



## BOOK REVIEW

# The theory and the practice of federalism

BY CHRISTIAN LEUPRECHT

Michael Burgess, *Comparative Federalism: Theory and Practice* (London: Routledge, 2006);  
Thomas O. Hueglin and Alan Fenna, *Comparative Federalism: A Systematic Inquiry* (Peterborough: Broadview Press, 2006)

**The** year 2006 was a rich one for scholarship in comparative federalism and federations with the publication of two scholarly works that are expansive in coverage and useful to compare in their approach. These two books complement one another well; as a matter of fact, some chapters can be read side-by-side, as the books by Burgess and by Hueglin and Fenna cover some identical topics such as the formation of federal states and the question of representation.

For the past 25 years, many scholars have found it useful to distinguish between the notion of federalism and federation. The former refers to the federal idea, the latter to actual federal systems. Michael Burgess indicates this distinction in the subtitle of his book, *Comparative Federalism: Theory and Practice*. Burgess's main point is that, to comprehend and compare the ways in which federalism is practised, one first needs to understand the underlying assumptions and to situate them in their proper context. "Federalism," he writes, "is the animating force of federation and it can take many different forms: historical, intellectual, cultural-ideological, socio-economic, territorial and non-territorial, philosophical and legal".

Since federalism is, according to Burgess, a "multidimensional concept," there can be no single theory of federalism *per se*. Yet, theory is so important to the study of federalism precisely because the way any theory of federalism is developed has important implications for the way it is practised. This claim is reflected in the way the book is organized. The first part offers an intellectual history of the concepts and meanings that have informed federalism during modern times.

### **History of the federal idea**

Historians of ideas tend to focus on what a particular idea meant at a specific place in time, either as perceived by elites

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or as perceived by the population at large. Burgess, however, is interested in the intellectual history of federalism as an idea. Yet, intellectual histories of a specific idea are by nature wrought with controversy. Ideas are difficult to capture over time and space. The author's admirably judicious choices in the selection of material notwithstanding, the opening chapter on "meaning" does leave the impression of a selective review. However, for those looking for a basic understanding of the history of the federal idea, this succinct chapter serves as a good introduction. The three subsequent chapters offer refreshingly unconventional takes on the American experience, the formation of federations, and the relationship between federalism and nationalism.

Scholars of federalism will find themselves on more familiar ground in the book's second section, which compares federal practice in different political systems and traditions, and related issues of representation and asymmetry. However, even practitioners tempted to leap straight into the more pragmatic second part of the Burgess monograph would benefit greatly from the book's first section, which discusses how theory underpins practice.

The comprehensiveness of the first two sections of the book contrasts with a somewhat idiosyncratic third section on "lessons of experience." The treatment of the pressures of globalization on federalism as well as the fashionable discussion of the controversy over the success and failure of federations may make the reader wonder why other emerging debates are not included, such as the challenge that trans-national pressures from above and sub-national pressures from below pose for independent decision-making in federal states. The increasing prominence and role of cities and the growing literature on multilevel governance are excluded altogether. Still, this is an ambitious book that, in general, delivers what it sets out to do.

### **Federalism traced to the Reformation**

Hueglin and Fenna's *Comparative Federalism: A Systematic Inquiry* expounds on one of the theoretical traditions outlined by Burgess – an understanding of federalism going back to Reformation thinker Johannes Althusius (1557-1638), characterized by a pragmatic preoccupation with the foundational concepts of union and autonomy. In some ways, Burgess' book lends itself to being read as an implicit critique of this pragmatic lineage, an attempt to make explicit its underlying values and assumptions and to critique the uncritical peddling of the conceptual wares that is so prevalent in the literature.

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## South Africa considers scrapping its provinces

the ANC will use its 70 per cent majority in Parliament to amend the Constitution and enable Mbeki to run for a third term as president of South Africa remain pure conjecture. But who the next leader of the ANC will be is a separate question. The future of the provinces in South African politics may depend more on who the next president of the ANC is than on who the next president of South Africa is. Mbeki could run for a third term as ANC party president in the party elections scheduled for December 2007. He was elected unopposed as party president at the ANC's 1997 national conference and re-elected unopposed five years later. Thus far, he has not faced a challenger for president of the ANC, and he has hinted that he could stand for a third term. But, although the important Eastern Cape provincial ANC has passed a resolution supporting Mbeki's third term as party president, his most likely opponent, Jacob Zuma, has significant public support.

Part of Mbeki's legacy has been the centralization of the political system. For instance, under his leadership, the ANC has given him the power to identify potential provincial premiers. Consequently, although premiers are formally elected by their provincial legislatures, in practice they are not accountable to their provincial constituencies but to the national ruling party elite. A new leader may be less concerned about changing the provincial system but, if President Mbeki retains power after the December 2007 elections for the ruling party leadership, the centralization process that he appears to favour is likely to continue.

Thus, the battle over the future of South Africa's provinces is by no means done. Even if President Mbeki retains power he will face opposition to attempts to make significant modifications to the provincial system. First, practical questions will be asked about the ability of the national government to perform the functions that are currently the responsibility of provinces. The performance of the new South African Social Security Agency may well be critical in this debate. Second, changes to the provincial system, whether by merging provinces or abolishing provincial legislatures and changing provincial functions, will encroach on many vested interests – of both provincial politicians and bureaucrats. Third, just as provincial functions are cut and proposals are made for reducing the number of provinces or changing their functions, at least two provinces are planning to expand their fiscal grasp. Gauteng and the Western Cape – the two provinces that are performing well – are taking the initiative of extending their revenue base. Currently, less than four per cent of the revenue of provinces is “provincial own revenue” – that is, revenue raised by the province. The remainder comes from constitutionally mandated national transfers. Now the Western Cape intends to exercise its constitutional right to impose taxes for the first time by introducing a fuel levy and Gauteng is considering a surcharge on personal income tax.

Clearly, evidence that certain provinces do have some autonomy may make politicians in other provinces less willing to give up power without a modicum of resistance. ☺

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## Pakistan's provinces uneasy as election looms

the apparently disintegrating rump of a state, but successive military interventions, culminating in the Musharraf regime, have severely strained that national consensus on power sharing. The country's stability now depends, as it did then, on Islamabad's willingness to finally devolve meaningful power to the constituent units. ☺

Pakistan's six main ethnic groups:

- Balochs: 7 million, a majority in the south and the east of Balochistan province. Language: Baluchi
- Punjabis: 76 million, most of whom live in the multi-ethnic province of Punjab, which has more than half of Pakistan's population. Language: Punjabi
- Pashtun: 25 million, a majority in the North West Frontier Province, the Federally Administrative Tribal Areas, and in the north of the province of Balochistan, and in areas across the border in Afghanistan. Language: Pushto
- Seraiki: 19 million, most live in Punjab. Language: Saraiki
- Sindhi: 24 million, most of whom live in the province of Sindh. Language: Sindhi
- Muhajir: 14 million, most of whom live in the province of Punjab. Muhajir are the Urdu-speaking people who came as refugees from India after partition in 1947. Language: Urdu

Pakistan's population was estimated at 169 million in 2006.

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## Book Review

In comparison to Burgess, Hueglin and Fenna's book is not really about federalism *per se*; rather, it examines the conceptual distinctions among federal countries and considers federalism as a process. Hueglin and Fenna concentrate primarily on the concepts that underlie this process and demonstrate how they play out in critical case studies. To this end, practitioners may find Hueglin and Fenna more immediately useful than the Burgess offering.

Identical titles notwithstanding, these are very different books that stake out their own analytic ground and will appeal to different audiences. ☺