

Research article

A Conceptual Clarification of Federalism, Rationales, Models and Critiques

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As it is apparent, there is an intense debate over the concept or definition of federalism but there can be a common understanding given to it by which most people can share the idea. Broadly speaking this work underlines a conceptual clarification of federalism, rationales, models and its critiques. Most importantly, this work has explored the different conceptions of federalism with its rationalities and approaches. To accomplish this study has used a purely qualitative research methodology. The researcher has also employed phenomenological research design with the support of document review analysis technique. The study concluded that besides the justifications given for the formation of federalism, there is also an ample critique given to it. That is, such a system is criticized for being weak in the making of foreign affairs, it's so costly and delay of procedures as a result of duplication of legislation and administration. From this the study underpinned federalism is not completely a sacred system but also full of a number of limitations and critiques.

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INTRODUCTION

The idea of federalism is considered to be hard to define, to understand, or to explain (Tommasi, 2000). Now a day's federalism is becoming an issue of intense intellectual debate in many countries throughout the world. Federalism is a system of government that establishes a constitutionally specified division of powers between different levels of government. There are usually two major levels, one is a national, central or federal level; and the second is a state, provincial or regional level. Sometimes a federal system may prescribe a three-fold distribution of power by recognizing the constitutional powers of local government (e.g. South Africa) or by creating complex forms of overlapping territorial and linguistic federalism (e.g. Belgium).

Federalism thereby allows distinct communities, defined by their territorial boundaries, to exercise guaranteed autonomy over certain matters of particular importance to them while being part of a larger federal union through which shared powers and responsibilities are exercised over matters of common concern (P. Inman and L. Rubinfeld, 1999). It indicates a system of shared sovereignty between two levels of government-one national and one sub national occupying the same geographic region (MBI,2010). According to Nirvikar (2008) federalism considered as a mechanism for dividing power between different levels of government based on the constitution of the state so that federated units can enjoy considerable, assured autonomy over certain policy areas through the allocation of power in line with agreed rules over other areas. This reveals that the

concept combines partial self-government with partial shared government. The primary idea of a federal structure is that there are at least two levels of sovereignty or authority, national and one or more sub national levels. The 82nd Annual Conference, Canadian Political Science Association(2010) described a federal system as a combination of institutions and processes or federal relations that are the empirical manifestation of intergovernmental structures and processes that mediate between the social, historical, structural characteristics and government. As to *McCulloch and Maryland (1999)* federalism is a constitutional arrangement whereby power is divided by a constitution between a national government and constituent state governments, which are called states or cantons or peripheries as its nomenclature varies across countries. Federalism is a way or organizing a nation so that both national and state levels of government have authority over the same land and people. It is a system of shared power by the state and national governments. In a federalism, commonly two legal tiers of government are known, that is, judicial order of member states and beyond the judicial order of the federation. Each of the states made a contract to get rid of some of their sovereignty to the benefit of the higher entity called a federal state. But at the same time, their autonomy and right participate in the federation are entirely recognized. Here the word autonomy entails that the set up of members be in possession of an institution which is their own like constitution, an executive, a parliament, a judicial system and the state have their own particular jurisdictions, there is therefore a balance to be found between the federal and the state power (Morin, 1999).

METHODOLOGY

In this the study a purely qualitative research methodology has been employed. The study has also used phenomenological research design with the support of document review analysis technique. And different secondary sources of data like journal articles and books were used to substantiate the results of the study.

DISCUSSIONS

Features or Characteristics of Federalism

From the above discussions, federalism generally infers as a system of government in which the power is divided between a central authority and various constituent units of the country. Usually, a federation has two levels of government. One is the government for the entire country that is usually responsible for a few subjects of common national interest. The others are

governments at the level of provinces or states that look after much of the day-to-day administering of their state. Both these levels of governments enjoy their power independent of the other. Below are some of the key features of federalism as described by Excellup (2009).

1. There are two or more levels (or tiers) of government.
2. Different tiers of government govern the same citizens, but each tier has its own jurisdiction in specific matters of legislation, taxation and administration.
3. The jurisdictions of the respective levels or tiers of government are specified in the constitution. So the existence and authority of each tier of government is constitutionally guaranteed.
4. The fundamental provisions of the constitution cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels of government.
5. Courts have the power to interpret the constitution and the powers of different levels of government. The highest court acts as an umpire if disputes arise between different levels of government in the exercise of their respective powers.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system thus has dual objectives: to safeguard and promote unity of the country, while at the same time accommodate regional diversity.

Osaghae(1990) argued that federalisms are distinct from other systems because they allow state differences to figure prominently in policy implementation. It is the principle of non-centralization. Implicit in the definition of federalism as involving a division of power between the central and state governments is the fact that there are certain matters on which states make final decisions. The existence of such matters guarantees the states autonomy in some areas. However, if this autonomy is to be guaranteed, matters on which states make final decisions should not be centralizable. It is this non-centralization that ensures the continued diffusion of power among many centers whose authority and existence are constitutionally guaranteed. Hence, here two aspects are crucial for the institutions and practice of federalism. Governments at different levels should agree to some rules of power sharing. They should also trust that each would abide by its part of the agreement. An ideal federal system has both aspects : mutual trust and agreement to live together.

As identified by Sahin (2006), there are some basic characteristics of federalism though its numbers are changing. However, it can be said that federalism has the following characteristics in addition to the above listed ones. They are listed as follows:

- A. *The distribution of power:* distribution of power is the main focus of federalism. Constituent members of a federation, i.e. states, are determined territorially; in other words, the distribution of power in a federation is territorial or geographical.
- B. *The difficulty in changing the distribution of power:* The existence and functions of the states in a federation can exclusively be adjusted through the amendment of the constitution and the institution cannot be changed without the common consent of the states.
- C. *The assignment of residual powers:* As it is obvious the distribution of power is made by a constitution. This can be practical in either of the two ways; the first is enumeration of the functions of federal governments. And the second way to do is enumeration of the functions of states. Actually, additional mechanisms of enumerations also existed: enumeration of the functions of two-levels. But practically no constitution and tradition can provide for every specific situation. Sometimes, there cannot be detected "which government, federal or state, has the residual powers that is, the responsibility and legal power for dealing with those tasks that have not been assigned to either". While the residual powers can be in the hands of the states, such as United States, they can be in the hands of the federal governments as in the cases of Canada and India.
- D. *The necessity of federal Supreme Court:* To alleviate judicial power conflicts between federal governments and states and among states, the formation of a supreme court is mandatory in all federations.
- E. *A Two-level assembly and equal representation through an upper chamber of the assembly:* In almost all of federations "the states have a guaranteed voice in national policy-making through an upper chamber of the assembly, in which each state normally receives equal representation".
- F. *The equality of two chambers of the assembly:* A real equality among state should persist; the upper chamber of the assembly should have an effective power in the legislative process.

Rationales and Models of Federalism

The motive of forming a federal state is deeply connected to the context of the individual countries. One of the reasons for the making of federalism is the chance to create a larger state and enjoy greater access to economic and military resources. Federalism is also a

tool that helps nations to build a democratic republic by preventing tyranny of the majority. In addition, liberty and the power of elected officials could be reconciled within a federal structure that would constrain the power of the government by balancing it in the institutional separation of powers of branches of government and the territorial division of power between the center and the states (Walleigne, 1969).

According to Bulmer (2017) the rationale behind the formation of federalism in countries was justified as an institutional solution to the problems which are linked with scale and diversity. The origins of democracy can be traced to ancient and medieval city states where citizens were able to participate directly in political life. Historically, it was believed that democracy was achievable only in small states, by which decisions were enacted in the course of face-to-face dialogues in the town square. The emergence of representative institutions permitted democracy to be exercised on the scale of the nation state, but the problem of scale still remained. The higher the size of the political unit the more it will create a lot of adverse consequences. As the geographical distance between the government and the people grows, the more difficult it becomes for the people to make their voices heard, the more elites at the centre begin to dominate the political process and the less likely it becomes that the rulers will understand the needs, aspirations and priorities of the people. Consequently, it will lead to unpopular, inappropriate and unworkable policies, as well as to a sense of alienation and frustration that can damage the reputation of the political system as a whole. Therefore, federalism can help resolve this problem, for the reason it enables substantial powers to be exercised at the state or provincial level, in order to give people greater opportunities to exercise democratic control and to tailor policies to their own needs, while entrusting to the centre only those powers that need to be handled centrally.

For the recognition of ethnic, religious, linguistic or other cultural communities, to reflect ones desire to be recognized as a people with a distinct identity and particular interests are the main rationalization in the adoption of federalism in the various countries of the world. It assures considerable self-sufficiency to such groups, can permit them to exercise partial self-government through state, provincial or regional institutions while still sharing certain functions with other communities through federal or national institutions. By satisfying demands for autonomy and recognition, a federal constitution may protect minorities, prevent conflict, increase the legitimacy of democratic institutions and reduce pressure for secession (ibid).

Coming Together (Aggregation)

When two or more than two existing sovereign

countries agree to create a federal system for governmental efficiency, economic development, and security purposes it is known as coming-together federation. Federations can promote economic prosperity by removing internal trade barriers, and they may also foster peace by preventing wars and preventing fears of war, in several ways. In this case it's helpful to mention the 1998-2000 Ethio-Eritrean war as an illustration. This war could have been avoided had Ethiopia and Eritrea solved their problems through federal arrangements. The crucial aspect of "Coming-together" federation is that the various sovereign units come together to form the federation on the voluntary basis (Walleign, 1969).

Federalism could be seen as the result of a process in which a set of formerly self-governing states or provinces "come together" into a nation USA and Germany are typical illustrations for such a case. With the intention of achieving the benefits from cooperation a set of sovereign polities will need to come up with more heavily "institutionalized" governance structures to convincingly enforce the initial agreements and to make choices in the future, when unforeseen contingencies arise (Tommasi, 2000). Those which are closest to the pure model of a largely voluntary bargain, are the relatively autonomous units that "come together" to pool their sovereignty while retaining their individual identities. The United States, Switzerland, and Australia are examples of such states (Stepan, 1999). Historically, small states that were confronted by common enemies or existential challenges would sometimes come together in unions, leagues or confederations that were bound together by a treaty or founding agreement. This would enable these states, without sacrificing autonomy in most aspects of domestic policy, to share certain powers and functions, particularly in relation to foreign affairs, defense and trade. In several respects, however, these early unions were more like today's intergovernmental organizations than modern federal countries. Therefore aggregation occurs when formerly independent countries unite into a federal state (Bulmer, 2017).

Holding Together (Devolution)

Most federations which are assumed to be democratic emerge from completely different historical and political conditions, which are called holding-together federalism. In a holding-together federation, an already existing large polity is subdivided into various sub-units that enjoy sovereignty over certain policy areas. It is an approach used to cope with ethnic divisions, or it is a mechanism used to save a disintegrating unitary state. In most cases, 'Holding together' federations are the outgrowth of a consensual parliamentary decision to preserve a unitary state by creating a multi-ethnic federal system (Walleign, 1969). India in late 1948, Belgium in 1969, and Spain in

1975 were all political systems with strong unitary features. Yet, political leaders in these three multicultural polities came to the decision that the best way indeed, to hold their countries together in a democracy would be to devolve power constitutionally and turn their threatened polities into federations. The 1950 Indian Constitution, the 1978 Spanish Constitution, and the 1993 Belgian Constitution are all federal (Stepan, 1999). It prevails when a formerly unitary state seeks a federal solution to the problems of scale and diversity (Bulmer, 2017).

Putting Together

It is a model of federalism in which a heavily coercive effort by a nondemocratic centralizing power is made to put together a multinational state, some of the components of which had previously been independent states (Stepan, 1999). Such kind of federations are identified as those federal states like the USSR that are integrated non-voluntarily, i.e. by coercion; "Putting together" federalism is a forceful or fraudulent incorporation of different nationalities by an organized elite as in Kratocracy (government by those who are strong enough to seize power through force or cunning). Both Ethiopia and the former USSR are typical examples of nominal federal entities with a very high level of centralization. In these types of federations, there seems to be a coercive entity that forcefully puts units together (Walleign, 1969).

Ethnic and Territorial Based Federal Structure

Federalism can be territorial federalism and/or ethnic federalism. The classic federation is composed of territorial entities. Boundaries of territorial entities can be drawn either to create to the extent possible territorial entities with ethnically, culturally, religiously or linguistically homogeneous populations (normally called ethnic federalism) or they can give precedence to other criteria like geography, demography and financial capacity (normally called territorial federalism).

Symmetric and Asymmetric Federations

Symmetric Federations

Symmetric federalism is a condition where the constitutional power is divided equally between the constituent states which basically mean that every state in the union has the same power. Here USA can be taken as an example for this type of federation (Walleign, 1969). The foundation of the symmetry of federalism is the overall extent to which the federal system is

described by a harmonious pattern of states partaking of the general features of the federal nation. In a symmetrical system, each of the separate political units would be miniature reflections of the important aspects of the whole system and no significant social, economic or political peculiarities would exist which might demand special forms of representation or protection (Burgess, 2006).

Asymmetric Federations

In asymmetric federalism, the constituent entities of the federation have the same constitutional status, but one or more than one of the units may possess different powers. India is a typical example of asymmetric federalism where states like Jammu, Kashmir and Andhra Pradesh enjoy more autonomy than the others (Walleign, 1969). The concept of asymmetry shows the extent to which constituent states do not share in the conditions and concerns common to the federal system as a whole. The ideal asymmetrical federal system would be one composed of political units corresponding to differences of interest, character and makeup that exist within the whole society (Burgess, 2006).

Dual and Cooperative Federalism

In a dual federalism allocation of executive authority is in principle considered co-extensive with the distribution of legislative responsibilities. This stems from the fact that, if the federal and state governments are to remain autonomous, then each must act directly towards the people in the process of enforcing its laws. As a result, it follows that not only legislative but also executive, financial and judicial powers should be divided between the federal government and the states so that each will act autonomously. A strict application of the principle results in a dual polity. In theory, dual or layered cake federalism, as it is sometimes called, assumes little overlap or sharing of functions between the two governments. Dual federalism is represented by the United States federation. Co-operative federalism may refer the aspects of intergovernmental relations. The notion of co-operative federalism may be used in both presidential and parliamentary federations (Asefa, 2009).

The Critique of Federalism

Burgess (2006) briefly listed the critics of federalism as follows;

1. Weakness in the conduct of foreign affairs.
2. Weakness in home government, that is to say,

deficient authority over the component states and the individual citizens.

3. Liability to dissolution by the secession or rebellion of states.
4. Liability to division into groups and factions by the formation of separate combinations of the component states.
5. Absence of the power of legislating on certain subjects wherein legislation uniform over the whole union is needed.
6. Want of uniformity among the states in legislation and administration.
7. Trouble, expense and delay due to the complexity of a double system of legislation and administration.

Advantages and Disadvantages of Federalism

Elliot Bulmer (2017) identified the potential merits and demerits of federalism as clearly described below.

Advantages

Federal government is rooted in constitutionalism and pluralism

Federalism requires power-sharing between federal institutions and those at the sub national level, such that neither level of government has absolute power. A well-functioning federal system is by definition constitutional and pluralist, since it is based on discussion and negotiation between balanced centre's of power and the recognition of minorities under a broad framework of agreed constitutional rules.

The power-sharing base is broadened

Federalism allows political groups that are minorities on the federal or national level to hold office at the state or provincial level. This can promote political inclusion and a balance of power in countries with a dominant party at the national level. In South Africa, for example, the African National Congress party has won large majorities at every national election since the transition to democracy in the 1990s, but the opposition Democratic Alliance has enjoyed power in the Western Cape Province. The broader base of office holding at sub national levels may also provide greater opportunities for women, ethnic minorities, poor people and other traditionally under-represented demographics to be elected to office.

Innovative and pragmatic approaches to policy development are encouraged

By allowing sub national units to develop their own

policies to meet their own needs, federalism can promote innovation and experimentation in policymaking, enabling states or provinces to pioneer innovative policies that would not be politically viable at the national level. In 2006, for example, the US state of Massachusetts was able to establish a quasi-public health insurance system that greatly expanded access to medical care for low-income citizens despite the absence of such a provision at the national level.

The burden on central authorities is reduced

Federalism frees the central government from having to handle much of domestic administration and service delivery, enabling it to focus on strategic challenges and national priorities.

Resources are shared across geographical space

Federalism is a way of ensuring the wider distribution of public resources through revenue sharing and other forms of fiscal arrangements that guarantee an agreed share of resources to all areas of a country. Federalism may also encourage more geographically diverse economic and social development, in contrast to a unitary state where everything is money, power, culture gravitates to the capital.

Capacities and democratic responsibilities are developed

State, provincial or regional institutions provide a useful training ground for citizens, representatives and public officials. In a centralized country, politics takes place in the capital, and those who are far removed from the capital have few opportunities to participate in holding office and making decisions; in a federal country, many more people have the opportunity to participate in public life.

Disadvantages

Duplication of work and lack of coherence

Federalism can duplicate government functions and lead to the delivery of overlapping or contradictory policies at different levels of government. Although constitutions often attempt to specify which level of government has primacy in each area of policy, many policies cut across these functional boundaries or can affect other policies in unpredictable and undesirable ways. As a consequence, the responsibility of each level of government for policy outcomes and service delivery may be hindered by the actions or inactions of other levels of government. It can become difficult for citizens to know where responsibility lies and to use this information to hold public officials to

account.

Additional operating costs

Maintaining multiple levels of government is expensive. More public institutions means higher costs for offices, staff, salaries and allowances, and meeting these costs may place a heavy burden on the treasury of a less economically developed country.

Increasing regional discrepancies of wealth, resources and outcomes

Unless an effective mechanism for revenue sharing is in place (requiring richer states or provinces to subsidize poorer ones), federalism can lead to increased inequality between sub national units because of their different natural resources or other revenues or levels of development. Federalism may also cause a widening disparity of outcomes in terms of the provision and quality of public services.

Harmful economic competition between sub national units

A related point is that if the unit of social and economic regulation is smaller than the unit of free trade and of capital movement (e.g. if working conditions or environmental regulations are determined by sub national units), then a 'race to the bottom' might result, as subunits compete to attract capital by lowering wages and costs. This can undermine solidarity and make it more difficult to pursue economically progressive policies.

Judicialization of politics

A strict constitutional division of power between levels of government may result in an increased political role for the judiciary, as disputes between the competences of national and sub national institutions are resolved in the courts rather than through elected legislatures. In all democratic countries it is necessary to maintain a careful balance between the independence and neutrality of the judiciary, on the one hand, and the responsiveness and inclusivity of the judiciary on the other, but in federal countries striking such a balance is particularly important.

Potential exclusion of minorities

While federalism can provide opportunities for autonomy and recognition for cultural minorities, it can also expose minorities within constituent units to discrimination and oppression, particularly if states/provinces/regions are established on ethnic, linguistic, cultural or religious lines but contain within them minorities belonging to different groups. A strong central government, on the other hand,

may protect such locally concentrated minorities and ensure the equal protection of the law.

The strengthening of local elites who misuse power

Powerful interests can misuse sub national governments for private gain at the expense of the common good. Corruption, always difficult to eradicate, may be especially hard to tackle at the state, provincial or regional level, where it may be embedded in local networks and take place far from the eyes of national anticorruption authorities. In situations where many voters are economically or socially dependent on local elites (for example, because those elites control access to employment, land or other goods), the greatest challenge is to ensure that decentralized government is decentralized democracy, and not decentralized oligarchy or autocracy.

Ineffective governance because of a lack of capacity

Sub national governments may be ineffective owing to a lack of the human and financial resources necessary to fulfill their functions. Constitution-makers should be aware of the risk of overburdening weak and newly established governing institutions with demands that they cannot meet to do so would risk disillusionment, distrust and discontent.

Instability and threats to democracy

The multiple centres of power associated with federalism may have a destabilizing effect and can, in the absence of a consolidated democracy, create additional risks of conflict. While federalism may satisfy demands for autonomy and thereby diminish the desire for secession, it may also provide an institutional platform for secessionist demands. These demands, if not accommodated through a further transfer of powers, could result in a destabilizing and potentially violent secession or to anti-democratic measures in order to suppress secessionism.

CONCLUSION

This work has mainly emphasized about the idea of federalism in relation to its different aspects. As it is apparent, there is an intense debate over the meaning or definition of federalism but there can be a common understanding given to it by which most people can share the idea. Thus it is considered as way of dividing power between different levels of government based on the constitution of the state for the reason that federated units can enjoy a substantial autonomy over certain policy areas through the allocation of power in line with

agreed rules over other areas. Federalism like other systems of government it has its own identifying features. These are for instance, existence of two or more levels of government, each of the tiers of government have their own jurisdiction, constitutional guarantee for autonomy of each unit for their prevalence, including dual objectives for the sake of safeguarding and promoting the unity of the country, etc.

Most of the time the justification behind the establishment of a federal system is linked with a countries level scale and diversity. Additionally, in this paper we have extensively describe the deferent models of federalism like coming together , holding together, putting together, ethnic, territorial, symmetric and asymmetric federations by which all of the models may have their own criteria's. Besides the justifications given for the formation of federalism, there are also ample critiques given to it. These include, such a system is criticized for being weak in the making of foreign affairs, it's so costly and delay of procedures as a result of duplication of legislation and administration. From this the study concluded that federalism is not a completely a sacred system but also full of a number of limitations and critiques.

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