Federal Constitutionalism I: Options for Federal Design
Wayne Norman

in Negotiating Nationalism: Nation-Building, Federalism, and Secession in the Multinational State

Published in print: 2006 Published Online: September 2006
Item type: chapter

This chapter considers the basic options for the design of a democratic federation. These include how to determine the boundaries of federal provinces, how to divide legislative and administrative powers, how to represent provinces and minority groups in central institutions, and how to amend the constitution. It looks at the importance of recognizing both majority and minority identities in the constitutions of both classic nation-states and multinational states. An appendix is included on the history of Canadian attempts to solve these design and recognition problems, especially concerning the place of the French-speaking province of Quebec.

Federal Constitutionalism II: Evaluating and Justifying Options for Federal Design
Wayne Norman

in Negotiating Nationalism: Nation-Building, Federalism, and Secession in the Multinational State

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This chapter examines the principles that liberal democrats, including liberal nationalists, should use when choosing between the constitutional and federal options discussed in the preceding chapter. Instead of envisaging a completely novel set of principles for multinational federal constitutionalism, it explores the normative resources available in some of the major theories typically used in uni-national states, including
‘classical’, ‘deliberative’, and ‘consequentialist’ theories of democracy; and ‘classical’ and ‘contractualist’ theories of constitutionalism. It argues for seven principles of recognition that would be appropriate for justifying certain design features in a multinational federal constitution.

Federal Theory
Jeffrey Kahn

in Federalism, Democratization, and the Rule of Law in Russia

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Theories of federalism are explored in detail, with particular attention to the work of Dahl, Lijphart, Riker, and Wheare. Issues addressed include anti-majoritarianism, asymmetry, centralization, the role of the judiciary and the rule of law, nullification, over-representation, secessionism, self-determination, sovereignty, and subsidiarity. A wide variety of federal systems are possible under the rubric of federalism (including confederation, federacy, etc.) and these are explored. Different constitutional and institutional choices have different effects (and paradoxes) for democracy, law, and sovereignty in federal states. The role of ethnic, linguistic, religious, and other social cleavages on the development and stability of federal systems is addressed. Empirical analysis of federalism in Brazil, Spain, Yugoslavia, the United States, and other state systems is provided. The theory of ‘non-democratic federalism’ is disputed.

William H. Riker and the Federal Bargain
Michael Burgess

in In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives

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Item type: chapter

The chapter provides a brief intellectual biography of Riker and examines in detail his major contribution to the study of federalism. His distinctive approach to and understanding of federalism is revealed and a textual exegesis of his major works on federalism is conducted. This shows his scholarly work and interest in federalism to have been surprisingly patchy and short-lived but it also identifies him as having made a
significant theoretical contribution to federalism in the empirical tradition of political science as a science. Riker’s references to and uses of the federal spirit were therefore idiosyncratic and the chapter carefully presents his interpretation of it in a manner consistent with his uncompromising social scientific approach. It exposes the normative assumptions and values that lie at the core of his analysis which are very much in the American liberal democratic tradition.

Federal Theory and European Union
DAVID MCKAY

in Federalism and European Union: A Political Economy Perspective

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Item type: chapter

This chapter covers the problems of definition and establishes that the European Union is indeed a species of federal state. It also reports an intellectual justification for studying the origins and viability of political union in terms of a realist federal theoretical framework. This is accomplished by reviewing competing explanations, most of which are drawn from the comparative politics literature on federalism. The shortcomings of the Rikerian model are also exposed, and adaptations are suggested, which go some way towards meeting these failings. The realist federal theory perspective is more attractive partly due to its focus on the perceptions of politicians and the subsequent decisions to form or not to form a political union. An adaptation of Riker's theory also proves that politicians will take the crucial decision to link with a larger political entity if they believe that by so doing some threat to the national interest will be removed or reduced.

In Search of the Federal Spirit
Michael Burgess

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Item type: book

The book is about the theory and practice of federal state formation in the post-Cold War era. It introduces the concept of the federal spirit as an instrument to examine and explore the emergence of new federal models that represent a radical departure from our conventional understanding of the conditions that gave rise to the classic cases of the United States, Switzerland, Canada and Australia. In contrast the
formation of the new federal models exemplified by Belgium, the Russian Federation, Bosnia-Herzegovina, Ethiopia, Nigeria and Venezuela and accompanied by the gradual evolution of federal political systems in Spain, Italy, the United Kingdom and the European Union has occurred under very different circumstances. Together these contemporary developments constitute a new age: the revival of federalism. How and why has this happened and what are the new conditions according to which these models have been constructed? The book utilises the federal spirit that is inherent in the work of five major contributors to federal theory – Kenneth Wheare, William Livingston, William Riker, Carl Friedrich and Daniel Elazar - in order to rethink and reappraise the conventional approaches to federal state formation. The inclusion of three case studies in Ethiopia, Bosnia-Herzegovina and Iraq leads not only to the formulation of a new set of conditions that explain the appearance of these new models but also leads logically to a new general classification of federal democracies. The federal spirit is shown to be multidimensional in character and its theoretical implications for the comparative study of federalism are identified and assessed.

Conclusion: the Federal Spirit in Theory and Practice

Michael Burgess

in In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives

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Item type: chapter

The chapter concludes the book by returning to the concept of the federal spirit and assesses its significance as a conceptual lens designed to assist toward an explanation of how and why the new federal models emerged and what their theoretical implications are for the comparative study of federal systems. It identifies a set of new conditions for success in federal state formation in the future and points up the contemporary relevance of the federal spirit as a useful indicator of what needs to be done to in order to achieve this.