

# THE FEDERALISM REPORT

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## CSF NOTEBOOK

### FROM THE EDITOR:

Of particular note in this issue of the Federalism Report are the sections of the IACFS and the APSA Section on Federalism and Intergovernmental Relations.

- ☛ The Annual meeting of the IACFS is listed with what appears to be an exciting program.
- ☛ The Federalism and Intergovernmental Relations Section Newsletter includes information on the short course and the section panels.
- ☛ If any of our readers have a research project that they would like disseminated, please send it to the editor's attention. Additionally, we welcome short pieces that may be of interest to our readers.

### CENTER RECEIVES CITIZEN DIPLOMACY AWARD

The Center for the Study of Federalism was selected by the Philadelphia International Visitors' Council to receive the Citizen Diplomacy award.

The award was presented by IVC Executive Director, Nancy Gilboy to Paul Neal who represented the Center at the IVC Annual Meeting and reception on June 19, 1996 in the Mayors Reception Room of City Hall.

### Recent Visitors

- **Dr. Seong** from Seoul, Korea visited the United States under the auspices of the United States Information Agency. Dr. Seong visited the Center as part of this program.

Dr. Seong was conducting a project studying the impact of political democratization on the relations of the central government with local governments.

- **Francesc PAU**, Spain Legal Advisor and Administrative Coordinator for Catalonia Parliament.

Mr. Francesc PAU visited the United States under the auspices of the International Visitors Program of the U.S. Information Agency.

- **Mr. Peter Chang**, Senior Assistant Director, Ministry of Foreign Affairs, Singapore visited the Center as part of a study tour designed to focus on U.S. policies on trade and economics.

Mr. Chang is directly involved in U.S. - Singapore bilateral political and economic relations. His objective in visiting the Center was to learn how U.S. policies affect international trade and to see the role of federalism on U.S. policy.

- **Ms. Lilita Seimuskane**, advisor, The Union of Local Self - Governments, from Riga, Latvia, visited the Center as part of a program designed to increase the effectiveness of local government professionals through classroom and practical training in government administration.

- **Mr. Yoon Kang-OK**, visited the Center to discuss his interests in the federal system and separation of powers. Mr. Yoon is the Director of the May 18th, Memorial Foundation, Kwangju, Korea. He is also the Secretary General of the National Congress for New Politics.

The Center maintains contact with previous visitors to the Center. If you would like to contact someone mentioned here or in other issues, please call Paul Neal at the Center.

## THE CHARTER OF BASEL ON FEDERALISTIC SOLUTIONS TO CONFLICTS

Peace begins at home.  
World peace begins with the internal  
peace within states.

### The Participants in the Basel Conference,

#### *deeply concerned about*

- the growing number of armed conflicts, which threaten more than a fourth of all states in the world;
- The increasing brutality of internal conflicts, which have a serious impact on the civil population as a whole and hit individual sections of the population particularly hard;
- Crimes against humanity, genocide, violence against women, the massacring of children, torture and mass executions, all of which are directed against citizens of member states of the U.N.;
- The escalation of actions taken against national and ethnic minorities, actions shaped by racist, ethnic, religious and social discrimination and accompanied by nationalistic or pseudo-religious fundamentalism of the political elite;
- The efforts of suppressed ethnic groups or peoples to find the "solution" to their conflict in secession, which usually leads to prolonged and violent conflict and likewise creates numerous new minority problems;

#### *aware that*

- When the rights of peoples or minorities are massively and grossly abused the United Nations is on demand as a system for collective security;
- Peace is threatened by grave abuses of human rights, massive suppression of the right of self-determination and the refusal of minority rights;
- An international peace structure can only be based on a realization both of the self-determination rights of peoples and of the rights of minorities;
- In view of our interdependent world it is a dangerous illusion to imagine humankind made up of thousands of cleanly divided territorial units;

•The process of states disintegrating and becoming ungovernable and the ensuing armed conflicts are the biggest challenge to international relations;

#### *considering that*

- Peacekeeping in the 90s requires short-, middle- and long-term measures for war-prevention, for peace maintenance and for the development of social structures in post-conflict peace-building;
- Crisis-prevention must be in the forefront when, in countries torn by conflict, state structures should be created which are acceptable for the peoples and minorities involved;

and in reference to the Agenda for Peace, especially

•The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead. Respect for democratic principles at all levels of social existence is crucial; in communities, within States and within the community of States. Our constant duty should be to maintain the integrity of each while finding a balanced design for all.”;

•The “support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions” is emphasized. And further: “The authority of the United Nations system to act in this field would rest on the consensus that social peace is as important as strategic or political peace. There is an obvious connection between democratic practices -- such as the rule of law and transparency in decision-making -- and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political communities.”

recommend to the United Nations and its members, in reference to the relevant declaration and conventions to put into concrete terms and into action the above mentioned and following demands, findings and democratic principles:

# 1. Realization for the right of Self-Determination and of Minority Rights

1. The work done within the system of the United Nations to promote and protect human rights, the right of self-determination, and the rights of persons belonging to national or ethnic, religious and linguistic minorities, must be fully recognized, and every means of support must be given to the implementation of these rights.
2. The United Nations must continue to engage itself, and more forcefully, in conflict mediation, on the one hand furthering the recognition of peoples' right of self-determination and on the other hand countering any threat to or rupture of international peace.
3. States are called upon to respect people's free declaration of intent to give form to their own political, economic, social and cultural interests. States are called upon to guarantee a more effective implementation of minority rights.
4. The tension between the right of self-determination and the safeguarding of the territorial integrity of states entails a dilemma: both the granting and the refusal of self-determination can endanger a state. States must realize that new forms of conflict-settling must be found, if both aims are to be brought to agreement.
5. The protection of human rights and of minorities as well as the peoples' right of self-determination can no longer be regarded as an internal affair of state. Consequently, peoples and minorities must, in assuming their rights, respect the norms and principles necessary for maintaining international peace.
6. The realization of self-determination does not result per se in the creation of a state. Against the background of numerous armed conflicts, forms of local or regional autonomy must be realized which are compatible with the cultural, linguistic or religious identity of minorities and which allow the realization of self-determination that does not require the creation of new states.
7. The scope of international law must be further developed in order to comprehend peoples' right to implement democratic principles and the rule

of law, including internationally guaranteed rights to autonomy, participation and subsidiarity.

8. In the case of massive discrimination, peoples have the right to resistance and to expect international support. In this context, secession should be seen and accepted as self-defense (ultima ratio) in a hopeless situation.

## II. Dealing with Conflict by the Means of Autonomy and Diversity in a Federal Structure

9. There is no universally valid model for settling minority and ethnopolitical conflicts. Every collectivity must find its own political and legal solutions (sui generis).
10. There are certain principles and rules, which in their application, observance and enforcement show them to be more apt than others for maintaining or bringing about international peace. Federalism includes such principles, which contribute to a peaceful settling of minority and ethnopolitical conflicts.
11. Minority and ethnopolitical conflicts can be regulated by various means: rules of autonomy and enforcement of the right of self-determination and minority rights. Federalism is not an alternative to these means, but it offers the advantage of creating an institutional framework which helps to get these mechanisms accepted with a maximum amount of certainty of the law and political balance of power.
12. Federalism is neither a panacea nor a goal within itself. Moreover, there is no single pattern of federalism that can claim to be valid everywhere and for all time. Federal structures vary from country to country and from region to region. The differences are due not only to the particular political structure and constitution, but just as much to cultural diversity and the social and economic foundation of society.
13. Federalism is a comprehensive principle in the organization and division of social power. As such, a federalistic structure should contribute to the attainment of social objectives without at the same time leading to excessive power on one side and to total lack of power on the other.

14. Federations should guarantee the cooperation and independent self-determination of territorial groups in the framework of a pluralistic structure which functions from the bottom up, on the principle of subsidiarity.
15. The members of a federation should have at their disposal the maximum amount of autonomy in the greatest variety of sectors. Furthermore, federal structure should distinguish themselves by allowing the greatest possible scope for the side-by-side existence of differing social values.
16. The recent past has shown that federations cannot function as compulsory coalitions controlled by the center. Rather, a federation forces its member states into negotiation, compromise, reconciliation and solidarity, all of which presuppose a consensus regarding basic values.
17. A federation must constitute a growing and deliberate integration of groups and individuals on the various levels of the state. The feeling of belonging plays a decisive role. Political involvement in a small area and the development of one's own culture in a familiar surrounding should foster identification with the entire system.
18. Whereas today many groups hope to achieve autonomy through secession, federally structured states should try to maintain unity, in order to guarantee the greatest possible autonomy. Secessions within a federation thereby become an internal process which does not lead to separation but to the formation of new member states, each with its own autonomy.

### III. Mechanisms and Building Blocks for a Federative Peace Structure

19. Confederations and federations must take into account complexity in an interdependent world and give to diverse problems differentiated answers: local problems must be solved locally, while problems which surpass the limited field of action of local decision-making must be dealt with on a national, international or supranational level.
20. A federation is a system of intrastate collective security which finds its international extension in the system of the United Nations. In international and constitutional law broader agreement of

norms for the peaceful settling of conflicts must be developed in the future. This would enhance the stability of the entire system and of its parts.

21. In a federation, politics must create a win-win situation, not all-or-nothing contests in which there can be only winners and losers. The goal must be negotiated compromises which are acceptable and advantageous for all members.
22. In a federation socioeconomic, religious and ethnic rifts must not be allowed to coincide in one wide rift. It can thus be avoided that conflicts always arise along the same lines and that one group feels itself constantly and intolerably ignored.
23. When peoples and minorities in a state are strongly intermingled and have no clearly separated areas of settlement, then a federal structure should be attached to non-territorial, i.e. personal autonomy rights.
24. In a federation, it is possible to reduce the number of those who see themselves placed in a minority role. In questions which concern them immediately, minorities become majorities in their own region. At the same time, they can better advance their minority interests through national participation rights.
25. Federations are structures of many in one, one in many. They thereby mirror the heterogeneity and disparities of today's and tomorrow's world, in which peoples want to be independent and nevertheless remain dependent on each other.

### IV. Addressees and Implementation

26. Members of national and ethnic minorities, and of indigenous peoples and of regionally situated populations, as well as states affected by war, and all states in general, are called upon to respect and to apply these demands, findings and principles in every phase and at every level of settling conflicts.
27. Those non-governmental organizations which are concerned with questions of human rights, minorities and peace should endeavor to convince centralistic regimes, members of minorities and secessionist movements of the peace-policy advantages to be found in

autonomy arrangements made within the framework of a federative structure.

28. Scholars of international and constitutional law and of peace and conflict research are called upon to give concrete form to the demands, findings and principles evoked here and to show ways that federative concepts can be successfully applied to crisis-prevention and to the settling of armed conflicts.
29. The United Nations is called upon to examine these demands, findings and principles and to discuss them with the concerned parties in all of its peacekeeping activities, especially in crisis-prevention and peace-building, and to convince those parties of the advantages of federalistic conflict control, and to commit itself to the implementation of federative democratic principles on all levels of its activity.

## Book Review

**R. Andrew Nickson, Local Government in Latin America (Boulder: Lynne Rienner Publishers, 1995), 315pp.**

This excellent study surveys the historical development and the present conditions of local government in Latin America. R. Andrew Nickson is senior lecturer in development economics at the University of Birmingham (England) and has written on politics and local government in several Latin American countries. The present study comprises two parts: a discussion of the municipality in the region as a whole, and a country-by-country survey. The discussion is richer and the analysis more complex than the survey format suggests.

The historical overview in the first part of the book makes the case that the early development of the municipality in the lands of the Spanish conquest reflected the state of municipal autonomy in the Iberian lands where the conquistadores originated. The initial conquests took place before centralizing pressures within Spain and Portugal eliminated or severely restricted local government autonomy in those countries. Latin America failed to take a different course of development from the mother countries, however, as local landholders and Creole oligarchies obtained municipal offices by purchasing them from the crown after it became possible to do so in the second half of the 16th century. This part of

Nickson's study seems implicitly comparative in motivation: unlike their North American counterparts, the Latin American cabildos (municipal administrations) did not grow into independent expression of the republican ethos. The sale of posts took the place of charters as the founding institutions of the cabildos. The concentration of the Spanish population in the cities and the isolation of the indigenous populations in rural areas and in the interior contributed to the neglect of the latter under the centralizing structures that developed, creating a legacy which endured well into the 20th century. In Brazil, property qualifications and a system of indirect election made up for the greater decentralization of Portuguese colonialism in enabling the Creole oligarchies to determine the direction of local administration and politics, more or less within the structure of crown policies.

The municipality in Latin America thus had its sole auspicious moment in the beginning of its history, but that moment was followed by successive waves of demunicipalization both before and after independence. Centralization undermined the sources of local republican government. Frequent border wars, affecting especially Paraguay and Bolivia but to a significant degree the other countries as well, enhanced the demand for protection by the central government and further undermined the motivation for republican self-defense. These developments helped to pave the way for the military governments in the 20th century. In this connection, it is interesting to consider that the Latin American constitutions do not seem to contain an equivalent to the 2nd Amendment in the United States Constitution. Nickson observes the irony that both left and right emphasized the importance of a strongly centralized state in order to defend "democracy," defined in the one instance as freedom from U.S. capitalism and imperialism and in the second instance as freedom from Soviet and Soviet-style communism. Ideology conspired to repress local autonomy and civil society in the name of democracy.

In the 20th century, import-substitution strategies fostered industrialization but at the same time led to rapid urbanization. As a part of the inheritance from the colonial era, local government continued to be severely restricted in the modes and mechanisms of revenue generation. Demunicipalization continued as state corporations

were formed to assume responsibility for water and electricity; but many areas were not covered by the state cooperations and so retained formal responsibility for services that they could not provide anyway. Municipal codes from the independence era which imposed uniform structures of governance on municipalities and failed to take into account vast differences in size brought about by urbanization remained outdated because the stripping of municipal power eliminated the pressures or the incentives to reform them. These conditions were enhanced by the effects of U.S. and other foreign aid programs, which targeted the central administration in order to achieve greater efficiency. These factors contributed to what Nickson calls the cycle of municipal decay: local government, which could not raise revenue and did not receive revenue transfer from the central government, could not recruit trained personnel, the absence of whom made the central government less likely to share revenue, as local government became a byword for corruption. Nickson's country-by-country analysis makes it clear that the dynamic of demunicipalization did not discriminate between federal and national, small and large, resource-rich and resource-poor, one party and multiparty states in Latin America. The cycle of municipal decay signifies the suppression of republicanism in Latin American in all but formality or name.

It is no wonder that when Alexis deTocqueville's *Democracy in America* reached Latin America in the mid-19th century, it was a sealed book. As students of Latin American constitutions may know, it remains a sealed book in Latin America to this day. Tocqueville's liberal teaching helped to spawn a wave of idealized constitutions, each of which replicated the chief deficiency of the Mexican constitution of 1824, which in Tocqueville's analysis, succeeded in mimicking the letter but not in capturing the spirit of the United States Constitution. The legalistic tradition in Latin American Constitutionalism prevailed in the 19th and 20th centuries. Nickson's analysis of the constitutional status of the Latin American municipality is a very strong feature of the work and is intended to address this prevailing, legalistic tradition (though the results of this analysis tend to be dispersed in the country chapters in part two). Nickson shows that a constitutional provision for free, municipal elections may enhance demunicipalization in a context of

clientelism accompanied by national and local election linkages and by the nonelectability of local officials. A constitutional provision for concurrent powers may mean that nothing gets done or that the state is left to do it, but only where it has an interest to do so, and is liable to promote inequity. Devolution of powers from federal to state government may not liberate or enhance local government but may only be a means of further subordinating it to the state.

The recent democracy movement opens up the possibility of a new era in Latin American republicanism. Nickson agrees with Jorge Castaneda in warning about the threat to representative institutions which *basismo* and too much direct democracy pose. State corporations are a part of the problem, but privatization, as distinct from the devolution of power to local authorities, is not necessarily the solution. Revenue sharing and fewer restrictions on the local authority to tax will contribute to incentives for adequate training of municipal officials and for a civil service with vertical (intergovernmental) as well as horizontal (intermunicipal) integration. All in all, the book is an invitation to consider the elements of remunicipalization.

This book will be useful to students and teachers of local government, intergovernmental relations, comparative and Latin American politics.

*George Gross  
Intellectual Heritage  
Temple University*

**Balveer Arora and Douglas Verney, eds. *Multiple Identities in a Single State: Indian Federalism in Comparative Perspective*, (Delhi: Konark Publishers Pvt. Ltd., 1995). 391 pp., Rs. 450.**

The general scholarly literature of comparative federalism is sparse, more so when it involves India or South Asia. For instance, there is no significant work comparing the federal system of India, Pakistan and Bangladesh. Arora and Verney's new book is an effort to redress the absence of South Asian countries in the scholarship about comparative federalism. Their collaborative effort emanated out of a workshop and a conference co-sponsored by the Center for the Advanced Study of India (CASI) of the University of Pennsylvania and the Center for Policy Research in 1993.



The editors proclaim that the volume is "exploring the ways in which federal institutions in India, Canada, and the United States have contributed to the settlement of regional (i.e. subnational) problems while preserving a strong union." The title of the volume, *Multiple Identities in a Single State*, implies an examination of the role that societal demands are having on functional abilities of these distinct polities. In contrast, though, *Multiple Identities* is altogether two different books in one. The first part is devoted to a collection of essays examining India, the United States and Canada from a legalistic and constitutional perspective. The second part, meanwhile is strictly a discussion of fiscal federalism, often focusing on the Indian or American experience alone.

As is the case with volumes with multiple authors, the depth and scope of the writing in *Multiple Identities* varies. Three articles, though, will be essential reading for anyone interested in Indian federalism. Douglas Verney's contribution, "Are All Federations Federal," masterfully sets the tone for the volume as he compares the three countries. Verney tackles the subject from a position that has also perplexed other students of federalism, like K.C. Where, namely to describe what are the necessary attributes of federalism. Verney lists eight essential pillars of federalism and not surprisingly uses the United States as its modular version.

Verney's classificatory approach underscores the necessity of the variants that Indian federalism introduced. Balveer Arora's contribution, "Adapting Federalism to India," reverses Verney's approach and focuses on Indian innovations. These multilevel and asymmetrical innovations, Arora argues, were born out of India's unique historical perspective. India, by choice, developed a *sui generis* constitutional amalgam largely, as Arora points out, as an attempt to manage its socio-economic diversity. The uniqueness of India's federal experiment is also addressed by James Manor. Manor's essay, "Regional Parties in Federal Systems," points to yet another understudied aspect of federal relations, namely the relationship between party system and federalism. India's case, as Manor shows has led to the problem posed by the congress party being preeminent at the center and the regional units being controlled by opposition parties. In one of the most promising theoretical discussions of the book, Manor attempts to classify India's

emerging party systems using Alan Cairns' tentative classification of parties. In one of the most promising theoretical discussions of the book, Manor attempts to classify India's emerging party systems using Alan Cairns' tentative classification of parties. He shows the limits of attempting to fit the case of Indian federalism with its most successful American model when he focuses on the constellation of India's party systems.

The debate as to whether India can be more truly federal or whether it is federal at all, lies at the heart of the volume's lingering discussion about the Sarkaria Commission Report. Although it was the latest Indian governmental effort to review center state relations, the 1988 Sarkaria Commission report ultimately failed to make a significant impact on the formulation of Indian public policy. I wish that the editors had devoted a separate chapter to the context that gave rise to the Sarkaria commission and its lasting effect nearly a decade later. Although, the volume mentions the formation of an Inter-State Council as a proper vehicle to resolve interstate disputes in India, in practice the Council has proven no more dynamic than other existing policy coordination institutions. Unfortunately, the writers failed to mention similar American efforts to review federal relations such as the 1955 Kestnbaum Commission Report on Inter Governmental Relations.

*Multiple Identities* opts to devote the second portion of the volume to a presentation of federal fiscal relations. Unfortunately, most of the essays in this section are diffuse and inconclusive. Outside of discussing the issue of fiscal transfers, this portion of the book fails to provide a coherent theoretical set of principles that should govern cooperative federalism from a financial perspective. This section tends to rely heavily on a discussion about the imbalance of fiscal transfers from the central government in India, but does not discuss specific developmental projects sponsored at the regional level to remedy this imbalance, particularly in the state of Karnataka during the 1980s. These projects, together with other specific financial proposals, were later carried into the debates which helped form the Inter-State Council.

The contributions by S. Guhan and Alan Heston are relatively fresh contributions to the literature on fiscal federalism in India by analyzing the impact that the so-called New Economic Policy



(NEP) sponsored in large part by Indian Prime Minister Narasimha Rao, his Commerce Minister, Pranab Mukherjee, and his Finance Minister, Mammohan Singh. Guhan argues that NEP will not be able to be implemented without help from the states. Developments from this front are mixed given that Narasimha Rao's Congress Party suffered a tremendous defeat in the 1996 general elections. Moreover, some unlikely states are at the forefront of competition to attract foreign investment, including the state government of West Bengal, which is dominated by the Communist Party of India-Marxist (CPI(M)). As the Enron episode revealed last year in Maharashtra, though, state governments can also shipwreck or sidetrack NEP. Heston offers a commentary of Guhan in which he speculates about the impact of implementing NEP from the view point of the states based on his experience with China. Heston is pessimistic that NEP can be implemented at the regional level without overcoming some significant structural barriers, particularly in the front of existing labor legislation in India.

At the end of the volume, the editors suggest the forms that such a research agenda may take. The editors argue that federalism is not yet a "hot topic" in India. I think that most readers of *Multiple Identities* will disagree with that statement. Their suggested agenda, as the editors undoubtedly hope, raises many provocative questions as to the form that comparative research that includes India should take. The first part of this volume on Indian federalism from a comparative perspective will serve as a seminal work that raises questions as to how India can be profitably compared to other federal systems. However, even after reading *Multiple Identities*, this reader is not sure whether the United States and Canada with its comparatively homogenous socio-cultural cleavages provide a useful comparison to India, with its bewildering array of ethnic, regional, linguistic, and other socio-cultural cleavages. Similarly, from a constitutional and financial perspective, India could also be more profitably compared to other countries, such as Nigeria or Brazil. Perhaps India, with states of the disparate size and population such as Uttar Pradesh or Goa, as a federal unit should be compared to the emerging European Union.

N. Lawrence Suss  
University of Chicago

## ANNUAL INVENTORY RESULTS

As a service to the political science community, the Center for the Study of Federal compiles an activities and publications report.

**Frederick Wirt**  
Department of Political Science  
University of Illinois at Urbana-Champaign  
Urbana, IL 61801

### CURRENT ACTIVITIES

"I Ain't What I Was: Civil Rights in the New South"  
25-year survey of results of implementation of civil rights in one Miss. County.  
Contact: Fred Wirt  
1989-1996  
Duke University Press, 1996-97

"Religious Affiliation and County Policy and Voting"  
Factor analysis of Texas and Florida counties religion and school referenda and presidential voting.  
Contact: Fred Wirt  
1995-96  
Midwest PSA Convention paper, 1996

**Frances Burke, Ph.D.**  
Sawyer School of Management  
Suffolk University  
8 Ashburton Place  
Boston, MA 02108

### CURRENT ACTIVITIES

Southeast Asian (SEA) Leadership and Ethics in the Association of Southeast Asian Nations (ASEAN)  
In several of the seven ASEAN nations workshops on Leadership and Management Ethics, the value systems, cultural heritage and leadership traditions were compared and contrasted. In addition, the intergovernment decisional strategies and styles were explored.  
Contact: Frances Burke  
Fall, 1995 - Winter 1997  
Suffolk University

## RECENT PUBLICATIONS

"Managing Ethics in the Marketplace: An Intercultural Comparison of Ethical Standards in the Workplace," coauthored and proposed for presentation in Paris, July 8-11, 1996 at the International Federation of Scholarly Associations of Management.

**Michael J. Ross**  
**Administrative Law Attorney**  
**California State Government**

## RECENT PUBLICATIONS

California: Its Government and Politics 5th Ed.  
 Wadsworth Publishers, 1996  
 Textbook on state and local government

The Politics of Recall elections in California  
 Party Developments, October 1995  
 Article on recent use of recall process

**Joseph F. Zimmerman**  
**Professor of Political Science**  
**Graduate School of Public Affairs,**  
**SUNY at Albany**

## RECENT PUBLICATIONS

State-Local Relations: A Partnership Approach 2 Ed.  
 Westport, CT: Praeger Publishers, 1995

Interstate Relations: The Neglected Dimension of Federalism  
 Westport, CT: Praeger Publishers, 1996

**Carl Lieberman**  
**University of Akron**  
**Honors Program**  
**Gaullecci 155**  
**Akron, OH 44325-1803**

## RECENT PUBLICATIONS

Government, Politics, and Public Policy in Ohio  
 Akron, OH: Midwest Press Inc. \$ 24.95 (paper) \$44.95 (cloth)  
 Collection of original papers on Ohio government

**Staci L. Beavers**  
**California State University, San Marcos**  
**San Marcos, Ca 92096**

## CURRENT ACTIVITIES

Taking it to the States: Civil Liberties Development by State High Courts - A study of factors encouraging state high courts to advance civil liberties under state law.  
 Contact: Staci L. Beavers  
 Fall, 1995 - August 1996  
 Political Science, Department, California State University San Marcos, San Marcos, CA

The Intent Behind the Ninth Amendment: Implications for American Federalism? - A study of the original intent behind the Ninth Amendment.  
 Contact: Staci L. Beavers  
 Fall 1993, January 1997

## RECENT PUBLICATIONS

Modern Congressional Theory Meets the 1992 House Elections (with John R. Hibbing and others)  
 Political Research Quarterly  
 Contact: PRQ

Critical Thinking guide to Accompany American Government (with Michael Steinman) - A source for undergraduates to help build critical thinking skills.  
 West Publishing



# IACFS

NEWSLETTER  
BULLETIN  
d'INFORMATION  
RUNDSCHREIBEN

## IACFS CONFERENCE

### Program

#### Tuesday, October 8

- 14.00 Arrival and Registration
- 15.00 Opening: Hans-Peter Schneider/Ron Watts/  
Lloyd Brown-John
- 16.00 Introduction: Federalism and Civil Societies-  
Defining the issue (Daniel Elazar/USA/Israel)
- 17.30 IACFS: Meeting of Directors
- 20.00 Dinner

#### Wednesday, October 9

### **I. Federalism and Social Change (Historical Aspects)**

- 09.00 1. Federalism in the Continental Thinking  
During the 17th and 18th Century  
(Hans-Peter Schneider/FRG)
- 09.50 2. Federalism in Anglo-American  
Thinking During the 17th and 18th  
Century (Michael Burgess/UK)
- 10.45 Tea/Coffee
- 11.15 3. Federalism and Society during the 19th  
Century (Thomas Fleiner-  
Gerster/Switzerland)

- 12.00 4. Federalism and Society During the 20th  
Century (Cheryl Saunders/Australia)
- 13.00 Lunch

### **II. Federalism and Social Formations (Structural Aspects)**

- 15.00 1. Federalism in Traditional Societies  
(Christine Fletcher/Australia)
- 16.00 2. Federalism in Modern Industrialized  
Societies (Lloyd Brown-John/Canada)
- 17.00 Tea/Coffee
- 17.15 3. Federalism in Fragmented/Segmented  
Societies (Ronald Watts/Canada)
- 18.30 Special Country Reports: Germany and  
Nigeria
- 20.00 Dinner

#### Thursday, October 10

### **III. Federalism and Active/Participatory Society (Political Aspects)**

- 09.00 1. Political Parties - Country Reports (5  
min. each)
- 09.50 2. Trade Unions/Professional Associations  
- Country Reports (5 min. each)
- 10.45 Tea/Coffee

- 11.15 3. Interest Groups - Country Reports (5 min. each)  
 12.00 4. Grassroots/Non-Governmental Organizations-Country Reports (5 min. each)  
 13.00 Lunch, Afternoon: Sightseeing/Shopping  
 20.15 Dinner

Friday, October 11

- 09.00 5. Churches and Religious Associations-Traditional/Cultural Communities/associations - Country Reports (5 min. each)  
 10.00 Tea/coffee

**IV. Federalism and Informing Society (Communicational Aspects)**

- 10.15 1. Press/Print Media/Publishing - Country Reports (5 min. each)  
 11.15 2. Telecommunications/TV/Broadcasting-Country Reports (5 min each)  
 12.30 Lunch

**V. Federalism and Working Society (Economical Aspects)**

- 14.00 1. Federalism in the Industry/Federalism in Trade and Commerce - Country Reports (5min. each)  
 15.30 Tea/Coffee  
 15.45 2. Federalism in the Industry/Federalism in Trade and Commerce - Country Reports (5 min. each)  
 17.00 IPSA Research Committee  
 19.30 Dinner

Saturday, October 12**VI. Federalism in State and Society (Functional Aspects)**

- 09.00 1. Federalism: A Structural Element of Modern Civil Societies (Rudolph Hrbek/Germany)  
 10.00 2. The Interrelationship between Federal Structures of State and Society (John Kincaid/USA)  
 11.00 Tea/Coffee

- 11.15 Conclusion: Federalism and Constitutionalism (Hans-Peter Schneider/FRG)  
 12.30 Lunch

**Proposed List for Country Reports:**

Austria	Peter Pernthaler
Australia	Cliff Walsh
Belgium	Frank Delmartino
Canada	Douglas Brown
France	Ferdinand Graf Kinsky
Germany	Jutta Kramer
India	Rasheduddin Khan
Nigeria	Isawa Elaigwu
Russia	Vjacheslav Seliverstov
South Africa	Nico Steytler
Spain	Eliseo Aja
Switzerland	Nicolas Schmitt
United Kingdom	Murray Forsyth
United States	Arthur Gunlicks

**Catalogue of Questions** (As a Guiding Framework for the Country Reports)

- I. Structure of Organizations
  1. Centralist/Decentralized?
  2. Unitary/Federal?
  3. Concentrated/Deconcentrated?
- II. Forms and Kinds of Organizations
  1. Under Public Law?
  2. State-Controlled/Independent?
  3. Constitutionally Guaranteed Institutions?
- III. Functions of Organizations
  1. Public/Private Tasks?
  2. Common Wealth-Oriented/Particularist interest?
  3. Constitutionally Guaranteed Institutions?
- IV. Internal Order of Organizations
  1. State or Society as Model?
  2. Differences/Contradictions?
  3. Similarities/Parallels?
  4. Mutual Interferences?
- V. Government and Civil Society
  1. Elastisation of the Civil Society?
  2. Socialization of the State?
  3. Globalization versus Regionalisation?

- 12.30 Lunch

### IN MEMORIAM

The Director of the Centre for Federal Studies in New Delhi, India, passed away in May 1996 after an illness of two months. Professor Khan was a major figure in federalism studies in India for a generation where he served in both academic and public capacities to advance federalism.

Professor Khan was Director of the Centre for Political Development at Nehru University in New Delhi, a member of the upper house of the Indian Parliament, a close associate of Indira Gandhi, and more recently the founder and first director of the Centre for Federal Studies. Professor Khan brought his new centre into the International Association of Centers for Federal Studies two years ago and was active in IACFS programs from that time until his death.

Professor Khan was a member of India's Muslim minority. He was a Pathan, whose forefathers had settled in northern India to do military service. He was proud of being a Muslim, a Pathan, and an Indian, all of which he took as serious dimensions of his identity.

No doubt because of his own experience as a member of a minority group in India, he was at the forefront of the struggle for human rights and multiculturalism, seeing both as major aspects of the federal idea which to him went beyond formal political-territorial divisions of power and intergovernmental relations.

I first met Professor Khan in 1976 when Professor William Livingston of the University of Texas and I were on a U.S. Information Agency tour of India to discuss federalism with Indian colleagues. For a month we undertook what Bill Livingston referred to as "a federalism dog and pony show," meeting with academic colleagues and public officials interested in federalism in New Delhi, Bombay, Madras, and Chandigar. During the course of that month, Professor

Khan and I became fast friends. At that time he was relatively fresh from consulting activities in the Middle East and was President of the India-Palestinian Friendship League.

Since I was already living in Israel and had come to India from Jerusalem, we had much to talk about, discussions that looked forward to better days in relations between Israel and the Palestinians, and consequently Israel and India. He often expressed his wish to visit Israel and indeed at our last meeting in Philadelphia in September 1995 we discussed ways and means to make that possibility a reality in light of the changes that had taken place in relations between Israel and its neighbors. Even in the 1970s my discussions with him strengthened my belief in the possibilities of a peaceful resolution of the Israel-Arab conflict.

More than anything else, Rasheedudin was a gentleman, both in the sense of being a person of proper behavior and a gentle man. His life enriched all who knew him and I was proud to count him among my friends.

*Daniel J. Elazar*

#### IACFS BROCHURE

The International Association of Centers for Federal Studies has published a brochure of member centers and IACFS activities. Copies are available from member centers or the Center for the Study of Federalism.

## AMERICAN POLITICAL SCIENCE ASSOCIATION

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**Short Course:****"Waiting for Washington: How California is Responding" Wednesday afternoon, August 29th.**

Cristy Jensen (California State University-Sacramento), short course organizer, describes it as follows:

"The Federal Budget stalemate and uncertainties about block grant and Medical funding have complicated other unresolved intergovernmental issues in California--among them, Governor Wilson's realignment initiatives of state/county responsibilities and funding. The void created by federal inaction may have also generated a patchwork of assertive policy responses which will constrain options for the Feds. How has California exploited the opportunity to design policy alternatives? Have California's choices closed doors for the Federal Government?"

Cristy has lined up state officials and academics to educate and lead us in what promise to be lively discussions at the Crowne Plaza Parc Fifty Five Hotel (across from the San Francisco Hilton and Towers). *Note that the correct time of the short course is 12 noon to 4:30, including lunch, NOT 9:30 to 4:30 as printed in the June issue of PS.*

Send your reservation (form is on page 264 of the June issue of *PS*) and \$45.00 (payable to the Section) to Dr. Michael Pagano, Department of Political Science, Miami University, Oxford, OH 45056. Space is limited. Deadline is August 8.

**Section Panels**

Joe Zimmerman (SUNY, Albany), Section Program Chair, has organized five panels. The number of our 197 panels will be determined on the basis of attendance at 1996 Section panels. Joe had many more requests for papers than he could accommodate. Strong attendance this year will mean more panels (and more papers) for Ann Bowman (University of South Carolina, Columbia), 1997 Section Program Chair, to organize next year. Support your Section by attending Section panels!

**Thursday, August 29**

10:45 a.m. Federalism and Equality: Comparative Reflections on Individual Rights in Canada and the United States.

**Friday, August 30**

1:30 p.m. A Round table in Honor of Victor Jones  
3:30 p.m. Reducing Poverty Through Welfare Reform

**Saturday, August 31**

1:30 p.m. Judicial Federalism: Emerging Trends  
3:30 p.m. Intergovernmental Relations in Federal Systems.

**Section Business Meeting:**  
**Thursday, August 29**  
**12:30 to 1:30**

The Section Business Meeting will feature the winners of the Section's *Distinguished Scholar, Best Book, and Best 1995 Paper Awards*. Elections of a new Section Chair and Council members and other business matters will be considered. Plan to attend!

**Section Reception:**  
**Friday, August 30**  
**6:30 to 8:30**

The Section will co-sponsor--with the Public Administration, Urban Politics, State Policies and Policy and Public Policy Sections--a reception on Friday, August 30, 6:30-8:30 (location in meeting program). We expect that this break from the past practice of individual Section receptions will be a broader opportunity to honor our Section award winners and to meet colleagues and friends.

**Deadline for the Summer Issue  
of the *Federalism Report* is  
August 15, 1996**

The Center welcomes  
contributions from its readers.

For advertising information,  
please contact the Editor.

## FEDERALISM AND RIGHTS

*Ellis Katz and G. Alan Tarr*

Does federalism promote or undermine rights? With emerging democracies in Europe and elsewhere currently attempting to design constitutions that combine effective government, recognition of ethnic diversity within their populations, and protection of individual rights, the importance of this question can hardly be overstated.

*Federalism and Rights* examines both the theoretical perspectives on the relationship between federalism and rights, and the historical and contemporary relationship between federalism and rights in the United States. The contributors to this volume analyze the U.S. federal system as a potential model for contemporary constitution-makers as well as explore how its system can serve as a cautionary example.

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