

THE ADVANTAGES AND DISADVANTAGES OF FEDERALISM

Federalism is a form of government that allows for more than one central entity to have power. What this means is that there is a federal government who is above all others, and smaller, more localized forms of governments that take control of local and regional issues. The idea behind this is to be able to better suit the needs of each area of the country, but some issues certainly arise.

1. Division of Powers:

In a federal government the powers of administration are divided between the centre and the units. The powers may be distributed in two different ways. Either the constitution states what powers the federal authority shall have, and leaves the remainder to the federating units, or it states what powers the federating units shall possess and leaves the remainder to the federal authority. The remainder is generally known as residuary powers. The first method was employed in America and the second in Canada. The federal government in U.S.A., for example, is weak in relation to the states whereas the federal government in Canada is more powerful. In a federation both the federal and state governments are independent and autonomous in the spheres of their powers. 'One is not subordinate to the other. Both derive their powers from the constitution which is the supreme law of the land. The powers enjoyed by the units are, therefore, original and not delegated by the centre.

2. Separate Government:

In a federal form of government both the centre and the units have their separate set of governmental apparatus. America is a federation of states. States have therefore separate legislatures and Separate executives.

3. Written Constitution:

A federal government must have a written constitution. As a federation is a political partnership of various states and consequently there must be a written agreement in the form of a written constitution.

4. Rigid Constitution:

The constitution of a federation should be more or less rigid. It is regarded as a sacred agreement, the spirit of which should not be easily violated. A flexible constitution allows a scope to the central government to curtail the autonomy of the federating states.

5. Special Judiciary:

In a federation, there are possibilities of constitutional disputes arising between the federal centre and the units or between one unit and another. All these disputes are to be adjudicated in the light of the constitution. For this purpose a special judiciary with wide powers must be established.

It should act as the custodian and guardian of the constitution. It should be vested with powers of declaring any law, national or local, ultra vires if it is at variance with the articles of the constitution. The constitution is thus the supreme law in a federation to which both the centre and the state must adhere to.

6. A Better Understanding of Local Issues and Demands – The central government has no true way to understand what issues, demands and changes need to be made in every area of the country. This is why federalism is such a great advantage. The smaller branches of the local governments are right in the middle of the local society. They are better suited to deal with the true things that need to be changed.

7. Increasing Citizen Participation – By not centralizing all power into the hands of a national government, but sharing that power with state governments, which are closer to the level of the common citizen, our founders actually increased a citizen's ability to affect their government, government policy, and law-making.

8. As a Protection Against Tyranny – One of the most important points of federalism in dividing the power between the national government and state governments, and spreading the national government’s power among three branches that serve as a check and balance on each other, is that it serves as a deterrent to tyranny and runaway power. The protections we have in our system against a tyrannical, runaway government are one of the most important points to why the system was designed the way it was.

9. More Efficient – When some of the power of the government is dispersed among the states, giving states the right to solve some of their own problems, you allow for more efficiency within the system. To try to have a national solution to all problems, which could be referred to as a ‘cookie-cutter method’ of law and policy making, you end up with solutions that are more effective in some states, and less effective in others. To allow states to create solutions to their own problems, using policies and laws that work best in their state, means that each state can come up with its own solution, making government/governance more efficient.

10. Innovation in Law and Policy is Encouraged – By allowing for many state governments, different sets of policies can be tried, and the ones found most effective at solving its problems can then be implemented in other states, or on the national level. Imagine Christopher Columbus trying to get funding to voyage across the Atlantic Ocean if there was a unified Europe back then, with its head saying ‘no!’ to him; instead, he had several governments from which he could try to get his funding – he got turned down by several governments before Spain gave him the okay. The same principle applies today with our many states – something that is rejected in one state can most likely be tried in another state, with competition leading the way, based on effectiveness of those laws.

11. State Governments Can be More Responsive to Citizen Needs – The closer a government entity is to its citizens, the more likely it is to respond to the needs of citizens. States are more likely to listen to citizen needs, and respond to them, than the national government would be.

The Disadvantages of Federalism

1. Conflict of Authority – The biggest problem that arises when you have two bodies of government in power is the power struggle. Both central and state government intend to assert their power over the other which at time causes conflict between them. Even the long-term conflict between the central and state government can create hurdles in way of national development and prosperity.

2. Regionalism Over Patriotism – The mark of a great country is just how patriotic and prideful the citizens is to be a part of it. Federalism, since it promotes smaller level of government, it also promotes smaller levels of pride. It can begin to pit one region against another and take away from the feeling of patriotism that should be present all over the entire country.

3. A Lack of Accountability – With the responsibility of the government being shared, it becomes very easy for one sector to release responsibility for the other, and vice versa. This can become a very large problem because if something goes wrong, both sides of the government can relinquish control for the responsibility.

4. Inequalities Between States – The federal form of government allows for regional inequalities between different states. For example, instead of education funding throughout the country being the same, since it is a state issue, some states will spend more, per capita, on education than other states, causing what could be considered a disparity. The same goes for other things, as well, such as taxes, health care programs, and welfare programs which increases regional inequality amongst the different states.

5. The Blockage of Nationalist Policies by States – States can fight against the existence of certain national laws by challenging them in court, or going out of their way to not enforce those national laws, or even deliberately obstructing enforcement of national laws.

SUMMARY

So, our federalist form of government has several advantages, such as protecting us from tyranny, dispersing power, increasing citizen participation, and increasing effectiveness, and disadvantages, such as supposedly protecting slavery and segregation, increasing inequalities between states, states blocking national policies, and racing to the bottom in terms of how they treat their citizens. Do the advantages outweigh the disadvantages? I believe so. I support the system of federalism, agreeing with the benefits, and doing my best to give counterarguments to the disadvantages, in order to negate them. All in all, I think our system is superior even to the parliamentary and cabinet system found in the United Kingdom, as well the confederation system found in Canada, as well as the one preceding our present system.