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Daniel J. Elazar: Comparative Federalism and Post-Statism

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Daniel J. Elazar made an enormous contribution to the comparative study of federalism both by his personal encouragement of international collaboration among scholars and by the prolific number of books he wrote or edited and articles he produced which analyzed the conceptual foundations for understanding federalism internationally. An important contribution was the distinction he drew between federalism as a broad generic term and the variety of its specific forms such as federations, confederations, and federacies. A dominant theme in his recent work was the notion that in the contemporary world, we are seeing a paradigm shift from a world of nation-states to a world of reduced state sovereignty and increasingly constitutionalized linkages of a federal or confederal character.

In the realm of comparative federalism, Daniel J. Elazar made a major contribution in two ways: first, by his many writings on the subject, which emphasized the conceptual foundations for understanding federalism internationally, and second, by his personal efforts to encourage international collaboration among scholars in the comparative study of federalism. I shall begin by considering the second of these first and then will return to the impact of his writing.

DANIEL ELAZAR'S CONTRIBUTION TO INTERNATIONAL COLLABORATION IN THE COMPARATIVE STUDY OF FEDERALISM

It was especially through the International Association of Centers for Federal Studies (IACFS) that Daniel Elazar helped to make a major contribution to the worldwide collaborative study of federalism. Thirty years ago, when he founded the Center for the Study of Federalism at Temple University in the United States, there was only one other center in the world with a specific focus on the study of federalism: the Institute of Intergovernmental Relations, founded by J. A. Corry at Queen's University in Canada. During Elazar's many international travels from his bases in Philadelphia and Jerusalem, he encouraged scholars in other countries to develop centers for the study of federalism. In June 1977, through his initiative, representatives from ten institutions concerned with the study of federalism and drawn from eight countries met at the Wenkenhof in Basel, Switzerland, and established an International Association of Centers for Federal Studies to further the study of federal principles, patterns, and experience. Elazar became the founding president and provided leadership to the association in that capacity until 1991 when I succeeded him as president of the IACFS.

By that time, the membership of the IACFS consisted of 12 centers, seven of the original founding institutes plus five that had joined subsequently.

The pattern of annual business meetings combined with conferences on various themes, relating to federalism, and the regular publication of these conference papers, had become firmly established by then.¹ After 1991, Elazar, as past president of the IACFS, continued to be an active participant, and by the year 2000, the IACFS now consisted of 25 centers and institutes in 16 countries on five continents, with John Kincaid as president since 1998. The IACFS has also sponsored other publications, including a survey of federal concepts by William Stewart in 1984,² a handbook of federal systems of the world edited by Daniel Elazar,³ an international bibliography on federalism available on the internet,⁴ and an information booklet on the work of the IACFS, including a directory of the member centers. Elazar's initiative in establishing the IACFS and encouraging its development clearly contributed to the burgeoning international activity and collaboration in the study of federalism.

While the IACFS represents an international association of centers for research on federalism, the Research Committee on Comparative Federalism and Federation of the International Political Science Association (IPSA) links individual scholars working on federalism. The development of this body, too, owed much to Elazar's encouragement and participation in its activities over the past 20 or more years. He and I both served on its executive committee, and I was able to observe his enormous influence on its members. The IPSA Research Committee on Comparative Federalism and Federation has not only organized panels on comparative federalism at each of the triennial IPSA World Congresses, but has also, on occasion, held its own conferences and roundtables, including some joint conferences with the IACFS. For much of its existence, Lloyd Brown-John was its president, but at the 2000 IPSA Congress, he was succeeded by Robert Agranoff. At that Congress, the Research Committee organized a special panel in memory of Daniel Elazar at which many members paid tribute to the encouragement and help they had received from him over the years.

¹IACFS conference topics included: Federalism and Regionalism (Aosta, Italy 1978), Covenant and Federalism (Philadelphia, USA, 1979), Politics of Constitution-Making (Kingston, Canada, 1981), Constitutional Design and Power-Sharing (Jerusalem, Israel, 1984), the Role of State Constitutions in Federal Systems (Philadelphia, 1987), Organization of States and Democracy (Bahia, Brazil, 1988), Autonomy and Federalism (Madrid, Spain, 1989), Federalism and the European Community (Brugge, Belgium, 1989), Federalism in the Soviet Union (Leicester, UK, 1990), and Higher Education in Federal Systems (Kingston, Canada, 1991).

²William H. Stewart, *Concepts of Federalism* (New York: University Press of America and the Center for the Study of Federalism, 1984).

³Daniel J. Elazar, ed., *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*, 2nd ed. (Harlow, UK: Longman Group, 1994).

⁴International Association of Centers for Federal Studies, *International Bibliography on Federalism* <http://130.15.161.15/iir/> (2000).

A much more recent international body, which Elazar also supported, is the Forum of Federations. This organization, established in 1999 on the initiative of the Canadian government, is intended to provide a secretariat and activities facilitating the international exchange of information and to serve as a clearinghouse for such information among the practitioners of federalism (i.e., government officials, politicians, and academics in federal systems around the world). Following an initial conference at Mont Tremblant, Quebec, in October 1999 on the theme of "Globalization and Federalism" attended by more than 500 delegates from 26 countries, the Forum of Federations was established as a permanent continuing nongovernmental organization. It is intended to serve as a clearinghouse to improve the practice of federalism, to encourage research and promote international expertise on federalism, to provide information and support to new and emerging federal systems, and to create a forum open to new ideas about federalism. Arrangements are under way to mount a second major international conference on federalism to be held in Switzerland in 2002. Although the Forum was not the result of his initiative, Elazar actively supported the idea and agreed to prepare one of the background papers and to participate in the Mont Tremblant conference. His paper was prepared and distributed to participants, but regrettably, by October 1999, the illness that later took his life prevented him from attending and participating in the conference.

Another way in which Elazar encouraged the international study of federalism was through his role as founder and editor for some thirty years of *Publius: The Journal of Federalism*. This was one of Dan's major contributions to the worldwide study of federalism. During its early years, *Publius* was primarily focussed on the underlying ideas and operation of American federalism, but progressively over the years, under the joint editorship of Daniel Elazar and John Kincaid, *Publius* included more and more articles about federal systems elsewhere, and clearly established itself not just as the leading journal on American federalism, but on federalism internationally. Indeed, by the time of his death, the editorial board of *Publius* included, in addition to 15 Americans, two Australians, two Canadians, one Swiss, one Nigerian, one French, one Israeli, and one Yugoslav. Furthermore, in 1999, it was decided to produce regularly a Global Review issue of *Publius* under the editorship of Michael Pagano to review federal systems from an international perspective.

Apart from these contributions to the establishment of institutions facilitating the comparative study of federalism, Elazar travelled widely, visiting many federations, and was consulted by governments in many countries. His firsthand observations during these travels contributed to his own wider understanding and insights into the variety of contexts in which federalism has developed and evolved throughout the world.

DANIEL ELAZAR'S WORKS ON COMPARATIVE FEDERALISM

From the foundations of his empirical work on American federalism, Elazar turned his attention in the late 1970s to the consideration of federalism elsewhere. Dan wrote and edited a prolific number of books on comparative federalism. His first foray in this field was the book *Federalism and Political Integration*, edited by him and published by the Jerusalem Center for Public Affairs in 1984.⁵ This volume was the product of a workshop on the subject held in Jerusalem in 1977. The volume included four introductory chapters on federalism and political integration by Daniel Elazar, Ivo Duchacek, and Vincent Ostrom, eight chapters by others on examples of federalism in the first world and in the second and third worlds, and an appendix compiling a preliminary inventory of arrangements for self-rule and autonomy. Many of the themes that were to recur and be further developed in his later writing on comparative federalism were introduced here, including federalism as involving a matrix of decision-making centers, the variety of federal arrangements extending beyond federations, federalism and unity and diversity, federalism as structure and process, federalism as political and social-cultural phenomena, the objectives of federalism, the relation of federalism to republicanism, democracy, and popular sovereignty, and the worldwide federalist revolution supplanting statism.

Elazar's major contribution to the comparative study of federalism, *Exploring Federalism*, based on a series of lectures on federalism delivered at the University of Alabama in 1983, appeared in 1987.⁶ In this work, he explored the roots of federalism, traced its historical development, and portrayed how federalism has been employed to promote a variety of workable governmental systems for people with diverse traditions. Two major themes of the work were the covenantal foundations of federalism and the resurfacing of federalism in a variety of forms in an increasingly complex and interdependent contemporary world.

In 1987, Elazar also edited a book on the philosophical basis of federalism, a *Publius* book produced by the Center for the Study of Federalism in Philadelphia, reviewing the contribution to federal thought of a wide range of philosophers, including Althusius, Kant, Rousseau, Tocqueville, Proudhon, Marc, James, Dewey, and Buber. This was entitled *Federalism as Grand Design: Political Philosophers and the Federal Principle*.⁷

In 1991, Elazar, with the assistance of colleagues at the Jerusalem Center for Public Affairs and members of the International Association of Centers

⁵Daniel J. Elazar, ed., *Federalism and Political Integration* (Lanham, MD: University Press of America and Jerusalem Institute of Federal Studies, 1984).

⁶Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987).

⁷Daniel J. Elazar, *Federalism as Grand Design: Political Philosophers and the Federal Principle* (Lanham, MD: University Press of America and Center for the Study of Federalism, 1987).

for Federal Studies, produced *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*,⁸ a 402-page compendium of 115 federal and confederal arrangements throughout the world. This book outlined the history, territorial structure, constitutional principles and design, political culture, political dynamics, and recent constitutional developments of each federal arrangement. This monumental work was followed by a revised second edition in 1994, which remains the only such reference work currently available. It is indeed worthy that the recently established Forum of Federations has decided to carry on some of this valuable work by producing a somewhat similar, although more restricted, worldwide compendium on federations at regular intervals.

In 1993, Elazar produced an article on “International and Comparative Federalism,” which in brief form concisely outlined the major themes and conclusions of his work on comparative federalism.⁹ Here, in a relatively few pages, he summarized the essential lessons to be learned from the experience of federal systems throughout the world.

In 1994, Elazar gave two lectures at the Institute of Intergovernmental Relations at Queen’s University on “The Federalist Revolution and the Way to Peace” and “Can Federal Arrangements Serve the Cause of Middle East Peace?” These, together with eight other essays of his relating to federalism and pluralism, the concept of covenant in the thought of Johannes Althusius, Europe and the federal experience, the use of federalism in the ex-Soviet republics, federalism in South Africa, two on American federalism, and as a concluding chapter, a reprinting of the 1993 article from *PS: Political Science and Politics*, were published together under the title, *Federalism and the Way to Peace: Essays by Daniel J. Elazar*.¹⁰

In 1995, during the period when the preparation of the new South African constitution was under way, the Centre for Constitutional Analysis of the Human Sciences Research Council in Pretoria, South Africa, requested Elazar to produce the first volume in a series edited by Bertus de Villiers on “Federalism Theory and Application.” Elazar’s volume, entitled *Federalism: An Overview*, outlined succinctly in 65 pages, definitions of federalism, fundamental forms and principles of federalism, the history of federalism, federalism today, and the United States as an example of constitutionalized noncentralization. It also included a useful annotated bibliography.¹¹

From 1995 on, Elazar wrote a number of articles and edited special issues of journals that focused particularly on what he identified as an international

⁸Elazar, ed., *Federal Systems of the World*.

⁹Daniel J. Elazar, “International and Comparative Federalism,” *PS: Political Science and Politics* 26 (June 1993): 190-195.

¹⁰Daniel J. Elazar, *Federalism and the Way to Peace: Essays by Daniel J. Elazar* (Kingston: Institute of Intergovernmental Relations, 1994).

¹¹Daniel J. Elazar, *Federalism: An Overview* (Pretoria: HSRC Publishers, 1995).

trend from a world of states modelled on the idea of the nation-state developed in the seventeenth century to a world of diminished state sovereignty and increasingly constitutionalized interstate linkages of a federal character. In the twenty-fifth anniversary issue of *Publius* in 1995, which he edited with John Kincaid, the lead article by Elazar set forth this theme under the title "From Statism to Federalism: A Paradigm Shift."¹² This theme was further repeated in the special issue of the *International Political Science Review* in 1996, entitled "New Trends in Federalism," of which Elazar was the editor, and in his concluding article in that issue, "From Statism to Federalism: A Paradigm Shift."¹³ Another article by Elazar in the *International Political Science Review*, 1997, "Contrasting Unitary and Federal systems" (pp. 237-252), dealt with the same subject examining the hierarchical, organic, and covenantal models for the development of a polity, typified by the French, British, and U.S. traditions.¹⁴ He pointed out that World War II had initiated across the world a paradigm shift similar to that which had taken place in Europe 300 years earlier, but which now takes the form of a shift from centralized nation-states to increased power-sharing among states on an increasingly constitutionalized basis, sometimes in a comprehensive federal union, and sometimes in the form of functional unions or federal arrangements for specific tasks beyond the capabilities of any single state. We are, he suggested, still in the early stages of this shift, but the trend is illustrated by numerous current developments in international relations and in domestic governments and politics.

Another theme that ran through many of Elazar's writings on comparative federalism was the importance of the notion of civil society. His paper at the IACFS conference in Hanover in 1996 on the significance of this concept subsequently appeared as "Federalism and Civil Society—Defining the Issue" in *Federalism and Civil Societies: an International Symposium* edited by Jutta Kramer and Hans-Peter Schneider.¹⁵

The relationship between religious diversity and federalism was also an issue of particular interest to Elazar. Just before his death, he prepared a background paper on "Religious Diversity and Federalism" for the Forum of Federations international conference on "Globalization and Federalism" held at Mont Tremblant in October 1999. This paper was among those selected for subsequent publication in the forthcoming special issue of the *International Social Science Journal*, no. 167, which will contain a selection of the presentations at that conference.

¹²Daniel J. Elazar, "From Statism to Federalism: A Paradigm Shift," *Publius: The Journal of Federalism* 25 (Winter 1995): 5-18.

¹³Daniel J. Elazar, "From Statism to Federalism: A Paradigm Shift," *International Political Science Review* 17 (October 1996): 417-429.

¹⁴Daniel J. Elazar, "Contrasting Unitary and Federal Systems," *International Political Science Review* 18 (July 1997): 237-252.

¹⁵Daniel J. Elazar, "Federalism and Civil Society—Defining the Issue," *Federalism and Civil Societies*, eds. Jutta Kramer and Hans-Peter Schneider (Baden-Baden: Nomos Verlagsgesellschaft, 1999), pp. 34-41.

MAJOR THEMES IN DANIEL ELAZAR'S ANALYSIS OF COMPARATIVE FEDERALISM

A number of the major themes that permeate Daniel Elazar's writings on comparative federalism were derived from his earlier work on American federalism. Among these was his definition of federalism as the combination of "self-rule" plus "shared rule" in a contractual linkage providing for power sharing. The concept of covenant, as expressing the essence of federalism, was a central theme in all of his comparative writing. So too was the notion of federalism as based on a matrix of relationships by contrast to hierarchical or center-periphery political models, and the identification of noncentralization as opposed to hierarchical decentralization as characterizing federalism. He emphasized contractual noncentralization in the form of the structured dispersion of powers among many centers whose legitimate authority is constitutionally guaranteed as the key to the widespread and entrenched diffusion of power that was the principal characteristic of, and argument for, federal democracy.¹⁶ He also stressed the importance of a supportive political culture and of a balance between cooperation and competition among the general and constituent governments for the effective operation of federal systems.

To these, Elazar added a number of themes arising particularly from his comparative analysis of federalism. One was to draw attention throughout these writings to the variety of federal arrangements. He interpreted federalism, the contractual combination of self-rule and shared rule, as a broad genus of political organization encompassing a range of different species, including federations, confederations, unions, asymmetrical arrangements such as federacies and associated states, nonterritorial consociations, leagues, joint functional authorities, and condominiums.¹⁷ This distinction between federalism as a broad generic term encompassing a variety of forms of which federation was but one specific form has come to be widely adopted by other writers on comparative federalism, including Michael Burgess and Alain Gagnon and myself.¹⁸

This broadened focus was important, for by emphasizing the variety of forms that a political partnership involving both "self-rule" and "shared rule" can take, Elazar was able to draw into consideration much more than simply the traditional study of federations. In fact, he identified a whole spectrum of federal relationships, with each different form at its margins shading into other forms, just as the colors in a spectrum shade into neighboring colors.

¹⁶Elazar, *Exploring Federalism*, pp. 13-14, 34-38

¹⁷*Ibid.*, 38-64, and Elazar, *Federal Systems of the World*, p. xvi.

¹⁸Michael Burgess and Alain-G. Gagnon, eds., *Comparative Federalism and Federation: Competing Traditions and Future Directions* (Hemel Hempstead, UK: Harvester Wheatsheaf, 1993); Ronald L. Watts, *Comparing Federal Systems*, 2nd ed., (Montreal and Kingston: McGill-Queen's University Press, 1999).

While the spectrum of federal forms is a useful image, one misconception it may give rise to, and which must be avoided, is the notion that there is a single continuum from decentralized unitary states to federations and on to confederations, federacies, associated states, leagues, and joint functional authorities. Although in a loose sense these forms represent a spectrum of political partnership arrangements ranging from the more to the less integrated, these categories refer to the *form* of relationships within the partnership and not to the *scope* of functions assigned to shared decision-making. Thus, it is quite possible, for instance, for the powers or purposes assigned to the common institutions in a relatively centralized confederation to be greater than those in some of the more decentralized federations. The highly decentralized West Indies Federation and the more centralized East African Services Organization, both now defunct, illustrate this possibility. Another example is the way in which, in some respects, the European Union is more centralized with respect to the bureaucratic regulation of its internal economic union than is the Canadian federation. The point is that in addition to the variety of federal "forms," there have been enormous variations within each of these specific categories or forms. Among federations, for example, there are highly differing allocations of specific legislative, administrative, and fiscal powers to the federal government and to the state governments.¹⁹ To illustrate how wide the range of variations among federations may be, federal government expenditures (after intergovernmental transfers) as a percentage of total federal-state-local expenditures ranged in 1996 from 85.6 percent in Malaysia to 36.7 percent in Switzerland.²⁰ Federations have also varied enormously in other respects: the number and size of their constituent units; degrees of symmetry or asymmetry in the relative powers and relationships of the constituent units to the federation; in their federative institutions and the degree to which these are, as in Canada, largely majoritarian in their character and processes, or are predominantly consociational as in Switzerland and Belgium; in whether the federal and state institutions are parliamentary in form or emphasize the separation of powers, as in the United States and Switzerland; and in the character of their intergovernmental institutions and processes.

But it is not just within federations that there is a significant range of variations. Confederations, too, exhibit a wide variety. Particularly significant is what functions or purposes are assigned to the shared institutions and the specific processes and checks applied to the decision-making processes for shared rule. Thus, as Elazar himself noted, where the traditional confederations like the United State before 1789 and Switzerland before

¹⁹For a fuller discussion, see Watts, *Comparing Federal Systems*, pp. 35-55, 71-81, 125-130.

²⁰*Ibid.*, p. 47

1848 had economic objectives but were primarily political in their focus, contemporary confederal examples have tended to focus primarily on shared economic policy. For instance, the European Union, which in its current form represents a highly developed economic confederation, incorporating even some of the institutional features of a federation, is only embryonic in the development of its two other pillars relating to non-economic aspects, such as foreign and security policy, and justice and home affairs. It is clear that the EU represents just one variant and is not the only possible confederal arrangement.

Apart from the wide variations within each of the specific categories of combining “self-rule” and “shared rule,” also to be noted is that some political systems may be hybrids combining characteristics of the different federal categories identified by Elazar.²¹ For example, some polities, which are predominantly federations or call themselves federations, have incorporated some unitary features into their constitutions or operation. Notable examples are Canada and India.²² On the other hand, Germany while predominantly a federation, has a confederal element in the *Bundesrat*, its federal second chamber which is composed of instructed delegates of the *Land* governments. The European Union, which is predominantly a confederation, has since Maastricht incorporated some features of a federation. It is perhaps worth remembering that the prototype of modern federations, the United States, was conceived in *The Federalist* as a hybrid of national and confederal government as they were then understood. These hybrids have occurred because statesmen are often more interested in pragmatic political solutions than in theoretical purity. Thus, while Elazar’s categories of different federal forms has broadened our understanding, we need also to take account of the wide variation within each of the more specific categories and of the existence of hybrids.

A further issue arising from Elazar’s categorization of varieties of federal forms is that, although he was well aware of the distinction between normative and descriptive discourse, he tended to use the term “federalism” as both a normative and a descriptive term, opening some potential for logical confusion. In this respect, Preston King’s distinction between “federalism” and “federation” as normative and descriptive terms respectively was helpful.²³ As I have written, elsewhere, it seems to me that what we need to do is keep three terms distinct: “federalism” as a normative concept, following King, “federal political systems” as the generic descriptive term for the whole genus encompassing the wide variety of political systems combining “self-rule” and “shared rule” that Elazar identified, and “federation” as one specific form or species of federal political system, noting as well

²¹Watts, *Comparing Federal Systems*, p. 9.

²²Ibid.

²³Preston King, *Federalism and Federation* (London: Croom Helm, 1982).

that there may be hybrids combining some features of the different specific forms of federal political systems.²⁴

A second issue that Daniel Elazar addressed in a number of his comparative studies was the issue of asymmetrical federal arrangements. However, unlike a number of other political scientists who have focused on the benefits and limits of asymmetrical constitutional arrangements relating to full-fledged constituent units within federations,²⁵ Elazar concentrated instead on the asymmetrical arrangements between large states (unions or federations) and smaller peripheral ones (often former colonies), which he defined as fitting into the categories of associated states, federacies, or condominiums.²⁶ In identifying these categories, he performed a valuable service by drawing attention to neglected forms of federal arrangements. Indeed, the only place anywhere or by any author where each of these arrangements has been explained in any detail is in his *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*, which provides a useful reference for the variety of these asymmetrical arrangements.²⁷

At the same time, it is perhaps a pity that Elazar did not turn his wide empirical experience and perceptiveness also to providing insights into the issue of constitutional asymmetrical arrangements relating to full-fledged constituent units within a federation, of which Canada, Spain, Belgium, India, Malaysia, and Russia provide notable examples. This issue has attracted considerable attention among other scholars of comparative federalism and particularly the IPSA Research Committee on Comparative Federalism and Federation during the past decade.²⁸

Much valuable work has been done by these scholars in considering whether asymmetrical forms of decentralization or noncentralization in unitary, federal, and confederal systems have contributed to good governance. In the process, distinctions have been drawn between asymmetry that is politically motivated or driven by differences in capacity, between *de facto* and *de jure* (constitutional) asymmetry, between asymmetry among full-fledged constituent units and relating to peripheral constituent units, and between transitional asymmetry (eventual symmetrical autonomy to be achieved at "variable speeds") and permanent asymmetry (as "variable geometry"). Much work still remains to be done about the conditions giving rise to demands for asymmetry, about the significance of variations in the

²⁴Ronald L. Watts, "Federation, Federal Political Systems and Federations," *Annual Review of Political Science* 1 (1998): 119-122; Watts, *Comparing Federal Systems*, pp. 6-7.

²⁵See, for instance, the members of the IPSA Research Committee on Comparative Federalism and Federation contributing to Robert Agranoff, ed., *Accommodating Diversity: Asymmetry in Federal States* (Baden-Baden: Nomos Verlagsgesellschaft, 1999).

²⁶Elazar, *Exploring Federalism*, pp. 54-61, and *Federal Systems of the World*, at numerous points.

²⁷Elazar, *Federal Systems of the World*.

²⁸See, for instance, Agranoff, *Accommodating Diversity*.

form and scope of asymmetry, about the type of constituent units involved, and about the effects of the duration of asymmetry. A fundamental issue is whether asymmetry in decentralized or noncentralized political systems is functional or dysfunctional. Asymmetrical constitutional noncentralization with its increased complexity and tendency to provoke countering pressures for equal and symmetrical treatment has sometimes been highly counterproductive, suggesting that there may be limits to the efficacy of asymmetrical constitutional solutions. Nevertheless, in some cases, such as Canada, India, and Malaysia, and even more recently Spain, the United Kingdom, and the European Union, asymmetrical constitutional decentralization or noncentralization appears to have provided the only way of reconciling major political or capacity differences among the constituent units.

A third major theme running through Elazar's comparative writing is the notion that in a world marked by fragmentation, ethnic conflict, and heightened nationalism, various forms of federal political arrangements combining self-rule and shared rule may provide a key to peace.²⁹ His *Federalism and the Way to Peace* (1994) contributed fresh perspectives on the variety and flexibility of the federal idea and how its application in one form or another to specific areas of contemporary conflict might contribute towards the achievement of peaceful coexistence.

At the same time, however, Elazar saw ethnic nationalism as one of the strongest forces arrayed against federalism.³⁰ Noting that ethnic federations had in practice been among the most difficult to sustain and least likely to survive, he was inclined to suggest that confederations rather than federations of ethnic states would have a better chance of success. A study of the pathology of federations confirms that Elazar was right to suggest that multiethnic federations have been among the most difficult to sustain and that federation is not a panacea for those seeking to reconcile ethnic diversity.³¹ But the evidence is not perhaps as one-sided as Elazar was inclined to suggest. Note has to be taken of the persistence of multilingual federations in Switzerland and Canada (despite its problems), both of which have survived and progressed for well over a century. Furthermore, despite early forecasts that neither would last a decade, India as a federation has survived for half a century, and Malaysia for more than three decades. More recently, there are the examples of the evolution of both Spain and Belgium from unitary systems to federations. These examples taken together suggest that Elazar may perhaps have underestimated the extent to which, under certain conditions, multiethnic or multinational federations can be

²⁹Elazar, *Federalism and the Way to Peace*, is a good example.

³⁰*Ibid.*, pp. 167-168.

³¹Watts, *Comparing Federal Systems*, pp. 109-115.

sustained and may be considered preferable to more fragile confederations. Indeed, the sparsity of long-standing multi-ethnic confederations that could serve as examples of effectiveness over the long term suggests that preferability of confederal solutions for reconciling sharp ethnic divisions remains yet to be proved. Although there is no doubt that a confederal framework may be the only solution possible in some situations, confederal solutions have some inherent problems of their own for establishing long-term stability and legitimacy. One might also add that it is the very multiethnic and multinational factors that make federations or confederations more difficult to achieve and operate that makes some form of federal solution necessary to resolve them. Experience confirms that federations, both old and new, have often been difficult polities to govern. But then, that has usually been the very reason they established some form of federal political system in the first place.

In considering the issue of multinational or multiethnic federations, Gagnon's suggestion that a decoupling of the notions of nation and citizenship may provide an important starting point for the development of an effective multiethnic federation is worthy of note.³² Be that as it may, Elazar's objective observations on the effectiveness and limitations of various federal arrangements in resolving multiethnic conflicts and his warning against regarding federation as a panacea for all such conflicts do provide important cautions. At the same time, the fact that a number of multiethnic federations have in fact been relatively effective in reconciling conflict suggests that realistically adapted to the particular situation and context, combined with a willingness to be innovative in the institutions created, the basic federal idea can in some cases provide possible solutions.

A PARADIGM SHIFT TO POST-STATISM

A particularly important theme that ran through Elazar's recent works on comparative federalism was the notion that in the contemporary world we are seeing a paradigm shift, albeit yet incomplete, from a world of nation-states modeled after the concept of the nation-state developed in the seventeenth century to a world of reduced state sovereignty and increasingly constitutionalized interstate linkages of a federal character. One aspect of this shift from statism to federalism to which he drew attention was that these new federal networks have acquired an increasingly confederal dimension. As examples, he pointed to the European Union and to other arrangements such as the Association of South East Asian Nations (ASEAN), the Baltic Assembly, the Benelux Economic Union, the Caribbean Community (CARICOM), the Commonwealth of Independent States (CIS), the

³²Alain-G. Gagnon, "The Political Uses of Federalism," *Comparative Federalism and Federation*, eds. Burgess and Gagnon, pp. 15-44.

Nordic Council and Council of Ministers, and the South Asian Association for Regional Cooperation (SAARC), which have approximated the EU in varying degrees. In this new paradigm, as Elazar described it, existing states will not disappear, but rather will be overlaid by a variety of federal arrangements of a confederal character that will tie them ever closer together. This was an insightful observation given the growing number of such confederal international arrangements.

Although Elazar never explicitly said so, the inference that in the future confederal solutions are likely to prevail rather than federations is, however, perhaps misleading. To begin with, while there are more confederal arrangements in the contemporary world, there are also more federations than ever before. Indeed, some 24 countries currently meet the basic criteria of a federation or call themselves federations.³³ Furthermore, it is worth noting that of the eight confederal examples referred to in the preceding paragraph, all but two contain one or more federations as constituent members. There is no doubt that in a multinational context, as Elazar noted, it is easier to get the prospective constituent units to agree to the more limited integration implied in a confederal solution. Even so, recent experience has borne out some of the concerns expressed by *The Federalist* over two centuries ago about confederal arrangements and their ability to arrive at effective common policies and to reinforce cohesion. Furthermore, one difference between confederations and federations that was not raised in the traditional comparisons, but that has been brought to the fore by concerns within the European Union, is the so-called “democratic deficit” inherent in the essentially intergovernmental character of confederations. In federations, where federal and state governments each have a direct democratic relationship with their citizens, federal decision-making in the areas of shared rule is more fully democratic than in confederations where decision making is primarily intergovernmental in character and, thus, is only indirectly democratic. The concerns about the “democratic deficit” within the European Union and the resultant increasing questioning by citizens of the legitimacy and bureaucratic remoteness of decisions taken in its confederal bodies illustrates the limitations and the problems that can arise in confederal structures. This is especially so in an age when there is such widespread emphasis on the importance of citizen participation, democratic processes, and accountability. Even some federations, where “executive federalism” as a characteristic of intergovernmental relations has become prominent, as in Australia, Canada, and Germany, have experienced similar reactions to the development of essentially confederal processes in their internal relations.

³³Watts, *Comparing Federal Systems*, pp. 2-14.

THE CHARACTER OF DANIEL ELAZAR'S CONTRIBUTION TO SCHOLARSHIP ON COMPARATIVE FEDERALISM

While Daniel Elazar's work on American federalism was rooted in detailed empirical studies, his analysis in the comparative field was devoted less to meticulous empirical study of institutional and social details and more to thought-provoking analyses of observable general patterns and trends, and to the philosophical roots and normative implications of these patterns and trends. In this, as Stephen Schechter has noted, his writing was stimulated and informed by extensive travels to a wide variety of countries as a much sought after lecturer and consultant, particularly in countries developing new federal arrangements.³⁴ These visits added a strong comparative cross-cultural dimension to his study of federalism, and he brought to his writing a keen sense of observation and insight to which he added an ability to draw relevant ideas from a wide range of related fields. As a result, Elazar put forward ideas that have reshaped the field and influenced many scholars. Indeed, although I never had the privilege of being a student or protégé of his, I must acknowledge the powerful influence of his ideas on my own work in comparative federalism, as will be obvious to anyone reading my own writing on the subject.

As John Kincaid has noted elsewhere, Daniel Elazar felt it was a responsibility of political scientists to try to make at least a helpful difference in the world, a view with which I have always concurred heartily.³⁵ He sought to bring his ideas on federalism to bear on real issues, as illustrated by his views expressed in *Federalism and the Way to Peace* in which he applied his analysis to situations in various parts of the world. At the IPSA Congress 2000 (Quebec City) panel in Daniel Elazar's memory, Maureen Covell put it well when she pointed out: "Daniel was committed not only to the study of federalism but also to its practice; he was a convinced federalist in that he saw federal-style arrangements as a way of dealing with otherwise intractable conflicts."³⁶ His combination of empirical observation, philosophical exploration and explication, and scholarship informed by intense caring provides his major legacy to the students of comparative federalism, both in the body of the writing he left behind and in the personal encouragement and inspiration he provided in various ways to others working and studying in the field.

³⁴Stephen L. Schechter, "In Memoriam: Daniel J. Elazar," *Publius: The Journal of Federalism* 29 (Fall 1999): 5-10.

³⁵John Kincaid, "Daniel J. Elazar," *PS: Political Science and Politics* 33 (March 2000): 91-95.

³⁶Maureen Covell, "Federalism as Controversy: Four Case Studies," (paper presented at IPSA World Congress, Quebec City, August 2000).