ASKING THE SAME QUESTION BUT GETTING DIFFERENT ANSWERS: THE CONDITIONS OF SUCCESS AND FAILURE IN FEDERAL STATES

INTRODUCTION

One summer Albert Einstein’s students complained about their examination paper. The problems they had been asked to solve, they protested, were precisely the same as those he had set a year earlier. Well, yes, Einstein agreed, the questions were indeed identical. But what the students needed to understand was that the answers had changed. Whether apocryphal or not, the story seems to me to serve as a useful metaphor for the elusive pursuit of the conditions of success and failure in federal states.

In this paper I want to ask the same question but I expect to find many different answers. This is partly because of the different sets of circumstances that characterised the formation of different federations in different historical epochs and partly because the whole exercise is predicated upon an understanding of “success” and “failure” as essentially relative and contingent rather than fixed, eternal and absolute terms. Indeed, since it is my principal purpose to address the question of the conditions of success and failure in federations, I suggest that this task is predicated on the assumption that we already know what the terms “success” and “failure” mean. Without wishing to traverse the same territory that I have recently covered in a different paper, I intend to dwell only briefly on this aspect of the subject. (Burgess: 2007) My concluding remarks about success and failure are that these terms are ultimately relational: federal states succeed in some things and fail in others. Moreover, for these terms to have any real meaning empirically, they must be contextualised. What might be construed a success in one federal context might be considered a failure in another federal context. In order to have some sort of yardstick of measurement, it is necessary to keep in mind the different purposes and goals of different federations. Construed in this way, we can then ask the question “successful in relation to what goals?” or a “failure relative to what purposes?” So political scientists must tread very carefully when they use these terms to try to assess the performance of federal states in seeking to achieve their respective goals.

We cannot of course completely ignore questions concerning the utility of the terms success and failure and we will return to them later in the paper, but for the moment let us proceed with the main purpose here which is the conditions of success and failure in federations. It is important that we begin by anchoring our comparative survey in the mainstream literature on the subject so that we can obtain some sense of perspective about what conventional wisdom has accumulated over the years. If we do this, it quickly becomes apparent that to date we continue to use what some social scientists might regard as the somewhat old-fashioned, even outdated, terminology of ‘preconditions’ and ‘prerequisites’ related specifically to federal state formation without really thinking very much about the success and failure of federations.
Indeed, some commentators might claim that in certain circumstances the actual formation of a federation is itself a measure of success while others might conceivably regard the disintegration of a particular federation – surely clear evidence of failure - to achieve some successes in its very demise.

We will therefore begin our exploration of the conditions of success and failure by looking at the relatively recent contributions to this debate that serve as the intellectual background to our subject. This furnishes the paper with the solid foundation upon which to develop our exploration.

THE INTELLECTUAL BACKGROUND

Our foray into this deceptively difficult subject begins with a short essay written by William P. Maddox titled *The Political Basis of Federation*, which appeared in the *American Political Science Review* in 1941, and identified the main obstacle to this analysis as the ‘apparent ambiguity’ of the federal concept, the ‘studied evasion of sharp definition’ and ‘much elaboration of qualifications, exceptions and variations’. (Maddox: 1941, 1120) But when he asked, as we still do today, ‘what are the conditions upon which an effective federation can be maintained?’ he had already made an early analytical distinction between the propulsive forces making for the formation of federation and those that provided ‘a sustaining power over the long haul’. ‘For effective operation’, he observed, ‘the federal union must discover an enduring as well as a generating basis’. (Maddox: 1941, 1123) His preliminary remarks identified three main bases as a springboard for durability: the constituent parts must not exhibit too great a diversity in size, culture and the level of political and economic development; the existence of territorial contiguity; and, interestingly for the time, ‘forces of a spiritual, emotional, or ideological character’ to give it ‘sustenance and vigour in its struggle for survival’. A fourth ingredient was structural: the central, federal authority must possess ‘a power of decision and action independent of the wills of the separate governments’. (Maddox: 1941, 1123-24)

These conditions prompted him to suggest that the power resources of federal government must derive from political, financial and military bases. The first one hinged on liberal democracy: policy-making officials of the federal government must be chosen (at least in part) by direct or indirect election and the development of political parties across state frontiers would generate political forces strong enough to override state particularisms to provide ‘a new unifying basis for the federation’. The second basis lay in the power of direct taxation from the people rather than the device of levies upon state governments, while the third foundation was rooted in a military monopoly for the federal government. (Maddox: 1941, 1125-26) What stands out about Maddox’s formulation was its emphasis – hardly surprising given its date of publication – upon liberal democracy. Here he was adamant:
There can be a real federation only where domestic conditions permit the organization of people in their private capacities, the holding of free elections, and the maintenance of representative institutions. Only thus could an independent basis for the power of the federation’s central government be obtained. (Maddox: 1941, 1125)

Serious scholarly thinking about the conditions of success and failure of federations began with Kenneth Wheare’s classic study titled *Federal Government* (Wheare: 1963) in the early post-war years and was apparent in an important essay published a few years later in the mid-1950s. (Wheare: 1955) In what he referred to as *Prerequisites of Federal Government*, Wheare claimed that ‘federal government is rare because its prerequisites are many’. (Wheare: 1963, 35) He distinguished between the desire for federal union and the capacity to operate it and this distinction is for our purposes in this paper a very important one because to have the desire is one thing but to have the capacity to make it work successfully is quite another.

My own interpretation, then, is that Wheare’s use of the term *capacity* refers to the ability to make the federal system work successfully. Consequently we are able to construe the structure of his argument and reasoning to be synonymous with the conditions of success and failure in federations. It was part of his purpose to identify precisely what were the factors or circumstances that produced in communities the capacity or ability to form and then operate a federal system of government. As he put it, ‘if we know the answers to these questions, we can begin to see what ingredients should be present before it can be asserted that federal government should be adopted for a given territory’. (Wheare: 1963, 37) But Wheare’s focus upon the capacity to work a federal system successfully was further subdivided into two categories, namely, the capacity to unite to make it work and the capacity simultaneously for the constituent units to remain distinct and separate within the federal state.

Limitations of space prevent us from entering into a comprehensive textual exegesis of Wheare’s *Federal Government*, but suffice it to state here that he identified and outlined a list of what we might call ‘conditions of success’ in federal states which I have represented later in the paper. We will return to them shortly when we summarise this section of the paper. Meanwhile, let us turn now to the contribution of William Riker, who in 1964, was the first scholar to build a sustained comparative analysis explicitly on the important distinction between the foundation of federations and their survival. In his path breaking study titled *Federalism: Origins, Operation, Significance* (Riker: 1964), he lucidly underlined this distinction in the following way:

> It must be, therefore, that the conditions of keeping the bargain are different from the conditions of making it, at least in centralized federalisms. … we want to know what conditions help to keep the bargain after the original conditions disappear. (Riker: 1964, 50 and 85)
‘Centralised federalisms’ was Riker’s terminology for modern federations as distinct from ‘peripheralized federalisms’, which were confederations, while his reference to ‘the bargain’ meant the political agreement that shaped the formation of the federation and subsequently became the written constitution. The gist of his argument was that the new centralising elements, such as taxes, armies and other administrative duties, which characterised this new form of federal state together with the maintenance of constitutional guarantees to the constituent units, were significant factors that enabled federations to survive. But his empirical survey of the United States suggested that by itself this ‘administrative theory’ did not explain survival. He concluded that the theory of administrative centralisation in the United States did not explain the maintenance of federalism. (Riker: 1964, 82-84)

In a nutshell, it was the structure of the system of political parties that encouraged or discouraged ‘the maintenance of the federal bargain’. (Riker: 1964: 51) In the United States, Riker observed that it was the decentralised character of the party system, rooted in localism, which was ‘a powerful agent in maintaining the guarantee to the states in the federal bargain’. (Riker: 1964, 96) Organisational decentralisation, lack of cohesion in legislative behaviour and ideological diversity encouraged dissimilarity within the two-party system and this protected the integrity of the constituent states in the federal system. (Riker: 1964: 100-101) Consequently Riker’s overriding conclusion about the conditions that successfully maintained the federal bargain could be easily summarised: the structure of the party system was ‘the main variable intervening between the background social conditions and the specific nature of the federal bargain’. (Riker: 1964, 136)

Riker conceded that his comparative approach to the study of federalism was actually only ‘semi-comparative’ largely because most of the detail was about the United States but it also meant that the questions generated from this derivation would be logically culture–specific. The main implication of this approach therefore was that his empirical case studies would be contaminated at the outset by normative assumptions about ‘the only federal government’ that he thought he understood. (Riker: 1964, Preface, xii) But in any case does Riker’s repeated references to mere “survival” equate to success in federation? Today we are searching for a much more sophisticated assessment of what success in federation might mean. Nonetheless, Riker’s survey did identify the factors specific to the United States that combined to create the conditions for its endurance. He referred to these factors in general as the ‘transfer of patriotism from state to nation’ that served to sustain a particular federal model in the United States, namely, one in which the federal government could not ‘overawe the constituents’, but could ‘keep them from overruling its own decisions’. (Riker: 1964: 86 and 105) These factors were the following:

- The role of national institutions, especially the Presidency and to a much lesser extent the Supreme Court
- A high degree of mobility of labour in what was an expanding single market together with patterns of migration and immigration that served to weaken state patriotism
• A high degree of mobility of leaders reflecting changes in the structure of the national political economy so that the professionalisation of social work, economic planning and administrative management functions undermined state patriotism
• National military patriotism
• The slow evolution of a common culture

These were the centripetal forces that combined with local state patriotisms to produce what he called ‘the popular sentiment of loyalty to different levels of government’ – a duality that corresponded to a particular conception of the United States as an evolving federation. (Riker: 1964, 106-110)

One early conclusion that could be drawn from Riker’s survey was, as Sheldon Wolin noted in the ‘Foreword’ to that survey, ‘federalism represents a complex choice that may take many forms and may require many different conditions for its establishment and maintenance. (Riker: 1964, ix) For our purposes, Riker’s question about the maintenance of federations – their survival – yielded many different answers but he settled on one particular conclusion that we can construe as the role of political parties and the decentralised structure of party systems in federal states. Overall the nature of the party system could have either a centripetal impact that served to bind the constituent parts of the federation together to strengthen national integration or it could have a centrifugal effect that might reinforce the integrity of the constituent units or other social diversities leading to a weakening of national loyalties. We will return to the question of party systems later in the paper, but it is clear that Riker’s contribution helped to clarify some key questions and issues that continue to surround the debate about the conditions of success and failure in federations.

Contemporary developments in ‘Third World’ countries in the decade of the 1960s played a large part in the question of success and failure in federal states, appearing as a subject in its own right in the field of comparative federal studies for the first time in 1968 when Thomas Franck’s impressive survey titled Why Federations Fail was first published. (Franck: 1968) Since then, however, scholars of comparative federalism and federation have only very slowly begun to concentrate upon the causes and consequences of success and failure in this field of enquiry. Franck’s comprehensive comparative survey was, incidentally, subtitled An Inquiry into the Requisites for Successful Federalism and he made it clear in his analysis of why federations fail that he was hoping that the ‘negative factors’ bearing on ‘federalism’s failures’ might, in turn, ‘offer some clues as to the necessary pre-conditions of success’. (Franck: 1968: 171)

Franck’s comparative study of the East African Federation (comprising the four constituent units of Tanganyika, Zanzibar, Kenya and Uganda), the Federation of Rhodesia and Nyasaland (comprising the three regions of Southern Rhodesia, Northern Rhodesia and Nyasaland), the Federation of the West Indies (comprising ten islands or groups of islands including Jamaica, Trinidad and Tobago, Barbados, and the Windward and Leeward Islands) and the Federation of Malaysia (composed of
thirteen constituent units after the secession of Singapore in 1965) led him to conclude that the common factor in failure could be found ‘only in the absence of a sufficient political-ideological commitment to the primary concept or value of federation itself’. (Franck: 1968, 177) This commitment to primary goals could have developed, as it were, from below arising from the people in response to an overwhelming common external threat or some other ‘passionate historic challenge to the collective imagination’ or it could have emerged as a result of charismatic national leadership. (Franck: 1968, 177) However, he found that in practice these things were conspicuous by their absence:

in each of our studies, this commitment to primary goals appears to have been shown not to exist at the moment of federation and not to have been generated subsequently. … Instead, the four federations are studies in leadership non-charisma and in the non-challenge of historic trivia. (Franck: 1968, 177)

Commitment to the concept of federation as the primary community value – ‘a positive political or ideological commitment to the primary goal of federation as an end in itself among the leaders and people of each of the federating units’ – was, as we have already noted, originally identified by Maddox in 1941 as one of his bases for sustaining federation, but it was of overriding importance to Franck largely because of his choice of case studies. (Franck: 1968, 173) His narrow empirical focus was developing countries. He was principally concerned to investigate why ‘classical federalism’ was failing in so many of the new post-colonial nations that had tried to implement it and his approach was therefore essentially diagnostic. He wanted to identify the ‘diseases’ to which ‘federalism’s curative powers’ had been ‘shown to succumb’. (Franck: 1968, 167-68) On this reckoning, then, the federal idea in these case studies was really about the political ideals of nation building, national integration and political nationality: ‘shared national ideological commitment’ in developing countries. (Franck: 1968, 180)

This conclusion was formulated, as we have seen, from Franck’s four empirical case studies, but he also felt compelled to reduce the theoretical expectations that might arise as a by-product of his survey. He put paid to such expectations in the following categorical manner:

The comparison of the four federations does not lead to a list of ‘prerequisites’ which, if not possessed more-or-less equally by all the parts of a proposed federation will assure its failure. On the contrary, it leads, however tentatively, to the conclusion that the sharing of such things as culture, language and standard of living, while helpful to the cause of federalism, is not an ultimate guarantee against failure. (Franck: 1968, 171)
Conventional centripetal federalism – bringing together formerly distinct, separate communities or ‘newly-independent sovereign states’ – was clearly ‘unlikely to be a successful device for overcoming the odds against it in contemporary Africa and Asia’, while centrifugal federalism –a system for ‘holding existing sovereign entities together’ – was a special case which could work in certain circumstances, as in India and perhaps today in Nigeria. (Franck: 1968, 191)

Franck seemed finally to put the proverbial nail in the coffin of theoretical expectations about the conditions of success and failure in federations when he sombly declared:

The four studies … support the view that neither economic complementarity nor its opposite can be said to be essential to failure or success. The same seems true of common institutions, of common language and systems of education and government. (Franck: 1968, 196)

Franck’s inquiry, then, seemed to result in a pessimistic conclusion. His study of the four failures did not suggest that political scientists could learn anything very much to guarantee ‘future successes in federation building’. Indeed, he stressed what they could ‘not learn, or the dangers of false analogies’. (Franck: 1968, 196) All that he claimed from his four empirical comparisons was that success relied upon precisely what was missing from these case studies, namely, ‘commitment to the primary political ideal of federation itself, and charismatic leaders or events to generate such commitment’. (Franck: 1968, 196-97) Such claims merely begged the question. But Frank Trager, in the introductory chapter to Franck’s volume of essays, titled On Federalism, went a little further in emphasising the limitations and drawbacks to the whole exercise which could, at best, be only a value judgement drawn from the experience of individual case studies. (Franck: 1968, xv) His belief, like that of Franck, was unequivocal:

In the final analysis we cannot know – in the scientific sense – all the “essential” elements which hold the “cement” of a system together or cause it to fissure and break (Franck: 1968, xv).

Franck’s own reflections suggested that these failures were actually a singular failure: ‘the failure of traditional federalism’ in some of the new nations. Western-type federal models could not simply be grafted on to the states and societies of Developing Countries because they might in consequence be ‘over-structured and over endowed with the machinery of centralization’, which could have been ‘a prime cause of break-down’. This, he opined, was potentially more of a threat to ‘Asian and African nations’ stability’ than was ‘centrifugalism’ itself by which he meant separatism. (Franck: 1968, 197)
A more extensive comparative study written by Ursula Hicks and titled *Federalism: Failure and Success* was published in 1978. (Hicks: 1978) This interesting contribution to the subject raised some pertinent questions and drew some important conclusions, but her more wide-ranging study remained that of an economist whose principal interest lay in fiscal federalism. Like Franck before her, Hicks remarked that her main interest in the causes of failure ‘necessitated also an investigation of the causes of success’. This was in her view ‘particularly evident because throughout history failure and success have been intermingled’. Indeed, even the most successful federations had ‘from time to time had very adverse experiences when some degree of break-up seemed inevitable’. And again, like Franck, she acknowledged that there were ‘gleams of light in the experience of even the worst failures’ so that all of these experiences ‘leave their mark on federal organisation’. (Hicks: 1978, vii)

In retrospect, Hicks chose a somewhat blunt instrument of classification for her case studies. She attempted to classify them in the following manner:

- Attempted federations which never materialised – South Africa and East Africa
- Short-lived federations which never attained nationhood – the Caribbean and the Federation of Malaya and Singapore
- A sad case of total failure – the British Central African Federation
- Federalism in the Indian Subcontinent – India and Pakistan
- Decolonisation and federalism in Nigeria
- Two successful federal systems – Australia and Switzerland

The comparative approach impelled Hicks to adopt the historical method in order to understand and explain these sequences of experience, but the ‘past history of peoples and their political and cultural backgrounds’ was vital in order to ‘give weight to the sociological factors’, which had gone into the ‘making – or undoing – of particular excursions into federalism’. (Hicks: 1978, vii) Clearly, in her view, it was the ‘socio-historical aspects’ that were ‘essential for a proper understanding of federal failure and success in particular cases’. (Hicks: 1978, viii)

Hicks structured her comparative analysis according to four main headings: (1) *initial endowments*, physical and human (2) *constitutional and institutional organisation* (3) the attitude of other countries in a world of fierce national rivalry and (4) *incompatibilities and imbalances* between or within federal states. (Hicks: 1978, 172) The first item dealt with questions that were inherent in particular federations, especially those related to the difficulties of the physical environment that made modern transport and communications problematic where great physical distances were involved, such as the Borneo States in Malaysia, Western Australia in the Commonwealth of Australia and East Pakistan isolated from West Pakistan by India. The discovery of mineral wealth in one part of a federation, such as in the Eastern Region of Nigeria, could also alter the whole relationship between the constituent units in that country. Finally differences in human endowment, such as religious and cultural disagreements, large variations in the degree of education or sophistication,
and racial tensions, could combine to produce serious threats to the integrity of some federations. Prophetically she identified the chief example of a major religious cleavage that threatened real discord in some federal states to be that between Islam and all other religions and she identified Malaysia and Nigeria as countries where it continued to be important while it was ‘the prime cause of the failure to bring about a confederation of the Indian subcontinent’. (Hicks: 1978, 174)

The prime example of a significant cultural difference that ‘nearly wrecked’ a federation was the American Civil War while political tension between Quebec and the other Anglophone provinces in Canada was also much more about broader cultural diversities than just religious differences. Religious difficulties, then, usually combined with social, political, economic and cultural differences to produce stresses and strains in some federations so that her interim conclusion was simple: ‘absence of social and cultural homogeneity’ did not ‘necessarily prevent the establishment of a federation, or wreck one as it evolves’, but it was ‘certainly an additional obstacle to success’. (Hicks: 1978, 174-75)

The second heading, constitutional and institutional organisations, looked at the role that these played in ‘creating a nation and preserving the identity of the units’. (Hicks: 1978, 175) The institutional architecture facilitated representation, furnished the basis for the making and implementation of national policy, and allowed for the legal interpretation of the constitution. But what constituted the basic needs of ‘a viable and durable federation’ was the requirement of a double loyalty: citizens had to possess simultaneously a loyalty to their own state and to the nation as a whole, ‘with free movement of persons and goods from state to state’. (Hicks: 1978, 175) Interestingly, Hicks claimed that the conditions for success were much better if a federation could ‘start in a small way’ with only a few constituent units ‘in order to adapt the Constitution gradually’ as it acquired more members. This was because ‘to devise a ready-made constitution for a completely new federation’ was ‘extremely difficult’, as was the case in Nigeria. Only what she called a ‘lucky homogeneity’ had enabled the Australian colonies to devise a workable constitution ‘almost at the first shot’. (Hicks: 1978, 176)

Clearly constitutional deficiencies could seriously enfeeble a putative federal state at the outset, as her case study of the Federation of the West Indies amply demonstrated. First, it completely failed to provide for sufficient financial resources for the federal government, secondly, it provided no personal freedom of movement between the constituent units and, thirdly, it failed to agree on a common tariff for a single market. Yet, she remained convinced that federation was ‘clearly a good idea’ since the small size of several of the units made them ‘non-viable alone, and consequently subject to outside pressures’. (Hicks: 1978, 176)

The third heading – foreign reactions – was something she construed as being ‘among the most important factors determining failure or success in federation’. It was imperative to look at the attitude of the federation to other countries and of other countries to the new federation, with the most vital relation being ‘that of the new
nation to its immediate neighbours’. (Hicks: 1978, 177) References to Canada, Switzerland and Malaysia suggested to her that the great danger of an external threat that might break up the young federation existed ‘essentially at the start’ or in the early years of state building, while new federations created from the process of decolonisation tended to start with close relations with their former parent bodies ‘with whose method of government and organisation they are familiar’. (Hicks: 1978, 177)

The fourth and final item – incompatibilities and imbalances – was presented as two levels: (1) between the levels of government (vertical imbalance) and (2) within an individual state (horizontal imbalance). Examples of the former were the antagonisms and rivalries between the Swiss Protestants and Catholics that nearly broke up the Federation in 1847, the religious incompatibility that prevented a federal union of the Indian subcontinent in 1947, the religious, linguistic and economic differences that caused the break-up of Malaysia-Singapore in 1965, the short-lived Central African Federation (1953-63) and the incompatibilities between Pakistan and Bangladesh over language and culture in 1971.

Incompatibilities within states included those in India and Nigeria where the solution had been to increase their number by creating – at least in the former case - more homogeneous states from within those that already existed. At the time of writing, in the late 1970s, Hicks observed that both countries had increased the number of constituent state units to nineteen and it is interesting to note that that process has continued largely unabated until today, with India’s 28 states since 2001 and Nigeria’s 36 units since 1999. She also claimed that the existence of such diversities was not usually such a serious matter as to threaten the integrity of a federation, but they could prevent ‘optimum functioning through tensions’ so that it was desirable to eliminate them as far as possible. (Hicks: 1978, 179) Another incompatibility within individual states was that of urban-rural contrasts which was of increasing importance in some federations, such as Australia, where the claims for more social services, construction works and housing in the expanding cities created new pressures for more funds and powers. Once again, while such social cleavages having political salience were highly unlikely to threaten the unity of a federation, they might lead to new demands for constitutional adjustments. Similarly such demands were also likely to derive from economic, social and technological change that could outstrip the checks and balances originally addressed in the framing of a federal constitution and create a range of imbalances that could lead to popular discontent and resentment in different parts of the state. The cases of Nyasaland in the Central African Federation and the prospect of perpetual domination by the North in Nigeria underlined the major fault-lines that could develop in federations and might, if not addressed, lead to serious existential problems.

Hicks, however, claimed that the greatest threat to the overall stability of federations in this regard was the existence of fiscal imbalances. This was one of the areas where, as an economist, she had a particular interest and special expertise. The nature of such an imbalance was related to three distinct relationships: first, that vertically between
the federal government and all of the sub-national governments; secondly, that horizontally between the different constituent units themselves; and, thirdly, that between the state governments and their own local authorities, which was ‘more like the problem in a unitary country’ where the local authorities enjoyed only ‘statutory and not constitutional standing’. (Hicks: 1978, 181) But with regard to the question of financial resources, it is worth reminding ourselves that Wheare had also addressed this thorny issue many years earlier and, indeed, had foreseen the threat that it already posed to his conception of the federal principle:

Yet there remains one strong element in the tendency of general governments to increase their powers and that is the financial predominance which they have attained. … The present predominance is likely to be permanent. The prospect for federal government … is, in my view, that a plurality of jurisdiction is likely to be combined with some measure of financial unification. … This means a modification of the federal principle to some degree, though it need not mean a complete denial of federalism. (Wheare: 1963, 242-43)

Wheare’s principal concern was that in the long run the increasing dependence of the constituent units upon the financial support of federal governments would effectively turn federations into unitary states. The increasing ‘cooperative tendency’ that he witnessed in the growth of intergovernmental relations in federations was a ‘most hopeful prospect’ but it also harboured dangers because such cooperation could develop into ‘something of a screen behind which unification is practised’. The end result therefore might be the survival of federal government ‘in law’ but it might be ‘unreal to some degree in practice’. (Wheare: 1963, 243)

This predicament has been an ever-present fear and possibility for the constituent units in federations that are reluctant to give up their constitutional jurisdictions and remain determined to resist unification, yet cannot raise the tax revenues required to fulfil their constitutional duties and obligations. It therefore raises the familiar question about how far a federal state can continue to claim this constitutional status in the face of such pressures for uniformity and unification. Wheare’s concern hovered between solemn resignation to this fact of life and benign recognition of the need to adapt and adjust to contemporary realities. Indeed, he even acknowledged that the ‘cooperative tendency in federal government’ might prove to be workable and might actually ‘produce better government than complete independence in finance and jurisdiction’ for the constituent units. (Wheare: 1963, 243) Clearly success meant more than just survival but it came at the price of being less federal.

In summary, then, both Hicks and Wheare acknowledged the serious threat that fiscal imbalances posed to the success of federal states. The increasing financial dependence of the constituent units upon their respective federal governments – and the overweening centralisation that it implied for public policy - undermined the
‘federality’ of federations. In short, the capacity of the constituent units for protecting, preserving and promoting their distinct differences and diversities, which was the hallmark of federation in the first place, was effectively enfeebled. The impact of this financial unification upon the relationship between the unitary and federal elements that inhered in all federations simply tilted the scales in favour of federal governments and has invited the accusation from social scientists that ‘better government’ might mean government that was more and more unitary and less and less federal.

Before we bring this short survey of the intellectual background to our subject to a convenient close, it is worth acknowledging what is probably the most recent contribution to the debate, even if it serves largely to reinforce much of the earlier research. Here I refer to the work of Mikhail Filippov, Peter Ordeshook and Olga Shvetsova whose Designing Federalism: A Theory of Self-Sustainable Federal Institutions (Filippov et al: 2004) presents an intricate analysis of what is required in terms of institutional design for a federation to become self-sustaining. Their argument establishes the primacy of constitutional rules (referred to as Level I constraints) that shape and determine ‘the core institutional structure of the federal centre and its relationship to federal subjects’ (identified as Level 2 constraints) which, in turn, must be cemented by a third level of institutional structure, namely, a ‘properly developed’ political party system that is able to engender the incentives necessary to satisfy the self-interested policy outcomes sought by political elites. (Filippov et al: 2004, 33-39) Such a composite, complex model of preconditions or prerequisites of federal stability reflects the inherent complexity of the federal idea itself. Indeed, it is precisely because of ‘the multiple conflicting goals that must be satisfied simultaneously, because of the interests it institutionalizes by definition, and because of the continuous bargaining that is inherent within them’ that federations are less likely to be successful compared to unitary states. But ‘the precision of a federation’s design must be greater than what we require for a unitary state’. (Filippov: 2004, 41)

For Filippov et al., then, it is clear that they do not construe political parties and party systems as merely intermediaries between the citizen and the state or as indicative of a federal state’s structure. They go much further than Riker in assigning parties a much more central, causal role: ‘they are an integral part of a federal system’. Their concluding observation to what is a magisterial study is unequivocal:

If there is, then, a single lesson of design to be gleaned … It lies not in specific institutional suggestions or the advocacy of specific parameters of design, but rather in the simple admonition that no process of federal design can be considered complete until and unless full consideration is given to those things that might encourage or discourage the development of a federally integrated political party system. (Filippov: 2004, 336)
So where does the intellectual background to the conditions of success and failure in federations sketched out above lead us? What are we to make of the five contributions of Wheare, Riker, Franck, Hicks and Filippov et al. in this quest? (1) Several points and observations emerge from this short survey and it is appropriate at this juncture to distil them in order more clearly to detect the recurring themes.

CONDITIONS OF SUCCESS AND FAILURE: RECURRING THEMES

First, we need to reflect upon the criteria that have been used to determine success and failure in these summaries. Secondly, it is important to distinguish between the types of federations examined as case studies of success and failure in these comparative contributions. Thirdly, we need to take into account contemporary developments and circumstances that have altered our theoretical and conceptual assumptions and approaches to the study of federal states since these surveys were published. Finally we need to develop an explanatory framework of analysis to guide us toward an understanding of the combination of factors that will help us to identify the conditions of success and failure in federations. We will begin to work towards this by isolating some of these conditions evident in the four contributions already summarised.

WHEARE

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<td>7. The coexistence of two loyalties, but a feeling of common attachment to the federal government</td>
<td>7. The absence of a sufficient supply of people in the governing elite</td>
</tr>
<tr>
<td>8. A reasonable balance in the size of the constituent units in terms of their area, wealth and population</td>
<td>8. Great disparities in both economic resources and in their allocation in the federation</td>
</tr>
<tr>
<td>9. The inability of the constituent</td>
<td>9. The inability of the constituent</td>
</tr>
</tbody>
</table>
9. The existence of a political elite with the capacity to govern units to be able to fulfil their constitutional obligations due to a lack of their own financial resources
10. A sufficient supply of economic resources
11. Maintenance of the federal spirit: a real commitment to the federal idea as a goal for its own sake
10. A breakdown of the federal spirit: a lack of ideological commitment to the federal idea as a goal for its own sake

**RIKER**

<table>
<thead>
<tr>
<th>Conditions of Success</th>
<th>Conditions of Failure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The need for centralisation that will allow the federal government to exploit the advantages of a large base for taxes and armies</td>
<td>1. Without a sufficient degree of centralisation the union will simply fall apart</td>
</tr>
<tr>
<td>2. Maintenance of guarantees to the constituent units to protect them from the union transforming into a unitary state</td>
<td>2. Without a sufficient degree of local autonomy and protection from the determined centralisers the union will become a unitary state</td>
</tr>
<tr>
<td>3. The essential requirement is the popular sentiment of loyalty simultaneously to different levels of government</td>
<td>3. The existence of a variety of non-federal loyalties at least one of which is intense and persistent</td>
</tr>
<tr>
<td>4. The operation of political institutions both created in the formal Constitution and having grown up outside of it that can effectively process stresses, strains and tensions in the federation to achieve legitimacy</td>
<td>4. Political and legal institutions that are dysfunctional and fail effectively to process conflicts or lack legitimacy</td>
</tr>
<tr>
<td>5. The most important institution that determines the nature and survival of the federation is the structure of the party system</td>
<td>5. The structure of the party system can serve to strengthen and sustain centrifugal factors and forces that operate to undermine national integration</td>
</tr>
</tbody>
</table>

**FRANCK**

<table>
<thead>
<tr>
<th>Conditions of Success</th>
<th>Conditions of Failure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Political elites and their followers must ‘feel federal’: they must think of themselves as one people with</td>
<td>1. The absence of a ‘paramount ideological commitment’ suggests that a commitment to mere short-term</td>
</tr>
</tbody>
</table>

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one common self-interest so that there is an ideological commitment to federation as an end – as a good for its own sake.

2. Role of elite charismatic leadership and/or the transmission of broadly shared federal values of the people to the political leadership. What matters is the existence of a ‘political-ideological commitment to the primary concept or value of federation itself’.

3. Episodic events or the gradual growth and confluence of secondary factors and values that might be necessary but are not by themselves sufficient to ensure success.

goals will be insufficient to sustain the federation and it will not resolve the conflicts arising in the federal state. This means that where there is no commitment to the primary goal of federation as an end in itself, success will be ‘improbable, if not impossible’.

2. Federations will fail if they are justified to the participants only in terms of ‘immediately realisable practical advantages’. Indeed, the supposed short-run benefits expected by each unit and each leader of a federation were likely to prove different and contradictory one to another, thus giving rise to destructive conflicts.

HICKS

Conditions of success

1. The ability to ‘go with the grain’, that is, to be able to address ‘difficult corners or traverses’ because they are immanent in the federation: it is the prerequisites that are themselves the main but not the sole sources of stress.

2. Understanding the ‘socio-historical’ aspects is essential to explaining ‘federal failure and success in particular cases’.

3. All citizens must recognise themselves as having a double loyalty to their own state and to the nation, with free movement of persons and goods from state to state.

Conditions of failure

1. The absence of social and cultural homogeneity will not necessarily wreck a federation as it evolves, but it is ‘certainly an additional obstacle to success’.

2. The absence of a sense of nationhood.

3. Difference produces federation, but it must not be allowed to become a serious incompatibility that might ‘prevent optimum functioning’.

4. Balances that have been carefully established in framing a written constitution are destroyed by economic, technological or social
<table>
<thead>
<tr>
<th>Conditions of success</th>
<th>Conditions of failure</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. The federal constitution and institutional design must be ‘appropriately devised’ to create a nation and preserve the identity of the constituent units.</td>
<td>change</td>
</tr>
<tr>
<td>5. Fiscal federalism: there must be an effective form of revenue and expenditure redistribution.</td>
<td>Fiscal imbalances: insufficient financial resources at both federal and constituent unit level leads to political discontent and economic inability to operate at full potential efficiency.</td>
</tr>
</tbody>
</table>

If we take stock of these four listings summarised above, it is possible to identify two sets of distinctive recurring themes. I have organised them in the following way as two sets of conditions of success and failure in federal states that are presented as combinations of conditions in no particular hierarchy of importance:

**Summary: Conditions of Success**

1. A desire for federal union that is maintained after the formal establishment of the written constitution by sustaining simultaneously a dual loyalty of citizens to their own state/nation and a common attachment to the federation as a whole.
2. A formal written constitution that incorporates an institutional design, decision-making processes and consociational procedures suitable to create or sustain a national or a multinational (plurinational) federation together with appropriate guarantees to preserve the identity of the constituent units.
3. The existence of liberal democracy.
4. The existence of political elites with the capacity to govern and to work together.
5. The existence of a political party system that has the structural capacity to bind the federation together while simultaneously accommodating the social diversities expressed as sub-national parties in the federal polity.
6. The existence of a viable system of fiscal federalism that can address the most important economic challenges of resource allocation and redistribution in order furnish the basis of adjustment and adaptation to change and development.
7. The need to keep alive ‘the federal spirit’ in the sense of sustaining a commitment to the federal idea as a value- even a moral value – in and of itself.
Summary: Conditions of Failure

1. The absence of a sufficient desire or commitment throughout the existing or emerging polity to introduce a federal prescription that would entail the constitutional and institutional accommodation of difference and diversity.

2. The introduction of a federal constitution that did not effectively accommodate the politically salient diversities in the polity and did not secure legitimacy at the outset of its existence.

3. The absence or attenuation of liberal democracy.

4. The inability of political elites to work together because of a fundamental lack of trust, intense political rivalry or incompatible ambitions.

5. The structure and operation of the party system such that it promoted centrifugal forces in the state intended to serve sub-state interests, values and beliefs that are antithetical to the maintenance and integrity of the federation.

6. The absence or weakness of a fiscal federal system that did not effectively address the key public policy issues of resource allocation and redistribution.

7. The absence of the ‘federal spirit’ in the sense that the federal idea is not itself a primary value worth sustaining in its own right.

Our stock taking exercise of recurring themes suggests that these are two sides of the same coin. In other words, it goes without saying that the conditions of success and failure are intermingled so that the recurrent themes identified above endorse what our four authors have already emphasised in their contributions to this comparative analysis, namely, that ‘a study of the causes of failure necessitated also an investigation of the causes of success’. (Hicks: 1978, vii)

But we need to go further than this in our quest to identify the conditions of success and failure in federal states if we are to move closer to a viable explanatory framework of analysis for comparative purposes. First, it is clear that only one of our four authors, namely, Thomas Franck, directly addressed the question of what ‘success’ and ‘failure’ could mean in the context of federations. (Burgess: 2007) But it would also appear that the other three contributors automatically presupposed that failure meant either the disintegration of the state or the secession of a constituent part or parts of it, while success was attributed to both the formation of a federation and/or its subsequent endurance or longevity. This, I think, is a different, albeit clearly related, subject and it need not detain us here. Secondly, it is important to emphasise the significance of the case studies selected for comparative analysis. Franck, for example, based his comparative survey on developing countries in Africa, Asia and the Caribbean islands and inevitably the conclusions that he drew were shaped and determined by this particular empirical focus. As an American scholar, he was primarily inspired by the apparent failure of what he called ‘classical federalism’ in many of the ‘new’ nations that had tried to implement something that he – because of his own national identification - regarded as a ‘beneficent instance of federalism’. (Franck: 1968, 167-68)
At this point I think it is appropriate to bring into focus the emphasis that Anthony Birch first made over forty years ago because it has a direct bearing on the nature of this enterprise in comparative analysis. Rejecting Riker’s approach which he deemed to be beset with inherent difficulties, his own preference was for a study that took as its starting point ‘the existence of somewhat similar arrangements which have evolved or have been devised in a limited number of countries, themselves not entirely dissimilar, to meet similar needs’. (Birch: 1966, 32-33) Franck, in his Why Federations Fail, certainly conformed to this approach. The common factor of failed federations and the limited number of case studies that also shared many similar circumstances and arrangements enabled him, as we have seen, to identify a number of conditions of success and failure that led to a viable conceptual framework of comparative analysis. But it retained its limitations. The empirical focus effectively circumscribed the comparative analytical possibilities. The real reason for the failure of federalism lay elsewhere. Franck himself acknowledged that ‘classical federalism’ of the American type could not simply be exported to developing countries because there were ‘fewer factors operating for, and more factors operating against, unity’ among such nations than there were in the United States of the 1770s. (Franck: 1968, 190-91) Consequently any historical parallels or similarities that such countries shared with America’s past experience were not necessarily helpful:

the similarities which it bears to the present do not necessarily equip the past to be a guide to the future. Experience can overteach. Much of the superficial analogy drawn between the successful applications of federalisms of the past and the present needs of the developing nations is apt to be misleading …. It has led to the creation of false-analogy federalism. (Franck: 1968, 184)

For our purposes here, then, the choice of particular case studies can lead to some interesting conclusions about the conditions of success and failure in federal states, but they will be historically and culturally specific. As we will see later, this interim conclusion is not without theoretical implications. Moreover, it is important to recall that Franck was referring to the feasibility of American-type ‘classical federalism’ or, as he called it, ‘traditional political federation’ that he viewed as ‘unlikely to be a successful device for overcoming the odds against it in contemporary Africa and Asia in the absence of an overwhelming primary ideological commitment to the federal ideal and value, one widely shared by the leaders and the people’. (Franck: 1968, 191-92) And it is worth noting that his classic study acknowledged that new forms of association might succeed where classical federalism had failed. New nations could be united in ‘certain functional ways, albeit not into the neat packages of classical federalism’ but in terms of ‘quasi-federal’ bonds, regional trading arrangements and sometimes even common institutions. (Franck: 1968, 192-93)
A third consideration that we must take into account in this survey is the need to incorporate contemporary events and developments that can enable us to update and revise our existing conceptions of federalism and federation. (Burgess: 2006) Here we need to recognise the emergence of, arguably, a new model of federation represented principally by Bosnia-Herzegovina (1995) and Iraq (2004), and one that might have some interesting implications for Cyprus, Sri Lanka, Eritrea, Somalia, Nepal and Sudan. This is a federal model whose formation and subsequent evolution is determined largely but not solely by what we might loosely refer to as ‘the international community’ that includes inter alia the United Nations (UN), the European Union (EU) and the United States of America as the hegemonic power in world politics. The implications of our comparative survey of the conditions of success and failure in federal states for these contemporary federal experiments hardly need emphasising here.

Many of the same dangers and pitfalls that undermined efforts to establish and maintain new federal states based upon western liberal democratic norms in Africa and Asia in the 1950s and 1960s now confront similar attempts to fashion new federal models by these international organisations. The UN, the EU and the United States find themselves in circumstances not entirely unlike those that successive British governments experienced in an age of imperial decolonisation. It is dangerous to attempt to superimpose constitutional structures and political institutions – incorporating western liberal democratic assumptions, ideas and ideologies - upon communities that have no traditions or experience of such basic values, beliefs and traditions of behaviour. Indeed, they run the risk of being more detrimental to peace, order and stability than are the dangers of centrifugalism or separatism, or even the complete disintegration an existing state.

This third consideration in the survey reminds us that in seeking to identify the conditions of success and failure in new federal states, we must allow for an infinite variety of interpretations in the federal ideal. When Franck observed that the federal form had ‘a fixed meaning in the days of Western paramountcy’ but that it should not ‘inhibit Africans and Asians from redefining it’ to suit their own conditions, he put his finger on the ultimate source of legitimacy that virtually alone might furnish the basis of success in contemporary federal experimentation, namely, localism. (2) ‘The real loyalties’ and ‘the genuine enthusiasms’ which were ‘so essential to a successful modernising effort’ were ‘still to be found at the local level’. (Franck: 1968, 197) Of course in these cases the role of the federal idea is also to facilitate the larger overall process of democratisation and it is precisely here at the grassroots level that the democratic roots of good government could be firmly established. In such cases where it is clear that liberal democracy, as one of our conditions of success, is palpably not evident we perforce are compelled to construe federalism as an instrument – or even as a political ideology – to assist in the larger transforming modernisation effort. In this particular context, then, federalism effectively becomes a dependent variable.
CONCLUSION: ONE QUESTION WITH MANY ANSWERS

This paper is predicated on a specific question that has many answers. The reason for this is that it is not a simple question. There are too many imprecise assumptions in the question that present us with several imponderables. For example, the question presupposes that we already have a clear understanding of what the terms ‘success’ and ‘failure’ mean in the context of federations. This, as I have already demonstrated in an earlier paper, is not the case. (Burgess: 2007) These two terms do not have meanings that are absolute and universal but, on the contrary, are relative and contingent. Their conceptual utility to federal states, I would argue, is determined mainly according to each federation’s original purpose: what each federation is principally for.

Since the respective origins and formation of each federation are different and their respective goals are also different, it is not possible to answer this single question with one simple answer. It is of course perfectly possible to isolate a set of criteria that appear as persistent patterns evident in many of the case studies chosen, but their mere existence does not necessarily tell us very much if we do not resolve the questions of timing and the nature of the relationships between the criteria. Clearly we have to construct a conceptual framework that is sufficiently all-encompassing to include a set of factors which in combination can be said to furnish the basis for success and failure, broadly construed, in all federal states. The preliminary clarifications necessary to do this would include the following:

- A justification of the choice of case studies that are construed as federal states both in constitutional theory and practice.
- A set of criteria by which we can assess success and failure in these federations.
- An analytical framework that connects the origins and formation of federations to their subsequent evolution.
- A set of conditions that is specific but sufficiently flexible to accommodate new federal models, such as the contemporary examples of Bosnia-Herzegovina, Iraq and the EU.
- An approach to the comparative study of such conditions that takes as its departure point a limited number of federations with similar arrangements, needs and similar problems.

An empirical example of the last point would be a comparative analysis of the conditions necessary to keep existing federal states together and might include India, Nigeria, Malaysia and the Russian Federation. Franck referred to this as ‘centrifugal federalism’ and its primary purpose was ‘as a system for holding existing sovereign entities together while giving freer rein to local, tribal, ethnic, religious or economic interests’ in federations, something that Alfred Stepan was much later to reinvent as a distinct conceptual category of classification known as ‘holding together federalism’. (Franck: 1968, 191; Stepan: 1999)
This kind of comparative analysis could also be conducted with reference to a set of variables characteristic of conventional Western liberal democracy in order to identify the mix of such variables in different federations and how they operated or, in the cases of Malaysia, Nigeria and Russia, how far they were defective and deficient. Put simply, it would be perfectly possible to investigate and explore each item in the list of ‘conditions of success’ identified above (on page 16) and apply it to different case studies in order to draw up a tentative check list or to sketch out a table to indicate in the broadest of terms which of these conditions – or combinations of conditions – might be substantiated in practice. But we are once again reminded that all of this would be predicated on what kind of yardstick is used first to define success and failure. We must not put the cart before the horse. And finally, of course, these conditions of success also operate at a relatively high level of generality so that such a blunt approach could only ever be crudely indicative and useful for comparative purposes of a highly descriptive nature. However, it would be a start and if it does not reduce the number of different answers that we keep getting to that single question, it might at least remind us that, like Einstein’s students, we need to remember that because new federal models keep appearing those answers will keep changing.

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I have utilised this parable from an article written by Philip Stephens titled ‘A Physicist’s Theory of the Transatlantic Relationship’ in the *Financial Times*, 14 December, 2007, p. 17.

NOTES


2. A good contemporary example of the significance of ‘localism’ is the current view of Mr. Markos Kyprianou, the new Greek Cypriot Foreign Minister, who remains convinced that the latest attempts to reach a comprehensive settlement in Cyprus will be under UN auspices but must also be ‘Cypriot-owned and devised, not imposed’. (‘Hopes for fresh Cyprus talks’, *Financial Times*, 12 March, 2008, p.11).

References


Burgess, M.D. 2007. “Success and Failure in Federation: Comparative Perspectives”, paper presented at the *Festschrift* for Ronald L. Watts in October 2007, 1-21, Queen’s University, Kingston, Ontario, Canada.


ASKING THE SAME QUESTION BUT GETTING DIFFERENT ANSWERS: THE CONDITIONS OF SUCCESS AND FAILURE IN FEDERAL STATES

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