

Comparative Analysis between Federation and Federalism

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Abstract

This paper discusses the comparative analysis between federalism and federation. Federalism is a theoretical framework while federation is a legal term manifesting itself in pragmatic form. The former is normative while the latter is descriptive in nature. Federalism is the means while federation is the end as there can be federalism without federation but there can be no federation without federalism. Federalism refers to an ideological perspective which acts as prescriptive guide while federation connotes constitutionally well-established institution. It has been discussed in formal centralized or effective centralized form, unitary or decentralized form, symmetrical or asymmetrical form, and fully or partially centralized form. Centripetal and Centrifugal forces provide the basic framework for federalism. Various forms of federations have been discussed in parlance of three different models of federalism.

Key Words: Federation, Federalism, Government, Units, Framework

Introduction

Federalism is an important term in Political Science which signifies both a theoretical and conceptual framework about the distribution of governmental powers between the center and the federating units. Different scholars utilize federalism in different forms since different variations and models fashion forth different countries of the world. They have done their level best to reach a commonly acceptable definition but there is lack of coherence at reaching a dogmatic definition. Unlike Physical and Biological Sciences, there is no universally acknowledged definition of federalism. The word ‘federalism’ owes its etymological background to the Latin word, “foedus” which means covenant, contract, agreement, treaty and alliance (Law, 2013). All these connotations enshrine that federalism is a form of government that distributes the powers and resources of the government between the two sets of government, one at the centre and the other at the state level. It is usually distinguished from a unitary form of government in which the authority of the government is vested at the centre (Dosenrode, 2010).

Federalism has created controversy among the different schools of thoughts in the circle of social sciences whereby one cannot distinguish clearly federalism from confederation. Even some of the well-known scholars have frequently used the two terms so interchangeably that one cannot distinguish the former from the latter. A.V Dicey has used the two terms, ‘federal and confederal’ and consequently ‘federalism and confederalism’ so abruptly that distinction between these terms is very difficult for students of Political Science (Verma, 1986). Even the term federalism has been used in different connotations by the various countries depending upon their prevalent atmosphere. An attempt has been made to make distinction between the terms federalism and federation. An analysis of major theories of federalism provides understanding to the key concepts of federalism (Tariq, 2018). For a proper understanding of the two terms it is necessary to make a distinction between federation and federalism.

Conceptual distinction between Federalism and Federation

Distinction between the two terms is technical and a lay man cannot distinguish one from the other. Even the

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earlier scholars were unable to give a clear cut distinction between the two terms but now, it is easy to define one from the other. Federalism is a theoretical term and means an organizational principle in the political or social realm whereas federation is a legal term (Frankel, 1986). Some of the well-known scholars who have made contribution with respect to federation and federalism are Preston King, Michael Burgess and Ronald L. Watts. Preston King is of the view that federalism is normative while federation is descriptive in nature. He studied federalism from two angles; institutional and ideological or philosophical. He defined federation as an institutional arrangement enshrining the central government incorporating regional units in its decision making process on some constitutionally well-established basis for achieving diverse ends and values that the government wants to achieve. In this sense federation may be regarded as the end while federalism may be the means to get that end (Gagnon, 1993). Federalism is different from federation in the sense of holding an ideological or philosophical position. It is ideological in the sense of reflecting values and benefits taking the form of clear guide to act; federalism seeks of this connotation, it is clear that there can be federalism without federation but there can be no federation without any conceptual framework of federalism (King, 1982).

Michael Burgess is of the view that federalism is a political system in which the various institutions, social values, attitudinal behaviors and norms of the decision making action work for giving autonomous expression both to the national political system and political culture and to regional political subsystems a subcultures. The autonomous nature of each of these systems and subsystems is counterbalanced by a mutual dependence. The entire unity of the system is maintained by this balance (Burgess, 2006). Michael Burgess also indocrinates the same distinction between the two terms. He opines that federation is a constitutionally well-established institution including structures, institutions, procedures, and techniques that recognizes diversity in the state. Burgess stresses that federation is not a panacea to the politics of difference but it is rather one of the many direct responses to those diversities which can determine the very legitimacy and stability of the state itself (Dosenrode, 2010). Federalism is ideological in the sense that it can take clearly a prescriptive guide to act in a philosophical way while carrying the connotation of normative sense of regularizing human relations. Burgess also gives federalism the operational dimension of diversity, social, cultural, economic and political and regulation of conflicts in a democratic society.

Ronald L. Watts also gives the same distinction by defining federalism in terms of normative concept referring to the promotion of multi-faceted administration having the elements of shared-rule and regional self-rule as well as combining unity and diversity (Livingston, 1956). Ronald also used such terms as federal political order or federal political systems, both combing the elements of shared-rule and self-rule. Another scholar, namely Elazar also recognizes that federation and confederation represents the familiar species of the genus of federalism and modern federation is the best known species of the genus of federalism (Elazer, 1995). Of all these definitions, the conceptual distinction of Preston King seems more appropriate in the study of federalism. This distinction make the readers understand that federalism and federation are the two sides of the same coin, "as there may be federalism without federation, but there can be no federation without federalism (Burgess, 2006). For more understanding and clarity a few concepts related to federalism and federation has been explained in the following lines. But it is important to define federation first.

Federation

Federation may be defined as the grouping together of two or more states in such a way as to establish a new state by retaining at the same time, some status of power within the newly formed organization (Shodhganga, 2015). Constitution is the sole custodian of the federation as it guarantees the distribution of powers and resources between the central government and the constituent units. The constitution clearly elaborates the powers and authority between the two governmental units in such a way that each unit is independent in the sphere of exercising of its powers (Watts, 2008). The basic reason for the formation of federalism is the common cause, common threat to those states getting them united in order to become more powerful and strong. United States of America, Switzerland and Australia came into existence through this process.

Federalism can be classified into formal centralized or effective centralized, unitary or decentralized federalism, symmetrical or asymmetrical federalism and fully or partially federalism (Sharada, 1984). The first classification distinguishes the formal federations from the effective federations. The formal federation, also

known as the quasi federation is one in which the federal nature of the government is concerned with the constitutional form. Such federation takes into account only the legal institutions as enshrined by the constitution. As far as the effective federation is concerned, here the constitution, governmental machinery and society are federal. This type of federalism is workable in USA, Canada, Switzerland and India.

Secondly, federations may be classified as unitary ones and the decentralized ones. Unitary federations focus on strong central governments where the distribution of power is not made on the grounds of regional autonomy and loyalty but on the basis of concentration of power in the centre to which the balance of power is tilted. Unitary federations have become universal due to the implied power of war, defense, taxation and general welfare as in the United States and Australia or the vesting of residuary powers in the centre as in the case of Canada and India ([Shodhganga, 2015](#)). Decentralized federations are those where the authority and autonomy of the constituent units preponderate. These federations are also called pre-modern federations since they exist on paper only and no example can be quoted from any quarter of the world.

Thirdly, federations may be symmetrical or asymmetrical depending upon the nature of the state's identity. In symmetric federation federal state does not have social segmentations (language, race and religion) coinciding with the federating units (states). States' identity coincides with the national identity. According to Tarleton, "in a symmetric model, no significant social, economic or political peculiarities would exist which might demand special forms of representation or protection". An asymmetrical federation has a unique feature or set of features which would separate them from any other states or the system considered as whole. For example, United States and Canada are symmetric while India is asymmetric. Asymmetrical federalism is one whereby different parts of a country's territory express autonomy of different degrees in harmony with the territory. Here it may be distinguished from the symmetrical federalism whereby equal status and power is enjoyed by the sub-national ([Bulmer, 2015](#)). Symmetric federalism comes into existence when the federal states impart the same constitutional competencies and constitutional status, equal rights and resources to all the federating units or states. The United States is the best model of Symmetric Federalism. Asymmetric federalism is created when the federal states give some extra benefits and extra treatment or grant some different competencies and rights to the federating units. The best example is the Canadian model where the centre is given more powers than the federating units. This arrangement can also be seen at both vertical and horizontal level. The former can be observed between the centre and federating units while the latter can be seen among the states or federating units ([AIIF 2015](#)).

Federalism viewed through the evolutionary process of centralized federalism, is further classified into fully centralized federalism and partially centralized federalism. In the former, all political decisions are taken by the central government and the notion of 'state right' has no concern with the decision making power, for example, Yugoslavia, Soviet Union and Mexico. In the partially centralized federations, federating units take important political decisions while the concept of 'state right' is quite meaningful. Canada, Australia and even the United States may be taken as examples of partially centralized federations.

Bryce also categorizes federalism on the basis of centripetal and centrifugal forces. Centripetal forces deal with men or groups of men that bind them together into a unified and organized community. On the other hand, the centrifugal forces dwell upon the idea of compelling men and groups to disperse and break away (Burgess, 2006). It is important to note that the centripetal forces for integration should neither be as strong as to weaken the autonomy and diversity of the federating units nor should the centrifugal forces for autonomy and diversity be as strong as to weaken the position of the central federation ([Haq, 1985](#)). He further remarks that a political constitution or a frame of government is 'the complex totality of laws embodying the principles and rules whereby the community is organized, governed and held together', was exposed to both of these opposing forces ([Bryce, 1929](#)). Both centripetal and centrifugal forces are very significant to the harmonious working of federalism. These two forces project the two dynamic views of federalism ([Tariq, 2018](#)).

Different Models of Federalism

Federalism has three models which show the elements of coordination between the national state and the federating units ([Obi, 2019](#)). These models present three different forms of federalism with the distribution of

powers in three different ways. Each model is unique in its features and characteristics in so far as distribution of the powers is concerned.

The Coordinate Authority Model

This model depicts a clear-cut bifurcation between the powers of the central government and component units in such a way that each set of government has a high degree of autonomy over its functions and resources. But the authority vested in the component units by this model is usually minimal. Benjamin is of the view that this model was used to estimate the structure of supremacy in the United States of America ([Benjamin, 2004](#)). This model depicts a condition where coordination between the centre and the states is modest while their respective powers are exercised in a separate, independent and autonomous way. Thus relations between the federal government and local units are clearly described in separate terms in proportion to their distinct boundaries. Another contributory factor of this model is the separation of powers between the three organs of the federation.

The Overlapping Authority Model

This model depicts the high level of interdependence in relationship among the three levels of government, the national, the state and the local units. Benjamin further states that these “involve three intersecting and overlapping circles” in describing their relations ([Benjamin, 2004](#)). If the circles do not overlap, then this will lead to autonomy in actions by the respective authorities. Wright is of the view that the pattern of authority presented by this model is ascribed to the contractual bargain between the federal government and unit governments ([Wright, 1962](#)). Wright clearly states that the pattern of authority in this model is due to the bargain but it is important to mention that this pattern may not always be due to the bargain and the result will be the autonomous action by the respective jurisdictions.

The Inclusive Authority Model

This model clearly depicts a situation concerning hierarchy and describes relationship among the three sets of governments at the national level, state level and local government level in a dependent way. This pattern closely knits all the three levels of governments and does not provide any room for autonomy without the permission of the national government. As the name shows there is no arena of state or local autonomy beyond the patronage of the federal government. This provides for the local units and authorities to be under the control and sphere of influence of the national state (federation). Ikelegbe, explains this model as an embodiment of distribution of power and authority in such a way that the local or state units are completely dependent upon the central government for the transaction of their affairs. The focal point of the intergovernmental relations gets tilted towards the center while the local or state governments work in subordination to the central government in a hierarchical way. In some states this model has become very common as a result of close relationship between the military and military-based dictatorship particularly in authoritarian type of governments ([Ikelegbe, 2004](#)). These three models discuss three different parameters for approaching federalism from three different angles. The first model provides autonomy to the center and the federating units in very clear terms but also urges that the autonomy of the state or units is minimal. The second model, believes in the close interdependence of the three levels of government in a systematic way but this interdependence comes out as a consequence of agreement between the center and state units. The third model, describes the intergovernmental relationship in a hierarchical and developmental way. The intergovernmental relationship is so interdependent upon one another that there is no room for autonomy.

Autonomy in Federalism

The word autonomy has been derived from two Greek words, “*auto*” and “*nomos*”. The former one refers to ‘self’ while the latter refer to ‘rule or law’. The concept of autonomy has been used “*to describe the quality of having the right to decide or act at one’s own discretion in certain matters*” ([Lapidoth, 1997](#)). The term autonomy was first used to the Greek City States to describe the laws and ideas that had been there in vogue and which are still there in unchanged form. In Political Science, autonomy refers to autonomy, state of being independent, self-

government, self-reliance and self-legislation. It is synonymous with the words liberty and freedom which connote the promotion of individual's capacity for self-government with no interference and impediment from any quarter ([Wiberg, 1998](#)). In general sense, it is used of individuals to govern oneself, to set out life according to their free will and choice and to select their own form of authority. Thus, autonomy is used to protect people against all sorts of external aggression ([Loughlin, 2007](#)). It is that form of existence in which the states and individuals are free from any sort of interference and are independent in their decision making power.

It is also an important fact that the law pertaining to constitutions, legality and International issues dwell upon the concept of autonomy. In legal parlance, it signifies self-government, self-legislation, self-management, self-administration and self-rule. It refers to the power of social institutions to regulate their affairs by enforcing their own legal rules. In the international Law, it pertains to the 'territorial autonomy' which allows the state territories to rule themselves according to law and rules without interference from any quarter and without forming a state of their own ([Cornell, 2002](#)). Crawford describes autonomy in these terms, "*Autonomous areas are regions of a state, usually possessing some ethnic or cultural distinctiveness, which has been granted separate powers of internal administration, to whatever degree, without being separated from the state of which they are part*" ([Crawford, 1979](#)).

The various ethnic, social, economic, cultural and geographical groups seek political autonomy as an arrangement enabling them to express their identity that distinguish them from the majority of the population in the state ([Loughlin, 2007](#)). So, autonomy is an instrument or a device which make allowance for the ethnic groups to claim a distinctive identification for exercising direct patronage over the affairs that concern their common interest ([Ghai, 2000](#)). It is through autonomy that the various ethnic groups preserve their identity and find an easy way to have their representation in the affairs of the state.

Autonomy and Power-sharing in Federalism

Ethno-political conflicts have been a source of major concern since 1950s. Some of the countries where they reached their peak were Soviet Union, Yugoslavia, Africa and South Asia. The factor of ethnic mobilization has led to the demand of self-rule, demand for the secession from the parent block and the belief to create a separate state of their own ([Cornell, 2002](#)). It is an admitted fact that too much autonomy and independence to the federating units is very harmful for the integrity and coherence for the federation ([Shodhganga, 2015](#)). The factor of ethnicity finds its full manifestation whenever an opportunity arises. Its worst form is when a unit is deprived of its fundamental rights which results in the sense of deprivation among the people. An example of it may be that of the East Pakistan (now Bangla Desh) when the people got inculcated a sense of deprivation in most of the sectors and departments of the federation. It is an un-denying fact that autonomy and power sharing to the minorities prevents them from the sense of being deprived and gives them the opportunity of representation in the legislation and other administrative departments. On the other hand, this also strengthens the minority groups *vis a vis* the majority groups in the state and enhances the fear of cessation from the state ([Ghai, 2000](#)). For a true and long lasting survival of federation, power sharing with the federating units is the sine qua non. This will help in survival if the federation and the elements of cooperation, coordination and interdependence will lead to the harmony and coherence of the federation.

Autonomy and Power-sharing prevents Conflict and Secession

Autonomy and power sharing to the federating units is very fruitful in conflict resolution and sense of deprivation on part of the smaller states. According to Ted Gurr, "*negotiated regional autonomy has proved to be an effective antidote and remedy for ethno-political wars of secession in western and the Third World States*". Similarly, K.A Nordquist is of the view that, "*a self-governing intra-state region, as a conflict-solving mechanism in an internal armed conflict is both a theoretical and, very often a practical option for the parties in such conflicts*" (Cornell, 2002). David Meyer, calls federalism to be the, "*cure all prescription for the ethnic conflicts and tensions*" (Cornell, 2002). History is testimony to the fact the Soviet Union and Yugoslavia fell on account of the failure to enforce a real federation there. These governments broke as a result of the prevalence of an authoritarian rule in the guise of federalism. This supplements the view that federalism is the panacea for all the ills of ethnicity and diversity which avoid secession and breakage of the bond of federalism

On the other hand, federalism has also averted the secession and brought about peace and unity in the states. The settlement of 1976 in Papua New Guinea, prevented the secessionist movement of Bougainville, and a decentralized federation settled the issue of Bougainville. By granting autonomy to Bougainville, strong links were established with the central government by the state of Bougainville.

Conclusion

The terms federalism and federation have been discussed from different angles and perspectives by various scholars. An attempt has been made to draw a line of demarcation between the two terms. Federalism refers to an organizational principle whereas the federation is a legal term. The former is normative while the latter is descriptive. Preston King uses federalism from the two angles of institutional and ideological or philosophical. The institutional meaning carries the connotation that federation is the end while federalism is the means to get that end. In its ideological or philosophical parlance, it signifies the values and benefits that serve as guide to act, which carries the meaning that there can be federalism without federation but there can be no federation without federalism. So, federalism provides the theoretical framework which finds its practical manifestation in the form of federation.

Federalism is classified into various categories. The formal or quasi federalism is mainly concerned with the constitutional form of the government whereby the legal institutions are taken into account, while in the effective federalism, constitution, machinery of the government and society are federal. The USA, India, Canada and Switzerland are the examples of this type of federalism. In the unitary federations, the governmental authority is concentrated in the central government while the residuary powers are either vested in the centre as in the case of India and Canada or in the federating units as in the case of United States of America and Australia. Decentralized federations give more powers and autonomy to the federating units and no example can be quoted in this regard since such type of federations exist on the papers only. In the symmetric federalism, the federal state bestows upon the federating units the same constitutional status, equal distribution of rights and resources. In the asymmetric federalism, the federal state gives some extra competencies and rights to the federating units. In the centralized federation, all the important decisions are taken by the central government while the states have nothing to do with the decisions making process. In the partially decentralized federations, the states play an important role in the decision making process of the federation.

The three models of federalism describe the intergovernmental relations in three different ways. The Coordinate Authority Model depicts the independence of the national as well as the state governments whereby each sector of government enjoys the high level of autonomy in its respective sphere. The Overlapping Authority Model depicts the interdependence among the three sectors of national, state and local units in an overlapping circle based on the contract of bargain. The inclusive Authority Model describes the relationship among the three levels of national, state and local units in a hierarchical and dependent way such that it leaves no room for autonomy of any unit without the state permission. So, the first model describes the autonomy and independence, the second one describes the contract of close interdependence among the three levels of government while the third one describes the relationship among the three levels of government in a hierarchical and dependent way.

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