



**Federalism: Meaning, Nature and Major Elements**

**Subject: Political Institutions and Processes in  
Comparative Perspective**

**Lesson/Chapter: Federalism: Meaning, Nature and Major  
Elements**

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## **Introduction:**

Federalism has remained a significant concept in the discipline of political science for a long time in various ways. Political systems of the world are either federal or unitary or a mixture of these two. On the one hand, countries like United States of America (USA), Switzerland, Canada, Australia, India, etc. are examples of federal states, on the other; Britain, China and France are examples of unitary set up. In the most basic sense, federalism implies the existence and operation of a double set of government. In other words, the basic policies of the state are to be made and implemented at the level of the central and the provincial governments. Comparative politics as a field of study in political studies in the beginning remained confined to legal analyses of constitutional designs.<sup>1</sup> Due to availability of very few comparative works on federalism, Riker opined that they are “few in number and spotty in quality” (Riker 1964; 157). But now the nature and scope of comparative politics is much wider and accommodative.

In the area of comparative politics, the nature and meaning of federalism as a concept has evolved over a period of time. In different contexts, it could be understood as an institution as well as a political process. On the one hand, as an endogenous institution, one needs to look into the conditions under which federalism is likely to emerge and survive. On the other hand, as a political process, we need to understand its impact on democracy as well as working of economy. With more than half of the countries of the world to have adopted one or the other form of federalism, various types of federalism itself has evolved over a period of time. So, one may say that federalism is no more merely the existence of two levels of government but has also rather become a popular form power sharing and governance affecting the different spheres of state ranging from society to polity and culture. This chapter intends to outline the meaning, nature and major elements of federalism. Accordingly, the chapter is divided into three major sections on each of them along with their sub-sections.

## **Meaning of Federalism:**

The term ‘federal’ is derived from the Latin word ‘foederatus’ which is derived from two terms i.e. ‘foedus’ (treaty) and fidere (trust). We need to capture its meaning in order to have a better understanding of the concept. **Michael Burgess** in his book ***Comparative Federalism: Theory and Practice*** writes that the shift from confederation to federation in the United States of America (USA) in the years between 1781 and 1789 generated the

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<sup>1</sup> One may see the writings of Wheare (1946), Livingston (1956), McWhinney (1962), etc.

debate about modern government and politics. With the establishment of American federal model, a set of core principles also came up which were to be imitated by other countries in order to be federal. We will discuss about them in the last section on major elements of federalism. To Burgess, the meaning and significance of federalism and federation have changed over a period of time.

Before the term 'federalism' came much in vogue in the academic discourse, another term 'federal principle' was being used. One of the classic definitions of the federal principle is given by **K.C. Wheare** as 'a method of dividing powers so that the general and regional governments are each, within a sphere, coordinate and independent' (Wheare 1946; 10). Various terms like federalism, federal principle, federation, federal system, federal union, etc. have evolved over a period of time enriching this area of study on federalism in comparative politics. Most commonly, it is understood as a system for territorial division of power. According to **Stepan**, federalism is 'the form of governance in all stable, multi-national and multi-lingual democracies' (Stepan 2001; 315). In the next section, we will discuss and try to differentiate between federalism and federation.

Insert q no 1

### **Federalism and Federation:**

As mentioned earlier, these two terms i.e. federalism and federation are often used in a confusing manner. To have discussed the meaning of federalism, let us now explore the idea of federation. **Daniel Elazar** has defined federation as a political form which is founded on the 'distribution of real power among several centres that must negotiate cooperative arrangements with one another in order to achieve common goals' (Elazar 1984; 2). To understand the distinction and overlap between the two concepts i.e. federalism and federation, you may have a look at the value addition box given below.

#### **Value Addition: Did you know?**

The terms like federalism, federal government and federation are often confused with each other. Federalism is used as a concept as well as form of government. It is a system of government that represents the existence of dual government at the same time. The term Federation is used for such countries which have adopted federalism as a system of governance in some or the other way. For example, countries like Canada, Australia, U.S.A., India, Russia, etc.

**Michael Burgess** points out that the analytical debate on the meaning<sup>2</sup> of 'federalism' and 'federation' going on among the historians, political scientists and practitioners for a long time. One may see that in the Anglo American literature from eighteenth century onwards. Alexander Hamilton, John Jay and **James Madison** wrote *The Federalist* during 1787-88 which still remains an important text to understand federalism. **Clinton Rossiter** writes:

**The Federalist converted federalism from an expedient into an article of faith, from an occasional accident of history into an enduring expression of the principles of constitutionalism<sup>3</sup>.**

**Alexis de Tocqueville** published his famous *Democracy in America* in 1835 examining the complex relationship between liberty, equality and mass democracy. To him, the social conditions of America played an important role in the adoption of federalism. The social diversity of America came from its communities, townships and provincial assemblies. He projected America as a case of federal democracy where power was both shared as well as divided. In the line of available literature on forms of governments at that time, the writings like **J.S. Mill's *Considerations on Representative Government* published in 1861**, Edward Freeman's historical study *History of Federal Government in Greece and Italy* in 1863, etc could be seen. Some of the important ideas will be discussed in coming sections. Let us now explore the nature of federalism.

#### **Value addition-know it more**

1. To read more about the conceptual aspect of federalism ,you may go to :  
<http://en.wikipedia.org/wiki/Federalism>

#### **Nature of Federalism:**

To have seen the meaning of federalism in the previous section, in this section we will have an elaborate overview on its nature. Need not to say that corresponding to the changing worldview around federalism; even its nature has undergone changes over a period of time. But, before doing that, let us have a look at the reasons as to why we should study about federalism. Doing this exercise will help us in understanding the changing nature of federalism.

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<sup>2</sup> For details, see Burgess (2006), *Federalism and Federation: The Quest for Meaning in Comparative Federalism*, pp. 9-47

<sup>3</sup> *Ibid.*, p. 10.

**Brendan O’Duffy** argues that there are three prominent reasons that why is it significant to study federalism and federal government in comparative politics. First, a major portion of the world population (somewhere between one-third and one-half of the population) is in some or the other form of federal set up. The range of countries viz. India, Canada, Brazil, South Africa, Argentina, Germany and many others vary across the continents. Second, apart from a large number of worldwide formal set up of federations, there is a growing tendency of decentralization even in the unitary states like UK, Belgium and Spain. Due to their ethnic, national and regional demands, all of them had to evolve some or the other mechanism of autonomy. Third, in the age of globalization, the notion of nation-state as the centre of political authority and governance has come under attack from various fronts and in this light it is interesting to see the increasing fluidity of relations between state authority and territoriality under the federal adjustments (O’Duffy 2009; 201-2). In the next sections, we will have a look at Freeman and Livingston’s views on federalism.

### **Freeman on Federalism:**

Some scholars have considered Freeman’s study as one of the earliest and most exhaustive survey of the federal idea and the history of federal government. **Freeman** in his comparative and historical study *History of Federal Government in Greece and Italy* published in 1863 takes an empirical approach and uses comparative method in history and politics. He refers to himself as a ‘historian of federalism’ but of a particular type, one who uses classifications, draws parallels and analogies for comparison<sup>4</sup>. To him, conception of federalism was more of a compromise between the two extremes as to whether several small states are to remain perfectly independent or to be consolidated into a single state. He talked about three classes of government i.e. democratic, aristocratic and monarchic and further said that federalism could be adopted in any of them.

<b>Value addition:know it more</b>
To know more about the functioning of federalism in the democratic countries like United States of America ,you may read from: <a href="http://www.law.cornell.edu/wex/federalism">http://www.law.cornell.edu/wex/federalism</a>

Federation for Freeman was characterized by three essential qualities. To name them, first, it was artificial, second, it was based upon human reason and, third, it was entirely circumstantial. Even after one hundred and fifty years of its publication, Freeman’s text is

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<sup>4</sup> Ibid., pp. 12-13.

still considered an important text to understand the complexities of contemporary federalism and federation. In the next section, we will explore Livingston's views on federalism.

Insert q no 2

### **Livingston on Nature of Federalism:**

Livingston's major contribution to the study of federalism lies in his critique of existing approaches to study federalism and federation. He criticized them for their exclusive legalism. **William S. Livingston in his article 'A Note on the Nature of Federalism'** (1952) argues that federalism has so far been considered as a juridical term and its treatment has often been one of legal formalism and formal jurisprudence. The division of power remains a central idea behind the concept. The central and regional units are endowed with certain powers and functions and none of them can assume each other's domains since each one is placed autonomously. However, the boundary between the units and extent of their powers may differ from country to country. In this context, in terms of operation of federal institutions, the role of written constitutions becomes very important as they define the extent of powers of each unit. He further writes that federal governments and federal constitutions are not accidental in nature but rather a consciously adopted system.

#### **Value Addition: Know it More**

For additional information on Livingston's Views on NATURE OF FEDERALISM, you may read the following article:

William S. Livingston, A Note on the Nature of Federalism, *Political Science Quarterly*, Vol. 67, No, 1, March, 1952, pp. 81-95.

He argued that the essence of federalism does not lie in the institutional or constitutional structure but in the society itself. To him, federal government is like a device by which the federal qualities of the society could be articulated and preserved. Thus, federalism is a relative term rather than an absolute one. He introduced the notion of '**instrumentalities**' for the non-constitutional matters like habits, attitudes, concepts, etc. which facilitate the adoption of federalism. Livingston also noted that these instrumentalities eventually get rigidified and acquire certain status in due course of time. So, we may say that his contributions are significant in broadening the nature and scope of federalism.

The nature of federalism as an area of study has undergone immense transformation over a period of time. While the conventional studies on federalism focused much more upon the territorial division of powers and laying down the criteria for being a federal set up, in the modern studies, its scope has widened a lot. With comparative federalism itself as a sub-area of study within comparative politics, now the focus is more upon the issues like effects of different forms of inter-governmental relations, the forms of representation of citizens, impact of federalism on taxation, delivery of governance, identity, territoriality, etc. Thus, we may say that federalism in present context has become much more than merely two sets of government and territorial division of power. In the next section, we will try to understand the major elements of federalism. It will also help us in understanding the possibilities of different types of federal set ups.

Insert q no 3

### **Major elements of Federalism:**

To have seen the meaning and nature in the previous sections, we will now have a look at the major elements of federalism. We discussed in earlier sections that the nature of federalism may vary from one to another country depending upon various factors viz. the conditions in which it is adopted to the social and political cleavages, etc. However, irrespective of the differences, one may underline few elements which are common to most of the federal set ups. Let us, explore some of the remarkable ones.

### **Distribution of Powers:**

It is one of the essential features as well as the very basis of a federal system in the opinion of **Dicey and Wheare**. W.H. Riker defined federalism as 'a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions' (Riker 1975; 101). In such a system, governance is based on the principles of shared rule and harmonization of powers. In decision-making as well as decision-executing processes, both the governments have to participate together. To facilitate that, the institutional arrangements are to be done in such a way that each government has its domain to exercise the political authority. Thus, there is a need to have a written constitution which is the second major element of federalism. We will learn more about it in the next section.



## Value Addition Box: Division of Powers in Federal System

### Written Constitution:

Most of the scholars on federalism have stressed on the fact that for the smooth functioning of federalism, it is necessary to have a written constitution. It could be a useful tool in description and demarcation of each level of government. It is also helpful in many other ways like the nature of judicial review, the nature of representation in the upper house of the national chamber, the process of selection of the head of the state and numerous such significant details could be seen in the constitution. **James Madison wrote in *Federalist Paper 10*** that “the federal constitution forms a happy combination... the great and aggregate interests being referred to the national, and the local and particular to state governments”. His academic contribution in the study of federalism is still considered as a remarkable one.

As a system, federalism is somewhere between the two extremes i.e. the unitary system which is marked by centralization of power in union government and the confederation known for excessive autonomy to the constituent units. The US constitution is the example of one of the earliest written constitutions which has given an elaborate account on division of powers between the centre and the state governments. In the federal system, neither the central government nor the state governments have the power to dissolve the constitution without each other's consent. Even for the amendment of constitution, there are mechanisms for state and centre to do it together. The extent of such mechanism may vary from one country to another.

Insert q no 4

### Non Centralization:

While unitary system is based on centralization of power, the federal system as its opposite is based on the non centralization of power. In such a system, the political set up itself is expected to reflect such trend. One may see its implication in the constitution of a federal

country which actually aims at diffusing the political power among a number of considerably self-sustaining units. Such kind of diffusion of power could be termed as non centralization. It is also a way of ensuring in practice that the authority to participate in exercising political power remains intact with the central and the state governments in their own ambit. It also implies that the political power and authority cannot be taken away from the central or the state governments without common consent. Overall, the principle or element of non centralization remains very important for a federal set up like other major elements viz. division of powers and written constitution.

**Value addition-Did you know**

In USA, the residents have dual citizenship i.e. one for their native state and another for the country. But, such a provision is not commonly practiced in other federal countries.

There are some other major elements of federalism also like dual citizenship in case of America upper house of the parliament to represent the constituent units, centre-state co-ordination, reasonable trend towards centralization, etc. However, it is not possible to go into the details of each of them in this chapter. Another thing is that most of these elements are relative ones and not necessarily seen in all the federal countries and thus, I focused on only three trends which are essentially present in most of the countries practicing federalism.

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**Summary:**

To sum up, we may say that federalism in the present scenario has become a popular form of government. As a concept, federalism on the one hand promotes and protects unity and on the other it accommodates the social diversity. As a form of government, it promotes multilevel governance and decentralization of powers. Each level of government has its jurisdiction in the exercise of political authority. Both the levels of government i.e. national and state level government make laws, impose the taxes and spend money. They also have separate courts and the principle of judicial review plays an important role in the functioning of federal system. In this chapter, we learnt about the nature, meaning and major elements of federalism. While doing so, we also tried to understand that how the ways to study this

concept has undergone significant changes in last few centuries. The next chapter aims at underlining the historical context and evolutionary trends of federalism. Before moving to the next chapter, let us have a look at the box on glossary of key words given below.

**Key Words:** Federalism, Federation, Federal Principle, Federal System, Confederation, Unitary System, Judicial Review.



#### **GLOSSARY OF KEY WORDS**

**Federalism:** The term is used as a concept as well as form of government. As a system of government, it represents the existence of dual government i.e. the powers being shared by the centre and the provincial units.

**Federation:** The term is used for such countries which have adopted federalism as a system of governance in some or the other way. For example, countries like Canada, Australia, U.S.A., India, Russia, etc. are federations. However, the nature, extent and typology of federalism may vary from one country to another.

**Confederation:** It is a set-up which is looser-knit than federations. It is formed by private or public bodies which tend to co-operate with each-other but at the same time also want to preserve their independent identity. Thus, they may be countries like Swiss confederacy in the 13<sup>th</sup>-14<sup>th</sup> century as well as the international organisations like the UN, NATO, etc in the 20<sup>th</sup> century.

**Unitary System:** It is a centralized form of government where the powers of state are vested in the union government. Such a system is in sharp contrast with federal system which is based on division of power. Many democratic countries like Great Britain and France have unitary set up for a very long time.

**Judicial Review:** It is a corollary to limited government and constitutional supremacy. It seeks to ensure the supremacy of the basic law, by making the court the guardian and watchdog of the constitution. Starting with American political system, the provisions for judicial review now appears in more than fifty political systems ranging from Western Europe, Latin America, Africa, etc.

### Short Answer Questions

1. What do you mean by federalism?
2. What do you mean by federal principle as mentioned by K.C.Wheare?
3. Describe Livingston's views on Federalism.
4. Discuss about the use of empirical and comparative method by Freeman in study of federalism.

### Long Answer Questions

1. What do you mean by federalism as a theory and practice? Describe its nature and meaning.
2. What are the major elements of federalism? Write an account of some of them.
3. How to differentiate between federalism and federation? Give an account of views expressed by Michael Burgess.
4. Do you think agree that federalism as a concept could be understood better in a comparative perspective? Give the reasons to substantiate your argument.

### Multiple Choice Questions (MCQs)

1. Tocqueville wrote about experience of democracy in
  - a) America
  - b) England
  - c) India
  - d) South Africa(Answer – a)
2. Who among the following wrote about 'federal principle'?

- a) Livingston
  - b) Dicey
  - c) K.C.Wheare
  - d) Rosa Luxemburg
- (Answer – c)

3. What is the title of Tocqueville’s famous book?
- a) Democracy in America
  - b) Democracy in Canada
  - c) Accumulation of Capital
  - d) German Ideology

(Answer – a)

**Fill in the Blanks**

- 1. Tocqueville’s famous book is Democracy in \_\_\_\_\_ (America/Canada) (Answer – America)
- 2. According to Freeman, Federalism is \_\_\_\_\_ (Natural/Artificial) (Answer – Artificial)
- 3. The root word of Federalism is \_\_\_\_\_ (Latin/French) (Answer – Latin)

**Match the Following**

- 1. Books -- Authors
- (a) Federal Government -- (i) E. McWhinney
- (b) Comparative Federalism -- (ii) W.H. Riker
- (c) Federalism -- (iii) K. C. Wheare

(Answer – a-iii; b-i; c-ii)

- 2. Thinkers -- Concepts
- (a) K.C. Wheare -- (i) Instrumentalities
- (b) Livingston -- (ii) Distribution of power
- (c) Daniel Elazar -- (iii) Federal Principle

(Answer – a-iii; b-i; c-ii)

- 3. Books -- Authors
- (a) The Federalist -- (i) Freeman
- (b) Considerations on Representative Government -- (ii) James Madison
- (c) History of Federal Government In Greece and Italy -- (iii) J.S. Mill

(Answer – a-ii; b-iii; c-i)

**Tick the True or False**

1. Livingston talked about 'federal principle'. (True/False) (Answer – False)
2. Freeman considered federalism as an artificial set up. (True/False) (Answer – True)
3. Federalism has nothing to do with social diversities. (True/False) (Answer – False)
4. Tocqueville wrote about American experience of democracy. (True/False) (Answer – True)
5. Michael Burgess wrote the book "Comparative Federalism". (True/False) (Answer – True)

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William S. Livingston (1952), A Note on the Nature of Federalism, *Political Science Quarterly*, Vol. 67, No, 1, March, pp. 81-95.

**Further Readings:**

Brendan O'Duffy (2009), 'The Territorial Dimension', in Judith Bara and Mark Pennington (eds.), *Comparative Politics*, Sage South Asia Edition, New Delhi, pp. 201-226.

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**Important Web links:**

1. <http://www.britannica.com/EBchecked/topic/203491/federalism>
2. <http://en.wikipedia.org/wiki/Federalism>
3. <http://www.law.cornell.edu/wex/federalism>

