

# “F” for federalism not for fear anymore!

A revolution of devolution. Strengths and weaknesses of federalism

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he ‘f’ world is now less horrifying and less marginalized. For some it’s more attractive and promising, at least in Europe. But still, since it represents a revolution it is not yet mainstream. We live in an era of revolution of devolution. Power today is shifting more rapidly than ever, from the system of sovereign nations towards six directions (three territorial and three thematic): (1) Globalization, (2) wider entities like the EU, MERCOSUR, ASEAN, Africa Union (3) local and regional government, (4) digitalization, (5) liberalization, (6) the civil society and non-state actors. Nevertheless, the national states, no matter how weak they might become, remain the major source of democratic accountability from which citizens have traditionally had legitimate expectations. Civil society liberates human thinking from any kind of government fetters and replaces in a certain extent voluntary cooperation between national governments with cooperation of transnational citizens’

networks based to common values and/or interests. Digitalization, either in the form of a sharing economy or in the automation type, cannot be stopped through a return to barriers and borders, national security and laws. Liberalization speaks on its own on behalf of liberty - but not necessarily on behalf of freedom. Therefore, digital transformations, liberalization of the economy and the explosion of volunteering can’t be governed by the old narrow system of states; it becomes necessary to create new forms of governance and even of government. Federalism’s multiple checks and balances seems to be the most appropriate answer, although it is not so well known and not broadly and explicitly respected.

*Foedus* was a compact or a treaty contracted by ancient Rome, with one or more allied states (*foederati*). The treaty contained conditions establishing permanent friendly relations between the contracting parties, recognized as equals through an



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agreement which obliged to assist each other in defensive wars or when otherwise called upon, in perpetuity.

**F**ederalism is the form of constitutional arrangement inspired either by consociationalism or by the majoritarian concept. Consociationalism emerged and developed on the basis of reconciling societal fragmentation along ethnic, linguistic and religious lines, as well as regulating class conflict (without clearly taking the form of corporatism), and it's maybe the most democratic form of power-sharing. The *humble* goals of consociationalism are governmental stability, the survival of the power-sharing arrangements and of democracy itself, as well as the avoidance of violence. Consociational theorists attempted to explain what is a non-territorial federal division of powers that constitutes a democratic alternative to either Jacobin or majoritarian democracy. The European idea in practice, namely the EU, has been proved consensual in principle whereas the USA system is based upon majoritarian federalism. Consociational arrangements work best and are longest-lived where they are combined with territorial federalism. Consociational arrangements have been applied in the Netherlands, Belgium, Switzerland, Austria and Israel, among others.

A grand design or a general theory for the world to be democratically governed would be a comprehensive proposal for developing the ideal polity that will function in harmony with the principal forces in the universe. Moreover the polity should be realistic, that is to say, grounded on a realistic understanding of human nature, its limits, and its possibilities. This polity must be unavoidably federalist in essence; that is to say, every aspect of the polity is to be informed by federal principles and arrangements. Thus, coop-

eration and collaborative patterns are inherent to federalism. Instead, unitary states are characterized by conflictual attitudes and permanent conflict resolution mechanisms. Tyranny of the majority inside the sovereign state becomes predominant, implicit and even explicit sometimes, with a *natural* tendency towards perpetual expansion out of the borders. To simplify, federalism defends unity only within diversity, unitary systems defend diversity only within unity. Cooperation is internal in federal entities, cooperation is external "wishful thinking" between sovereign entities. Federalist constitutions are inspired by sharing sovereignty, unitary ones by "scaring" sovereignty! Federalism is bottom up, unitary is top down.

**T**he older use of federalism to unite people living in different political units, who nevertheless shared a common language and culture (USA, Germany, Australia, the old United Provinces of the Netherlands, Swiss for 500 years), has thus become increasingly complemented in modern times by the use of federalism to unite people who seek the advantages of membership of a common political unit, but differ markedly in descent, language and culture. This is shown through the Spanish and Belgium examples, either highlighting how persistent the forces and traditions resisting the establishment of a unitary state have been (Spain, uphill federalism) or looking at the long process of internal differentiation along linguistic lines, (Belgium, downhill federalism). The wish to accommodate differences based on ethnicity led to the creation of the Canadian Confederation instead of a unitary state. The South African federal system suffers from the "the winner takes it all" deficiency. Nigerian and Mexican federalism suffer of weak and corrupted local and municipal governments making centralization of power and state control necessary. India being the biggest democracy in the world and the Australian continent are clear

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proponents of impressively viable, size based federal systems.

Maybe the most important political development in recent years has been the resurgence of ethnic nationalism in Europe and of national isolationism, economic protectionism and border re-strengthening trends in at least part of the western world. Populist movements in the rich countries of the world happen for two main reasons: economic insecurity and cultural and identity reaction to perceived threats. Elements that are involved with economic insecurity include increased unemployment rates and very slow increase and even decrease of wages/salaries linked also to digitalization. Insecurity leads the people towards a defensive behavior, where they blame other cultures, using globalization, immigration, terrorist actions and ISIS atrocities as arguments. In Austria, Romania, Hungary, Poland, Netherlands, France and UK we have witnessed similar cases. Populist parties dominated the national debates and used the general sense of national pride, egoism and nationalism. Nevertheless, even more important may be proved the fact that the EU itself, facing emerged populism, will deepen and strengthen soon as a new federal polity which is absolutely necessary nowadays in a semi-turbulent global scene. It will be not like the USA because of the deep-rooted ethnic and cultural differences inside Europe as well due to economic disparities and the concepts on the role of the government itself, statist attitudes and paternalistic trends being different to the USA. A sort of political union in the EU once achieved will likely further push towards sub-state autonomy (regionalism and localism).

Let's now present the civil society organizations. The World Federalist Movement (creation: 1947) is a global citizens' movement that advocates the establishment of a global federal system of strengthened and democratic global institutions subjected to the principles of subsidiarity, solidarity and democracy. Famous advocates of world federalism include Albert Einstein, Ma-

hatma Gandhi, Garry Davis and Lola Maverick Lloyd. The Union of European Federalists is a European non-governmental organization, campaigning for a Federal Europe. It has been active at the European, national and local levels. It was founded shortly after World War II with the belief that only a European Federation, based on the idea of unity in diversity and a common effort of European citizens, could overcome the division of the European continent that had caused the suffering and destruction of the two World Wars, and create a free, peaceful and democratic Europe. Famous advocates are Altiero Spinelli, Viktor Hugo, Count Kudenhorf Calergie, Mario Albertini, Ernesto Rossi, as well as pragmatic federalists like Jean Monnet, Robert Schuman, Paul Van Zeeland and Winston Churchill.

**F**ederalism today can reconcile the simultaneous pressures in favor of big size and of the small scale. Federal constitutions and arrangements can accommodate better different ethnic identities and interests. The success depends on the depth of nationalistic passions, collective egoisms and individualistic attitudes, the number, size and strengths of competing groups and its depth on economic and knowledge management disparities, the existence of a minimum and mature democracy at the regional and local level ("federation of federations"), as well as on a strong civil society. Then comes the will to unite, under special circumstances, either because of external or hybrid threats to the whole emerging community or better, as the fruit of a long process of gaining gradual unity by voluntarily conceding national sovereignty due to both concrete and general perceived benefits to be derived from that unity, establishing a new mind map about external borders and not drawing new borders on the map.