleyer 2006). Although these developments in empirical research are not the focus of this volume, these important recent studies suggest exciting new possibilities for federalism studies that complement the historical and theoretical emphasis of this research companion.

The obvious attraction and value of the comparative approach to federalism presents a second kind of limitation. While Part 6 of this volume examines a number of important case studies of federalism in the international context, the length constraints placed even on a comprehensive volume of this nature makes any

sustained effort to develop comparative analysis difficult. Thus, while this volume offers an overview of the comparative approach to federalism, it does not attempt to replicate the several important, and highly detailed, studies in comparative federalism that have appeared in recent times (e.g., Watts 1999, Wachtendorfer-Schmidt 2000, Hueglin and Fenna 2006, Burgess 2006, Lazar and Leuprecht 2007). There is also the difficulty of incorporating new research into ongoing projects that are near completion. For instance, Daniel Ziblatt's recent work demonstrating the crucial role played by the infrastructural capacity of subnational units as a factor in the emergence of federal states represents an important development that many federalism scholars have not had time yet to assimilate into their work (Ziblatt 2006). With respect to this book and the others indicated above, we strongly encourage the researcher and student of federalism to consult these works and to reflect upon their findings.

Another limitation facing even a volume with a strong conceptual and historical focus is, of course, the difficulty in deciding which thinkers and traditions require close examination and which will not receive as much attention. The criterion for selection of topics in this volume is primarily a consideration of what is necessary to keep an already large volume to a manageable size. Arguably historical figures such as Georg Waitz and James Bryce, as well as more recent thinkers such as Carl Friedrich, K.C. Wheare, Rufus Davis, Preston King, Ivo Duchacek, Michael Burgess, Ronald Watts, and others, could each certainly warrant an entire chapter dedicated to an examination of their work. Perhaps the same can be said with respect to the anarcho-federalist and Marxist federalist traditions. While we fully appreciate the contribution to the development of federalism studies by these thinkers and schools of thought, it is simply impossible to afford every important aspect of federal theory the close attention it deserves while maintaining the coherence and fluency of the volume. Happily, however, these thinkers and their impact on the contemporary understanding of federalism are considered throughout the chapters and provide crucial reference points for the various discussions in the volume. In our effort to combine the goals of comprehensiveness and attention to detail we have tried to strike a balance, which we hope will prove to be intelligible and sensible to the reader.

This research companion is divided into six Parts. Each Part begins with a substantive introduction outlining its contents. Therefore, in this general introduction it is perhaps best to simply explain the rationale for the structural design of the volume. The intention is to allow for the exploration of federalism in all its multifarious character paying attention both to theory and practice, as well as its historical development as a concept and the various regional experiences of federal systems. The first Part, "Classical and Judeo-Christian Images of Federalism," provides a suggestive and atypical starting point for our analysis. While federalism is usually associated with the rise of the modern nation-state idea in the seventeenth century, this Part begins by examining pre-modern treatments of recognizably federal themes in Greek antiquity, medieval Christianity, and Reformation political theology. The classical and Judeo-Christian traditions not only included rich sources of reflection on the moral foundations of political

community; they also generated motifs, concepts, and practical debates about the articulated arrangement and division of political power that will be familiar to a modern audience. Whether it is the ancient Greek notions of alliances and leagues, the biblical ideal of covenant, or medieval debates about the complex compound nature of the relation of the church and political society, there is clear evidence of “federal thinking” that reflects both the limits and possibilities of federalism in the pre-modern world. This Part suggests that the principle of federalism, in some form, has an older and more diverse origin than is often recognized.

The second Part, “The Origins of Modern Federalism,” brings us to more familiar ground for federalism studies. There is little doubt that federalism first emerged as a sustained subject of substantive theoretical reflection and practical political experience in the modern period. The seventeenth century notably witnessed the rise of the modern nation-state with a definite and distinct conception of sovereignty. This period also arguably marks the genesis of the modern conception of federalism. This Part proposes that sovereignty and federalism in their recognizably modern form share a common ancestry and to some extent a causal relation. The dominant idea of unitary sovereignty championed in the sixteenth and seventeenth centuries by Jean Bodin, Thomas Hobbes, and Samuel Pufendorf, and modified by the English Whigs to produce the doctrine of parliamentary sovereignty, inspired a strong reaction and counter-tradition of federal theory as a response to the modern unitary state and the theoretical and practical problems associated with it. The early modern federalists in Europe considered in this Part reflect various concerns including the need to explain the political obligations of religious minorities in heterogeneous monarchies, to provide a theoretical account of the complex system of diffuse power inherited from feudalism, and most notably an abiding fear that excessive concentration of power in a polity is a threat to liberty and enlightenment. Federalism in early modern Europe was, then, a diverse subject and a flexible concept employed to rehabilitate ancient ideas of confederation, establish new principles of association for old heterogeneous political entities, and to control some of the more destructive and authoritarian tendencies in the modern Leviathan.

Parts 3 and 4 turn to the American and Continental inheritors of the early modern tradition of federal thought. In “Federalism and the Early American Republic,” our authors examine the impact of the Revolution that established the first modern federal state created by constitutional design. Between the Founding and the Civil War period American statesmen and thinkers fused federal theory and practice in unprecedented ways. The model of “constitutional federalism” they produced derived from a complex variety of influences including both the colonists’ long experience of local self-government under British imperial rule, and the intense theoretical debates between Federalists and the inaptly named Anti-federalists over the correct arrangement and division of political power in a compound republic. As several of the chapters in this Part make clear, national politics in the United States in the first century of its existence was dominated by fierce debates about the nature of American federalism produced by the issues of slavery and territorial expansion. The thought and experiences of Americans in the

early republic illustrate both the great dangers and possibilities confronting federal states in the modern period.

Part 4, "European Federalism," examines the Continental tradition of federal thought and practice ranging from the nineteenth century through to present-day battles over the meaning of European integration. For much of this period Continental political theory was characterized by the deep antipathy to federalism originating in the French revolutionary idea of the unitary state and the drive toward centralization associated with the nineteenth-century age of nationalism. However, this Part reveals a rich and textured federalist sub-tradition in European political thought at this time. In the Frenchman Louis Le Fur, the German Carl Schmitt, the Italian Alterio Spinelli, and the Yugoslav Edvard Kardelj, Europeans find indigenous sources of sophisticated federal theory that would prove to be quite distinctive from the older American version of constitutional federalism. This vital sub-tradition supplies important theoretical resources for Europeans trying to conceptualize the federal, or quasi-federal, character of recent moves toward greater European Union integration. The proposed changes to EU institutions and the relations of member states to European bodies have already produced serious reflection on the evolving concept of "treaty federalism" emerging as an alternative to traditional American constitutional federalism. As the concluding chapters in this Part amply demonstrate, both the supporters and opponents of greater European integration offer arguments that could have a serious impact on our understanding of federalism in the future.

The fifth Part, "Contemporary Theories of Federalism," serves two functions. First, it provides chapters dealing with the work of two of the most important federal theorists in recent times – William Riker and Daniel Elazar. With these two thinkers, we can see how federalism was incorporated into very different emerging theoretical perspectives, rational-choice theory and covenant theology respectively. These chapters offer detailed studies explaining the significance of Riker's and Elazar's work and their impact on federalism studies. This Part also offers insights into the interplay of theory and practice in federalism by which theoretical innovations often arise in response to practical policy conditions. In chapters treating fiscal federalism and the changing nature of intergovernmental relations in "post-modern" federal states, we see how federal theory has adapted to, and will likely continue to evolve in the face of ever changing economic, social and political conditions.

The final Part, "Regional Experiences of Federalism," presents a comprehensive survey of a variety of federal systems in a global context. In order to express the sense of federalism as a cloak of many colors, this Part includes not only probing treatments of recent developments and contemporary issues of federalism in familiar case studies such as the United States, Australia, and India. It also considers less familiar, and less obvious, examples of the actual practice or potentiality for federalism in different regions of the world. One chapter examines Latin American federalism and the role a renewed conception of federalism is playing to promote democratization and economic development in countries such as Mexico and Brazil. There are also innovative chapters reflecting upon the limits and possibilities for

federalism in Africa and the Islamic world. At a time when federalism is held out by some as a potential solution for deep constitutional and political problems and conflicts in developing nations as varied as South Africa, Sudan, post-war Iraq, and Afghanistan, these chapters inquire: Are there indigenous federal elements in the political culture of these regions? Why has federalism historically not been successful in these places before and what are the chances there for flourishing federal systems in the future? With this concluding Part, we re-examine some of the oldest and most successful federal states, even as we look towards emerging new frontiers for federalism studies on the horizon.

This research companion is a comprehensive examination of a political idea whose importance in our world is immense. Offering a close examination of the past, a broad survey of the present and a penetrating look to the future, this volume considers federalism in its varied contours and subtle shades. In order to serve the needs of researchers and students of federalism alike, it strives to reflect in full measure the complexity of the principle to which it is devoted.

## References

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