

Book Review

George Anderson, Federalism: An Introduction (Special Advance Conference Edition). Oxford/New York: Oxford University Press, 2008. Pp. viii+85. Price not specified.

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For anyone looking for a primer on federalism, *George Anderson's Federalism: An Introduction* is a good find. For those of us looking for a concise presentation of the meaning, values, types, variants, and modes of operation of a federal system in a comprehensive manner without however getting too technical or sophisticated—so that our undergraduate students of federalism can relish on it—the publication of Anderson's little book comes as a good news that brings a sigh of relief. Fresh, current, and comprehensive (without being detailed), it is reminiscent in many ways of Ronald Watts' now classic book on *Comparing Federal Systems* (2nd ed.) (1999)¹ Its comparative reach, without however calling itself to be a book on comparative federalism, is one of the best qualities of the book. Within the pages of a small book (only 85 pages), all the basic information on all the federal and quasi-federal countries in the world is summarized, often in the many boxes that appear to have been prepared for this very purpose.

This “little book on federalism” is everyone's guide to federalism and all that it implies. As such it is written with the common man, the non-expert, in mind, it appears. In deed the author meant it for practitioners of federalism—“politicians, government officials, journalists, members of governmental and international organizations and concerned citizens—who have practical interest in federalism, probably focused on federalism in their own or other specific countries.”(Preface, p.vii). Needless to say, it is not a typical academic book directed to scholars of federalism although they benefit from reading it. Nor

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¹ Ronald L. Watts, *Comparing Federal Systems* (2nd ed). Montreal: McGill-Queens University, 1999, is deservedly classic not only for its comparative reach but also for trying to study federalism not just normatively by looking into the design of federations in constitutions and laws but also by looking at their operations in practice. Daniel J. Elazar's *Federalism and the Way to Peace* (Kingston: Queens University, 1994) is a more theoretical book with a similar significance. Elazar's other book, *Exploring Federalism* (Tuscaloosa,AL: University of Alabama, 1987) is another interesting work on the comparative genre. One cannot however neglect the work by Ivo Duchacek's *Comparative Federalism: The Territorial Dimension of Politics* (rev. ed). (Lanham, MD: University Press of America, 1987) in this connection. In more recent years, the *Handbook of Federal Countries* such as the one edited by Ann L. Griffiths in 2005 (Montreal: McGill-Queen's for the Forum of Federations) and Michael Burgess's *Comparative Federalism: Theory and Practice* (London: Routledge, 2006) have proved to be very helpful for students of federalism. Anderson's book will be part of this list of great books on federalism but will stand out as unique for its conciseness and comprehensiveness.

are its audience exclusively experts or academicians. But to say this is not to discount its importance; in fact, it is because of this that the book needs to be acclaimed.

Having been written by the current president of the Forum of Federations² the book seems to have benefited from the global and comparative perspective that the position of the author brings to it. In a total of 10 chapters, the author effectively strikes a balance between the need to become comprehensive and concise. Accordingly, in chapter 1 he gives us a brief overview of federalism (its gaining increasing importance in the world 40% of the population of which lives in federal polities; its varieties and contexts; and key common features of federal systems such as a written, supreme, and rigid constitution interpreted by a neutral body; autonomy of states; bicameralism with a representative upper house; etc.). Chapter 1 also contrasts/compares federal systems with devolved unitary regimes (pp.5-6). In chapter 2, in the main, the origins and evolutions of federalism are discussed. Coming together, alias aggregation/integration, and devolution are considered the paths that lead to the “birth” of a federal polity. In an attempt to describe the “waves” of federalism that have been seen in history, Anderson discusses old federations (which could otherwise be called classical³ or mature⁴) of the late 18th to early 20th century, postcolonial federations (of Africa, Asia, and Asia-Pacific), post-communist federations (of East and Central Europe and former USSR), post-conflict federations (of the type in Bosnia, Ethiopia, the Sudan, Congo, etc), federations emerging out of a strong unitary past (e.g. Belgium, Spain, South Africa, etc), and transnational⁵ federations (e.g. the EU). In chapter 2, Anderson also tries to see the link, if any, between federalism and democracy.

The issue of the method used in forming the units that constitute a federal union (be it states, provinces, cantons, *lander*, regions, republics (*oblasts*), territories (*krais*),

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³ The US, the Swiss, the Canadian, the German, and the Australian federations of the late 18th and early 20th centuries are viewed as the classical of modern federations. See, for instance Ronald Watts, *Comparing Federal Systems* (2nd ed).Montreal and Kingston: McGill-Queen’s University Press, 1999,pp.2-3

⁴ See Arthur MacMahon (ed), *Federalism: Mature and Emergent*. New York: Doubleday & Company, 1955, for the reference to the old federations as the mature federations.

⁵ Anderson does not use the term “transnational” to refer to the EU as a federation.

autonomous areas (*okrugs*), etc) is discussed in chapter 3 in a section fittingly titled “the political geometry of federations” Very thorny issues such as the redrawing of state boundaries, choice of capital cities and their administration, etc are also discussed in this chapter albeit briefly. In chapters 4 and 5, Anderson discusses the important topic of power division (political and financial, respectively). Chapter 6 deals with political institutions of the “central”, alias “federal”, government such as the legislative organs and the executive offices with the concomitant challenges of ensuring representation of all states (or groups) represented in these institutions of the “centre”

“The legal pillars of federalism” (such as the constitution, rules on its interpretation, on emergency powers, on constitutional amendment, on (human) rights, and the courts) are discussed in chapter 7. In this chapter, Anderson makes the interesting point that “the legitimacy of the courts is a key issue”, especially in the light of “the importance of the judicial interpretation of the constitution” (p.62). Chapter 8 discusses intergovernmental relations. Here, the point is made that interdependence and interaction between the orders/planes⁶ of government exist as a consequence of which models of relations (coercive versus consultative) should be carefully selected. The institutions and processes used to manage the intergovernmental relations are also discussed in this chapter.

Chapter 9 is about the challenge of diversity. The title itself is quite telling: “Unity and Diversity” The challenge of preserving political unity in a federation, especially in the face of demographic diversity, is given a deserved attention. A diverse array of methods used to meet the demands of diversity (such as repression, exclusion, assimilation, or embracing diversity, etc) is identified with the obvious preference, of course for embracing diversity. Anderson also underscores the importance of “building out (devolution)” and “building in” (representation at the “centre”) as the way to go about managing the challenge of diversity if we have to take “a balanced approach to diversity” (pp72-74). The sensitive “question of secession” is also discussed in this chapter. The fact that granting secession as a constitutional right is unusual in the practice of countries is readily pinpointed. That “Ethiopia’s constitution is unusual in providing a formal right to secession” is also made mention of (pp.77-78). Perhaps it is because of this unique nature of the Ethiopian federation that Ethiopia is frequently mentioned (at least 6 times) in this chapter alone.

The last chapter, chapter 10, is more or less a wrap up of the theme of the entire book. It identifies the major strengths (e.g. its potential for democratizing a polity, for accommodating diversity, etc) and weaknesses (e.g. its being as much susceptible to

⁶ See Joseph F. Zimmerman, “National-State Relations: Cooperative Federalism in the Twentieth Century”, *Publius: The Journal of Federalism* 31:2 (Spring 2001) on the use of the terms “orders’ and/or “planes’ to refer to the realms of government in federations. John Kincaid’s “From Cooperative to Coercive Federalism,” *The Annals of the American Academy of Political and Social Science* 509 (May 1990): 139-152 is more explicit on the use of the term “planes”

conflict, corruption, breakdown of democracy, as other systems of governance, etc) of federalism, its growing relevance in recent years, and the conditions needed for the success of federalism. Apropos of the latter, it is stressed that “respect for the rule of law, a culture of tolerance and accommodation between population groups, and significant elements of shared identity” (p.81) are identified as factors that serve as hotbed for the success of federalism. While Anderson also mentions the need for appropriate institutional arrangements, he implies (with the rhetorical questions he asks) that leaders have immense influence in turning a federal system a success or a failure (p.81). He thus seems to imply that leaders can hugely contribute to the “making or breaking” of a federation.

The book is written in clear and simple language that makes it very accessible. To the uninitiated reader of federalism, this book is read with the ease that an introductory and non-condescending book is read. The boxes, which are 25 in total, make reading easy by giving the uninitiated reader a break while also giving the nosy reader a mass of facts detailing and exemplifying the assertions stated in the text. By way of instantiation, the book often refers to one or other federal and/or quasi-federal polity(ies) from among the world’s (28) federal and/or quasi-federal polities existent today⁷ Thus, either to illustrate some common attributes of federal systems or to provide examples of some unique features, countries are referred to along with brief information about those countries’ systems, laws, institutions, procedures, etc. To an Ethiopian reader, it is pleasing to see her/his country’s federal system—the attributes it shares with other jurisdictions as well as its unique features—is descriptively presented in a comparative context. For those who would like to see the references to Ethiopia, they can only refer to pp. 2, 10, 17, 18, 45, 47, 48, 49, 57, 65, 72, 73, 75, 76, 78, and others, especially the boxes. This, it is hoped, will help such readers to put the Ethiopian federation in perspective.

Nevertheless, the Ethiopian reader cannot but notice some inaccuracies regarding the Ethiopian federation or some of the institutions. For instance, on page 47, Anderson makes mention of Ethiopia as one of the federations (alongside Austria, Belgium, Canada, Germany, and India) which “have unequal representation by constituent units, with weight given to population differences”. As any observer of the Ethiopian federation would readily note, in Ethiopia, states are not directly represented in the federal houses. While people as a mere conglomeration of 100,000 individuals are represented in the lower house (called the House of Peoples’ Representatives, HPR), “Nations, Nationalities, and Peoples” are represented—not equally, of course—in the upper house (the House of the Federation,

⁷ The countries that have adopted a federal or quasi-federal arrangement, as listed even in Anderson’s book under review (p.2), are: Argentina, Australia, Austria, Belau, Belgium, Bosnia-Herzegovina, Brazil, Canada, Comoros, Democratic Republic of Congo, Ethiopia, Germany, India, Iraq, Malaysia, Mexico, Micronesia, Nigeria, Pakistan, Russia, St Kitts and Nevis, South Africa, Spain, Sudan, Switzerland, United Arab Emirates, United States of America, and Venezuela.

HOF)⁸ On page 48, Anderson maintains that in Ethiopia (like in Switzerland), “constituent-unit legislatures decide how to select their members of the national upper house.” In a similar vein, he states, on page 57, that “[i]n Ethiopia, the House of the Federation, elected by the state legislatures, has final authority, subject to legal advice from judges” While his first assertion (on p.48) is correct, the second is not, especially when seen in the light of article 61(3) of the constitution which holds that “members of the HOF shall be elected by the State Councils. The State Councils may themselves elect representatives to the HOF, or they may hold elections to have the representatives elected by the people directly.” It is thus important to note that the route to membership in the HOF is not only through indirect election, i.e., election by the state legislatures, but also through direct popular elections as determined by the state legislatures. Of course when we see the practice so far, Anderson’s statement seems to fare well as no state legislature saw the need for direct popular election of its members of the HOF. Consequently, all the members of the HOF are elected by the state legislatures⁹

Anderson also commits a minor error when he makes his observation that the HOF, “subject to legal advice from judges”, has the final interpretive power in times of constitutional disputes. This is perhaps because he overlooks the (textual) fact that not all members of the Council of Constitutional Inquiry (CCI) are judges. According to article 82 of the constitution, the membership of the CCI is made up of the President and Vice President of the Federal Supreme Court, six legal experts (who may or may not be judges), and three members of the HOF. So, while the CCI is predominantly a body of legal experts, these experts are not necessarily judges¹⁰

⁸ Article 61 of the Constitution of the Federal Democratic Republic of Ethiopia (FDRE) stipulates to the effect that: “1. The House of the Federation is composed of representatives of Nations, Nationalities, and Peoples. 2. Each Nation, Nationality, and People shall be represented in the House of the Federation by at least one member. Each Nation or Nationality shall be represented by one additional representative for each one million of its population.”

⁹ One recognizes that direct popular election of the members of the HOF is significant in terms of providing the opportunity for the electorate to elect a person whom they think best represents their interests. The indirect election by the state legislatures might result in the election, by the dominant party in the legislatures, of someone who is more loyal to the party than to the electorate.

¹⁰ Article 82(2) of the FDRE Constitution stipulates that the 11 members of the CCI are: the President and Vice-President of the Federal Supreme Court; six legal experts with “proven professional competence and high moral standing”; and three members of the HOF designated by the HOF. It is obvious from this that the six experts are not required, as a matter of necessity, to be judges. In actual fact, the profile of the current members show that none other than the two presidents of the Federal Supreme Court are judges. The names of the members are the following: 1) Ato Kemal Bedri (President of the Federal Supreme Court and Chairman of the CCI); 2) Ato Menberetsehay Tadesse (Vice-President of the Federal Supreme Court and Vice-Chair of the CCI); 3) Ato Degfe Bula (currently also the Speaker of the HOF); 4) Ato Kuma Damaqsa (Currently Minister of Defense and a member of the HOF); 5) Ato Mulugeta Ayalew (currently Deputy Chief Administrator of the Amhara National Regional State); 6) Dr Fasil Nahum (Legal Advisor to the Prime Minister); 7) Dr Hashim Tewfic (Minister détat, Ministry of Justice); 8) Ato Hassen Ibrahim (member of the HOF); 9) Ato Abay Woldu (member of the HOF?); 10) Ato Beyene Biltu (?); and 11) Ato Getahun Kassa (formerly Dean of the Mekelle Law School and currently Executive Director

Anderson also makes the observation (on page 49) that the HOF “plays no role in normal legislation.” While this is generally true, to say “no role” is to state it too strongly as it does have some, although little, role in legislation. But perhaps one can ignore this as this is an extremely minor point. In the chapter dealing with the challenge of diversity, Anderson makes the observation that “Ethiopia has *two major indigenous languages, as well as 11 minor and many tribal ones*: there is no official language and all enjoy equal recognition in principle.”(Page 76, italics mine). A question that quickly comes to mind is: what criterion is used to establish the fact that some languages are major and others are minor? A corollary question would be: which are the two major languages, and which are the 11 minor ones? Why are the rest “reduced”, if that is the right word, to the status of being “tribal” languages? It is important to underscore that in Ethiopia, the constitution makes no distinction between “major” and “minor” languages; nor does it use the rather pejorative word “tribal” to refer to any of the languages of Ethiopia. Instead, it guarantees that “All Ethiopian languages shall enjoy equal state recognition”¹¹ and that Amharic is the working language of the federal government.¹² It is hoped that these comments are taken note of for the second edition of this important book. These minor comments regarding inaccuracies aside, this is a fine book.

A representative list of relatively current books on comparative federalism in the “Further Readings” section is a plus, and the reader can only revel in finding it there.

of the Ethiopian Human Rights Commission). As is indicated above, none of the members, other than the Presidents of the Court—who are ex-officio members and chair and vice-chair of the CCI—are judges. This has been confirmed on 26 February '08 through an interview with Ato Daniel, the Acting Head of the Secretariat of the HOF.

¹¹ Article 5 (1) of the FDRE Constitution.

¹² Article 5 (2) of the FDRE Constitution.