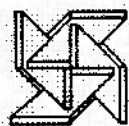


# ***THE FEDERALISM REPORT*** — Volume 18, Number 3 ————— Spring 1993

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## **CSF NOTEBOOK**

### **FROM THE EDITOR**

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 **PLEASE NOTE**, as of April, 1993 the Center for the Study of Federalism's telephone exchange was changed from 787 to 204. Our main number is now (215) 204-1480 and our fax number is now (215) 204-7784.

 **CONFEDERATION PROJECT** The Center is currently developing a research agenda to examine the role confederal arrangements play in reducing conflict, especially in ethnically diverse regions. Anyone interested in or working on these or other topics relating to confederal arrangements and structures and their relation to the success or failure in preventing ethnic conflict, please contact Paul T. Neal at the Center's address below.



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## INTERNATIONAL VISITORS



In March the Center was visited by:

● **Mr. Claus Sorensen**, the Principal Adviser on Foreign and Security Policy (US, Japan, Central and Eastern Europe,

Russia), Political Union (Maastricht Treaty), The Single Market, Education and Social Welfare and Cabinet of Vice President Henning Christopherson, USEC, who visited to study the separation of powers among the federal, state and local components of government;

● **Mr. Willem Weenink**, Foreign Editor, *NRC Handelsblad*, Rotterdam, Netherlands, who visited to study federal, state and local government relationships and the shift of domestic policy and program responsibility from federal to state planes;

● **Hatem Hamad Abdallah Bagato**, Magistrate, Ministry of Legal Affairs, Judge, The Daranhour Premier Court, Egypt; **Tarek Moustafa Addei Fattah El-Tawail**, District Attorney, Port of Alexandria; **Piret Randmaa**, Head Specialist, Court Department of the Estonian Ministry of Justice, Estonia; **Patricia Norma Mark**, Magistrate, Ministry of Legal Affairs, Grenada; **Ian Nevill Chang**, Acting Director of Public Prosecutions, Chambers of the Director of Public Prosecutions, Guyana; **Dzintra Subrovska**, Writer, *Pilnigi Atklati* Newspaper and *Liesma* Magazine, Latvia; **Kamudoni Nyasulu**, Chief Resident Magistrate, Malawi; **Mike Okiro**, Deputy Commission of Police, Nigeria; and **John Baptist Muria**, Chief Justice, Solomon Islands High

Court, Solomon Islands. The group visited to discuss how federalism is the framework for the US system of governance;

● **Arturo Edgardo Jesus Gonzalez Martin**, Provincial Deputy, Province of Mendoza; **Eduardo Carols Quiroga**, Undersecretary of the Treasury, Province of Misiones, Argentina; **Jorge Lazarte**, Spokesman, National Electoral Court, Prof. of Sociology, La Paz National University of San Andres, Bolivia; **Gilberto Enrique Castilla Solano**, Secretary General, Ministry of Labor and Social Security, Conservative Party Official; **Jose Rodrigo Rivera Salazar**, Member of the House of Representatives, Liberal Party, Member of the Constitutional Commission, Colombia; **Jimmy Bolanos**, Legal Department, Ministry of the Presidency; **Antonio Bobrado**, Legal Adviser, Ministry of the Presidency; **Fernando Zeledon Torres**, Professor of Political Science, University of Costa Rica, Costa Rica; **Euclides Rafael Sanchez Tavarez**, Mayor, Municipality of La Vega, Dominican Republic; **Rene Mario Rigueron**, Deputy in the National Legislative Assembly, Member of the Peace Commission, Arena Party; **Juan Jose Martel**, Deputy in the Legislative Assembly, Convergencia Democratica Party, El Salvador; **Victor Manuel Talavera Huete**, Deputy in the National Assembly, Constitutionalist Party, Department of Madriz, Nicaragua; **Manuel G. Burgos V.**, Communications Secretary, Civic Renewal Party; **Irene Ines Abrego Coronado**, Legal Assistant to member of National Legislature, Christian Democratic Party, Panama. The group visited to gain a historical perspective on the American system of government and the significance of the U.S. Constitution as a living document.

## BOOK REVIEWS

*The New Economic Role of American States* edited by R. Scott Fosler. New York: Oxford University Press, 1988.

Just how does the economic role of a state impact upon the ideas of the federal relationship? R. Scott Fosler's edited work, *The New Economic Role of American States* thoroughly discusses the economic issues facing the modern state in a "competitive world economy." However, there is little connection between these roles and the idea of the federal relationship. The case studies selected in this book range from development to redevelopment, from natural resource based economies of Arizona to "megastate" economies of California. But after reading the various case studies presented, the reader is still not fully educated in the role of a state in these matters.

*The New Economic Role of American States* does attempt to focus some very important economic attention on the states. This is a valuable effort. Clearly economic policy at the state level, as well as those federal policies that impact the states, should be studied. However, without any real justification for the federal structure, the book fails to communicate a fundamental feature of federalism: the relationship between federal and state governments.

The book gives good arguments for the purposefulness of states. They can develop strategies for their own benefit. But, are the decisions of states that Fosler has selected little more than decisions of what could be accomplished just as easily by administrative subdivisions? States can involve themselves in independent planning. They can develop strategies for themselves. These are somewhat new developments to a certain degree. However, shouldn't the argument be made that examples of strategic planning can easily be used to justify the need for truly federal relationships to exist that will allow for this type of independent planning? If states are able to adequately deal with economic issues they face, then they can and should use this as evidence that the federal relationship needs to be preserved.

This being said, the real issue is the health of this relationship. What is the significance of these economic decisions to the student of politics? Is there an absence of a discussion of the root issues? Finally, I think that it can be argued that the level of aggressiveness by a state does not really change the relationship. The federal system exists because

of the relationship that was created and continues. Whether or not states choose to push their energies to the limit or not will not alter this fact.

Paul T. Neal  
Temple University

*States and Provinces in the International Economy* edited by Douglas M. Brown and Earl H. Fry. Berkeley: Institute of Governmental Studies, 1993.

Competition is a concern for governments in this era of huge markets and regionalization. This book addresses the cases of both the United States and Canada and the role that states and provinces, respectively, will play in the international economy. Because of the changes taking place in the international economy, there are also evolutionary changes taking place in states and provinces. Interaction across borders has become more routine and this is looked into.

Two interesting chapters deal with the issue of federal-state (provincial) relations. One looks at the federal system and how it effects foreign policy. The other looks at the impact of provincial governments on Canadian foreign policy. The roles and impacts of these levels of government is useful in understanding the international policies that are pursued by both countries. The two countries are related in a study such as this. They are both active players in the international economy and face some of the same challenges. As the North American economy responds to global competition, pressure is on both governments to act - to promote trade and investment; to protect jobs; to create a more competitive climate. Increasingly state and provincial governments are taking the lead in responding to these and other situations.

*State and Provinces in the International Economy* takes a look at what states and provinces are doing to meet these challenges. The book looks at the issues from the perspective of these levels of government. The various contributors look at: the impact of the international economy on local economic conditions; the impact of state and provincial governments on trade policy; increasing cooperation between states and provinces to meet the challenges; and the competition for trade and investment and its impact in both Washington and Ottawa.

"With the Free Trade Agreement signed between Canada and the United States, and a similar pact

proposed with Mexico, all states and provincial governments are facing a more competitive environment in North America," says Douglas M. Brown, Associate Director, at the Institute of

Intergovernmental Relations at Queen's University, in his chapter in the book entitled, "The Evolving Role of States and Provinces in Trade Relation." This book goes far in demonstrating the new roles and the old ones.

***American Indian Policy in the Twentieth Century*** edited by Vine Deloria, Jr. University of Oklahoma Press. 272 pp. Cloth \$21.95. Paperback \$12.95.

"Deloria gathers 11 essays on a variety of topics germane to the present and the future of American Indian policy ... the evolution of federal policy-making ... Indian voting, cultural values versus the economic realities of reservation life, tribal government, the Supreme Court and Indian water rights, and the influence of the Bureau of Indian Affairs on Indian self-determination." - *Booklist*.

***American Indian Tribal Governments*** by Sharon O'Brien. University of Oklahoma Press. 380 pp. \$29.95.

"O'Brien has produced a comprehensive and useful volume. She traces the development of American Indian tribal governments from their origins to the tribal governmental structures of today ... This book should be read by anyone interested in tribal government and particularly by state officials who deal with tribal governments." - *Montana: The Magazine of Western History*.

***Community and the Politics of Place*** by Daniel Kemmis. University of Oklahoma Press. 160 pp. \$9.95

"We and our country create one another, depend on one another, are literally part of one another; our land passes in and out of our bodies just as our bodies pass in and out of our land." - *Wendell Berry*.

"An insightful case study in the politics of community ... It is also a major contribution to the growing literature of civic republicanism and the "New Regionalism" ... Kemmis argues that it is through the politics of place that people have a chance to discover their power as citizens." - *Choice*.

## RECENT RELEASES

### From the Institute of Governmental Studies

***Metropolitan Governance: American/Canadian Intergovernmental Perspectives*** is published jointly by the IGS at U.C. Berkeley and The Institute of Intergovernmental Relations at Queen's University. It finds that Canadian metropolitan areas have generally more developed regional governance systems than their American counterparts. Andrew Sancton and Donald N. Rothblatt, chair of the Urban and Regional Planning Department at San Jose State University, are coeditors. The book is volume one of the North American Federalism Project, under the direction of Professor Victor Jones. It is available from IGS Press, 102 Moses Hall, U.C. Berkeley, Berkeley, CA 94720. To order by phone call (510) 642-6723, or fax your order to (510) 642-3020. In Canada the book may be ordered from Renouf Publishing Company, 1294 Algoma Road, Ottawa, Ontario, K1B

### From ACIR

***State Solvency Regulation of Property Casualty and Life Insurance Companies*** is a timely report since the significant increase in insurance company failures in the past several years, which have generated concerns about the adequacy of state regulation of the insurance industry as well as calls for federal intervention and preemption of state regulation. This report informs policymakers of the options available for improving state solvency regulation of the property-casualty and life insurance industries, and examines the entire range of issues in state solvency regulation, including regulatory accounting and finance, the role of reinsurance, multistate insurance holding companies, state liquidation proceedings, and state guaranty funds. The study identifies 18 areas in which state solvency regulation could be improved, describes state efforts to implement needed reforms and examines several federal proposals for reform.

RESEARCH AGENDA

# CITIZENSHIP AND VOLUNTARISM: ON THE VITALITY OF CIVIL SOCIETY

by Charles H. Hamilton

The outpouring of philanthropic support in the wake of Hurricane Andrew and the entreaties to vote in our recent election were occasions to reflect on the nature of citizenship. These two newsworthy events also highlight two very different ways we discharge our responsibilities as citizens. In this research project now underway, I will explore this distinction on both a philosophical and empirical level. By doing so, I hope to illuminate something about the idea of civil society in general and to apply it to the nature of voluntarism and philanthropy specifically.

• • • • •

The complex and enigmatic use of philanthropy and voluntarism is one way we display citizenship. Voting is another. These two different kinds of action represent one part of an ancient and consistent dichotomy in the history of political thought: the contrast between civil society and the state. The contemporary historical sociologist Reinhard Bendix gives a good initial definition for a wonderfully complex notion: "Civil society refers to all institutions in which individuals can pursue common interests without detailed direction or interference from the government."<sup>1</sup> Civil society encompasses all the institutions through which individuals express their interests outside of and distinct

from the government: property and markets, families, schools, churches, clubs, communities and neighborhood groups, businesses, and so on. Philanthropic activities and voluntarism are clearly a major component of any civil society. Robert Nisbet is one among many who have pointed out the importance of civil society: "It is, I believe, the problem of intermediate association that is fundamental at the present time."<sup>2</sup>

For this project, I will explore the nature of civil society, put the nonprofit world within the context of civil society, and then compare the extent of voluntarism and philanthropic activity with data on voting. In this way I can develop several important implications about how we look at voluntarism, how we perceive our society and civil society, how we can strengthen voluntarism, and about how we perceive our roles as citizens.

The following framework presents a tentative sense of how I will proceed with this work.

## I. The Idea of Civil Society

A. I will begin by introducing the distinction between state and civil society and their contrasting views of citizenship through the famous distinction between ancient and modern liberty developed by the French liberal Benjamin Constant. Constant takes the ancient idea of liberty or citizenship to be participation in and through the polis, "in an

active and constant participation in collective power." In our contemporary idiom, this would be encapsulated in voting. Modern liberty is for him, on the other hand, a vast sphere outside direct political participation. It is, in large part, the right of everyone "to express their opinion, choose a profession and practice it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings. It is everyone's right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer, or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims."<sup>3</sup>

B. This brief introduction will be followed by a more substantive overview of the idea of civil society in the history of political thought. Since it is the idea of civil society that interests me most, I don't intend to go into the contrasting idea of the state at great length. I would go into some of the ideas as presented by, for instance:

- Plato's view of the natural foundations of civil society, particularly in *The Laws*;
- Aristotle's observation that "Man is by nature a political animal;"
- Adam Ferguson's 1767 classic, *An Essay on the History*

of Civil Society;

- Montesquieu's *The Spirit of the Laws* and his idea of "corps intermediaries;"
- the contrast with Rousseau's idea of the primacy of the political over other social institutions in *The Social Contract*;
- chapter seven "Of Political or Civil Society" of Locke's *Second Treatise*;
- Hegel's very important discussion in *The Philosophy of Right*.

There are also more contemporary discussions that are relevant. For instance, sociologists in Weberian tradition like Reinhard Bendix, Randall Collins, and Robert Nisbet; the work of Ulman-Margalit, Robert Ellickson, and others on the emergence of norms; Michael Taylor, Robert Axelrod, David Gauthier on co-operation and game theory; Hayek's development of the two sources of order in any society; Michael Oakeshott's distinction between civil association and enterprise association; Roberto Unger's *Law in Modern Society*; and Antony Black, Charles Tilly, Ernest Gellner, and others with historical studies.

There has also been a rash of books critical of -- but never really defining -- the idea of civil society. One has the sense that some of these are trying to re-establish the legitimacy of the socialist project through this term. Some of these recent titles include:

- *The Idea of Civil Society*, by Adam Seligman.
- *Civil Society*, by Keith Tester.
- *Civil Society and Social Theory*, by Jean Cohen and Andrew Arato.

C. Particularly important and useful is the virtual "re-invention" of the idea of civil

society by Soviet and Central European dissidents to account for (outside of a Marxist intellectual context) the bankruptcy of their societies. This will add stark contemporary relevance to the idea of civil society and naturally lead to a discussion of the role of voluntarism and philanthropy in civil society. For instance, in 1988, the Polish scholar and dissident Adam Michnik wrote:

"The problem faced by Polish society is that from the official point of view a civil society doesn't exist. Society is not recognized as capable of organizing itself to defend its particular interests and points of view.... Our world is full of contradictory values, and I cannot imagine a social order in which all of them were equally and harmoniously realized. But conflicts are genuine only when they are genuinely expressed. This is what our society is fighting for: to name things by their proper names, to articulate conflicts as conflicts.... The crucial problem is therefore to build a democratic society which renders totalitarianism impossible by altering the social mechanisms of power..."<sup>4</sup>

From societies devoid of independent intermediary institutions, the plethora of voluntary organizations taken for granted in the United States is a revelation. Consider a recent comment by Librarian of Congress James Billington at a conference on "The Idea of Civil Society" held at the National Humanities Center:

"In my office the other day were thirty to forty students from Nizhnii Novgorod, the former city of Gorky. These young Russians had discovered a lot of ideas and institutions that Americans don't even think about: 4-H clubs, Rotary Clubs,

things that are as American as apple pie.... But they see such institutions and think that they can do even more than they are doing in the United States."<sup>5</sup>

These accounts of the idea of civil society and their fresh perspective on the depth and vitality of civil society in the west offer some very interesting perspectives. There is a wealth of valuable material. Let me just cite two interesting collections from which to begin:

- *The Reemergence of Civil Society in Eastern Europe and the Soviet Union*, edited by Zbigniew Rau, Westview Press, 1991;
- *The Transition From Socialism: State and Civil Society in Gorbachev's USSR*, edited by Chandran Kukathas, et. al., Longman Cheshire, 1991.

D. From the conception of civil society developed above it will naturally follow that voluntarism and philanthropy--what makes up the nonprofit world--are large and critical parts of a civil society. I intend to emphasize the role these play in a healthy civil society as well as their intricate relation to other aspects of civil society. It is, of course, a commonplace to refer to Tocqueville here, but he did get it right:

"Americans of all ages, all stations in life, and all types of disposition are forever forming associations.... among democratic peoples all the citizens are independent and weak. They can do hardly anything for themselves, and none of them is in a position to force his fellows to help him. They would all therefore find themselves helpless if they did not learn to help each other voluntarily.... But what political power could ever carry

on the vast multitude of lesser undertakings which associations daily enable American citizens to control?"<sup>6</sup>

In addition to the many standard works, there have been several recent books which help to establish the rich historical importance of voluntary and philanthropic associations. For instance:

- *Natural Allies: Women's Associations in American History*, by Anne Firor Scott, University of Illinois Press, 1992;
- *Philanthropy and the Hospitals of London: The King's Fund, 1897-1990*, Oxford University Press, 1992
- *The Tragedy of American Compassion*, by Marvin Olasky, Regnery Gateway, 1992.

Placing voluntarism and philanthropic activity squarely within the civil society/state distinction will raise interesting comparisons and contrasts with some of the various models generally used when discussing the "independent sector." The common public/private model is widely seen to be wanting, and will be critiqued. Roger Lohmann has recently tried to provide a new perspective on the nonprofit world in *The Commons* (Jossey-Bass, 1992).

The well known three-sector model of voluntarism -- as the third part of a triptych including business, and government -- is very widely used. See, for instance, Michael O'Neill's *The Third America* (Jossey-Bass, 1989). This three-sector view is incomplete, however. It is not fully integrated with the western political tradition and lacks considerable theoretical grounding because of that. The three-sector model conceals, for instance, some very important characteristics that all the

institutions within civil society (i.e. businesses, families, and philanthropic organizations) have in common and that distinguish them from the state. It may also cut voluntarism conceptually off from activities from which it arises: like the family. By placing voluntarism squarely within the idea of civil society, a fuller tradition can be drawn upon.

All models have their uses and I am not suggesting that the three-sector model (or any other model) is totally inappropriate. I do believe, however, that civil society as a paradigm is not only useful but that it is robust in helping us to understand the nonprofit world, its role, and its challenges.

## II. Two Forms of Citizenship

A. After developing the idea of civil society and placing philanthropy within that context, I will begin to explore some different senses of citizenship. So many people deplore the decline in citizenship, but it isn't always clear what they mean. There is often an implicit assumption that merely by a single periodic action of voting one fully discharges his or her responsibility as a citizen. Less baldly, it is certainly true that important thinkers like Hannah Arendt and Judith Shklar focus very heavily on political participation and voting.<sup>7</sup> Wolfinger and Rosenstone comment that "the most important benefit of voting... is expressive rather than instrumental: a feeling that one has done one's duty to society... and to oneself."<sup>8</sup>

The literature on voting behavior and rates over time is very good. There is much interesting material on the role of voting in legitimizing political arrangements. There is research

suggesting that as political initiatives succeed, there is a decrease in the vitality of alternatives available within civil society. I will make use of this research.

Thus, there tends to be a common assumption that all solutions to problems must come from politics. (The unexamined use of the term "public" is an example. It is simply assumed to mean something political and something organized or coordinated by government and the state.) At the same time, there is increasing cynicism that political solutions are just not possible. The idea of civil society suggests a different locus for action and solutions.

B. The idea of civil society suggests that the responsibilities of citizenship are not entirely fulfilled by political participation. Rather, citizenship is more complex and entails what is often unconscious involvement in society as a whole, i.e., in civil society. It is through awareness of one's connectedness in society and through everyday actions that citizenship is expressed. Citizenship, in any full sense, is a more integral part of our lives. It may be, then, that involvement in civil society is a more important indicator of full citizenship. Analyzing the extent of philanthropic activities and voluntarism may be one good way to determine the vitality of civil society.

## III. The Extent of Citizenship

Having completed the theoretical framework and thus prepared the background for a view of citizenship within civil society, I will try to develop one empirical "test" upon which to evaluate the extent of citizenship

in America within civil society: the extent of philanthropic activity and voluntarism in society. The degree of such activity is more than just a proxy for citizenship within civil society; I would hope to have established its importance earlier. Citizenship has, of course, many non-quantitative and importantly qualitative characteristics that cannot be addressed in this project. Some of the material to look at for the empirical information on the extent of voluntarism and philanthropic activity include:

- the annual *Giving USA* report from the AAFRC Trust for Philanthropy;
- "The Nonprofit Sector in New York City," Nonprofit Coordinating Committee of New York, 1992;
- *The State and the Voluntary Sector*, The Foundation Center, 1988.
- various editions of *Giving and Volunteering in the United States*, Independent Sector;
- *Nonprofit Almanac: Dimensions of the Independent Sector*, by Virginia Hodgkinson, Murray Weitman, et. al., Independent Sector, various editions.
- *The Charitable Behavior of Americans*, Independent Sector, 1986;
- several monographs from the Yale University Program on Non-Profit Organizations;
- miscellaneous studies from the Council on Foundations and the Foundations Center.

I will compare and contrast the data on the extent of philanthropy and voluntary action throughout society with voting rates and other related electoral data. Information on the extent of voluntarism is fascinating. It is also incomplete, methodologically diverse, and not always

found in one place. But I feel that without a contrast provided by voting data, it is sometimes difficult to really assess the data and to know what to make of the information on voluntarism. Using an empirical comparison within the civil society model should be quite interesting and revealing.

In part, I expect this comparison to show that voluntarism and philanthropy are extremely important in holding society together. It will show the extent of civil society when many people are lamenting the demise of civilization and citizenship. And I hope to suggest, then, ways to revitalize civil society and ways to encourage philanthropic actions through means that are consistent with the nature of civil society.

#### IV. Conclusion and Implications

It is too early in my work on this project to tie everything together: the nature of philanthropic activity and voluntarism within civil society, their extent, the comparison and contrast with voting, and broadening of the idea of citizenship. I do believe I am suggesting a very fruitful way to look at voluntarism and citizenship. An incomplete list of a few interesting issues that might be raised may suffice here:

- What is the nature of the interdependence of and contrasts between civil and political associations?
- Are there parallels between political participation and voluntarism?
- Is the idea of civil society too broad to be useful?
- What are the differences between voluntary social policy and government social policy?
- How will seeing society and

social action in this light help to empower people?

- Is civil society disintegrating?
- How might this analysis enrich the idea of "public" by making important distinctions?
- How might this analysis clarify concerns about the extent to which philanthropy is private and voluntary?
- What, then, are the components of good citizenship? Have they declined?
- What are the implications for the idea of the public/private partnerships?
- Since all activity in civil society cannot always be "good," how can we encourage good actions and good citizenship?

The idea of civil society has had various meanings, though there are some common elements that can be developed. But, whatever its meaning, civil society has had an important place in the history of political thought. I believe it has a unique relevance today, partly as a result of the disintegration of the former communist countries. It is not surprising that civil society has come back into the lexicon of political discourse largely through the thinking of dissidents from those countries who had to rethink the bases of the social contract, political legitimacy, and individual conscience.

That same needs pertains everywhere. Indeed, the complexity and globalization of society may suggest a necessary realignment of civil society and government. As Ralf Dahrendorf recently said:

"What we are learning is that certain tasks -- which, in many countries, have 'traditionally' been regarded as belonging in the public sphere -- are now so immense that government cannot conceivably cope with them by



applying public expenditure and the conventional machinery of public administration."<sup>9</sup>

The robustness of civil society and especially the activity of its philanthropic and voluntarist component may suggest a vital alternative. By reviving the idea of civil society and then looking at the extent of voluntarism and philanthropic activity in America as a way to measure the robustness of civil society, I hope to make a small contribution in that direction.

## NOTES

<sup>1</sup>Reinhard Bendix, *Kings or People*, University of California Press, 1978, p. 523.

<sup>2</sup>Robert Nisbet, *The Quest for Community*, Oxford University Press, 1953, p. 70.

<sup>3</sup>"The Liberty of the Ancients Compared with that of the Moderns," speech given at the Athenée Royal in Paris, 1819.

In *Benjamin Constant, Political Writings*, edited by Biancamaria Fontana, Cambridge University Press, 1988, pp. 316, 310-11.

<sup>4</sup>Adam Michnik, "Towards a Civil Society: Hopes for Polish Democracy," *Times Literary Supplement*, February 19-256, 1988, p. 188.

<sup>5</sup>*The Idea of Civil Society*, National Humanities Center, 1992, p. 5.

<sup>6</sup>Alexis DeTocueville, *Democracy in America*, translated by George Lawrence, Harper and Row, 1969, pp. 513-515.

<sup>7</sup>See, for instance, Judith Shklar, *American Citizenship*, Harvard University Press, 1991 and Hannah Arendt, *Between Past and Future*, Penguin Books, 1977.

<sup>8</sup>Raymond Wolfinger and Steven Rosenstone, *Who Votes*, Yale University Press, 1980, p. 8.

<sup>9</sup>Ralf Dahrendorf, Warden, St. Anthony's College, Oxford, speaking to the European Foundation Centre Annual General Meeting, November 8, 1992. Quoted in *The Philanthropy Monthly*, September 1992, p. 3.



Charles H. Hamilton is an Adjunct Research Associate at the Center on Philanthropy, Indiana University. He is currently doing planning and management consulting for different philanthropies and nonprofits.

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# REINVENTING FEDERALISM: PRINCIPLES AND CHALLENGES

by John Kincaid

In December, the Advisory Commission on Intergovernmental Relations (ACIR) issued a letter to President Clinton outlining key federalism principles and intergovernmental challenges for his administration.

ACIR set forth six principles to guide reform:

1. Self-government is the essence of our federal democracy. It begins with individual freedom and extends outward to encompass the freedom and responsibility of citizens to govern themselves

with respect to the concerns they share in their local communities, counties, states and country.

2. All of our governments are creatures of the people as a whole or as citizens of states and localities. As such, the powers of all governments are delegated to them by the people.

3. The federal and state governments should be considered equals unless a clear constitutional mandate designates either the federal government or the states as first among equals for specific purposes.

4. Most states have recognized the original authority of local

governments through home-rule enactments. Local self-governing authority should be respected by all branches of the federal government.

5. Relations between the local, state and federal governments should be based on comity and full respect for each other's constitutional standing.

6. The Constitution provides certain spheres in which the principal authority belongs to the federal government, others in which the principal authority belongs to the states and their local governments, and still others in which powers are

concurrent. In every case, federal-state relations should be cooperative, either through greater sharing of powers or greater separation of responsibilities.

ACIR then outlined eight challenges:

**Federal Mandates.** The 102nd Congress enacted 15 new mandates on state governments. Growing portions of state-local budgets are driven by decisions made in Washington, while decisions about raising taxes or cutting services are made in state capitols, county courthouses and city halls.

**Federal Preemption.** More than 50 percent of all explicit preemption statutes enacted in our 203-year constitutional history have been enacted within the past 24 years. Preemption should be used in the constitutional spirit of limited national governance and confined to truly essential national objectives. Prior to the centralization brought about by this unprecedented preemption, moreover, the US had a robust economy.

**Federal Regulation.** Federal rules shape every facet of state and local government. The density of federal regulation often allows national interest groups to defeat the choices of state and local voters, constrains state and local innovation, and undermines the rule of law by requiring ever more administrative waivers for state and local innovation.

**Federal Policy Fragmentation.** The accumulation of power in the federal government has not produced coherent and coordinated policy making; instead, it has fragmented the federal government. For example, water policies fall under some 13 congressional

committees, 23 subcommittees, 8 cabinet departments and 7 independent agencies. In place of the fragmentation alleged to arise from our federal system's 83,217 governments, more than 80,000 lobbyists now operate in Washington. Consequently state and local governments are seen as mere interest groups and are limited in their ability to coordinate policies, integrate services and develop coherent visions of their future.

**Grant Fragmentation and Multiple Conditions.** Federal grants for state and local governments declined from 539 in 1981 to 404 in 1984, but increased again to 557 in 1991. Categorical grants accounted for 89.4 percent of all federal-aid outlays in 1991. Moreover, the median in 1991 grant obligation was only \$4.2 million. Although multiple programs allow for state and local choices, proliferating grants permit more federal conditions attached to aid, add to the burden of state and local access to federal aid, increase the difficulty of state and local policy coordination, ignore state differences in fiscal capacity, and serve, in the final analysis, to reward special interests.

**Aid Shift from Future Investment to Current Consumption.** Federal aid to states and localities earmarked for payments to individuals for current consumption has increased from 31.8 percent of all grant funding in 1978 to an estimated 64.7 percent in 1993. This is expected to reach 73.9 percent by 1997. In turn, federal aid to local governments has dropped sharply since 1978. Consequently, less assistance is available to help state and local governments invest in our children's future.

**Decline of Cooperative Programs.** The federal government periodically delays and reduces disbursements from the highway, mass transit and aviation trust accounts and from the Employments Security Administration Account for state unemployment insurance. Similarly, a number of programs, such as Medicaid, which were started as state-federal partnerships, are now subject to unilateral changes in requirements by the Congress and executive agencies.

**Federal Intrusions Upon State and Local Tax Bases.** In addition to mandates, which conscript state and local revenues, the federal government has intruded upon state and local tax bases by, for example, limiting the issuance of tax-exempt bonds, eliminating the deductibility of state and local sales taxes from personal federal income tax liabilities and constraining health-provider taxation. ACIR also is concerned about proposals for a uniform or national consumption-based tax. Such proposals must be examined carefully for their impact on the ability of state and local governments to provide for their own revenues and on the liberty of state and local voters to determine their own tax bases and tax rates.

ACIR urged the president to give high priority to basic, structural reform of the federal system in order to accomplish his policy objectives and unleash the energy of citizens and their state and local governments.

★ ★ ★

*John Kincaid is the Executive Director of the ACIR and Chair of the APSA Section on Federalism and Intergovernmental Relations.*

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#### Contributors

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## ANNUAL INVENTORY OF RESEARCH AND PUBLICATIONS

### RESULTS

As a service to the political science community, the Center for the Study of Federalism compiles an annual inventory of individuals' current research activities and publications. The following are the results of this year's inventory.

**Robert Agranoff, Professor**  
**School of Public and Environmental**  
**Affairs**  
**Indiana University**  
**Bloomington, IN 47405**

#### Current Research Activities

1. "Intergovernmental Relations in Spain"  
*Analysis of post-Franco IGR in a system that is building federal arrangements; focus on policy implementation, financing arrangements, human resources, Constitutional Tribunal decisions, and building of subnational governments. Completion date: 1994.*

2. "Access, Brokering and Intergovernmental Management of Community Economic Development Programs in the U.S."  
*Qualitative case studies and quantitative analysis of how communities in the midwest implement their development strategies by grants acquisitions, seeking financial arrangements, making regulatory adjustments, and so on.*

**Roy Bahl, Professor of Economics and**  
**Director, Policy Research Center**  
**Georgia State University**  
**College of Business Administration**  
**Atlanta, GA 30303**

#### Recent Publications

1. URBAN PUBLIC FINANCE IN DEVELOPING COUNTRIES, Oxford University Press, 1992  
*Published for the World Bank.*
2. "Intergovernmental Fiscal Relations in China"  
*World Bank Policy Research Working Paper (WPS 863, February 1992). For copies, contact the author at above address.*

**Herman L. Boschken, Professor**  
**Department of Organization and**  
**Management**  
**San Jose State University**  
**San Jose, NM 95192**

#### Current Research Activities

1. "Multiple Constituencies and Performance in Mass Transit Agencies"  
*Multiple regression analysis of why transit agencies perform toward different publics. Study examines: areas of cause; land use/demographics; market competition; lifestyles; political infrastructure; and intergovernmental relations. Sample size: 42 agencies. Various reports are being done; some available now. Completion date: 1996. For more info. contact author.*

### Recent Publications

1. "Analyzing Performance Skewness in Public Agencies: The Case of Urban Mass Transit," Journal of Public Administration Research and Theory, July 1992.

*The failure to account for performance in a multiple-constituencies context has led to a narrow view of how well agencies do. To broaden the view, a model is designed and tested for use as a dependent variable in research on why agencies perform differently. Available from the author.*

**William Johnson Everett, Professor of Ethics and Ecclesiology  
Candler School of Theology  
Emory University  
Atlanta, GA 30322**

### Current Research Activities

1. "Religion and the Development of the Indian Federal Republic"

*Explores dialectic of patterns of religious organizations in India and the Constitution of 1950, with its subsequent implications. Completion date: 1993. For info. contact author.*

### Recent Publications

1. "Neue Offentlichkeit in Neuem Bund. Theologische Reflexionen zur Kirche in der Wende," Forschungstatte der Erangelischen Studien-gemeinschaft

**Patricia S. Florestano, Visiting Professor and Senior Research Fellow  
Schaefer Center for Public Policy  
University of Maryland Baltimore  
Baltimore, MD 21201**

### Current Research Activities

1. "Attitudes of Citizens and Public Officials Towards

### Regionalism"

*Explores the assumptions of renewed interest in regionalism and regional strategies by comparing the attitudes of over 300 elected and appointed officials in the State of Maryland. Examines differences between urban and rural respondents and elected and appointed officials. Completion date: Summer, 1993.*

2. "Interstate Compacts in Interstate Relations"

*Analysis of the trends in the use of compacts and the declining interest of scholars and researchers in compacts; reports on Maryland's efforts to periodically evaluate and reconsider the State's compact memberships. Results will be presented at the 1993 APSA Annual Meeting.*

### Recent Publications

1. "Public Acceptability of Taxing Alternatives: Evidence from Maryland," Public Administration Quarterly (Forthcoming, with D. Haynes).

*Research studies citizens' reaction to various revenue-raising alternatives that go beyond the normal options of increased income, sales, or property taxes.*

2. "Recommendations for a State Regional Policy," December 1992 (with L. Wilson-Gentry and P. Atkins).

*A study conducted by the Schaefer Center for Public Policy which recommends that the State initiate an official regional policy that will include greater recognition and use of existing regional agencies in the State.*

**Earl H. Fry, Professor of Political Science and Endowed Professor of Canadian Studies**

**Political Science, Canadian Studies  
Brigham Young University, 774 SWKT  
Provo, UT 84602**

### Recent Publications

1. STATES AND PROVINCES IN THE INTERNATIONAL ECONOMY, IGS Press, 1993

2. CANADA'S UNITY CRISIS: IMPLICATIONS FOR U.S.-CANADIAN ECONOMIC RELATIONS, Twentieth-Century Fund, 1992

3. "The International Relations of Provinces and States: Federalism in an Age of Economic Interdependence," in A.R. Riggs and Tom Velk, eds., *FEDERALISM IN PERIL: NATIONAL UNITY, INDIVIDUALISM, FREE MARKETS, AND THE EMERGING GLOBAL ECONOMY*, 1992

4. "Canada's Constitutional and Unity Crises: Implications for North American Economic Relations," presented at the Conference of the Association for Canadian Studies in Australia and New Zealand, 1992

**Arthur B. Gunlicks, Professor of Political Science**  
**Department of Political Science**  
**University of Richmond**  
**Richmond, VA 23177**

#### Recent Publications

1. "The Future of Federalism in a Unified Germany," *DOMESTIC POLITICS OF GERMAN UNIFICATION*, 1993

*Discussion of four challenges confronting German federalism: reorganization of Land boundaries; fiscal equalization; constitutional changes; and the impact of the EC on the Lander.*

2. "State Constitutions In Germany," *STATE CONSTITUTIONS AROUND THE WORLD: A COMPARATIVE ANALYSIS*, 1993

*Description and analysis of Land constitutions of West Germany and of the new constitutions of East Germany that had been accepted in 1992. Discussion of controversies aroused by new constitutions in their provinces regarding "new basic rights," "state goals," and referenda.*

**James M. Hoefler, Assistant Professor**  
**Department of Political Science**  
**Dickinson College**  
**P.O. Box 1773**  
**Carlisle, PA 17103**

#### Current Research Activities

1. "When Death Comes Knocking: The Right to Die on the Edge of Eternity"

*Book on right to die policy in the American States. In progress; should be completed by the end of Summer 1993. For info. contact the author.*

2. "The Right to Die: State Courts Lead Wherever Legislatures Fear to Tread"

*Article in Law and Policy. Forthcoming, no publication date set. For info. contact the author.*

#### Recent Publications

1. "The Politics and Economics of Health Care Financing," *Journal of Health and Human Resources Administration* (Forthcoming).

*Co-editor (with Khi V. Thai, Florida Atlantic University) of a journal symposium and co-author of an article by that title, therein.*

2. "Total Quality Management (TQM) in Hospital Administration: An Old Set of Ideas Whose Time has Come?" *New England Journal of Human Services*, 1992.

*Emergence of TQM philosophy in hospital quality assurance programs is reviewed.*

**Michael E. Libonati, Laura H. Carnell**  
**Professor of Law**  
**Temple University**  
**School of Law**  
**1719 N. Broad St.**  
**Philadelphia, PA 19122**

#### Current Research Activities

1. "Understanding Local Government"

*A study of the historical and juridical foundations of American local government, with particular attention to home rule. For info. contact Dr. Bruce McDowell*

at the ACIR.

## 2. "Local Government Law and Finance"

Cases and materials on local government law and finance includes such topics as Dillon's rule, home rule, federalism, etc. Completion date: 1994. Available from North Carolina Academic Press. For more info. contact author.

### Recent Publications

#### 1. "Legislative Law and Process," The Michie Co., 1993

Several chapters deal with state constitutional limitations on the legislative process. Available May 1993.

Barbara McCrea, Adjunct  
Department of Government  
University of Notre Dame  
Notre Dame, IN 46556

### Current Research Activities

#### 1. "The League of Communists of Yugoslavia: The Road to Disintegration"

Book-length monograph on the political dynamics of federalism in a communist-party state - and consequences. Completion date: 1993.

Christopher T-R. McKee, Lecturer  
Department of Political Science  
University of British Columbia  
C472-1866 Main Mall  
Vancouver, BC V6T 1Z1

### Current Research Activities

#### 1. "The Supreme Court of Canada and Intergovernmental Relations: The Impact of Litigious and Political Transaction Costs in Federal-Provincial Conflicts Over the Offshore in Canada, 1967-1985"

The research seeks to ascertain the role and effect of the Supreme Court of Canada throughout several decades of federal-provincial offshore mineral rights

litigation. As such, it determines why governments chose litigation as a means of conflict resolution in this policy field, and why the Court's rulings did not directly bind the post-litigation actions of the governments concerned. To do so, the study introduces into the federalism literature the twin notions of litigious and political transaction costs, which refer to the outcomes both generated and affected by competitive and cooperative governmental interaction, and which make a particular course of conflict resolution (e.g., litigation or negotiated settlement) desirable. In addition to providing a predictive model on which to assess future intergovernmental conflicts subjected to judicial fiat, the research points out that entanglement and jurisprudential support are not the only reasons for choosing litigation, and that judicial decisions often contain operational deficiencies that tend to foster intergovernmental cooperation. Completion date: August 1993. For info. contact the author.

#### 2. "Constitutional Minoritarianism Revisited: The Two Faces of Constitutional Power and Aboriginal Self-Autonomy Under the Constitution Act, 1867"

The study points out the different forms of constitutional power exercised in Canada, namely: the power to influence the substance of amendments during the constitutional reform process, and the power to litigate successfully a rights claim in order to secure the potential benefits of a favorable decision under the Canadian Charter of Rights and Freedoms. The study explores these two faces of constitutional power in relation to private sector and women's interest organizations, and Aboriginal people. The discussion of how each group fared under both faces suggests that this power is not evenly distributed. Indeed, this disparity in constitutional power is most evident in relation to the plight of Canada's Aboriginal peoples. While influencing the outcome of the 1982 constitutional amendments, and the Meech Lake Accord, Aboriginals have been less efficacious in using Charter litigation to advance some of their goals relating to self-government. In tracing much of these failures to the nature of both the Canadian judiciary and the Charter itself, the study offers a number of interpretive techniques to be used by the courts under the Constitution Act, 1867, which would provide a greater degree of Aboriginal self-autonomy until formal recognition of self-government can be implemented through the constitutional reform process. For a copy of project contact the author

**Michael Sparer, Assistant Professor**  
**Columbia University**  
**School of Public Health**  
**600 West 168th Street, 6th Floor**  
**New York, NY 10032**

Current Research Activities

1. *An examination of state and local responses to the health care crisis which considers what role states should play in a reformed health care system.*

Recent Publications

1. "The State's Role in a Reformed Health Care System," Health Affairs, Spring 1993. (Forthcoming)  
*A comparison of nursing home policy in New York and California, and reactions on what it suggests about the state's role in a reformed health care system.*

2. "States and the Health Care Crisis," Journal of Health Politics, Policy and Care, Summer 1993. (Forthcoming)

**Frederick Wirt, Professor**  
**Political Science Department**  
**University of Illinois**  
**Urbana, IL 61801**

Current Research Activities

1. "Impact of Law on Behavior: Civil Rights and Social Change in a Mississippi County"  
*Tracing 25 years of change for blacks in politics, jobs, and schooling in a prototypical rural county. Law changes behavior which changes perceptions between groups, which modifies some cognitions. Completion date: 1994*

2. "Theoretical Bases of Leadership: Vision and Leaders"  
*Regression analysis of results from over 1,000 principals in six-state study (two each from Elazar's three political cultures). Efforts is to focus on "visions" that move followers, based on cognitive tests drawn from advanced psychology. For more info. contact author.*

Recent Publications

1. **SCHOOLS IN CONFLICT: THE POLITICS OF EDUCATION**, 1992

2. "Education," in **POLITICS IN THE AMERICAN STATES**, 1990

**Joseph F. Zimmerman, Professor of Political Science**  
**Graduate School of Public Affairs**  
**SUNYA**  
**135 Western Avenue**  
**Albany, NY 12222**

Current Research Activities

1. "Interstate Relations in the United States"

*A continuing study of all aspects of interstate relations, including compacts, informal cooperation, disputes, full faith and credit, privileges and immunities, rendition, interstate tax differentials, trade barriers, uniform state laws, child support collection, etc. A continuing study. For info. contact author.*

2. "Nationally Induced State and Local Government Costs"

*A study of national government actions and ineffective actions that result in increased state and local government costs. Emphasis is placed upon mandates, restraints, and failures of the national government to carry out its constitutional responsibilities effectively. A continuing study. For info. contact the author.*

Recent Publications

1. "Financing National Policy Through Mandates," National Civic Review, Summer 1992

2. "Relieving the Fiscal Burdens of State and Federal Mandates and Restraints," Current Municipal Problems, 1992





# IACFS

NEWSLETTER  
BULLETIN  
d'INFORMATION  
RUNDSCHEIBEN

**ATTENTION!** The Institute of Intergovernmental Relations, Queen's University, Canada announces that it has received funding from Canada's Social Sciences and Humanities Research Council to proceed with the coordination and editing of an international bibliography of federalism. The Institute will be writing the Association member-centres soon with details.

## IACFS ACTIVITIES SUMMARY, 1977-1991

by Daniel J. Elazar, Past-President

The following is a brief summary of the history and achievements of the Association including a complete chronology of IACFS meetings beginning with our founding meeting in Basle, Switzerland in 1977:

06/19-21/77 *Founding Meeting*  
Institute for Federal and Regional Study; Basle, Switzerland

06/27-30/78 *Federalism and Regionalism*; College Universitaire of Aosta; Aosta, Italy

06/79 *Covenant and Federalism*; Center for the Study of Federalism, Philadelphia, Pennsylvania, USA

11/16/81 *Politics of Constitution-Making: Varieties of National Experience*; Institute for Intergovernmental Relations; Kingston, Ontario

10/30-11/02/84 *Constitutional Design and Power Sharing*; Jerusalem Center for Public Affairs; Jerusalem, Israel

03/12-14/87 *Role of State Constitutions in Federal Systems*; Center for the Study of Federalism, Philadelphia, Pennsylvania, USA

08/21-24/88 *International Conference on the Organization of States and Democracy*; Center for Constitutional Studies; Bahia, Brazil

05/24-27/89 *Autonomy and Federalism*; Centro de Investigacion y Formacion; Madrid, Spain

10/26-28/89 *Federalism and the European Community*; Groupe Coudenberg; Bruges, Belgium

09/11-13/90 *Federalism in the Soviet Union*; Centre for Federal Studies; Leicester, England

05/7-10/91 *Federalism and Higher Education and Update on Canadian Federalism*; Institute for Intergovernmental Relations; Kingston, Ontario

08/12-14/92 *Economic Integration in Federal Type Systems*; Center for Constitutional Studies; Melbourne, Australia

1993 Center for Constitutional Analysis; Pretoria, South Africa

1994 Institute for Federalism; Fribourg, Switzerland

### Publications

IACFS publications from past conferences include:

1977 *Federalism and Partnership*; Max Frenkel (ed.)

1981 *The Politics of Constitution-Making*; Richard Simeon and Keith Banting (eds.)

1984 *Constitutional Design and Power-Sharing*; Daniel J. Elazar (ed.)

1987 *States and Federal Systems*; C. Lloyd Brown-John (ed.)

1988 *Anais da Conferencia Internacional Sobre Auto-Organizacao Dos Estados e a Democracia*; Salvador: Assembleia Legislativa

1989 *Autonomy and Federalism*; Cesar Diaz (ed.)

1989 *Federalism and the European Community*; Murray Forsythe (ed.)

1990 *Federalism in the Soviet Union*; C. Lloyd Brown-John (ed.)

Other IACFS publications include:

*Concepts of Federalism*, William H. Stewart, University Press of America and the Center for the Study of Federalism at Temple University, New York, 1984.

*Federal Systems of the World*, prepared by Daniel J. Elazar and the staff of the Jerusalem Center for Public Affairs, Longman Publishers, Ltd. and the JCPA, 1991.

The IACFS *Bibliography of Publications on Federalism* is currently being compiled by Ronald Watts and the staff of the Institute for Intergovernmental Relations.

### IACFS Members

At the time of our founding, the IACFS comprised the following ten member centers (name and location changes and center closures are indicated in parentheses):

1. Centre for Research on Federal Financial Relations, Canberra, A.C.T., Australia (currently The Federalism Research Centre);
2. Center for the Study of Federalism, Temple University, Philadelphia, Pennsylvania, USA;
3. Forschungsinstitut für Foederalismus und Regionalstrukturen, Riehen, Baselstadt, Switzerland (currently the Institut du Federalism at Fribourg);
4. Institut Européen des Hautes Etudes Internationales, Nice, France (amalgamated with College Universitaire d'Etudes Federalistes at Aosta, Italy to form the Centre International de Formation Européenne (CIFE));
5. Institut Universitaire d'Etudes Européennes, Geneve, Switzerland;

6. College Universitaire d'Etudes Federalistes, Aosta, Italy (see #4 above);

7. Institution of Intergovernmental Relations, Queen's University, Kingston, Ontario, Canada;

8. Jerusalem Institute for Federal Studies, Jerusalem, Israel (currently the Jerusalem Center for Public Affairs);

9. Workshop in Political Theory and Policy Analysis, Indiana University, Bloomington, Indiana, USA;

10. Institut für Foederalismusstudien, Innsbruck, Austria (never formally joined the association).

Of these ten, a nucleus of seven member centers (Philadelphia, Canberra, Nice, Jerusalem, Basle, Kingston, and Bloomington) provided the association with the continuity we needed until we were joined by several of our newer members in recent years. At present the association comprises 18 members with one membership application pending.

**FROM THE SECRETARY**

---

*Dear Members of the Association:*

*At the dawn of this 1993 Spring, I would like to update you concerning the Association.*

*New Bank Account.* In order to make the IACFS treasury easier and clearer, and in spite of some difficulties, we opened a bank account in US dollars (it must be considered as a kind of sacrilege in Swiss Franc country!). Please pay your 1993 fee to that account, and as the case may be, also your now overdue 1992 fee to: **Account #66- 831,651-1**. The name of the bank is still the *Societe de Banque Suisse, Rue de Romont 35, 1700 Fribourg, SWITZERLAND*.

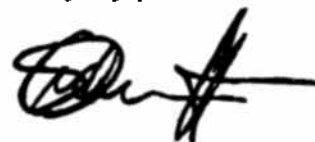
*Fees due for 1992.* Many members do not seem to have paid their 1992 fee yet. Should you be one of them, you can now pay it through our new Bank Account.

*1994 Meeting in Fribourg, Switzerland.* I remind you that the 1994 IACFS Meeting will take place in Fribourg, Switzerland, within the frame of the Institute's 10th anniversary from 13 to 15 April 1994. We have already launched a "Call for Papers" to find the 15 lecturers to whom we will offer an occasion to express themselves. As it would be good to have as many IACFS members as possible amongst these lecturers, we kindly ask you to let us know as soon as possible if you would be ready to give a lecture during this meeting.

*Information for the Pressbook.* A few members of the Association have sent us their information for the Pressbook. I would kindly ask the others to think about it, as it could be interesting to have such a Pressbook available for the South African meeting.

*Looking forward to meeting as many of you as possible in Pretoria, I remain*

*Faithfully yours,*



NICOLAS SCHMITT  
Secretary

## CONFERENCES

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The Political Studies Association Conference was held at Leicester University on April 20-21, 1993

There were two panel sessions on federalism at the PSA Conference

### TUESDAY 20TH

Federalism I 4:00-6:00 pm

CHAIR: Murray Forsyth

PAPER 1:

Clive Church, *University of Kent*  
"The Not So Model Republic? The  
Relevance of Swiss federal Structures to the  
EEC"

PAPER 2:

Elizabeth Meehan, *University of Belfast*  
"The Protection of Rights in the EC and the  
USA"

### WEDNESDAY 21ST

Federalism II 2:00-3:30 pm

CHAIR: Murray Forsyth

PAPER 1:

David Coombes, *University of Limerick*  
"The Relevance of Federalism for the  
European Union"

PAPER 2:

Andrew Tyrie, *European Bank for  
Reconstruction and Development*  
"Subsidiarity: A Critique"

For further details regarding the PSA conference, contact John Yates at the Center for Federal Studies, University of Leicester.

\* \* \*

## RECENT RELEASES

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*Federalism, Unification and European Integration* by Charlie Jeffery and Roland Sturm.

The aim of this collection is above all to assess how an established, federal constitutional framework can adapt to meet the challenge posed by the achievement of German unity and the deepening of European unity. It will prove invaluable to undergraduate and postgraduate students of comparative, German and EC politics and to a broader audience with an interest in contemporary German and European affairs. The contributions, written by a combination of policy-makers and political scientists from Britain and Germany, focus in particular on the problems which have emerged from the perspective of the Lander following the incorporation of the former GDR into the Federal Republic and the progressive incursions of the European Community into policy areas formally reserved to the Lander by basic law. To order please write to Frank Cass Publishers, Gainsborough House, 11 Gainsborough Road, London E11 1RS, England.

# THE AMERICAN FEDERATIVE SYSTEM: A PROGRAM FOR TRAINING RUSSIAN REGIONAL LEADERS

by Dr. Viacheslav Seliverstov

Among the multitude of pressing problems of today's Russia, one appears to be the most important, acute, and challenging: that of building a true federative system in Russia which would provide an optimum combination of national and regional interests, central authority and local self-government, universal human values and national features.

In forming such a system it is imperative to consider the experience of the former USSR which in effect did not constitute a federation with an efficient system of separation of powers, sovereignties, active interaction between the centre and the territories, and real elements of a civil society. The territorial and national characteristics of the USSR having major effects on all aspects of the economic and political life of the country were ignored, which contributed heavily to the break-up of the world's largest unitary state.

While learning from the mistakes of our country's past and drawing on the positive gains of interaction of the many nations and nationalities of the USSR, we should also take a closer look at the foreign experience of countries with a federative structure. This objective is served by a program of training regional leaders of Russia in the principles and experience of the

US federative system organized by the USIA and the Center for the Study of Federalism, Temple University jointly with the Siberian International Center for Regional Studies (SICRS) and the Institute of Economics and Industrial Engineering (IEIE) of the Russian Academy of Sciences.

The program comprises four phases.

1. January 26-29, 1993. A seminar at the research center of Novosibirsk for 25-30 officials of local administrations and councils. Selection of 10 candidates for a trip to the USA.

2. May 1993. An intensive seminar in Philadelphia for 10 regional leaders. Acquaintance with the interaction of the federal and local governments, organization of local self-government. Study trips to state capitals. Selection of candidates for internships.

3. June 1993. Internship of 5 Russian regional leaders in local governments and communities of the USA.

4. August 1993. Final seminar in Novosibirsk for the whole group (25-30 people).

The first stage - the seminar in Novosibirsk - was highly important to the success of the entire program. Now we can sum up some of its results.

The seminar was attended by 27 representatives of local administrations and councils. A thorough selection process enabled the SICRS to form a strong participant group

representing the top echelon of the legislative and executive authorities (deputy governors of major regions of Russia, ministers of its republics, chairmen and vice-chairmen of regional legislatures, etc.).

The seminar was held under the patronage of the US Embassy to Russia and was attended by a representative of the USIA, the program's sponsor. Lectures on the fundamentals of the US federal system and local self-government were given by Prof. Ellis Katz and Dr. Joseph Marbach of Temple University.

On the Russian side the seminar featured lectures by the leading staff of the IEIE and Academician Alexander Granberg, Advisor to the President of Russia on economic and social affairs of the CIS.

A total of 11 lectures were delivered by:

- Academician A. Granberg - "Intergovernmental Relations among the Former USSR Republics," and "The Regional Economic Policies in the Russian Federation and Regional Aspects of the Economic Reform;"
- Prof. E. Katz - "Federalism and the US Constitution" and "The Role of the States;"
- Dr. J. Marbach - "The Dynamics of American Federalism," "Local Government in the United States" and "Intergovernmental Finances;"
- \* V. Kulshov, Corr. Member

of RAS - "Monitoring of the Economic Reform in the Russian Federation;"

• Dr. V. Suslov -

"Interregional Economic Interactions in Russia;"

• Dr. V. Seliverstov -

"Regions of Siberia in the Federal System of Russia;"

• Dr. F. Borodkin -

"Tendencies, Economic and Constitutional Foundations of Local Self-Government in Russia."

Each lecture was followed by numerous questions and a discussion. In conclusion of the seminar a panel discussion was held on issues of federalism and regional policies in Russia. Naturally, the lectures could only serve as an introduction to the problems they treated. In the second and third phases of the program the Russian regional leaders will hear a more detailed course of lectures on economic and legal issues of the federal system in the USA and local self-government.

In the course of the seminar interviews were conducted and candidates were selected for the next stage of the program. In summary, the following results of the seminar can be pointed out:

1. The first and most important - the seminar was a success beyond our expectations. This is due to the relevance of the subjects discussed, an appropriate strategy of the program, the high professional standards of the US and Russian lecturers and participants, and the efficient (within the limitations of the present Russian context) organization of the seminar. A questionnaire circulated among the participants showed that they had a very high opinion of the concept of the program, its

relevance to their practical activities, and the quality of the lectures (especially those by US colleagues).

2. It was appropriately decided that the IEIE and SICRS would not merely organize the logistical aspect of the seminar and select its participants, but jointly with the US side would draw up the scientific programme and provide their own lecturers. Obviously, the US experience cannot be transferred to our country in its entirety, there is a need for careful analysis, comparisons and forecasting of effects. This endeavor carried on jointly by American and Russian scholars can be regarded as a separate component of the exchange program.

3. A unique group of trainees was made up of well-educated progressive-minded high-ranking officials, effective regional leaders in earnest search for new knowledge that they can apply in their practical work, willing and able to learn, very communicative and likable. It even appeared to us that our US colleagues had not expected the high professional expertise shown by the Russian regional officials who were not only capable of learning, but had valuable knowledge to share.

We suggested that the results of all the stages of the 1993 program be presented in a collection of articles (a monograph) featuring the most interesting lectures of the American and Russian scholars as well as precis (articles) by the participants assessing the situation in their regions in terms of implementation of the principles of federalism, and expressing their views on the potential for applying the US experience in specific matters

(the financial base of regions, organization of local self-government, separation of powers, etc.).

The Institute of Economics and Industrial Engineering as a member of the International Association of the Centers of Federal Studies, and the Siberian International Center for Regional Studies would like to see the exchange programme become a regular event. The first contacts with the US colleagues have demonstrated that we have solid partners in the program who could furnish substantial assistance in the training and formation of a new administrative corps in the major regions of Russia.

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*V. Seliverstov is the Director of the Siberian International Center for Regional Studies and the Deputy Director of the Institute of Economics and Industrial Engineering.*

*For more information regarding this project, please contact Joseph R. Marbach, Assistant Director of the Center for the Study of Federalism at the Center's address.*

## **SALZBURG SEMINAR PERSPECTIVES ON FEDERALISM**

May 22-29, 1993

Modern developments in transportation, social communications, technology, and industrial organization have produced pressures both for larger political units capable of fostering economic development and improved security on the one hand, and for smaller political units more sensitive to their electorates and capable of expressing local distinctiveness on the other hand. In such a context federalism provides a response through a technique of political organization that enables combining within a single framework a larger political unit for certain common purposes and autonomous constituent units maintaining regional distinctiveness for others.

The session will involve an examination of different federal systems comparing and contrasting their structures and processes and identifying the issues they face in the future.

The session will be organized into four Working Groups, each with a specific leader. Tentatively these are:

### **A. Why do countries choose federal systems?**

Prof. Daniel Elazar, Professor of Political Science and Director of the Center for the Study of Federalism at Temple University, Philadelphia, USA and President of the Jerusalem Center for Public Affairs and the Senator W.M. Paterson Professor of Intergovernmental Relations at Bar Ilan University in Israel.

### **B. What institutions should a federation have?**

Prof. Ronald L. Watts, Professor of Political Studies and Director of the Institute of Intergovernmental Relations, Queen's University at Kingston, Canada.

### **C. What economic and fiscal arrangements should federations have?**

Prof. Cheryl Saunders, Professor of Law and Director of the Centre for Comparative Constitutional Studies at the University of Melbourne, Australia.

### **D. How can federal systems protect minority rights?**

Professor Upendra Baxi, Vice-Chancellor, University of Delhi, India.

For more information, contact the Seminar at (0662) 83983-0 (tel) or 839837 (fax) or 633701 (telex)

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## AMERICAN POLITICAL SCIENCE ASSOCIATION

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## 1993 APSA CONFERENCE

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### PANEL 1

**TITLE:** PROBLEMS OF INTERSTATE  
RELATIONS

**CHAIR:** Deil S. Wright, *University of  
North Carolina, Chapel Hill*

**PAPERS:**

"Interstate Compacts: The Invisible Area  
of Intergovernmental Relations"  
*Patricia Florestano, University of  
Baltimore*

"Child Support - Interstate Dimensions"  
*Joseph F. Zimmerman, State University of  
New York at Albany*

"Conflict Management in Interstate Water  
Relations"  
*Zachary Smith, Northern Arizona  
University*

**DISC:** Carl W. Stenberg, *University of  
Virginia*

### PANEL 2

**TITLE:** INTEREST GROUPS IN STATE  
POLITICS: PRELIMINARY FINDINGS  
OF THE CENTER FOR THE STUDY OF  
FEDERALISM-UNIVERSITY OF  
NEBRASKA PRESS SERIES ON THE  
GOVERNMENT AND POLITICS OF  
THE AMERICAN STATES

**CHAIR:** John Kincaid, *Advisory  
Commission on Intergovernmental  
Relations*

**PAPERS:**

"Maine"  
*Kenneth Palmer, University of Maine*



**"Michigan"**

Kenneth VerBurg, *Michigan State University*

**"New Jersey"**

Barbara G. Salmore, *Drew University*  
Stephen A. Salmore, *Eagleton Institute, Rutgers University*

**PANEL 3**

**TITLE: STATES, LOCAL GOVERNMENTS, AND CHANGING STRUCTURES**

**CO-CHAIRS:** Platon N. Rigos, *University of South Florida*  
Melvin B. Hill, Jr., *University of Georgia*

**PAPERS:**

"State-Local Structures in California"  
Alvin Sokolow, *University of California at Davis*

"State-Local Structures in Michigan"  
Carol Weissert, *Michigan State University*

"State-Local Structures in New Mexico"  
John G. Bretting, *University of New Mexico*

"State-Local Structures in Oklahoma"  
David R. Morgan, *University of Oklahoma*

"State-Local Structures in Pennsylvania"  
Beverly A. Cigler, *Penn State Harrisburg*

**PANEL 4**

**TITLE: INTERGOVERNMENTAL MANAGEMENT AND REGIONAL GOVERNANCE**

**CHAIR:** Herman L. Boschken, *San Jose State University*

**PAPERS:**

"The Intergovernmental Dimension of Community Economic Development: Theoretical and Empirical Concerns in the Management and Implementation of Development Policy"

6Robert Agranoff and Michael McGuire, *Indiana University-Bloomington*

"The Changing Identity of Regional Governance: The Effects of Group Influence and Administrative Structure on Urban Transportation and Land Use Policy Planning"

Joseph F. Coughlin, *Boston University*

"Strategies for Intergovernmental Coordination in Managing Growth"

Judith E. Gruber, Judith E. Innes, Michael Neuman, and Robert Thompson, *University of California, Berkeley*

**DISC:** Nelson Wikstrom, *Virginia Commonwealth University*

**PANEL 5**

**TITLE: TENSIONS AND ADJUSTMENTS AMONG PEOPLE AND GOVERNMENTS: THE PERSPECTIVE OF COMPARATIVE FEDERALISM**

**CHAIR:** Douglas V. Verney, *York University, Ontario Canada*

**PAPERS:**

"Migration and the Union of Democratic States: A Study of European Political Integration in Comparative Perspective"  
Rey Koslowski, *University of Pennsylvania*

"Serb Irredentism and National Identity:  
A Comparison of Serb and French  
Expansions"

Jack May, *University College-Dublin*

"The Intergovernmental Politics of  
Immigration in the Federal Republic of

Germany: An Identity Crisis"

Mark Cassell, *University of Wisconsin-  
Madison*

DISC: Arthur B. Gunlicks, *University of  
Richmond*

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## **SECTION BUSINESS MEETING**

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The Section's business meeting will be held on Thursday, September 2 at 5:30 pm. Please plan to attend the business meeting.

## **PS SYMPOSIUM**

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A Section symposium entitled "Federalism: Aftermath of the 1980s and Prospects for the 1990s" is expected to be published in the June 1993 issue of *PS*. Articles have been contributed by Beverly Cigler, Daniel Elazar, John Kincaid, Dale Krane and Joseph Zimmerman.

## **1994 APSA SECTION PROGRAM CHAIR**

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From three persons submitted to the APSA, Michael A. Pagano has been selected as the Program Chair for Federalism and Intergovernmental Relations at the 1994 Annual Meeting of the American Political Science Association.

## **NOMINATIONS SOUGHT**

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Nominations are needed to fill the seats of three members whose terms are expiring on the Section's Council. The members whose terms are expiring are Samuel K. Gove, Ronald L. Watts and Deil S. Wright. Please send you nominations to John Kincaid, Advisory Commission on Intergovernmental Relations, South Building, Suite 450, 800 K Street, NW, Washington, DC 20575, or fax them to 202/653-5429.

## APSA SHORT COURSE

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Don't forget the Short Course we will be holding on September 1, 1993 at the opening of the annual APSA meeting in Washington, DC. Here are the details:

### **The Clinton Administration and the Prospects for Reinventing Federalism Sponsored by the APSA Section on Federalism and Intergovernmental Relations**

Join policy experts and Clinton administration representatives for an exciting and informative afternoon of briefings at the U.S. Advisory Commission on Intergovernmental Relations (ACIR) on the federalism policy initiatives of the new Clinton administration. This short course will address the following questions: How do new presidential administrations formulate and implement their federalism policy agenda and intergovernmental strategies? How does the first year of the Clinton administration compare with earlier administrations in terms of the formulation of its federalism agenda and the philosophical and practical considerations on which that agenda is based? (Former governors have occupied the White House for twelve of the past sixteen years.) What are the most significant areas to watch for the continuities and discontinuities between the Reagan-Bush and Clinton years in restructuring the intergovernmental system of federal assistance, regulation, and preemption? How are the answers to these questions affecting early steps by the Clinton administration to pursue some of the following policy "mandates for change:" rebuilding the economy; reducing the federal deficit; investing in the nation's infrastructure; providing affordable, universal health care; reforming the welfare system; educating America; and greening the market?

This short course will be held at the new offices of the U.S. Advisory Commission of Intergovernmental Relations (ACIR), South Building, Suite 450, 800 K Street, NW, Washington, DC, Wednesday afternoon, August 25, 1993, 12:00 p.m. - 5:00 p.m. Registration fee (including lunch ) is \$35 per person for APSA Federalism Section members, \$45 for Section non-members.

Registration is limited and will be accepted on a first-come, first-serve basis. To register for this short course (and to join the Section), please contact: Prof. Stephen L. Schechter, Political Science Department, Russell Sage College, Troy, NY 12180. Tel: 518/270-2363 Fax: 513/271-4545. Registration deadline is August 15, 1993, but meeting this deadline is no guarantee that space will be available.

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