



Federalism Conference

May 24th, 2022

EHESS, Campus Condorcet, Paris, France

With many countries opting for a federal structure of the government, federalism has now become a popular research topic among political scientists and constitutional scholars, leading to the burgeoning of centers and research projects at the international level. Federal ideas and the reality of existing federal states cannot be sharply divided. A comprehensive analysis of institutional philosophical roots can thus help us to further a comprehensive understanding of federal institutions as well as design appropriate analytical tools for investigating elements of multilevel governance systems.

The Federalism conference will help us cognize such subtleties. Its purpose is twofold: on the one hand, it shall aim at exploring constitutive theories of federalism and, on the other hand, it shall investigate federal practices based primarily on case studies from Asia.

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Traditional federal theories can be traced back to the seventeenth century. The absolute sovereignty of a monarch or Leviathan has long been pictured as the only alternative to remedy the anarchy of civil wars. J. Althusius ([1614] 1995), the father of modern federalism, developed an alternative view of sovereignty that made federalism synonymous with a balancing act among equals. A decisive break in federal theory and practice came during the Constitutional Convention in Philadelphia (1787) when a compromise was reached between federalists and antifederalists to establish a separation of powers between a central unit and constituent states. However, tracing back the origins of federalism may not be sufficient to explain the reason why federalism holds together different groups within the same nation.

Some contemporary specialists of federalism have thus refused to focus only on the tradition of political philosophy to layout some conceptual foundations for federalism. Though there is no single model of “federalism”, most scholars agreed on a minimal definition of federalism as a system of government in which the same territory is controlled by several levels of government that have a certain level of autonomy from each other, while holding the system together (Wheare, 1963; Elazar, 1995; Watts, 1998; Gamper, 2005).

Since then, federalist scholars have been writing on varieties of federalism (Burgess, 2012), relations between constitutionalism and federalism (Livingston, 1956), theories of federalism (Weinstock, 2002) or federation (Beaud, 2009), and federalism as a mechanism to accommodate cultural diversity and multicultural societies (Kymlicka, 2005; Gagnon, Tremblay, 2020). Of less interest has been the “why are we together” dilemma (Kovacevic,

2019). Which reasons bind people together in a federal state - what principle unifies social, cultural, and ethnic diversity into a federalist polity - and what role plays the imagined or real threat in the building of a federalist system?

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Today, federal features can be traced in the government structure of over 28 countries, which includes more than 40% of the world's population (Griffiths et al., 2020). Most Asian countries have adopted and others are in process of choosing federalism (Breen, 2018; Griffiths et al., 2020), yet there is very little discussion on federalism in Asia (Bhattacharyya, 2020). Discussion around federalism in Asia is likely to renew the debate on the theory and practice of federalism.

Most new federations in Asia are leaning towards holding together federalism to undergo federal reforms that keep the federal entities together in the country. Avoidance of the risk of secession has acted as an important element to hold them together (Breen, 2018). Recently, Nepal is gaining particular attention among scholars, because federalism in Nepal came as a solution to a unitary and highly centralized government dominated by the high caste Hindus, and discrimination based on caste, ethnicity, language, culture, etc. (Baral, 2008; Hachhethu, 2007; Lawoti, 2012). Nepal also represents a classic case with a hybrid solution, that includes both territorial and ethnic aspects (Bhattacharyya, 2020). Its new federal structure comes with a very ambitious decentralised arrangement with shared rules and self-rules that enhance citizens' participatory opportunity (Bhandari, 2016; Griffiths et al., 2020). Nepal brings a fresh example of "holding together" federalism in 2015, with a fully functioning three layers of government.

On the other hand, though federalism has been discussed as an important element to provide the legitimate basis of unity in multi-ethnic Myanmar (Breen, 2018; Bhattacharyya, 2020), the military coup has pushed the country back to become a failed state and interest in federalism is diminishing (Hein, 2021). Likewise, one of the most successful and stable federations in Asia, India, is also facing challenges since Bhartiya Janta Party's government has emerged as a threat to federal democracy and its decentralized arrangement (Adeney & Bhattacharyya, 2018). Similarly, Nepal's indigenous ethnicity still claims that there are discriminatory provisions in the Federal Constitution and thus has declared it monoethnic federalism in a multiethnic society (Lawoti, 2020).

Accommodating ethno-regional diversity is becoming a major reason for the adoption of the federal government in Asia, but it is also true that federalism does not lead to a stable or democratic government spontaneously. The politics in the country can stabilize or destabilize federalism for several reasons. All these notions need a scholarly discussion.

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As a starting point for a thorough understanding of federalism, several antinomies can be discussed. Firstly, identifying a holding together ingredient (either an ethno-regional uniformity or a political principle) would put pressure on collective diversity and thus endanger the very essence of what constitutes a federalist regime. Second, it is doubtful, and not necessarily wishful, that demands from an extremely diverse society can, or should, be reconciled in a common ideological framework: this would imply the existence of a "federalist" people, or

demos, whose existence would have to articulate several sometimes-conflicting senses of belonging.

Several factors can be identified to explain why a federation has come into being or is viable, be it military or economic threats, institutional interests, ethnic, religious, or geographical boundaries, or people's ideological commitment. Various social, economic, political, and cultural forces that made necessary the form of federalism can be investigated to explain what kind of perceived benefits, or rational reasons can push cantons, regions, states, and individuals, to hand over some of their powers or sovereignty to a federal entity.

Keeping in mind theoretical and empirical underpinnings, we welcome papers from the field of political science, law, and philosophy to answer questions on federalism. The paper may focus on, but is not limited to topics such as:

- Federalist theories to explain the rationale for rallying federalism
- Normative explanations for choosing federalism
- Constitutional foundations for federalism
- Convergence of participation and federalism theories
- Decentralization and federalism
- Citizen participation and federalism
- Reasons in federalism's success or failure in Asia (or around the world)

Submission instructions

Interested scholars are invited to respond to this call for papers with a maximum 300 words abstract in English. Proposals should be submitted by email to conferencefederalism@gmail.com no later than **February 20th, 2022**. Successful applicants will be selected and notified no later than **February 28th, 2022**.

Selected scholars will then be requested to send a full paper, between 5000 to 8000 words by **May 6th, 2022**. The papers should follow the Harvard Citation Style.

Participation in this conference is free of charge (lunch, coffee break, dinner, and reception included). Unfortunately, very limited participants can be supported with travel and lodging costs.

While we strongly encourage participants to join in person in Paris, should this not be possible we will make necessary arrangements to accommodate online participation. Please also note that this conference may be held entirely online, depending on the global health situation.

For any questions, please contact: conferencefederalism@gmail.com

For registration and information on the conference: <https://federalism2022.sciencesconf.org/>

For more information on the Federalism Project: <https://federalism.hypotheses.org/>

Scientific Committee

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Conference Organizing Committee

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Selected Bibliography

- Adeney, K., & Bhattacharyya, H. (2018). Current challenges to multinational federalism in India. *Regional & Federal Studies*, 28(4), 409–425.
- Baral, L. R. (Ed.). (2008). *Nepal, New Frontiers of Restructuring of State*. Nepal Centre for Contemporary Studies.
- Beaud, O. (2009). *Théorie de la fédération* (Second edition). Presses universitaires de France.
- Bednar, J. (2008). *The Robust Federation, Principles of Design*. Cambridge University Press.
- Bhandari, S. (2016). *Constitutional design and implementation dynamics: Federalism and inclusive nation building in Nepal*. Himal Innovative Development and Research Pvt. Ltd.
- Bhattacharyya, H. (2020). *Federalism in Asia: India, Pakistan, Malaysia, Nepal, and Myanmar* (Second edition). Routledge.
- Breen, M. G. (2018). The Origins of Holding-Together Federalism: Nepal, Myanmar, and Sri Lanka. *Publius: The Journal of Federalism*, 48(1), 26–50.
- Burgess, M. (2012). *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives*. Oxford University Press.
- Dixon, R., Levy, R., Tushnet, M. (2019). Theories and Practices of Federalism in Deeply Divided Societies. *Federal Law Review*, 46(4), 481–490.
- Elazar, D. J. (1995). *Federalism: An Overview*. HSRC Publishers.

- Gagnon, A.-G., Tremblay, A. (Ed.). (2020). *Federalism and National Diversity in the 21st Century*. Palgrave Macmillan.
- Gamper, A. (2005). A “Global Theory of Federalism”: The Nature and Challenges of a Federal State. *German Law Journal*, 6 (10), 1297–1318.
- Griffiths, A., Chattopadhyay, R., Light, J., & Stieren, C. (2020). *The forum of federations handbook of federal countries 2020*. Palgrave Macmillan.
- Hachhethu, K. (2007, August 22). Madheshi Nationalism and Restructuring the Nepali State. *Constitutionalism and Diversity in Nepal*.
- Hein, Y. M. (2021, September 2). *The Irrawaddy*.
- Kovacevic, B. (2019). *Europe’s Hidden Federalism: Federal Experiences of European Integration*. Routledge.
- Kymlicka, W. (2005). Federalism, Nationalism, and Multiculturalism. In D. Karmis & W. Norman (Eds.), *Theories of Federalism: A Reader* (pp. 269–292). Palgrave Macmillan
- Lawoti, M. (2020). Constitution and conflict: Mono-ethnic federalism in poly-ethnic Nepal. In V. Sachdeva, Q. Pradhan, & A. Venugopalan (Eds.), *Identities in South Asia: Conflicts and assertions*. Routledge India.
- Malagodi, M. (2018). The Rejection of Constitutional Incrementalism in Nepal’s Federalisation. *Federal Law Review*, 46(4), 521–540.
- Nicolaïdis, K., Howse, R. (Eds.). (2001). *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union*. Oxford Scholarship Online.
- Reuchamps, M. (Ed.). 2015. *Minority Nations in Multinational Federations, A Comparative study of Quebec and Wallonia*. Routledge.
- Saunders, C. (1995). Constitutional Arrangements for Federal Systems. *The Journal of Federalism*, 25(2), 61–80.
- Tamang, S. (2011). Exclusionary Processes and Constitution Building in Nepal. *International Journal on Minority and Group Rights*, 18(3), 293–308.
- Watts, R. L. (1998). Federalism, Federal Political Systems and Federations. *Annual Review of Political Science*, 1(1), 117–137.
- Weinstock, D. (2002). Towards a Normative Theory of Federalism. *International Social Science Journal*, 53(167), 75–83.
- Wheare, K. C. (1963). *Federal Government* (4th edition). Oxford University Press.