Introduction to A Research Agenda for Federalism Studies

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The scholars who have contributed to this volume provide important insights into key facets of federalism and directions for future research. Established scholars and students interested in federalism can draw on these insights and research ideas for further work. Federalism is a rich research field for which there is an abundant literature. The contributions to this volume synthesize theories, concepts, and ideas in this literature and tease out new directions for research on federalism.

Federalism

Federalism—derived from the Latin *foedus*, meaning league, covenant, or treaty—is one of the most ancient concepts in political science; yet, as a mode of governance, it is mainly a modern achievement. About 40 percent of the world's people live in countries having arguably federal arrangements; additional people live in quasi-federal international arrangements such as the European Union. Seven of the world's eight territorially largest countries are formally federal, although federations range in size from Russia, with 17 million square kilometers, to St. Kitts and Nevis, with 261 square kilometers. The populations of federal countries range from 1.3 billion in India to 55,345 in St. Kitts and Nevis. The GDP per capita of federal countries ranges from more than \$68,000 (U.S.) in the United Arab Emirates to less than \$700 in Somalia. One should keep this enormous diversity of actual federalism in mind before becoming too comfortable with the applicability of any particular federalism theory or the generalizability of any empirical study of particular federal arrangements.

The number of federal countries is a matter of dispute (Loughlin, Kincaid, and Swenden 2013). The number depends on what one counts as a federation or federal arrangement (e.g., Switzerland versus Spain) and whether one counts as 'federal' a country that is constitutionally federal but not operationally federal (e.g., Russia) because, among other things, the constituent political communities (e.g., cantons, provinces, states) have little or no "decisional autonomy on account of the society's abhorrence of any division or diffusion of political power" (Duchacek 1986: 108). Using a broad conception, there were 28 federal countries in 2019: Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Comoros, Ethiopia, Germany, India, Iraq, Malaysia, Mexico, Micronesia, Nepal,

Nigeria, Pakistan, Russia, St. Kitts and Nevis, Somalia, South Africa, Spain, Sudan, Switzerland, Venezuela, United Arab Emirates, and United States.

The diversity of federal arrangements in these countries indicates there is no single formula for a federal system, although certain key characteristics are common, especially a written constitutional arrangement for some type of self-rule and shared rule involving unity while preserving diversity, especially across the constituent political communities that make up the federal system; a distribution of exclusive and concurrent powers between a general government and constituent regional governments and sometimes local governments; and the authority of the general and constituent governments to legislate for individuals, with each order of government having final decision-making authority over certain matters.

Political theory

Thomas Hueglin urges more research attention to federalism from the perspective of normative political theory, especially the search for justice and understanding federalism as a normative proposition of political legitimacy. He also notes that normative political theory, much of which emphasizes individualism and universalism, too often neglects federalism. He focuses on normative values of federalism associated with (1) territorial identity, especially a federal political culture recognizing overlapping territorial identities as a federalist value, (2) particular autonomy as relational autonomy involving non-domination as opposed to ‘non-interference’ embodied in usually futile attempts to divide powers into watertight compartments, (3) the equality of members normally respected in a federal arrangement and problems of majority rule and asymmetry that clash with that value in federal systems, and (4) social solidarity, especially “as a promise of a just social order” and as a counterpoint to theories of competitive federalism (e.g., Buchanan 1995). These issues are important because federal arrangements are marked by often difficult value tradeoffs and compromises that usually reflect whatever is politically possible at any given moment (Kincaid 1995).

Federalism thus stands in contrast to unitary theories of political orders that require a single center of unitary sovereignty and usually a homogeneous—sometimes us-versus-them—population (Bodin [1576] 1955; Schmitt 2008). For Schmitt, for example, a federal state is actually a unitary state; a confederation is not a state; and a federation is an existentially conflicted order that moves toward dissolution or homogeneity. By contrast, Elazar suggested that a federal system is a matrix of governments, which can be quite stable, rather than a governmental pyramid (1987). To borrow from Buber ([1946] 1965), one might also visualize federalism as belonging to the more anarchic tradition of the campfire rather than a towering pyramid.

Jenna Bednar addresses the timely issue of boundaries in federal systems. Given that powers are divided and shared between a general government and constituent governments, which in some federations include regional and local governments,

there are perennial contests over boundary maintenance. Given the rise of populist governments with authoritarian tendencies in some federal systems, and given that many federal systems experience restiveness from constituent political communities having distinct identities, boundary maintenance and conflict are salient political issues. Can the constituent governments restrain authoritarian tendencies in the general government? Can the general government restrain or reverse authoritarian tendencies in constituent political communities or retain the allegiance of secessionist communities without recourse to violence?

Bednar suggests that the distribution of powers in a federal system affects the ability of a federal union to establish security, foster prosperity, and achieve justice. More research, therefore, on getting the distribution reasonably right is important for promoting the well-being of federal unions and their peoples. It also is important to understand how boundaries are and can be maintained against deleterious degeneration. A constitutional court can serve as an important safeguard, although not always (Aroney and Kincaid 2017). Equally important, says Bednar, are extra-judicial safeguards (cf., Wechsler 1954). These safeguards deserve more systematic attention, especially insofar as they can sustain federal democracy and the rule of law. There is a need, too, for better understandings of how and why boundaries change within federal systems. Constitutional change is not the only way to alter boundaries. They may also change through constitutional interpretation, legislation, fiscal incentives, and political practice, resulting at times in mismatches between *de jure* and *de facto* boundaries.

Constitutions and courts

A written constitution appears to be a prerequisite for a federal political order (Elazar 1987) because there is a need to, among other things, set forth the distribution and sharing of powers with more or less clarity as permitted by the founding's political dynamics. Being the first modern federal country, the United States has the world's oldest written national constitution. On average, moreover, the current constitutions of federal countries have lasted longer than those of non-federal countries (Kincaid 2012). A federal constitution ordinarily requires the concurrent consent of the constituent political communities, although some federal countries, such as Canada and Switzerland, function quite well even though one or more constituent political communities has not ratified the federation's constitution. Some federal constitutions also involve the consent of the people or peoples, such as the peoples of the constituent states (e.g., United States), the nations, nationalities and peoples of the country (e.g., Ethiopia), or the people and the constituent governments (e.g., Switzerland).

Cheryl Saunders argues that the source of authority for a federal constitution is extremely important for its legitimacy, interpretation, and developmental utility. She also points up a need for more research on the relationship between federalism and constitutionalism. She notes that while a federal country may have a written

constitution, it might not have a culture of constitutionalism able to effectuate the constitution. Constitutionalism, she argues, normally involves a written constitution that provides for democracy, a separation of powers, rights, and judicial enforcement. Three trends are also reshaping how we understand federal constitutionalism: (1) the shift from federation by aggregation of discrete political communities, such as the United States, to federation by devolution within a unitary state, such as Spain; (2) the rise of federal arrangements between rather than only within states; and (3) the paucity of attention by comparative constitutionalists to federalism.

Saunders also highlights needs for more research on the relationship between federation and majoritarian democracy, the universalism of human rights and particularisms of constituent political communities, constitutional amendment rules and processes as well as unamendable eternity clauses, secession issues, constitutional interpretation, especially by courts, and comparative federal constitutional reasoning.

The world's oldest written constitution still in effect, however, is the Massachusetts Constitution of 1780 written substantially by John Adams (Peters 1978). John Dinan examines the constitutions of the constituent political communities that make up federal systems, noting that in many federal countries, some or all of the constituent political communities have constitutions, although not all of them are genuinely their own as in the United States. In Brazil, for example, the state constitutions ordinarily mimic the federal Constitution rather than expressing norms of their own (Couto and Absher-Bellon 2018).

Dinan notes that while the fifty U.S. state constitutions have received considerable scholarly attention over the years (e.g., Kincaid 1988; Tarr 1998), much less attention has been devoted to how subnational constitutions in other federations actually affect governance and how they may protect rights more rigorously than the federal constitution or rights that have no federal constitutional counterpart. Another important research question is the extent to which subnational constitutions seek to accommodate political communities with distinct national, ethnic, racial, linguistic, or religious identities. To this, one might add the extent to which subnational constitutions protect the rights of minorities living within such distinct subnational political communities. Dinan also sees a need to develop better understandings of how subnational constitutionalism can illuminate our understanding of comparative constitutionalism more generally, including constitutional innovation and change.

In nearly all federations (with Ethiopia being an exception), a constitutional court or supreme court plays an important role in umpiring the federal system and policing boundaries. Nicholas Aroney points out that such courts not only adjudicate disputes about constitutional rules or boundaries regarding the exercise of legislative, executive, and judicial powers within federations but also find their jurisdiction, structure, and composition shaped by the federal constitution

and political processes. For example, many federal countries have a single judicial system while some others have a system of courts for the federation government and a separate system of courts within each constituent political community. There is therefore a need to go beyond the usual studies of how courts shape federalism in order to study how federalism shapes the courts, especially the processes that bring a federation into being and the sources of authority for the federal constitution. Like Saunders, Aroney contends that constitutional jurisprudence will be shaped in part by whether a federation came into existence by uniting separate political communities or by devolving power from a formerly unitary system.

Aroney also highlights needs for more research on how constitutional and supreme courts handle issues of representation in federal systems, particularly given the compounded nature of representation in federal systems (Brzinski, Lancaster, and Tuschhoff 1999). Another important research question is whether high courts in federations are centralizers or decentralizers, and why. It also is possible that the high court of a federation might experience historical phases of centralizing and decentralizing jurisprudence. Like Bednar, Aroney also highlights a need to develop a better understanding of federalism's most effective safeguards, especially whether a high court is necessarily the best safeguard.

Comparative federalism

Alan Fenna notes that modern federalism was, in a sense, born comparative because key founders of the U.S. federal union ransacked history to discern design lessons. For contemporary scholarly research, however, comparative federalism is plagued by the perennial problem of too few cases and too many variables. Fenna, therefore, provides a thorough analysis of the pros and cons of extant comparative-federalism research, beginning with determining what is federal because federalism is a forever 'moving target' (Gibson 2004: 7). He also addresses the similarities and differences between federalism and multi-level governance and, thereby, the danger of reducing comparative research merely to decentralization versus centralization, as well as the variety of federal systems potentially subject to study, including new and old, dualistic and integrated, parliamentary and presidential, and mono-national and pluri-national federations. He notes, as well, how federalism can be treated as a dependent or independent variable and the limitations of large-*N* quantitative and qualitative studies. Small-*N* studies are abundant and take several forms, including paired comparisons and multi-case analyses—both qualitative and quantitative. Given the methodological challenges of comparative-federalism research, Fenna believes future research should focus more on trying to construct valid comparisons.

Among newer trends in federalism, one might add a need to study the federations that have constitutionalized local governments as the third order of government (Steytler 2009). Big cities and metropolitan areas have become increasingly important governmental actors. It is useful as well to avoid the common tendency to

believe that federations develop or evolve in only one direction. Multiple directions are possible, including reversals of previous directions.

Fiscal federalism is the most theorized field of comparative federalism, with classic works going back to Musgrave (1959) and Oates (1972), perhaps because, as Alexander Hamilton noted in *Federalist* 30, money is “the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential functions.” However, theories of fiscal federalism are not confined to federalism but are applied also to decentralized non-federal systems. This raises the important question of whether or not, at least from the perspective of ‘fiscal federalism’, there are meaningful differences between federal systems and decentralized non-federal systems. Furthermore, some non-federal systems can be more decentralized than some federal systems.

Alice Valdesalici provides an insightful overview of fiscal federalism and emerging issues within it, beginning with first-generation fiscal federalism, which was dominated by economists and emphasized efficiency within the context of the U.S. model. This approach was criticized for a centralist view and a lack of attention to real-world fiscal arrangements. Second-generation studies focus more on the connections between political institutions and fiscal arrangements and the incentives that shape public choices. These studies have also emphasized more comparative cross-country research, decentralization in addition to federalism, and interdisciplinarity. One area of debate is the so-called ‘vertical fiscal gap’ involving misaligned tax and expenditure assignments. Another important issue is the impact of fiscal transfers from the general government to constituent governments, especially on the latter governments’ autonomy, the types of fiscal transfers, fiscal equalization, soft versus hard budget-constraints, and how to measure the tax autonomy of the constituent governments.

Emerging issues include the decline of solidarity and rise of regional fiscal disparities in many systems, secessionist sentiment in some places (e.g., Spain and Britain), more conflict in intergovernmental fiscal relations, impacts of globalization on fiscal arrangements, and efforts to re-centralize fiscal affairs. Valdesalici also highlights a need to incorporate local governments into theories of fiscal federalism.

Paolo Dardanelli addresses the general phenomena of what he terms ‘de/centralization’ in federal systems, signaling that the dynamics of centralization and decentralization go in both directions over time. He argues that different forms and degrees of de/centralization affect the ability of federations to perform effectively and efficiently. As such, he addresses five important questions: (1) whether the difference between a federation and a unitary system is merely the extent of de/centralization, (2) whether de/centralization is a dichotomy or a continuum, (3) whether de/centralization can be equated with federalism, (4) whether de/centralization is dynamic or static, and (5) how to conceptualize de/centralization. Of course, de/centralization can be treated as a dependent or independent variable. As a dependent variable, one might be interested in why, in a static sense, some

federations are more or less de/centralized than others and why particular federations experience more or less dynamic de/centralization over time. Dardanelli notes, however, that much less attention has been given to theorizing the impacts of different forms and degrees of de/centralization in institutions, procedures, and policies within federal systems.

Methodological issues include, again, the small-*N* problem and the difficulty of measuring de/centralization accurately and reliably, especially the misleading results emanating from focusing only on fiscal or constitutional measures of de/centralization. He then points to more recent research involving more substantive measurements of de/centralization over time, observing that most developed democratic federations (except for Canada) have moved toward greater centralization. Dardanelli urges more work on building a shared conceptual ground, understanding the grounds on which constituent governments surrender policy or fiscal autonomy voluntarily, uncovering the consequences of different extents and forms of de/centralization for political, economic, and social outcomes in federations, combining macro-level quantitative analysis with micro-level qualitative analysis, and more fully integrating de/centralization research with the wider research agendas in political science.

In a volume of this nature, it is not possible to include specific policy matters, but it is vital to include what Simone de Beauvoir (2009) famously called in 1949 'the second sex'. To this end, Jill Vickers examines the development and emerging issues in the blossoming field of gender and federalism, arguing that federal arrangements are 'gendered' and that women and men experience these arrangements differently. This field of research quickly became comparative, though Vickers notes that early feminist theorists usually assumed that states are unitary or, at best, that the general governments of federations could simply overrule policies of the constituent governments. As feminist theorists began to acknowledge federalism, they focused mostly on how federal arrangements frustrated women's efforts to gain equal rights but then moved on to uncover how feminists could overcome and employ federal arrangements in order to achieve equality goals. As more women were elected and appointed to government positions, more attention could then be given to women's impacts on political institutions and policies, such as the 2018 decision of conservative Queensland, Australia, to decriminalize abortion. Attention has also turned to how women affect ideas that inform federal arrangements.

Today, argues Vickers, cutting-edge research focuses on the effects of constitutional change, democratization, and regionalization. Efforts have been made especially to challenge the public-private divide, and particularly the historic efforts to deny 'private' matters 'national' standing in many federations, the ideology of 'separate spheres', and concepts of femininity and masculinity that underlie constitutions. She also suggests a need for more research on legal pluralism and multiple family-law codes. This means also examining policies that affect the status of women as a group or relate to gender-based class inequalities and fostering policies that challenge religious doctrines and codes promulgated by dominant

cultural groups in federations and constituent political communities. Vickers sees an urgent need to collect much more data worldwide, conduct more collaborative and interdisciplinary research, incorporate non-territorial religious and indigenous communities with territorial claims, give more attention to women and federalization in the global south, and introduce the field's innovative theories of change into the broader field of political science.

One question is whether activism on behalf of women and other non-territorial identity groups, such as LGBTQ persons, necessarily fosters centralization, given that equality across constituent jurisdictions usually requires more centralized policy-making. As Vickers suggests, in many federations, policy matters heavily implicating women, such as health, education, welfare, and family law (including marriage) belong to the constituent governments. In some cases, territorial autonomy may be more life-threatening than life-affirming for women and minorities. Many federations are territorially organized along linguistic, national, ethnic, or religious lines, but how relevant are these demarcations in an era filled with crosscutting cleavages such as women's and LGBTQ rights? The rise of populism with its *Kinder, Küche, Kirche* attitudes toward women poses further challenging research and activist issues. Another area that would benefit from more research is gender budgeting and the effects of fiscal federalism on gender. For example, Stotsky, Chakraborty, and Gandhi (2019) found that gender budgeting in Indian states and unconditional (as opposed to tied) intergovernmental transfers in India had a positive impact on gender parity in primary and secondary education. Finally, how different and similar is gender to other policy issues studied in federalism?

Federalism and diversity

The accommodation of territorially based national, ethnic, racial, linguistic, and religious diversity has become one of the leading rationales for federalism since World War II (e.g., Moreno and Colino, 2010). Decolonization especially raised the need to accommodate diversity within often arbitrarily drawn country boundaries. Such federations are variously termed multicultural, multiethnic, multinational, or pluri-national.

Gagnon and Tremblay note that much current research focuses on how federal democracies can be built and maintained in countries with deep identity cleavages and whether federalism offers a way to protect and empower minority nations or peoples. In so doing, they argue that the American model of federalism is not a good fit for such diversity. One might say the same of the newer German model. Instead, one should look to multinational and multiethnic federalism as a way not only to maintain a diverse federal democracy but also to achieve degrees of emancipation for minority nations and peoples. In the presence of diversity, can the full potential of democracy be achieved if that multinational diversity is not recognized?

However, more research is needed on how democratic diversity can be translated into a federal model that accurately reflects and represents a country's constituent differences. That is, how can federal arrangements move beyond symbolic multinationalism to a more consequentialist multinationalism? Roadblocks include, in some countries (e.g., Ethiopia), democratic centralism that frustrates both shared rule and ethnic self-rule, the reluctance of a country's majority community to accept multinational federalism, and the recent rise of populism with its mono-nationalist preferences. Gagnon and Tremblay point, as well, to a need to assess the quality of multinational federalism, for which they suggest six criteria: flexibility, robustness, versatility, moderation, dignity, and hospitality. They also point to a need for further work on ideological cleavages and diverse identity groups that live within a territory controlled by a national minority and the appropriate empowerment of non-national collective identities, perhaps via interculturalism.

André Lecours also addresses issues of federalism and multinationalism especially in light of the so-called paradox of federalism, namely, the possibility that while federalism can accommodate nationalist claims for autonomy, it can also nurture nationalist sentiments to the point of secession, although, on the whole, research suggests that federalism has been fairly effective in accommodating national and ethnic diversity. He contends that a key to preventing inflammation of nationalist self-determination is to go beyond the usual focus on federalism's institutional arrangements so as to consider a federal system's dynamism, namely, its ability to change and be flexible. The potential for change in ways acceptable or beneficial to a national minority can moderate self-determination claims. Lecours examines the Spanish state of autonomies and devolution in the United Kingdom as examples of rigidity that inflamed secessionism and processes of gradual and continual change in Belgium and Canada that tempered Flemish and Francophone nationalisms.

He suggests the need for more research on how to recognize dynamic federal arrangements and on the role of perceptions in defining the nature of federal arrangements. There also is a need to measure dynamism comparatively, especially to avoid *post hoc* fallacies.

Implicit in the above discussions of diversity is a need to resolve conflicts that usually arise from diversity. Since World War II, violent civil conflicts provoked by national, ethnic, racial, linguistic, and religious heterogeneity have been the leading causes of deaths, injuries, and property destruction. Federalism is sometimes, but not always, a mechanism for resolving such conflicts.

Soeren Keil reviews the extensive literature on the use of federalism in post-conflict countries. This literature has been dominated by the study of power-sharing and other forms of institutional design, finding that coalitional elite cooperation and territorial autonomy under federalism are the commonly used conflict-reduction tools; however, the mixed results of these schemes highlight the need to better understand the complexity of federal arrangements and the specific arrangements that might be most effective. Like Lecours, Keil points to the need to resolve the

paradox of federalism but argues there is insufficient empirical evidence to reach a conclusion about federalism's conflict-resolving benefits.

Little is known about the factors that enable federalism to mitigate conflict, the circumstances under which federalism aggravates pre-existing conflicts, or how peace-building can be connected more effectively to viable federal polity-building. Another issue is whether Western models of federalism are applicable to non-Western societies. This points, as well, to the role of political culture, especially a federal political culture (Duchacek 1986: 82; Elazar 1987: 192-97), in contributing to a viably peaceful federal system. Keil also suggests more research on whether and how decentralization might be more or less suitable than federalism for conflict resolution.

Sean Mueller turns to questions of shared rule, arguing that we need to know more about what is shared, by who, and how. He offers new perspectives by suggesting there are three kinds of shared rule: centralization, horizontal cooperation, and regional influences on system-wide decisions. Centralization entails delegations of power from lower to higher levels of government. More or less delegation is essentially what happens in the formation of a union. In a symmetric federation, each constituent political community surrenders the same capacity to rule; in an asymmetric federation, there are different capacity surrenders across the constituent communities. In sharing power horizontally, the constituent communities cooperate with each other and act jointly on their own. The third kind is the one most commonly associated with federalism as a system of shared rule and self-rule, namely, the extent to which the constituent political communities participate in and influence the central institutions of the federation, such as representation in the parliament or congress. In his empirical analysis, Mueller finds that there is a modest correlation between shared rule and self-rule but that shared rule is more clearly associated with federalism than self-rule.

There appear to be at least three advantages of this type of shared rule: increased legitimacy arising from the co-participation of the constituent political communities, increased effectiveness of policy decisions, especially when the constituent governments implement policies of the general government, and stability, especially by fostering constituent integration and cooperation. There are some drawbacks, however. Constituent governments might use their share of system-wide power to disadvantage other regions. Any destructive competition between regions can be carried into federation institutions. The presence of too many constituent-government actors can lead to stalemate, especially when these actors possess veto capabilities. Shared rule might also contribute to secession, especially when regions with high levels of self-rule feel blocked or frustrated by decisions emanating from the federation government.

Future research, says Mueller, needs to focus more on informal rather than formal channels of shared rule, alliances that may be formed by constituent governments, the objectives of these governments, and the connections between share rule

and multinational federal arrangements and parliamentary versus presidential federations. We should learn more, too, about other factors that affect shared rule systems, including internal factors such as direct democracy and external factors such as regional arrangements like the European Union.

Area studies

Two areas of the world, Africa and Asia, reflect another seeming paradox of federalism, that is, the existence of a comparatively long-standing federal system—Nigeria in Africa and India in Asia—along with many failed and still-born federations. Both regions have experienced considerable difficulties developing federal democratic systems. Today, there are three formal federal countries in Africa—Ethiopia, Nigeria, and Somalia—and three quasi- or questionable federal countries—Comoros, South Africa, and Sudan.

For Nico Steytler, the main obstacles to federal democracy in Africa are the presence of a political culture of centralism, the absence of a culture of constitutionalism, and a tradition of patrimonial statism. He argues that it would be fruitful to explore a gray area between federalism and decentralization by focusing on the concept of non-centralism in studying Africa. A number of countries are experimenting with devolution that involves more than decentralization because they are seeking to constitutionalize local as well as provincial governments and imbue local governments with significant autonomy shielded from central diminution. Pressures for devolution stem substantially from the widespread failures of unitary states governed by predatory elites. Much of the scholarly work on federalism and non-centralism in Africa, however, emanates from Europe and North America; yet, scholarly books and journals are poorly circulated in Africa. African scholars and politicians often have difficulty gaining access to the international body of research. Many studies also are country-specific, having little or no comparative generalization.

Research on non-centralism should begin with analyzing the circumstances under which unitary states on the continent do and do not deliver peace, democracy, and development, especially under the common African conditions of intra-country national, ethnic, tribal, linguistic, and religious cleavages. An important question, therefore, is whether the boundaries of constituent political communities should coincide, to the extent possible, with the traditional territories of national, ethnic, tribal, linguistic, or religious communities or should crosscut those territories. Certain asymmetric autonomy arrangements short of federalism also are possible for particular distinct communities. Another interesting development is the secession clause in the constitution of Ethiopia. Steytler especially urges more research on the possibilities of local government being an autonomous order of government, particularly in light of the African Union's 2014 adoption of the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development.

There are four formal federations among the 48 countries in Asia: India, Malaysia, Nepal, and Pakistan. Harihar Bhattacharyya suggests that Asia remains mostly 'unfederal' because ethnic identities do not always correspond to territory, many countries have one overwhelmingly large majority, and political elites fear power sharing and balkanization generated by diversity. For the most part, the management of diversity has been given priority over democracy. In some cases, there is a need to provide non-territorial recognition of dispersed minority groups. A further problem is that accommodations of self-rule for territorially based minority groups often result in group elites using self-rule to benefit themselves rather than the people. Conferring or devolving powers to the regional constituent political communities in Asia is also often insufficiently democratic because the regional entities stifle local governments. Consequently, there have been some efforts to strengthen both federalism and democracy by devolving powers to local political communities.

Bhattacharyya also discusses a democracy problematic centered around the tendency in Asia to give preference to diversity claims over equality claims, that is, trying to manage diversity while neglecting redistributive policies that would give all people more access to resources such as income, potable water, electricity, health care, education, and infrastructure. In turn, moreover, insufficient attention to equality claims can exacerbate conflict over diversity claims. More attention also needs to be given to the accommodation of the sensitive issue of minority languages in Asia. A further consideration is the actual and potential role of English in calming language disputes by transcending indigenous languages, tempering majority-language chauvinism, allowing for more communication across language groups, and giving citizens easier access to global goods and services. In 2018, India's vice president, Venkaiah Naidu, declared English "a disease left behind by the British," but others see it as a cure for Hindi chauvinism (Dhume 2018).

This volume concludes with a look at the 28-member European Union (EU), a novel transnational experiment in federalism of some sort (Kincaid 1999). Currently, the EU is experiencing many stress points, and the United Kingdom voted to leave the EU in 2016, but the continental European experiment will presumably endure in some form.

Francesco Palermo, noting that the EU has been associated with the federal idea since before its founding, raises the question of whether the EU's *sui generis* construction represents a glass half full or half empty. This ambiguity is reflected in sometimes difficult relations between the member-states' courts and the Court of Justice of the EU. The court has generally pushed integration, in part by deriving various federal principles from the union's treaties.

Palermo suggests three areas of fruitful federalism research based on lessons from the EU: secession, policy analysis, and asymmetry. The Treaty on European Union (1992) contains a procedure for leaving the union. The Brexit experience, which reflects a British rejection of European federalism, will yield lessons for other federal arrangements if the United Kingdom actually exits the EU. In terms of policy

analysis, the EU offers many potential lessons about the multifaceted intergovernmental nature of contemporary policy-making that cannot be locked into one or another order of government. This is especially the case with economic policies and immigration policies. These policies, argues Palermo, are the litmus tests for the EU's future. Another novel feature of the EU is its deeply asymmetric nature. Not all member states participate in all institutions, procedures, and policies. The EU, therefore, stands in sharp contrast to classical symmetric federations such as the United States. Thus, one of the EU's main challenges, which is relevant to all federal arrangements, is how to translate pluralism into effective governance.

In conclusion, federalism is a rich field of research and has many spillovers into other fields and disciplines. One challenge, though, is that few scholars focus on federalism per se; instead, many scholars researching other matters bump into federalism and, then, like the blind men and the elephant, fail to see the whole for the parts. This volume can be helpful in grasping more of the whole of federalism.

References

- Aroney, Nicholas and John Kincaid, eds. (2017), *Courts in Countries: Federalists or Unitarists?* Toronto: University of Toronto Press.
- Beauvoir, Simone de (2009), *The Second Sex*, New York: Alfred A. Knopf.
- Bodin, Jean ([1576] 1955), *Six Books of the Commonwealth*, Oxford: B. Blackwell.
- Brzinski, Joanne B., Thomas D. Lancaster, and Christian Tuschhoff, eds. (1999), *Compounded Representation in Western European Federations*, London: Frank Cass.
- Buber, Martin ([1946] 1965), *Moses*, New York: Harper.
- Buchanan, James M. (1995), 'Federalism as an Ideal Political Order and an Objective for Constitutional Reform', *Publius: The Journal of Federalism*, 25 (2), 19–28.
- Couto, Cláudio Gonçalves and Gabriel Luan Absher-Bellon (2018), 'Imitation or Coercion? State Constitutions and Federative Centralization in Brazil', *Revista de Administração Pública* 52 (2), 321–44.
- Dhume, Sadanand (2018), 'For India, English is a Cure, Not a Sickness', *Wall Street Journal*, 20 September, A15.
- Duchacek, Ivo D. (1986), *The Territorial Dimension of Politics Within, Among, and Across Nations*, Boulder, CO: Westview.
- Elazar, Daniel J. (1987), *Exploring Federalism*, Tuscaloosa: University of Alabama Press.
- Gibson, Edward (2004), 'Federalism and Democracy: Theoretical Connections and Cautionary Insights', *Federalism and Democracy in Latin America*, ed. Edward Gibson, 1–28, Baltimore: Johns Hopkins University Press.
- Kincaid, John, ed. (1988), 'State Constitutions in a Federal System', *Annals of the American Academy of Political and Social Science* 496 (March).
- Kincaid, John (1995), 'Values and Value Tradeoffs in Federalism', *Publius: The Journal of Federalism*, 25 (2), 29–44.
- Kincaid, John (1999), 'Confederal Federalism and Citizen Representation in the European Union', *West European Politics*, 22 (2), 34–58.
- Kincaid, John (2012), 'Constitutional Change in Federal Countries: Comparative Considerations', in Arthur Benz and Felix Knüpling (eds), *Changing Federal Constitutions: Lessons from International Comparison*, Opladen: Barbara Budrich, pp. 31–50.

- Kincaid, John and G. Alan Tarr, eds. (2005), *Constitutional Origins, Structure, and Change in Federal Countries*, Montreal and Kingston: McGill-Queen's University Press.
- Loughlin, John, John Kincaid, and Wilfred Swenden, eds. (2013), *Routledge Handbook of Regionalism and Federalism*, London: Routledge.
- Moreno, Luis and César Colino (2010), *Diversity and Unity in Federal Countries*, Montreal and Kingston: McGill-Queen's University Press.
- Musgrave, Richard A. (1959), *The Theory of Public Finance: A Study in Public Economy*, New York: McGraw-Hill.
- Oates, Wallace E. (1972), *Fiscal Federalism*, New York: Harcourt Brace Jovanovich.
- Peters, Ronald M. (1978), *The Massachusetts Constitution of 1780: A Social Compact*, Amherst: University of Massachusetts Press.
- Schmitt, Carl (2008), *Constitutional Theory*, Durham, NC: Duke University Press.
- Steytler, Nico, ed. (2009), *Local Government and Metropolitan Regions in Federal Systems*, Montreal and Kingston: McGill-Queen's University Press.
- Stotsky, Janet G., Lekha Chakraborty, and Piyush Gandhi (2019), 'Impact of intergovernmental fiscal transfers on gender equality in India: an empirical analysis,' Working Paper 1/2019, Tax and Transfer Policy Institute, Australian National University.
- Tarr, G. Alan (1998), *Understanding State Constitutions*, Princeton, NJ: Princeton University Press.
- Wechsler, Herbert (1954), 'The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government', *Columbia Law Review* 54 (4), 543–60.