

# **FEDERALISM AS A POLITICAL IDEOLOGY AND SYSTEM OF GOVERNMENT: THE THEORETICAL PERSPECTIVES**

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**Ogunnoiki, Adeleke Olumide**

*Department of Political Science*

*University of Lagos, Akoka,*

*Lagos State, Nigeria.*

+234 803 528 63 53

[adeleke\\_ogunnoiki@yahoo.com](mailto:adeleke_ogunnoiki@yahoo.com)

## **Abstract**

*The concept 'federalism' in political science, like many other concepts in the social sciences, is without a universally accepted definition. As an ideology on one hand, federalism performs not only the function of explaining and orientating people on the federal phenomenon, but also empowers them to evaluate it and lastly guide political actions and programs to be undertaken in a federation. As a system of government on the other hand, it spells out the power relationship between at least two levels of government i.e how sovereignty is divided between the central government and the federating component units. Why do nations federate?, what are the factors or conditions that necessitated the adoption of federalism by independent nations?, how is a federation to be organised?, how is power to be shared between the said levels of government?, is federalism a means to an end or an end itself?, why do some federations succeed and others fail?. Answering these questions in time past and in recent years has been what the proponents of the diverse theories of federalism have preoccupied themselves with – legal-institutional theory; sociological theory; political/bargaining theory and lastly process/developmental theory. The historical and analytical approaches were adopted over the course of this study with secondary sources of qualitative data as the research methodology.*

**Keywords:** Federalism, federation, federal system of government, ideology, theory, unity in diversity

## Introduction

“Over the years, federalism has received substantial scholarly attention as governments tend to enlarge against the tides of regional fragmentations in modern societies” (Kalu and Bing, 2016, p.47). Also to have caught the attention of the said intellectuals and think-tank bodies alike are pressing national questions of race and identity – United States, Brazil, India, Canada, South Africa, Australia; the agitation of minority ethnic groups – Russian Federation, Nigeria; formulating an appropriate revenue sharing formula – Nigeria; the centralisation of power at the centre – Nepal, Ethiopia, Russian Federation, Venezuela, Nigeria; and the demand for self-determination via secession – Pakistan, Russian Federation, Canada, Spain. In order to address these complex challenges bedeviling federations the world over, the study of what federalism actually is as well as the theoretical propositions that have been put forward by scholars as a logically explanation of the causal relationship of federalism need be revisited.

It is informative to know at this juncture that federalism is first and foremost a political ideology and lastly a system of government. As an ideology, federalism performs the function of explaining and orientating people on the federal phenomenon, thereafter empowering them to evaluate it and lastly, serves as a guide for political actions and programs to be undertaken. As a system of government on the other hand, federalism succinctly spells out the power relationship between the levels of government i.e how sovereignty is divided between the central government and the government of the federating component units - “regions”, “cantons”, “länder”, “republics”, “provinces”, “states” etc.

Why do nations federate?, what are the factors or conditions to have necessitated the adoption of federalism?, how is a federation to be organized?, how is power to be shared between the levels of government in a federation?, is federalism a means to an end or an end itself?, why do some federations succeed and others fail?. These salient questions mentioned above have been what the proponents of the diverse theories of federalism – K. C. Wheare legal-institutional theory; W. S. Livingston sociological theory; W. H. Riker political/bargaining theory and lastly C. Friedrich process/developmental theory have attempted answering over the years. Thus, in order to X-ray the theories of federalism, this paper has been compartmentalised advertently into the following sub-headings: conceptual clarification, federalism as an ideology, federalism as a system of government, federalism as a political ideology and system of government: the theoretical perspectives and lastly, concluding remarks.

### 1. Conceptual Clarification

There are but five concepts that capture the whole essence of this paper. Clarifying each and every one of them would afford us a solid intellectual background to federalism as a political ideology and system of government: the theoretical perspectives.

### **i) Federalism**

The origin of the word ‘federal’ or ‘federalism’ is traceable to the Latin words ‘*foedus*’ and ‘*fides*’ which when translated to English, the former means an agreement, treaty, compact or covenant while the latter means trust (Dosenrode, 2010; Lépine, 2012; Majekodunmi, 2015; Kalu and Bing 2016).

Many-a-scholar in time past and in recent years have studied federalism from different perspectives. Like democracy and socialism, its meaning varies from one person to the other. Thus, the very definition of the concept like most of the concepts in the social sciences seem as yet unsettled and problematic owing to the absence of a consensual meaning among political scientists as well as a global theory (Ray, 2004; Gamper, 2005; Adegehe, 2009; Twusa and Asango, 2013; Agara, 2014; Kayode, 2015; Iyada and Bello, 2016; Abah, 2016). Further compounding this problem “is that the meaning of the word has been thoroughly confused by dramatic changes in the institutions to which it refers. Hence a word that originally referred to institutions with an emphasis on local self-government has come to connote also domination by a gigantic, impersonal concentration of force” (Riker, 1975, p.93).

“In its most general sense, federalism is an arrangement in which two or more self-governing communities share a common political space. For the sake of brevity and neutrality,...” (Norman, 2006, p.77). This notwithstanding, there is the need to consider the various definitions of federalism that have been put forward by astute scholars.

According to Kenneth Clinton Wheare, federalism as a federal principle is, “the method of dividing powers so that the general and regional governments are each, within a sphere, coordinate and independent” (Wheare, 1953, p.11). To William H. Riker, federalism is a “political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions” (Riker, 1975, p.101). E. Awa sees it “as the coming together of different (sometimes also distinct) political units under a single political umbrella, a central authority (government) that faithfully represents the whole and acts on behalf of the whole in such areas as external affairs, which are in a sort of social contract agreed to be to the mutual interest of the different constituent units” (Awa, 1976, p.1). To O. B. Nwabueze, “federalism is an arrangement whereby powers of government within a country are shared between a national (nation-wide) government and a number of regionalized (i.e., territorially localized) governments in such a way that each exists as a government separately and independently from the others, operating directly on persons and property within its territorial area, with a will of its own, and its own apparatus for the conduct of its affairs and with an authority in some matters exclusive of all others” (Nwabueze, 1983, p.1). S. E. Oyovbaire is of the view that “Federalism is about power, its allocation and administration, power being defined as the outcome of interaction between the levels of government. This is with regard to the process by which each level obtain claims over resources” (Oyovbaire, 1985, p.7). To Daniel J. Elazar, federalism is “a comprehensive

system of political relationships which has to do with the combination of self-rule and shared rule within a matrix of constitutionally dispersed powers” (Elazar 1987a, p.1). Similarly, Ronald L. Watts submits that federalism is when “there are two (or more) levels of government which combine elements of *shared-rule* through common institutions and *regional self-rule* for the governments of the constituent units” (Watts, 1996, p.7).

Federalism is all about “the need for an orderly arrangement of relationship among different tiers of government in a nation” (Aliff, 2015, p.72). It is an “institutional arrangement in which (a) public authority is divided between state governments and a central government, (b) each level of government has some issues on which it makes final decisions, and (c) a high federal court adjudicates disputes concerning federalism” (Kelemen 2003, p.185). Ostensibly, federalism “is a means of establishing national order without sacrificing the freedom of the component parts” (Anyebe, 2015, p. 15). Or as A. Marzui puts it, it is “an institutionalization of compromise relationship” (Marzui, 1971, p.300).

As at today, there are nine types of federalism – i) confederation ii) symmetric federalism; iii) asymmetric federalism; iv) dual/layer cake federalism; v) cooperative/marble cake federalism vi) fiscal federalism; vi) quasi-federalism; viii) competitive federalism and lastly; xi) creative federalism.

## ii) Federation

A federation “is a union comprising a number of potentially self-governing states or regions united by a central government” (Akpeninor, 2007, p.41). Simply put, a “federation is a specific organizational form which includes structures, institutions, procedures and techniques. It is a tangible institutional reality. And it can be distinguished from other forms of state relatively clearly” (Burgess, 2000, p.25).

“A country may become federal or regionalized in two ways: either a number of independent units come together to form a federal state or a centralised state decides to give some powers to its constituent regions” (Fabre, 2009, p.3). These two ways are what Rokkan and Urwin preferably chose to call *Organic* and *Mechanical* federalism (Rokkan and Urwin, 1982, p.11). But, the two ways are known as “aggregation” and “disaggregation” federalism respectively. By aggregation, nations that are desirous of forming a federation, willingly come together to unanimously agree on the treaty that formally establish the federation, having surrendered part of their sovereignty to the government at the centre. The representatives of the 13 former colonies of Great Britain who came together in Philadelphia, Pennsylvania, to draft and ratify the 1787 constitution of the United States of America remains a classic example of federation by aggregation. A federation by disaggregation is common among countries practicing the unitary system of government. This occurs when a unitary State devolves power from the centre to component units. More often than not, the decision to do so is informed by the threat of secession from separatist movements and the agitation of minority groups. To Alfred Stepan, the manner in which federations have emerged are not two but three in number – i) *coming together* – ‘coming together’ and ‘aggregation’ are comparatively the same. It is

when nations by agreement voluntarily opt to be an autonomous part of a federation without losing their identity e.g United States of America, Switzerland and Australia ii) *holding together* – a federation created by ‘holding together’ is similar to those by disaggregation. It is resorted to by multiethnic unitary States in order to keep the country united as a democracy by devolving power from the centre to the regions – Spain (1978), Belgium (1993) and lastly iii) *putting together* – unlike the first and second, a federation created by ‘putting together’ is undemocratic. Here, nations are coerced into forming a federation. It is also characterised by the concentration of State power at the centre. Communist U.S.S.R remains a good example of ‘putting together’ federation before her collapse in 1991 (Stepan, 1999, pp.22-23).

The historical antecedence of federations is quite a lengthy one. Federations began to emerge around the world from the 18<sup>th</sup> – 20<sup>th</sup> century. It started in Europe and North America with the transition of confederations, “a union that falls short of a complete fusion or incorporation in which one or all the members lose their identity as states” (Forsyth, 1981, p.1), to federations – the United States of America (1781 – 1789), Switzerland (1291 – 1798; 1815 – 1848), United Provinces of the Netherlands (1579 – 1795) German Bund (1815 – 1866), and Australia (1901) (Forsyth 1981; Song, 2000; Agara, 2014). Next in line were the federations in South America – Argentina, Brazil, Mexico, and Venezuela (Watts, 2007; Agara, 2014).

With the Second World War over in 1945, self-determination became the request of the colonies that made up the massive European colonial empire in Asia, Africa and the Caribbean. The granting of political ‘flag’ independence to these colonies – India, Nigeria, Malaysia etc by their colonial masters increased the total number of federations existing the world over.

Following the collapse of communist U.S.S.R in 1991 which brought an end to the Cold War, the Russian Federation emerged from the defunct U.S.S.R as Bosnia-Herzegovina did from the dissolution of Yugoslavia in 1992. Still in the post-Cold War era, we have seen countries take to federalism after a major conflict. A good example of such a country remains Iraq after the US-UK invasion in 2003. Presently, countries to have survived or are still trapped in a conflict – Sri Lanka and Somalia, have before them the option of becoming a federation (Adegehe, 2009; Agara, 2014).

Historically, there have also been unitary States which have taken to the federal system of government – Belgium, Spain and South Africa. Interestingly, unitary States as Italy and the United Kingdom have devolved power to the regions. Nevertheless, these countries have chosen not to see themselves as or to become a federation (Agara, 2014).

The federal experiment by nations, especially by the colonial powers during the colonial era, was not all a success story. Quite a number of the federations to have been founded eventually failed. Failure here specifically means “a non-achievement of the necessary conditions for survival of a federation as initially conceived” (Franck, 1968, p.169). These federations are – 1959-1960 Mali Federation, 1953-1963 Central African Federation

(Southern Rhodesia, Northern Rhodesia and Nyasaland), East African Federation (Kenya, Uganda, Zanzibar and Tanganyika) that never saw the light of day, Federation of Malaysia (Sabah, Malaya, Sarawak, and Singapore) in 1965 after the departure of Singapore, the 1958-1962 Federation of West Indies (Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, the then St Kitts-Nevis-Anguilla, Saint Lucia, St Vincent and Trinidad and Tobago), Union of Soviet Socialist Republics in 1991, Yugoslavia in 1992, Czechoslovakia in the year 1993 etc. Thomas M. Franck who studied closely four of the above mentioned failed federations – Central African Federation, East African Federation, Federation of Malaysia and the Federation of West Indies concluded that “The principal cause for the failure, or partial failure, of each of the federations studied cannot, it thus seems, be found in an analysis of economic statistics or in an inventory of social, cultural, or institutional diversity. It can only be found in the absence of a sufficient political-ideological commitment to the *primary* concept or value of federation itself (Franck, 1968, p.177).

In all, whether a federation will fail or succeed according to Ursula K. Hicks in her book titled: *Federalism: Failure and Success A Comparative Study* (1978) would require a critical assessment of (1) *initial endowments*, physical and human (2) *constitutional and institutional organisation* (3) the attitude of *other countries* in a world of fierce national rivalry and (4) *incompatibilities and imbalances* between or within federal states (Hicks: 1978, p.172 cited in Burgess, 2008, p.8).

### iii) Federal System of Government

The federal system of government is a democratic form of government that divides sovereignty between at least two levels of government – the central and regional governments. In a federal system of government, the constitution which is written and rigid, is supreme. Also peculiar about this form of government is the existence of a bi-cameral legislature and that it can be practiced either under the presidential or parliamentary system of government.

As touching a definition of a federal system of government, it is “where the political territory is divided up into units endowed with their own governments, and these territories, or states, are unified under a common government” (Bednar, 2011, p.4). Put in another way, it when “the constitutional authority to make laws and to tax is divided between a national government and some number of regional governments. Neither the national government acting alone nor the regional governments acting together have the authority to alter the powers of the other level of government. They are co-ordinate and independent in their separate constitutional spheres” (Brooks, 1996, p.119). A federal system of government therefore is a form of government where “sovereignty is shared and powers divided between two or more levels of government each of which enjoys a direct relationship with the people” (Hueglin and Fenna 2006, pp.32-33).

#### **iv) Ideology**

According to T. Babawale, “federalism refers to the doctrine which advocates and promotes the form of organization of a state in which power is dispersed or decentralized by contract as a means of safeguarding local identities and individual liberties” (Babawale, 1998, p.92). This tells us something and that is, federalism as a concept is an ideology. In other words, it is an idea on power-sharing among the levels of government in a federation, on intergovernmental relations (vertical intergovernmental relations – bottom-top/top-bottom model; or horizontal intergovernmental relations) and how a federal State is to be organised or structured politically.

Before and after the time of Socrates, Plato and Aristotle, political ideas had existed. However, the science of ideas did not begin until the Enlightenment Age of the 17<sup>th</sup> and 18<sup>th</sup> century. Regarding the etymology of the concept ‘ideology’ (‘ideo’ – of Greek origin meaning ‘idea’ + ‘logy’ – of Greek origin meaning ‘the study of’), the French word ‘idéologie’ was coined in the year 1796 by the French political philosopher Antoine Louis Claude Destutt, Comte de Tracy (1754 – 1836) in the midst of the French Revolution (1789-1799). What then is an ideology?.

As touching the conceptualisation of ideology, “Nobody has yet come up with a single adequate definition of ideology.... This is not because workers in the field are remarkable for their low intelligence, but because the term 'ideology' has a whole range of useful meanings, not all of which are compatible with each other. To try to compress this wealth of meaning into a single comprehensive definition would thus be unhelpful even if it were possible” (Eagleton, 1991, p.1). Nevertheless, the diverse meanings so far given to the concept would be considered.

According to M. Seliger, an ideology is a “Set of ideas by which men posit, explain and justify ends and means of organized social action, and specifically political action, irrespective of whether such action aims to preserve, amend, uproot or rebuild a given social order” (Seliger, 1976, p.11). To M. Hamilton, an ideology is “A system of collectively held normative and reputedly factual ideas and beliefs and attitudes advocating a particular pattern of social relationships and arrangements, and/or aimed at justifying a particular pattern of conduct, which its proponents seek to promote, realize, pursue or maintain” (Hamilton, 1987, p.39).

“Ideologies are patterned clusters of normatively imbued ideas and concepts, including particular representations of power relations. These conceptual maps help people navigate the complexity of their political universe and carry claims to social truth” (Steger and James, 2010). In a nutshell, it is “a fair coherent and comprehensive set of ideas that explains and evaluates social conditions, help people understand their place in the society and provide a program for social and political action” (Ball and Dagger 2002, p.5).



## v) **Theory**

The etymology of the word ‘theory’ is traceable to the Greek word ‘*theoria*’ which in English means to ‘look at’ i.e. to study a thing through sensual observation. ‘Theory’ as a concept that cuts across the pure and social sciences, is one that till this very day is without a universally accepted definition. This notwithstanding, intellectuals around the world have in published literatures attempted a definition especially having considered the primary purpose of a theory which “is to explain, and when descriptive and explanatory requirements are in conflict, the latter ought to be given priority, even at the cost of some representational inaccuracy” (Singer, 1961, p.79).

As one of these aforementioned scholars puts it, a theory is “a set of interrelated constructs (concepts), definitions and propositions that presents a systematic view of phenomena by specifying relations among variables, with a purpose of explaining and predicting phenomena” (Kerlinger, 1970). But generally speaking, “a theory-any theory, in any field-is a general explanation of certain selected phenomena set forth in a manner satisfactory to someone acquainted with the characteristics of the reality being studied” (Dougherty and Pfaltzgraff, 1996, p.20).

A theory of federalism therefore “is a general account of the structural arrangement of dual levels of government, one that goes beyond simple description of a particular federal system, a paired comparison of two or more federal systems, a legal analysis that seeks to formulate workable rules for defining boundaries and providing a convincing rationale for them once they have been drawn, or a historical analysis that traces the chances in the relationship between the central state and constituent units”. It should also provide “a general rationale for federalism – a general explanation for why federations are established, why some succeed, and why some fail” (Feeley and Rubin, 2008, p.3).

## 2. **Federalism as an Ideology**

“For many years, there have been arguments that federalism provides the best possible government for a nation of ethnic and regional disparity. The general idea is that a centralised federal government that protects both national and regional interests is the most responsive administrative for a state marked by ethnic and territorial diversity” (Obydenkova, 2005; 2014). “The idea of federal arrangement as particularly suited for managing diversity in the political order is such a popular view in the literature on federalism that some scholars have even regarded this as the sole rationale of federalism. The acclaimed mechanisms through which federalism achieves these goals are twofold: sharing of authority and competencies between levels of government and protecting identity and autonomy against domination” (Osifeso, 2011).

“The ideas of federalism which originates with the concept of inter-governmental relations, dates back to the Greek civilization when efforts were made to describe the legal relationships between the leagues and the city-states” (Mogi, 1931, p.21 cited in Dare, 1979).

Similarly, W. H. Riker is of the view that “The first appearance of what can be called the federal governments occurred in Ancient Greece after the Peloponnesian War” (Riker, 1987, p.11). Much as these scholars are satisfied with ancient Greece as the birthplace of the federal idea, there are those that have dated the idea of federalism as far back as to the Old Testament in the holy book, the Bible. “As many philosophers, theologians, and political theorists in the Western world have noted, the federal idea has its roots in the Bible. Indeed, the first usage of the term was for theological purposes, to define the partnership between man and God described in the Bible, which, in turn, gave form to the idea of a covenantal (or federal) relationship between individuals and families leading to the formation of a body politic and between bodies politic leading to the creation of compound polities. The political applications of the theological usage gave rise to the transformation of the term "federal" into an explicitly political concept” (Elazar, 1987b, p.5).

Among scholars of federalism, there is yet to be a consensus as to who is to be accorded the title ‘Father of Modern Federalism’. According to S. Mogi, the honour of being the first advocate of modern federalism went to the Jean Bodin, who was quickly followed by others like Otto Cosmanus, Hugo Grotius and Pufendorf. These writers viewed federalism as a voluntary form of political union, either temporary or permanent, of independent authorities, for special common purposes such as defence against foreign powers for the interest of trade and communications or for other reasons (Mogi, 1931, pp 26-33 cited in Dare, 1979, p.26). To some, it is the 17<sup>th</sup> century German Calvinist and political thinker, Johannes Althusius (1557 – 1638) who deserves the title. Althusius in his classic work, *Politica Methodice Digesta* (1603), made known his federal idea with his social contract theory of society which according to him should take to a bottom-top organisation. This kind of society is what he called ‘consociation’ (Lépine, 2012). Other scholars, especially those from the 20<sup>th</sup> century, are of the view that it is the Oxford based Australian, K. C. Wheare who has earned for himself the title with his classic book titled: *Federal Government* (1946) where he elucidated on power-sharing between the general and regional governments as entrenched in the constitution. That this confusion would be resolved any time soon would require most certainly that a distinction be made between the pre-modern ‘Father of Federalism’ from the modern ‘Father of Federalism’ as the case is for the ‘Father of Politics’ who is the Greek philosopher, Aristotle (384 – 322 B.C) while the Italian Niccolò Machiavelli (1469 –1527) is regarded as the ‘Father of Modern Politics” (Ogunnoiki, 2017).

Taking the evolution of federalism to the international plane, 18th century German political philosopher and Idealist, Immanuel Kant (1724 – 1804), in his essay: *Perpetual Peace: A Philosophic Sketch* (1795) expounded the idea of the federation of free States (actually what called for was a confederation of sovereign States which is a loose union with a weak centre and strong member States who not only retain their sovereignty upon joining voluntarily the union but can equally leave the same) for the purpose of formulating international laws that would regulate the conduct and behaviour of States *inter se* and thus prevent the outbreak of wars in our adjudged anarchical international system.

In the academics, scholars such as Amadi, Ecchem and Nwoko (2017) see federalism more as a political system than an ideological system. Nevertheless, it cannot be denied that federalism is indeed an ideology since “it can take the form of an overtly prescriptive guide to action, and it is philosophical to the extent that it is a normative judgment upon the ideal organization of human relations and conduct” (Burgess, 2000). Federalism as an ideology reflects at least three different mobilization orientations, i.e. centralist, decentralist, and balance (King, 1982 cited in Adegehe, 2009). For the centralist, federalism is when power is concentrated at the centre. The decentralist on the other hand are in support of the diffusion of power from the centre i.e power not being concentrated at the centre but shared with the component units. Lastly, federalism as an ideology also serves the purpose of balancing. It strikes a balance between self-rule and shared-rule, unity and diversity, centrifugal and centripetal forces and the power between the central and regional governments.

### **3. Federalism as a System of Government**

Federalism, as it has rightly been said is, an idea that has existed since Bible days. But as a system of government, federalism began to take shape after the Protestant Reformation that was championed by the German, Martin Luther and the French, John Calvin in 16<sup>th</sup> century Europe and then into the 17<sup>th</sup> and 18<sup>th</sup> century, an era of the Industrial Revolution and the Enlightenment Age when political philosophers and theorists – Thomas Hobbes, John Locke, and Jean Jacque Rousseau propounded the Social Contract Theory of the origin of States.

The 17<sup>th</sup> century in world history is known for a number of events that transformed the globe from what it initially was to what it has become today. In the domain of world politics, it was the epoch modern States emerged as sovereign entities and as the major actor in the international system. Precisely on October 24, 1648, in Central Europe, the Treaty of Westphalia was signed in Münster and Osnabrück (present day Germany) which put an end to the Thirty Years War (1618-1648) of religion between the Roman Catholics (which began when King Ferdinand II of Bohemia was desirous of imposing the Roman Catholic doctrine as the sole religion in the Holy Roman Empire under the Habsburg dynasty) and the Protestants which turned Europe into a theatre of war.

In the 18<sup>th</sup> century, the French political philosophers Baron de Montesquieu (1689–1755) in his book titled *L'esprit des Lois* (1748) and Jean Jacque Rousseau (1712–1778) in his classic work titled *Du Contrat Social* (1762) (though Rousseau's manuscript of what could have been his book on federalism was destroyed during the French Revolution (1789–1799), Elazar, 1987b; Norman 2006) both contributed to the development of federalism as a system of government. Montesquieu called for a ‘confederate republic’ and the ‘separation of power’ between the three arms of government – Legislature, Executive and the Judiciary in order to guard against the rise of a tyrant or a despotic ruler. Rousseau with his social contract theory put forward his argument that the State is a creation of an agreement among a people with popular sovereignty. The government therefore held power in trust in order to promote the *General Will* of the people. “The writings of these two political thinkers contributed in a large measure to the political thinking that went into the designing of federal structure in the

United States of America” (Srikrishna, 2015). The making of this federal structure began in the Philadelphia Convention over the ratification of the United States 1787 Constitution, when the founding fathers of America’s federalism, the *Publius* – James Madison (1751 – 1836), Alexander Hamilton (1755 – 1804) and John Jay (1745 – 1829) through their over 85 written articles popularly called the *Federalist Papers*, “emphasized the idea that horizontally the three branches of the national government and vertically the division of power between it and the states would prevent excesses. States, among other power centers, would check and balance national authority” (Nathan, 2006, p.2).

In the 19<sup>th</sup> century, the Frenchman, Alexis de Tocqueville, in his book titled: *Democracy in America* (1835), “examined the complex interaction of liberty, equality and mass democracy that he had witnessed first hand in the young emergent American society of the early 1830s” (Burgess, 2006, p.10). “The Germanic political theorists also examined the problems of federalism in the Germanic countries and produced their expositions of the difference between *Bundesstaat* and *Staatenbund*” (Srikrishna, 2015). At this juncture, it important to note that it was during the 19<sup>th</sup> century that Count Camillo Benso di Cavour unified Italy in 1860 while Otto von Bismarck formed the North German Confederation between 1866-1867 and then the German Reich in 1871 (Zibblatt, 2004).

Another notable political thinker and statesman to have contributed to the development of federalism as a system of government is John C. Calhoun who came up with the idea of ‘concurrent majority’. The ‘concurrent majority’ was meant to safeguard the liberty of minority groups from the majority in the U.S. Before his death in 1850, Calhoun, who lived in the pre-Civil War era of the United States, went against the encroachment of the rights and powers of the component states as spelt out in the American federal constitution by the central government which consequently posed a threat of disunion between the Northern and Southern States.

By 1863, the French political philosopher and exponent of Anarchism, Pierre-Joseph Proudhon, made a prediction that the 20<sup>th</sup> century “will open the age of federations, or else humanity will undergo another purgatory of a thousand years” (Vernon, 1979, pp.68-69). Although Harold Laski (1939, p.367) came out to say in writing that “the epoch of federalism is over”, William H. Riker, a foremost federalism theorist to have also lived in the 20<sup>th</sup> century, confirmed Proudhon’s prognosis five years after when he declared “This is an age of federalism” (Riker, 1964, p.1). Riker came to this conclusion because, “In 1964, well over half of the land mass of the world was ruled by governments that with some justification, however, slight, described themselves as federalisms (Riker, 1987, p.6).

### **3.1 Characteristics of Federalism as a System of Government**

According to the Australian scholar, Geoffrey Sawer (1976), there are certain conditions that must be met for federalism to thrive. These conditions are:

1. An independent country with a central government that has the institutionalised power to govern the whole of the country;

2. The country is divided into separate geographical regions which have their own institutions of government to govern in their particular regions;
3. The power to govern is distributed between central and regional governments;
4. The distribution of power between the central and regional governments is set out in a constitution and is rigidly entrenched by the constitution so that it cannot be amended by the central government or any region or regions;
5. The constitution contains rules to determine any conflict of authority between the centre and the regions. In most constitutions, the general rule is that the law of the central government will prevail;
6. The distribution of powers between the central and regional governments is interpreted and policed by a judicial authority. The judicial authority has the constitutional power to make binding decisions about the validity of legislation and government action, or where there is a conflict of the laws of the central and regional governments (cited in Evans, 2010, p.19).

Similarly, A. Lijphart (1985) identified five major features of federalism as a system of government. These features are:

1. A written constitution which specifies the division of power and guarantees to both the central and regional governments that their allotted powers cannot be taken away;
2. A bicameral legislature in which one chamber represents the people at large and the other the component units of the federation;
3. Over-representation of the smaller component units in the federal chamber of the bicameral legislature;
4. The right of the component units to be involved in the process of amending the federal constitution but to change their own constitutions unilaterally;
5. Decentralized government, that is, regional government's share of power in a federation is relatively large compared to that of regional governments in unitary states (cited in Elazar, 1987b, pp. 22-33).

### **3.2 Argument 'for' and 'against' the Federal System of Government**

Federalism in recent years has been a highly controversial topic of discourse among scholars and analysts with some of them pitching their tent with those who see federalism from a negative angle i.e a system of government that sacrifices meritocracy all for satisfying the diverse ethnic groups in a federation, that it is too expensive to run, and that it brings about the unnecessary duplication of government offices. On a positive note, federalism *ipso facto* is democracy. Thus, nations buy the federal idea because it is democratic, promoting political participation and the representation of the diverse people making up a federation at the different levels of government. Other major arguments for federalism which makes it promising are:

**i) State-building**

“Federalism is more persuasively understood as an exercise in state-building. It creates two orders of government, one to govern regional communities, and another to govern the concerns of the whole federation” (Telford, 1999, p.22).

**ii) Unity in Diversity**

“In the contemporary world, federalism as a political idea has become increasingly important as a way of peacefully reconciling unity and diversity within a political system” (Blindenbacher and Watts). In other words, federalism is “a form of governmental and institutional structure deliberately designed by political “architects”, to cope with the twin but difficult task of maintaining unity while also preserving diversity” (Jinadu, 1979, p.15).

**iii) Conflict Management**

As J. Agnew rightly said, ‘federalism helps to manage intergroup conflicts that might otherwise escalate into violence and lead to proliferation of mini-states without much viability’ (Agnew, 1995, p.296).

**4. Federalism as a Political Ideology and System of Government: The Theoretical Perspectives**

According to I. Duchacek, “There is no accepted theory of federalism. Nor is there an agreement as to what federalism is exactly” (Duchacek, 1970). Much as this assertion holds water, scholars before and after he expressed such a view, have been propounding theories of federalism that explains why nations federate among other questions of great importance vis-à-vis federalism. At this juncture, it is important to mention in passing that there are two schools of thought on federalism which accommodates some of the well known theorists of federalism. These schools are: i) the Liberal School and, ii) the Realist School.

“The Liberal school, which is the larger of the two, is associated with 20th century authors like M. Burgess, D. J. Elazar, A. Spinelli and K. C. Wheare” (Dosenrode, 2010, p.12). These scholars are particular about the organisation of a federal State. That is, the constitutional division of power between the central and component units of a federation.

“The realist school of federalism includes *inter alios* William H. Riker and David McKay” (Dosenrode, 2010, p.15). The Realist School went against the fictitious legal stance of the Liberal School of federalism. Rather than narrowing the discourse of federalism to a legal framework, the Realist School scholars chose instead to look into the political reality of federalism. Firstly, the Realist School scholars argue that the origin of federalism is as a result of internal and external threat which could be military or diplomatic in nature. Secondly is that, party organisation at the different levels of government of a federation does amount to either a centralised or peripheralised (i.e decentralised) federal system of government. To Riker, “The structure of the parties parallels the structure of federalism. When parties are fully centralized, so is federalism (e.g. in the Soviet Union and Mexico). When parties are somewhat decentralized, then federalism is only partially centralized”

(Riker, 1975, p.137). Sharing similar view with Riker on the nexus between the structure of political parties and federalism is Duchacek (1970) who said: “Political parties are sometimes called great centralizers or decentralizers of a federal system. Their number, internal structure, ideology, leader’s commitment to pluralism or unitary centralism, and actions are evidently related to the actual working of federalism (Duchacek, 1970, p.229). Riker, of the two measurement of federalism, was in support of a centralised federalism because, “Peripheralized federalisms – ... – can hardly be expected to provide effective government. They fall gradually apart until they are easy prey for their enemies. Centralized federalisms, on the other hand, become more like a unitary or imperial governments in time and thus render the whole federation able to function more effectively in a hostile world (Riker, 1987, p.11).

There are four major approaches to the study of federalism – i) institutional or constitutional approach ii) sociological approach iii) political approach and lastly iv) process approach (Birch, 1966, p.15). Though these are approaches as it has been clearly stated, they can equally go for a theory of federalism as they explain the federal phenomenon from different perspectives. Hence, the aforementioned approaches with the notable scholar to have developed each of them as a theory can be re-written as follows – i) K. C. Wheare’s legal-institutional theory ii) W. S. Livingston’s sociological theory iii) W. H. Riker’s political/bargaining theory and lastly iv) C. Friedrich’s process/developmental theory.

Furthermore, these four major theories of federalism can be categorised into four: i) Classical Theories – The only theory that falls under this category is the legal-institutional theory. The legal-institutional theory which actually started in the 19<sup>th</sup> century with constitutional law theorists such as the British jurist, A.V. Dicey, is regarded as a classical theory owing to its reliance on the institutional approach in the theorisation of federalism which is a traditional approach in Political Science. ii) Modern Theories – These theories: sociological, bargaining, and the process theory adopted the analytical and empirical approaches in the theorisation of federalism. iii) Origin Theories – this category of federalism theories account for the social and political factors that led to the emergence of federalism. The theories in this category remain the sociological and bargaining theory iv) Functional Theories – the theories found in this category are the legal-institutional theory, sociological theory and the process theory. The thrust of these theories respectively is how the federal constitution as a device performs the function of sharing power among two levels of government – central and regional governments in a federation, how federalism as a device is used for articulating and protecting the federal qualities of a society and, how as a process it performs the role of finding a lasting solution to shared problems among federating nations.

#### **i) K. C. Wheare’s Legal-Institutional Theory**

The legal-institutional theory of federalism is a theory that “is very much associated with K.C. Wheare, an Anglo-Saxon scholar and writer, who is regarded as the dean and doyen of classical federalism having elevated the status of federalism to “theory”. In other words,

discussion on contemporary federalism usually starts with K.C Wheare's postulations on the concept" (Amadi, Ecchem and Nwoko, 2017).

K. C. Wheare's legal-institutional theory is a classical theory of federalism that was formulated with the American model of federalism. In the late 18<sup>th</sup> century, the 13 former colonies of Great Britain "came together in the famous Philadelphia Conference of 1787 and voluntarily agreed to form a federation, releasing some of their powers to a central government on matters of general interests"(Ogoma, 2014, p.107). Thus, Wheare was of the view that a federal government is an "association of states, which has been formed for certain common purposes, but in which the member states retain a large measure of their original independence" (Wheare, 1953a, p.1). How then can one know for sure if a polity is operating a federal government?. On what basis can this be ascertained?. Answering this question, Sir Wheare said:

*"The test which I apply for federal government is simply this. Does a system of government embody predominantly a division of powers between general and regional authorities, each of which, in its own sphere, is co-ordinate with the other and independent of them? If so, the government is federal"* (Wheare, 1964, p.33)

K. C. Wheare took a step further by identifying the desire of nations as a necessary condition before a federation can be formed. Quoting him verbatim, Wheare said:

*"it would seem that federal government is appropriate for a group of state or communities if, at one and the same time, they desire to be united under a single independent general government for some purposes and to be organized under independent regional governments for others. Or, to put it shortly, they must desire to be united, but not unitary* (Wheare, 1953b, p.36).

Again, he asserted fourteen years later that:

*"Federalism is an appropriate form of government to offer to communities or states of distinct, differing nationality who wish to form a common government and to behave as one people for some purpose, but wish to remain independent and in particular, to retain their nationality in all their aspects"* (Wheare, 1967, p.35)

This desire of independent nations to unite which Wheare reiterated is not one that was desired just for the sake of uniting but as a result of some pre-conditions. In his words:

*"Communities have been led to desire union for a variety of reasons. But in the modern federation some factors seem always to have been present. A sense of military insecurity and the consequent need for common defence; a desire to be independent of foreign powers, and a realization that only through union*



*could independence be secured; a hope of economic advantage from union; some political association of the community concerned prior to their federal union either in a loose confederation..., or as parts of the same Empire,...; geographical neighbourhood; and similarity of political institutions – these half-dozen factors all operated in the United States, Switzerland, Canada and Australia, to produce a desire for union among the communities concerned. They operated in varying degree in each case, but they were all present”* (Wheare, 1963, pp.37)

As it latter dawned on him, probably after being criticised by other federalism theorists, K. C. Wheare briefly chipped in the sociological factor as a factor that can necessitate the desire of nations to form a federation when he said: “It will be obvious also that community of race, language, religion and nationality would produce a capacity for union” (Wheare, 1963, p.44). K. C. Wheare’s classic book titled: *Federal Government*, till date, “remains an important milestone in the evolution of intellectual thought about federalism and federation”. Much as this is a fact, some critics tend “to discredit and discard it as having outlived its usefulness” (Burgess, 2006, p. 28).

### **Criticisms**

First and foremost, K. C. Wheare’s legal-institutional theory of federalism has proven not to be a time-tested and a comprehensive theory going by his view of federalism as a federal principle of dividing power between the general and regional governments as spelt out in a federal/written/rigid constitution. His theory turned out not to be concise because, he outrightly failed to recognise and provide for a third tier of government i.e the local government at the ‘grass root’ in modern day federations. Though this third tier of government is not constitutionally autonomous, it is nonetheless an important layer in intergovernmental relations especially as it is the closest level of government to the people.

Secondly, K. C. Wheare’s federal theory was purely Eurocentric. While developing his legal-institutional theory, Wheare took into account the constitution of the federations – Switzerland, Canada, Australia and that of America in the late 18<sup>th</sup> century when the 13 former colonies of Britain came together to agree unanimously on how power would be shared between the national government and the government of the federating component units. He made little or no effort to conduct a study of federal constitutions across the continents of the world. Consequently, his theoretical proposition over the years has suffered the fate of not being universally applicable which has given room for well thought out theories of federalism to emerge and thrive.

Thirdly, K.C. Wheare failed to expatiate on some of the words he advertently used in his definition of federalism as a method of dividing powers strictly between two levels of government, so that each is within its sphere, coordinate and independent. The word ‘independent’ for instance is an ambiguous word. In the context of his definition, it could be interpreted by some to mean that the component units in a federation enjoy the status of a

sovereign entity while others may choose to see them as only autonomous over certain matters while others are exclusively left for the government at the centre.

Lastly, K. C. Wheare has widely been criticised for his “legal formalism” (Livingston, 1956, p.1) or what Riker calls “extreme legalism” (Riker, 1975, p.103) in his theorisation of the federal phenomenon. Wheare, aside accentuating the constitution as a device that spells out how power is to be shared between the central and regional governments ( i.e the component units), failed to take into account the sociological factor behind the adoption of federalism. W. Livingston as a critic of Wheare’s legal-institutional theory of federalism, condemned his theory for leaving out sociological variables or the federal qualities of a people (Livingston, 1952). “According to him a federal society is one which contains within its fold elements of diversity. Usually, diversity is caused by differences of economic interests, religion, race, nationality, language, separation by great distances, differences in historical background, previous existence as independent states or separate colonies and dissimilarity in social and political institutions” (Singh and Kumar, 2016, p.19). Averting to Livingston’s assertion is none other than Carl Friedrich who said “that federalism, is a general principle of social organization and that the degree of federalism in a political system is a function of sociological and not legal criteria” (Friedrich, 1966). Though Riker came out later to counter W. S. Livingston for mistakenly “throwing out the juristic element entirely” as the concept ‘federalism’ in common usage “is a juristic concept of sorts” (Riker, 1975, p.106), he faulted all the same Wheare’s legal-institutional theory because it was “highly legalistic in tone and displays very little understanding of political reality” (Riker, 1964, p.157).

“Although, Wheare has been criticized by other commentators for being legalistic, formal, rigid, euro-centric and idealistic, his formulation continued to serve as the springboard for subsequent analyses” (Eme and Oniyishi, 2014).

## ii) W. S. Livingston’s Sociological Theory

K.C. Wheare’s legal-institutional theory or legal-constitutional theory as some would preferably call it, states that federalism, going by the federal principle is, “the method of dividing powers so that the general and regional governments are each, within a sphere, coordinate and independent” (Wheare, 1953a, p.11). William S. Livingston however thinks otherwise. Left to him, federalism is a product of the society. In his sociological theory of federalism which emerged as a result of the loopholes in K. C. Wheare’s legal-institutional theory, Livingston (1952) asserted that “federalism is a function not of constitutions but of societies” (cited in Smiley, 1984, p.443; Anyebe, 2015, p.15). Building on his sociological argument on federalism, he said four years later that:

*“The essential nature of federalism is to be sought for, not in the shading of legal and constitutional terminology, but in the forces – economic, social, political, cultural – that have made the outward forms of federalism necessary....The essence of federalism lies not in the constitutional or institutional structure but in the society itself. Federal government is a device*

*by which the federal qualities of the society are articulated and protected”*  
(Livingston, 1956, pp.1-2).

This federal qualities Livingston spoke of are the diversities of people in a society. “The diversities may be distributed among the members of a society in such a fashion that certain attitudes are found in particular territorial areas, or they may be scattered widely throughout the whole of the society. If they are grouped territorially that is geographically, the result may be society that is federal if they are not grouped territorially then the society cannot be said to be federal, but in the former case only can this take the form of federalism of federal government in the latter case it becomes functionalism, pluralism or some form of corporatism” (Livingston, 1952, p.23).

### **Criticisms**

Although, Livingston’s sociological theory identified the diversities in a society as what necessitated the founding of a federation, his theory nevertheless fell short in making known what actually propelled these diverse nations (e.g economic advantage, security, shared problems etc) to agree to the formation of a federation when they can actually opt to be an independent nation.

### **iii) W. H. Riker’s Bargaining Theory**

The third theory of federalism is that of William H. Riker – the political/bargaining theory. According to Riker:

*“... federalism is one way to solve the problem of enlarging governments ... . Each advance in the technology of transportation makes it possible to rule a larger geographic area from one center, to fill a treasury more abundantly, to maintain a larger bureaucracy and police, and, most important of all, to assemble a larger army. ... . And, once one government enlarges itself, then its neighbours and competitors feel compelled to do likewise in order, supposedly, to forestall anticipated aggression”* (Riker, 1964, p.2; 1987, p.14).

Having considered “all the instances of the creation of a federation since 1786, giving most detailed attention to the invention of centralized federalism in the United States” (Riker, 1964, p.13), Riker opined that federalism is but “a bargain between prospective national leaders and officials of constituent governments for the purpose of aggregating territory, the better to lay taxes and raise armies... .The politicians who offer the bargain desire to expand their territorial control, usually either to meet an external military or diplomatic threat or to prepare for military or diplomatic aggression and aggrandisement. The politicians who accept the bargain, giving up some independence for the sake of union, are willing to do so because of some external military-diplomatic threat or opportunity. Either they desire protection from an external threat or they desire to participate in the potential aggression of the federation” (Riker, 1964). Before such a bargain can take place, there must be (a) the desire by the

leaders to expand their territorial control, usually either to meet an external military or diplomatic aggression and aggrandizement; (b) the presence of some external military-diplomatic threat or opportunity (Riker, 1964, p.13).

Still on his bargaining theory, Riker saw a link between the organisation of political parties and the structure of federalism. According to him, federalism can be ‘measured’ either as centralised or peripheralised. “The federal relationship is centralized according to the degree to which the parties organized to operate the central government control the parties organized to operate the constituent governments. This amounts to the assertion that the proximate cause of variations in the degree of centralization (or peripheralization) in the constitutional structure of a federalism is the variation in degree of party centralization” (Riker, 1964).

### **Criticisms**

Riker’s political/bargaining theory, like the other theories of federalism, has had its fair share of criticisms. The first critique of Riker’s bargaining theory is on the core assumption of his theory. Riker’s argument that territorial expansion and military/diplomatic threat, be it externally or internally, as the sole factor that drives nations to federate is not absolutely true. The example of the representatives of the 13 former colonies of Great Britain who came together at the 1787 Philadelphia Convention, for the purpose of drafting and ratifying the American federal constitution was not according to Richard Henry Lee, an *Antifederalist*, as a result of a perceived or potential military threat whatsoever (cited in Telford, 1999, p.22). Should the military-diplomatic threat be a good reason why independent nations federate, Riker all the same brought nothing new theoretically to the table. It is common knowledge that sovereign States that interact in the international system would continuously be faced with military threats from neighbouring States and States afar off who are in pursuit of power and their national interest. Scholars to have identified military threat way before Riker as a precondition for forming a federation are W. P. Maddox (1941, p.1122) and K. C. Wheare (1963, p.44). Thus, Riker’s bargaining theory so to say was predicated on a stale assumption.

The second loophole in the bargaining theory was that, “Riker *only* focuses on the states, on the decision-maker, the statesman” (Dosenrode, 2010, p.18). His theory left out the diversities of people in a society as a factor in the theorisation of federalism. This leads us to the next lacuna in Riker’s bargaining theory.

Thirdly, the military factor as the thrust of Riker’s bargaining theory on the origin of federations is historically insufficient in explaining why nations federate. The Nigerian federation for example was formed for Britain’s colonial administrative convenience (Babalola, 2013; Oyedeji, 2017), to offset the Northern Protectorate budget deficit with the Southern Protectorate budget surplus which was generated from the export of agricultural produce and tax levied on imported liquor and other commodities, and lastly to provide the landlocked Northern Protectorate an outlet to the sea through the littoral Southern Protectorate.

Fourthly, Riker asserting that federalism is a product of a bargain struck between political leaders does portray the said leaders to be rational statesmen who are capable of making rational choices having weighed the cost and benefit of each policy option (Dosenrode, 2010, p.17). But on the contrary, history teaches us that not all the leadership of countries are rational beings when it comes to decision-making on domestic and foreign affairs.

Lastly, the Riker's bargaining theory falls short in explaining organic federations such as the European Union (Dosenrode, 2010). This is a supranational body where the desire to integrate is not definite but has changed over time from the European Coal and Steel Community (ECSC) in 1951, European Economic Community (EEC) in 1957 to, the European Union (EU) in 1992 owing to what Ernst Haas calls the 'spill-over', "a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action and so forth" (Lindberg, 1963).

#### iv) C. Friedrich's Process Theory

The last but most definitely not the least of the major theories of federalism is the process/developmental theory of Carl Friedrich. Much as the doyen, K. C Wheare, makes us understand that federalism is a static phenomenon or better still, a rigid constitutional/institutional design, Friedrich on the hand begs to differ. Left to him, federalism is a dynamic process. In his words:

*"Federalism seems to most suitable term by which to designate the process of federalizing a political community, that is to say, the process by which a number of separate political organizations, be they states or any kind of association enter into arrangements for working out solutions, adopting joint policies and making decisions on joint problems or reversely, the process through which a hitherto unitary political community as it becomes differentiated into a number of separate and distinct political communities now separately organized become capable of working out separately and their own, those problems they no longer have in common"* (Friedrich, 1963, p.9).

In other words, "Federalism is the process of federalizing as well as the particular pattern or design which the intergroup exhibit at a particular time..." (Friedrich, 1966, p.286). Thus to Friedrich, federalism is a means to an end and not an end itself.

#### Criticisms

Birch (1966) happens to be the one of first critics to fault Friedrich's process/developmental theory on two grounds. Firstly, that his theoretical proposition explained federalism in general terms. Secondly, by conceiving federalism as a dynamic process, it made it difficult to pinpoint a particular time when a polity can be said to practicing federalism. Also to have flawed Friedrich's process theory for not been specific vis-à-vis federalism is M. Burgess. According to Burgess, "His approach portrayed the relationship between process and

structure in ambiguous terms and it did not explain precisely how we could know for sure that a so called ‘federalising process’ had even begun” (Burgess, 2006, p.36). Friedrich’s process theory from all indications is purely a procedural assumption. It touched on the formalities behind the transformation of a non-federal State to a federal State but, it failed to address federalism as a system of government after such a process has been completed. By stating also the reason for such process to be making joint decisions on shared problems, Friedrich missed it because such a process could be for mutual political or socio-economic benefits. Citing the example of the European Union, the ongoing federal process in the E.U is not primarily to arrive at decisions on shared problems but to actualise steadily the ‘European Project’ which is to integrate the economies on the continent with the aim of economic prosperity and sundry for each member State.

### **Concluding Remarks**

So far so good, no single theory of federalism has been able to satisfactorily answer all the core questions of why nations federate, what factors or conditions necessitated the adoption of federalism, how best power is to be shared between the levels of government in a federation, whether federalism is a means to an end or an end itself and lastly, why some federations succeed and others, fail. Each and every theorist of the well known theories of federalism only successfully explained federalism in part and not holistically. Having considered the four major theories of federalism in this paper – legal institutional theory, sociological theory; political/bargaining theory and lastly process/developmental theory, federalism in summary is to be understood as a product of a diverse society. The independent nations making up this diverse society desire to form a federation for reasons ranging from economic advantage, security, territorial contiguity, cultural similarity, shared problems etc. To make this desire a reality, they are to undergo a federal process where a written agreement would eventually be reached. This agreement, the constitution, then becomes the legal document that shares power between at least, two levels of government in a democratic setting. Thus, federalism as a political ideology and system of government is about self-rule and shared-rule where the autonomous component units’ identity is preserved. Ideally, federalism would promote economic development and more importantly, unity in diversity.

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