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THE PHILOSOPHY AND THEORIES OF FEDERALISM**ADEOLA, Gabriel Lanre (PhD)**

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Abstract

Federalism remains the idea of two or more independent nations forming a union for political, economic, socio-cultural and security reasons. Beginning from the 17th to the 19th century, European philosophers: Johannes Althusius, Immanuel Kant, Baron de Montesquieu, Jean-Jacques Rousseau, Alexis de Tocqueville and, John Stuart Mill laid the philosophical foundation of federalism in their respective magnum opus. In the 20th century, K. C. Wheare, W. S. Livingston, W. H. Riker, C. J. Friedrich and, W. E. Oates propounded the legal-institutional theory, sociological theory, bargaining theory, process theory and the theory of fiscal federalism for the purpose of explaining the idea 'federalism'. This paper examines the philosophy and theories of federalism from the 17th to the 20th century. For this study, the qualitative method of secondary data collection was adopted. The paper conclude that the philosophy and theories of federalism are tools that assist analysts and readers with the normative and empirical perspectives of federalism, the conditions and preconditions for adopting federalism, the division of power in a federation and the economic functions of the levels of government in a federal state among other things.

Keywords: Federalism, Philosophy, Theory, Philosopher, Foundation, Condition

Introduction

In recent years, the attention of many scholars in the Social Sciences has been centred on the long-standing national questions in federal societies the world over, that is race, centralisation of power, marginalisation of minority groups, secession, revenue sharing formula etc. Much as these thorny issues demand urgent attention within the academia and the circle of policy-makers, a proper understanding of the philosophy and theories of federalism is needed in finding a lasting panacea to the aforementioned problems bedeviling some federal states.

Federalism, like many other ideologies, has a rich philosophical background spanning from the 17th century, through the Enlightenment Age, to the 19th century. Indeed, in discussing societies, ideology is of cardinal prerequisite (Adeola; 2017; 73). In respect to federalism several philosophers in Europe: Johannes Althusius, Immanuel Kant, Baron de Montesquieu, Jean-Jacques Rousseau, Alexis de Tocqueville, John Stuart Mill among others. Also scholars as Ludolph Hugo and Pierre-Joseph Proudhon laid the philosophical foundation of federalism in their classic writings which outlived them. No sooner had the said European philosophers laid the foundation of federalism than notable scholars erected the theories of federalism.

It is on record that the theoretical perspectives of federalism emerged in 20th century. Ever since these theories were propounded: legal-institutional theory by K. C. Wheare, sociological theory by W. S. Livingston; bargaining theory by W. H. Riker, process theory by C. J. Friedrich and, the theory of fiscal federalism developed by W. E. Oates, they have been used by several intellectuals as a tool of analysis in the discourse of federalism in published literature and unpublished manuscript.

To examine the philosophy and theories of federalism after this introduction, this paper has been compartmentalised under the following sub-headings: conceptual clarification, the philosophy of federalism, the theories of federalism and lastly, conclusion.

Conceptual Clarifications**Federalism**

The word 'federal' or 'federalism' has its origin from the Latin words '*foedus*' and '*fides*' which in English, the former means an agreement, treaty, compact or covenant while the

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latter means, trust (Elazar, 1995; Erk, 2008; Dosenrode, 2010; Lépine, 2012; Majekodunmi, 2015; Kalu & Bing 2016; Schütze, 2016; Ogunnoiki, 2017). Having traced the origin of the word ‘federalism’, how best has it been defined over the years?.

“In its most general sense, federalism is an arrangement in which two or more self-governing communities share the same political space” (Karmis & Norman, 2005:3). According to Oyovbaire (1985:7), “[f]ederalism is about power, its allocation and administration, power being defined as the outcome of interaction between the levels of government. This is with regard to the process by which each level obtain claims over resources”. To Elazar (1995:1), it is “the mode of political association and organization that unites separate polities within a more comprehensive political system in such a way as to allow each to maintain its own fundamental political integrity”.

Simply put, federalism has to do with “the need for an orderly arrangement of relationship among different tiers of government in a nation” (Aliff, 2015:72). In other words, it is an “institutional arrangement in which (a) public authority is divided between state governments and a central government, (b) each level of government has some issues on which it makes final decisions, and (c) a high federal court adjudicates disputes concerning federalism” (Kelemen 2003:185).

The Philosophy of Federalism

“As many philosophers, theologians, and political theorists in the Western world have noted, the federal idea has its roots in the Bible. Indeed, the first usage of the term was for theological purposes, to define the partnership between man and God described in the Bible, which, in turn, gave form to the idea of a covenantal (or federal) relationship between individuals and families leading to the formation of a body politic and between bodies politic leading to the creation of compound polities. The political applications of the theological usage gave rise to the transformation of the term “federal” into an explicitly political concept” (as cited in Elazar, 1987:5). Contrary to this assertion is that of Mogi (1931:21) who is of the view that the idea of federalism “dates back to the Greek civilizations, when efforts were made to describe the legal relationships between the Leagues and the City States” (as cited in Dare, 1979:26). Similarly, Riker (1987:11). opined that “[t]he first appearance of what can be called federal governments occurred in ancient Greece after the Peloponnesian War” Much as there are elements of truth in the aforementioned scholars’

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assertion, the philosophy of federalism in this paper begins from the 17th century and ends in the 19th century.

In the 17th century, German Calvinist, Johannes Althusius (1557-1638) wrote his classic book titled: *Politica Methodice Digesta* (1603) which some scholars have labelled as the “first comprehensive published theory of federalism” (Elazar, 1995:23). “Althusian federalism consists of a set of associations, beginning with the smallest association, namely the family, spiralling out into the most encompassing association, namely the commonwealth or realm (empire). Between the family and the empire are collegia, the cities and provinces, with the ecclesiastical associations also forming a distinctive part of the larger encompassing constitutional order. The order is built up from below, that is, from the smallest to the most encompassing entity, [and] not the other way around” (Malan, 2017:7). For his contribution to the study of federalism, Althusius is often regarded as the ‘father of modern federalist thought’ (Follesdal, 2018) though, Mogi (1931:26, 30-33) stated that the honour of being the first advocate of modern federalism goes to Jean Bodin followed by others like Otto Cosmanus, Hugo Grotius and Samuel Pufendorf who viewed federalism as a voluntary form of political union, either temporary or permanent, of independent authorities, for special common purposes such as defence against foreign powers, for the interest of trade and communications or for other reasons (cited in Dare, 1979:26).

In the 18th century, the French political thinker, Baron de Montesquieu (1689-1755), in his book: *L’esprit des lois* (1748), laid the theoretical foundation for modern confederation. Equally to have penned his thought on federalism during the Enlightenment Age is the Frenchman, Jean-Jacques Rousseau (1712-1778). Though the manuscript of what could have been his book on federalism was destroyed during the French Revolution (1789-1799), Rousseau apparently considered federalism to be a vital aspect of a popular government. Fragments of his thought on federalism can be found in his book: *Du Contrat Social* (1762) (Elazar, 1987). The philosophy of federalism in the 18th century will be incomplete without mentioning the German philosopher, Immanuel Kant (1724-1804). In his essay: *Perpetual Peace: A Philosophic Sketch* (1795), Kant expounded the idea that perpetual peace on the international plane is possible when there is a “Federation of Free States” (Mahmoudi, 2008:56). These Free States will have one thing in common i.e. their civil constitution will be republican (Kant 1795 as cited in Fidler, 1996:421).

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In the 19th century, the Frenchman, Alexis de Tocqueville, in his book titled: *Democracy in America* (1835), “examined the complex interaction of liberty, equality and mass democracy that he had witnessed first hand in the young emergent American society of the early 1830s...He believed that the republican form of government depended for its vitality and permanence upon the durability of the federal system and that the federalism in the federation – America’s enduring social diversity – sprang directly from the local communities, townships and provincial assemblies” (Burgess, 2006:10). Succinctly, “...Tocqueville’s contribution to the intellectual debate about federalism and federation was to acknowledge the significance of what he called the ‘social condition’ of the Anglo-Americans’...” (Burgess, 2006:11).

Like Tocqueville who identified the social condition of the Anglo-Americans, the British philosopher, John Stuart Mill (1806-1873) in his book: *Considerations on Representative Government* (1861), identified three conditions that are necessary before a federation is advisable. Firstly, there should be a sufficient amount of sympathy among the populations. Secondly, the separate states are not to be so powerful that they rely on their individual strength for protection against foreign encroachment and lastly, there should not be a very marked inequality of strength among the contracting states (Mill, 2010:305-306).

Theories of Federalism

As Duchacek (1970) rightly asserted, “there is no accepted theory of federalism; nor is there an agreement as to what federalism exactly is”. Nevertheless, the theories of federalism propounded in the 20th century will be examined as follows;

K. C. Wheare’s Legal-Institutional Theory

According to Kenneth Clinton Wheare, the federal principle is, “the method of dividing powers so that the general and regional governments are each, within a sphere, coordinate and independent” (Wheare, 1953:11). In other words, federalism is all about power sharing in a legal document called the ‘constitution’ between two levels of government: the government at the centre and the government at the regions.

K. C. Wheare went on to state that a federal government seems “appropriate for a group of states or communities if, at one and the same time, they desire to be united under a single independent general government for some purposes and to be organized under independent

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regional governments for others. Or to put it shortly, they must desire to be united, but not to be unitary” (Wheare, 1953:36). The reasons for this desire to be united are: “...[a] sense of military insecurity and the consequent need for common defence; a desire to be independent of foreign powers, and a realization that only through union could independence be secured; a hope of economic advantage from union;...” (Wheare, 1963:37).

W. S. Livingston’s Sociological Theory

William Samuel Livingston’s sociological theory of federalism emerged as a result of the loopholes in K. C. Wheare’s legal-institutional theory (Ogunnoiki, 2017). According to Livingston (1956:1-2):

“The essential nature of federalism is to be sought for, not in the shading of legal and constitutional terminology, but in the forces—economic, social, political, cultural—that have made the outward forms of federalism necessary...The essence of federalism lies not in the constitutional or institutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected.”

This society Livingston spoke of is, a society of diversities which may be found in particular geographical areas or dispersed. This was what Livingston meant when he said “...Furthermore these diversities may be distributed among the members of a society in such a fashion that certain attitudes are found in particular territorial areas, or they may be scattered widely throughout the whole of the society. If they are grouped territorially i.e. geographically, then the result may be society that is federal. If they are not grouped territorially then the society cannot be said to be federal...” (Livingston, 1952:23).

W. H. Riker’s Bargaining Theory

According to William Harrison Riker, federalism is “a bargain between prospective national leaders and officials of constituent governments for the purpose of aggregating territory, the better to lay taxes and raise armies” (Riker, 1987:12). Left to Riker, there are:

“...at least two circumstances encouraging a willingness to strike the bargain of federalism: 1. The politicians who offer the bargain desire to expand their territorial control, usually either to meet an external military or diplomatic threat or to prepare for military or diplomatic aggression and aggrandizement... 2. The politicians who accept the bargain, giving up some independence for the sake of union, are willing to do so because of some external military-diplomatic threat or opportunity. Either they desire protection from an

external threat or they desire to participate in the potential aggression of the federation...” (Riker, 1987:13).

“In order to prove this hypothesis” of his, Riker “examined *all* the instances of the creation of a federation since 1786, giving most detailed attention to the invention of centralized federalism in the United States” (Riker, 1987:14).

C. J. Friedrich’s Process Theory

On the part of Carl Joachim Friedrich, federalism is nothing but the process of federalising a political community. In his words:

“Federalism should not be considered a term for a static pattern, designating a particular and precisely fixed division of powers between governmental levels. Instead, ‘federalism’ seems the most suitable term by which to designate the process of federalizing a political community, that is to say the process by which a number of separate political organizations, be they states or any other kind of association, enter into arrangements for working out solutions, adopting joint policies and making joint decisions on joint problems...” (as cited in Burgess, 2012:145).

Simply put, “[f]ederalism is the process of federalizing as well as the particular pattern or design which the intergroup exhibit at a particular time...” (Friedrich, 1966:286).

W. E. Oates’ Theory of Fiscal Federalism

Aside the political and sociological aspect of federalism, there is also the fiscal. “As a subfield of public finance, fiscal federalism addresses the vertical structure of the public sector. It explores, both in normative and positive terms, the roles of the different levels of government and the ways in which they relate to one another through such instruments as intergovernmental grants” (Oates, 1999:1120).

The traditional theory of fiscal federalism is a theory Charles M. Tiebout (1956) and Richard A. Musgrave (1959) initiated and Wallace E. Oates developed. In his book titled: *Fiscal Federalism* (1972), Wallace E. Oates expounded the normative ‘Decentralisation Theorem’ “that formalizes the basic efficiency argument for the decentralized provision of certain kinds of public goods” (Oates, 2007:3). Succinctly, the economic functions the central government should perform in a federation are: income redistribution, macroeconomic stabilisation and the provision of public goods that are national in character e.g. (national defence) (Oates,

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2004; Majocchi, 2008; Arowolo, 2011). “Decentralised levels of government on the other hand are expected to concentrate on the provision of local public goods with the central government providing targeted grants in cases where there are jurisdictional spill-overs associated with local public goods” (Arowolo, 2011:8).

Conclusions

This paper has been able to articulate the primary philosophical substructure of federalism that dates back to the 17th century as well as the imperfect theories of federalism that were formulated in the 20th century. It can be inferred that the philosophy and theories of federalism is a good combination that provides analysts and the community of readers alike with the normative and empirical perspectives of federalism, the conditions and preconditions for adopting federalism, the division of power in a federation, the economic functions of the levels of government in a federal state among other things.

Concluding Remarks

In this paper, the historical antecedence of federalism clearly shows that federalism has a solid philosophical foundation that dates back to the 16th century upon which the plethora of federalism theories have built since the 20th century. Though the philosophy of federalism as expounded by notable philosophers of old in their classic literature is normative and value-laden, it nonetheless is an eye opener on how a plural society, formed by an agreement between independent nations, can best be organised for a given purpose(s) without the said nations losing their identity. The theories of federalism only complement the philosophy of federalism by empirically explaining the cause and effect of the federal phenomenon. Sadly, not a single theory of federalism till date has satisfactorily answered all the core questions of why nations federate; what factors or conditions necessitate the adoption of federalism; how best power is to be shared between the levels of government in a federation; whether federalism is a means to an end or an end itself and lastly; why some federations succeed and others fail. What the proponent(s) of these theories have been successful at doing in time past and in recent years is in formulating a theory of federalism in part and not as a whole.

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