



## Encyclopedic Dictionary of Public Administration

The reference for understanding government action

# FEDERALISM AND FEDERATION

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Federalism may be defined as a body of normative principles supporting the notion that a nation's sovereignty should be shared by a central entity and constituent units as a means of maintaining balance between the protection of minority groups (and their desire for self-government) and the need for the constituent units to act as one in the defence of their common interests. The concept of federation, on the other hand, corresponds to a political system in which there are several orders of government whose institutional dimensions meet the normative principles of federalism.

The concepts of federalism and federation may be elucidated in relation to three major theoretical approaches, each arising in a different geographical context. In Europe, the concept developed in tandem with the construction of nationalism. For example, Montesquieu (1979), reacting to the French monarchy and the power of the Catholic Church in the 18th century, came to see federalism as the ideal means by which a state could ensure its defence while also enabling society to enjoy the benefits of a second-level government. Across the Atlantic, federalism developed as a practical solution in response to a series of imperatives: first, as a means of uniting the Thirteen Colonies in their struggle to wrest independence from Great Britain, then to safeguard national cohesion after the failure of the Continental Congress, and finally, to maintain the integrity of the United States following the Civil War. In Canada, the interest in federalism was driven by practical considerations stemming from a divergence of interests: one father of Confederation, John A. Macdonald, wanted to establish a unitary state, while another, George-Étienne Cartier, championed the idea of a federation as a means of protecting the rights of the Francophone minorities.

Each of these three approaches has developed its own way of representing the normative principles of federalism and the institutional dimensions of a federation. These representations are different but complementary; taken together, they afford a comprehensive grasp of the concepts of federalism and federation.

In terms of both normative principles and institutions, the European approach is marked by a desire to protect minority groups. The principle of diversity is a basic consideration, since, according to de Rougemont, federalism enables diverse entities to be united and at the same time maintain their original diversity (de Rougemont and Saint-Ouen, 1994, p. 122). From this point of view, pluralism also represents progress towards the protection of minorities, making it possible to co-ordinate several different communities and to harmonize their relationships in such a way that

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the inevitable tensions and conflicts are resolved in terms of complementarity rather than of antagonism (Héraud, 1968, p. 99). However, for the protection of minorities to work, it must take place within the perspective of autonomy – the ultimate aim of federalism. Friedrich states that “we have federalism only if a set of political communities coexist and interact as autonomous entities, united in a common order with an autonomy of its own” (Friedrich, 1968, p. 7). These normative principles have contributed concretely to forging the European notion of federation. De Tocqueville, for his part, saw the division of authority as a means both of resisting the potential tyranny of a central government and of enabling local governments to secure respect for their distinctive characteristics. A multi-level federation offered advantages, for it prevented the excessive concentration of authority in a central power that “cannot of itself embrace all the details of the life of a great nation” (de Tocqueville, 1870, p. 113). Furthermore, when the federalist contract is conceived as a voluntary act, reflecting the need to guarantee both the solidarity of the whole and the freedoms of each [part] operating autonomously (de Rougemont, 1994, p. 111), it safeguards the normative principles described above.

In the European approach, federalism is viewed as a means of guaranteeing the protection of collective rights. In contrast, the American approach represents federalism as a means of fostering the liberal values espoused by thinkers like Locke and, above all, Hume and Hobbes. In the American literature, there is an undercurrent of wariness about any system of government whose power might represent a limitation of individual liberties or even of democracy (Dye, 1990). Faced with this danger, citizens find protection in a federal state that guarantees liberty and autonomy. The influence of liberalism is also felt in the principle of competition, so dear to many U.S. thinkers. According to Dye (1990), this principle represents a solution to the threat of diminished liberties that hangs over citizens, since it leads to competition among various orders of government having different interests to pursue. These normative aspects of federalism find concrete institutional expression in a written constitution intended “to preserve popular [democratically elected] government and at the same time protect individuals from ‘unjust and interested’ majorities” (Dye, 1990, p. 2). The American approach also gives much weight to two other institutional dimensions: the separation of powers and a two-level structure. Although opinions differ as to the actual form these dimensions should take, there seems to be a consensus that a centralized structure, which could undermine the autonomy of the constituent states, is to be avoided. Furthermore, a growing proportion of the literature is devoted to the question of fiscal redistribution. According to Anton (1989), a government's efficiency should be judged on the basis of its economic performance; this proposal shows how prevalent liberal ideology continues to be within the American approach.

The Canadian approach lies somewhat between the European and American approaches. It seeks to protect minority groups but is more preoccupied with principles guaranteeing the autonomy of constituent units and the proper functioning of the state. The goal of autonomy is reflected in the principle of non-subordination – that is, the right of the provinces to inviolable sovereignty in the exercise of their powers (Burelle, 1995). The principle of conflict management serves to safeguard the protection of minorities. From this perspective, federalism is conceived of as a mechanism that links communities to one another with a view to ensuring that they evolve in a climate of respect and trust. The principle of equity, on the other hand, affirms their right to be different (Burelle, 1995). The proper functioning of the state should thus be based on a shared management of interdependence and a clear division of powers (Burelle, 1995). Institutional dimensions not only reflect the normative conception of federalism, they also shape it.

According to Burgess (1993), federalist structures and multi-level government represent the institutionalization of diversity within a state. The first component guarantees autonomy (Burgess,

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1993) and the second ensures that minorities not only enjoy regional representation but also the advantages of a supra-government that seeks the interest of the greatest number and that can transcend internal divisions. The principle of the division of powers ensures that structures and institutions reflect a balance in how these two notions – federal unity and diversity – are translated into practice (Watts and Johnson, 2000).

In the three approaches outlined here, the concepts of federalism and federation are presented in a purely territorial perspective. However, it is possible in each of these approaches to view these concepts as extending beyond the territorial aspect. This view questions the pertinence of studying federal principles and institutional dimensions in the traditional manner. For researchers like Elkin (1995), federalism may be just a cultural concept, whose various forms merely reflect a certain moment in a given culture.

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