

3. Comparative federalism: what is a federation and how do we study more than one?

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EXPLANATION OF COMPARATIVE FEDERALISM

Comparative federalism is the study of the nature, operation, possibilities and effects of federal governance forms across two or more cases. Federal governance comprises a spectrum of institutional forms including loose confederal arrangements, archetypally federal systems, and federacies (Elazar 1987, 6). It may even encompass non-territorial federalism. Being interested in both structures and dynamics, comparative federalism is a branch of comparative politics and comparative government. It involves several elements, including a set of identifying criteria, a set of sorting criteria, an understanding of the techniques of comparison, and an appreciation of the range of questions that might be asked about federal systems.

First is a reasonably well-defined set of cases: which countries qualify as federations, or, if not federations, as having some federal arrangements? A number of ambiguities arise, including systems that appear federal in practice while not being so officially and vice versa, and systems whose federal quality is greatly compromised by their degree of centralization or absence of democracy. That is premised in turn on a defensible conception of the principles and practices of federalism and, based on that, formulation of a workable definition.

Some federalism scholars such as Wheare adopted a rather strict definition. He defined a federal government as one that embodies 'predominantly a division of powers between general and regional authorities, each of which, in its own sphere, is co-ordinate with the others and independent of them' (Wheare 1963, 33). For him, the United States, Switzerland, Canada, and Australia were the best examples. At the other extreme, Elazar (1987, 12) favoured the 'simplest possible definition ... *self-rule plus shared rule*', with self-rule referring to the ability of the constituent units to exercise some self-government, and

shared rule referring to the existence of an overarching central government serving the collective interests of the federation. In between lie a range of variations, all of which ultimately seek to distinguish federal from unitary governance – including unitary systems with a considerable degree of devolved authority – and from systems that are more federal in form than in substance. For most scholars, democracy is an important element – or even a *sine qua non* – of federalism because the respect for separate spheres of power seems to require it. There is no ‘right’ answer to these definitional questions, but the process of trying to answer them is a key part of comparative federalism.

Second is to sort those countries into types according to their mode of federalism or other important characteristics that may affect how their federal system operates. Although there are any number of criteria for such sorting, a handful are particularly salient. Is it a federation designed to accommodate forms of deep diversity, or is the society mononational? Is it based on an approach to dividing powers according to the ‘dual’ or the ‘administrative’ mode? Is it presidential or parliamentary? Is it a stable advanced liberal democracy? Is it a coming together, holding together, or putting together federation, or some combination of these?

Third is to understand the principles and practices of comparative analysis and how those might apply to federations. This includes the concepts of ‘most similar’ and ‘most different’ forms of comparison and their logics and requirements, principles and forms of causal explanation, and qualitative and quantitative small-*N* and large-*N* analyses. While it is debatable whether systematic comparison is essential for robust causal explanations, it is certainly valuable. In this context, it typically involves finding two or more federations sufficiently similar as to control for as many other variables as possible and then isolate factors explaining different outcomes. The more cases, the easier it is to control for other variables, but the less likely they are to be similar.

Finally, there is the more substantive question: what do we want to know about the operation of federal systems? These generally fall into one of two categories: federalism as the dependent or independent variable. As a dependent variable, attention is focused on how federations come into being, whether they last, how they function, and how they evolve. The survival of federal systems is particularly relevant in today’s world where it offers potential for accommodating deep diversities and reducing conflict. The functioning of federations encompasses such institutions and processes as the representation of constituent units in central institutions, the practical operation of the division of powers, vertical and horizontal fiscal arrangements for revenues and transfers, management of conflict, arrangements and practices of intergovernmental relations, judicial resolution of jurisdictional disputes, and constitutional amendment. As an independent variable, attention is focused on the ways federalism affects politics and policy-making – particularly the complex ways in

which it may either obstruct or facilitate policy-making. Included in the latter are such propositions as the ‘laboratory federalism’ thesis in which constituent governments serve as laboratories for policy innovation and the notion of alternative venues for advancement of policy. In many cases, the questions may well link back to theoretical concerns of political science more broadly, such as the competing perspectives of neo-institutional and society-based explanations.

REASONS TO STUDY COMPARATIVE FEDERALISM

Comparative federalism seeks to move beyond what one can learn from the study of a single federation by considering the practices and experiences of multiple cases. This serves several purposes. First, it allows us to understand *federalism* as a general phenomenon by contrast with the workings of any given *federation*. If federalism is a general category of government, then there are limits to what one case can tell us about it and to what one can learn about the applicability of federal-type arrangements to political challenges. Second, it illuminates the character of any specific case – what might be typical and what might be unusual – and suggests how things might be done differently. It is all too easy when immersed in the politics of one country to lapse into a parochialism that takes the status quo for granted (Weissert 2011). Third, it allows us to use the comparative method to propose and test explanatory propositions about how federal systems come into being, function, and evolve. Thick description and process tracing of an individual case can provide a good basis for causal explanation, but external validation is generally considered highly desirable. Propositions tested across a number of other cases provide the basis for more robust findings.

HOW COMPARATIVE FEDERALISM FITS INTO FEDERALISM RESEARCH AND STUDY

Since federalism first became a significant field of study in the early to mid-twentieth century, it has tended to follow two parallel tracks: works focused on federalism as a general phenomenon, and works focused on one particular federation. Often the latter drew very little on the former and paid scant attention to experiences elsewhere. Those tracks have converged to a significant extent, and comparative federalism is now at the centre of federalism research, seeking to produce more insightful analysis of individual cases as well as more generalizable understanding. In doing so, it is often seen as an antidote to parochialism and as advancing scholarship beyond description to more robust forms of explanation. Comparative analysis is now applied to any number of topics in the field – including second chambers, courts, intergov-

ernmental councils, the trajectory of federations, practices of fiscal federalism, accommodation of potentially conflicting identity groups, and secessionism.

LEARNING OBJECTIVES

Undergraduate students should come away from a course on comparative federalism with a sense of how to understand and define federalism as a system of government; how we can most usefully distinguish between different types of federation and how the core institutions associated with federalism vary across the countries; and current practices and issues of federalism.

Postgraduate students should, in addition, have a sense of what approaches one can take to a comparative analysis of federal systems, and what federalism questions have been the focus of comparative analysis.

HOW TO STRUCTURE AND TEACH COMPARATIVE FEDERALISM

The most straightforward way to teach this subject is to begin by following the template used by Hueglin and Fenna (2015) and Watts (2008). The basic organizing tool in both books is the main institutional aspects of federalism: division of powers, fiscal federalism, bicameralism, intergovernmental relations, constitutional amendment, and judicial review. Hueglin and Fenna structure analysis of each aspect by reference to a heuristic typology comprising a small number of inductively derived models. These distinguish some main forms in which federations appear depending on key institutional features such as how they organize the division of powers and the representation of the constituent units in the central government. That typology can serve as both a useful framing device and a point of reference for discussion about how to define and categorize federal systems. One could preface this institutional survey with a brief history of the federal experience covering the major early confederacies and the emergence of modern federalism in the United States.

With that as a basic knowledge foundation, students can then be introduced to any number of thematic questions. These include: origins, success and failure, deep diversity and secessionism, long-run dynamics, federalism and democracy, virtues and vices of federalism, interesting variations such as the European Union (EU), federated states or non-territorial federalism, and management of major policy challenges such as climate change or a pandemic. Success and failure emerged as a major concern in the mid-twentieth century process of de-colonization and has taken on a new lease of life with aspirations for federal solutions to deeply divided and post-conflict societies. Research has revolved around the supposed ‘paradox of federalism’, whereby autonomy is seen is potentially either inviting or assuaging separatism. Established feder-

ations, meanwhile, are often seen as condemned to a relentless centralization and functioning in a way that may either hinder or facilitate policy-making. At the margins, meanwhile, the question is whether federalism can bring together established sovereign states, as in the EU, reconcile distinctive communities to existence in an otherwise unitary setting, or work when the different communities are not territorially separated as federalism otherwise assumes.

While this would suffice for a normal undergraduate course, graduate seminars and perhaps final-year undergraduates should also be introduced to the more methodological and theoretical issues of the field. On the methodological side, they could be given one or two basic texts on the comparative method and one or two examples of its application to questions of federalism. Depending on which comparative studies were chosen, one could also draw out the theoretical perspectives being advanced in those studies.

QUESTIONS FOR CLASS DISCUSSION OR ESSAYS

1. How do we know a federal system when we see one?
2. What is the difference between confederal, federal, and federated systems?
3. What are the different ways federal systems emerge?
4. What is the difference and relationship between federalism and decentralization?
5. What are some of the criticisms of federalism, and what advantages have been claimed for federalism?
6. What are the general patterns in the way federal systems divide powers?
7. How does the division of powers function in the modern world?
8. What role has judicial review played in adjudicating the division of powers in federal systems?
9. Is federal bicameralism a necessary, important, or incidental component of a federal system?
10. What are some of the ways in which federal systems are affected by their fiscal arrangements?
11. In what ways might federalism help accommodate or exacerbate territorially based identity differences?
12. Take two studies comparing some aspect of two or more federations and explain how they use the comparative method and how robust their conclusions seem.

READINGS FOR STUDENTS

Elazar, Daniel J. (1987), *Exploring Federalism*, Tuscaloosa: University of Alabama Press.

- Fenna, Alan (2019), 'What hope for comparative federalism?' in John Kincaid (ed.), *A Research Agenda for Federalism Studies*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 76–92.
- Hueglin, Thomas and Alan Fenna (2015), *Comparative Federalism: A Systematic Inquiry*, 2nd edn., Toronto: University of Toronto Press.
- Riker, William (1964), *Federalism: Origin, Operation, Significance*. Boston, MA: Little, Brown and Company.
- Watts, Ronald (2008), *Comparing Federal Systems*, 3rd edn., Montreal and Kingston: McGill-Queen's University Press.
- Wheare, K. C. (1963), *Federal Government*, 4th edn., Oxford: Oxford University Press.

TEST/EXAMINATION QUESTIONS

1. Provide and justify a definition of federalism and apply to five existing federations.
2. Explain the way powers are divided in federal systems, discussing the logic of assignment and clarifying the differences between concurrent, exclusive, and residual powers. Draw on at least two different federations to illustrate.
3. How have the older federations changed over time? What factors have driven change and what role have the main institutions of federalism played in those processes?
4. What is 'intergovernmental relations' and why is it important in modern federalism? How does it vary between some of the main federations?
5. What is 'the comparative method' and how might it be applied to studying aspects of federalism? Draw on two or more comparative studies to illustrate.

POINTS FOR EVALUATION

Understanding and Defining Federalism. Draw upon and compare existing definitions, indicating how they relate to the 'spirit' (Burgess 2012) or principle of federalism and identifying core and associated institutions. Juxtapose with unitary government, decentralized government, and shades of federalism such a confederal government.

Distinguishing Different Types of Federation. Show how federations differ in design, societal characteristics, form of representative government, degree of development, and the like. Indicate some of the differences in the way constitutional amendment, second chambers and judicial review work.

Current Practices and Issues of Federalism. Students should be able to discuss some of a range of matters such as fiscal federalism, the spending power and fiscal equalization; intergovernmental conflict, cooperation, coordination and collaboration; and regional tensions and secessionism.

Postgraduate students should, in addition, be able to show an understanding of the methods, possibilities and limitations of comparative analysis and an understanding of how these are manifest in some of the studies that have been done in comparative federalism.

SUGGESTIONS FOR FURTHER READING

General

- Burgess, Michael (2006), *Comparative Federalism: Theory and Practice*, London: Routledge.
- Burgess, Michael (2012), *In Search of the Federal Spirit: New Theoretical and Empirical Perspectives in Comparative Federalism*, Oxford: Oxford University Press.
- Dardanelli, P., J. Kincaid, A. Fenna, A. Kaiser, A. Lecours, and A. K. Singh (2019), 'Conceptualizing, measuring, and theorizing dynamic de/centralization in federations', *Publius: The Journal of Federalism* **49** (1), 1–29.
- Duchacek, Ivo (1987), *Comparative Federalism: The Territorial Dimension of Politics*, Lanham, MD: University Press of America.
- Gagnon, Alain-G. and Arjun Tremblay (eds.) (2020), *Federalism and National Diversity in the 21st Century*, Cham: Springer.
- Griffiths, Ann, Rupak Chattopadhyay, John Light, and Carl Stieren (eds.) (2020), *The Forum of Federations Handbook of Federal Countries 2020*, Cham: Springer.
- Kincaid, John (ed.) (2019), *A Research Agenda for Federalism Studies*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing.
- Mueller, S. and A. Fenna (2022), 'Dual versus administrative federalism: origins and evolution of two models', *Publius: The Journal of Federalism*, **52** (4), 525–52.
- Palermo, Francesco and Karl Kössler (2017), *Comparative Federalism: Constitutional Arrangements and Case Law*, Oxford: Hart.
- Yilmaz, Serdar and Farah Zahir (eds.) (2020), *Intergovernmental Transfers in Federations*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing.

Theory and Method

- Braun, Dietmar (2015), 'Between parsimony and complexity: system-wide typologies as a challenge in comparative politics', in Dietmar Braun and Martino Maggetti (eds.), *Comparative Politics: Theoretical and Methodological Challenges*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 90–124.
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- Erk, Jan (2018), 'Comparative territorial politics in sub-Saharan Africa', in Klaus Detterbeck and Eve Hepburn (eds.), *Handbook of Territorial Politics*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 354–70.
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- George, Alexander L. and Andrew Bennett (2005), *Case Studies and Theory Development in the Social Sciences*, Cambridge, MA: MIT Press.

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- Noël, A. (2014), 'Studying your own country: social scientific knowledge for our times and places', *Canadian Journal of Political Science* 47 (4), 647–66.
- Peters, B. Guy (2015), 'Is comparative politics useful? If so, for what?', in Gerry Stoker, B. Guy Peters and Jon Pierre (eds.), *The Relevance of Political Science*, Basingstoke: Palgrave Macmillan, pp. 169–89.
- Riker, W. (1970), 'The triviality of federalism', *Politics* 5 (2), 239–41.
- Simeon, Richard (2015), 'Is federalism like snow and is it exportable? Some cautionary notes on the study of federalism', in Karlo Basta, John McGarry, and Richard Simeon (eds.), *Territorial Pluralism: Managing Difference in Multinational States*, Vancouver: University of British Columbia Press, pp. 99–120.
- Simeon, R. and B. Radin (2010), 'Reflections on comparing federalisms: Canada and the United States', *Publius: The Journal of Federalism* 40 (3), 357–65.
- Tarrow, S. (2010), 'The strategy of paired comparison: toward a theory of practice', *Comparative Political Studies* 43 (2), 230–59.

Some Comparative Studies

- Biela, Jan, Annika Hennl, and André Kaiser (2012), *Policy Making in Multilevel Systems: Federalism, Decentralization, and Performance in the OECD Countries*, Colchester: ECPR Press.
- Bolleyer, Nicole (2009), *Intergovernmental Cooperation: Rational Choices in Federal Systems and Beyond*, New York: Oxford University Press.
- Broschek, J. (2015), 'Pathways of federal reform: Australia, Canada, Germany, and Switzerland', *Publius: The Journal of Federalism* 45 (1), 51–76.
- Erk, Jan (2008), *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany, and Switzerland*, London: Routledge.
- Lecours, André (2021), *Nationalism, Secessionism, and Autonomy*, New York: Oxford University Press.
- Schnabel, Johanna (2020), *Managing Interdependencies in Federal Systems: Intergovernmental Councils and the Making of Public Policy*, Cham: Palgrave Macmillan.
- Turgeon, Luc and Richard Simeon (2015), 'Ideology, political economy and federalism: the welfare state and the evolution of the Australian and Canadian federations', in Alain-G. Gagnon, Soeren Keil, and Sean Mueller (eds.), *Understanding Federalism and Federation*, Abingdon: Ashgate, pp. 125–42.
- Wallner, Jennifer and Gerard Boychuk (2014), 'Comparing federations: testing the model of market-preserving federalism in Canada, Australia and the United States', in Luc Turgeon, Martin Papillon, Jennifer Wallner, and Stephen White (eds.), *Comparing Canada: Methods and Perspectives on Canadian Politics*, Vancouver: University of British Columbia Press, pp. 198–221.

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