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CALIDAD DEMOCRÁTICA Y ORGANIZACIÓN TERRITORIAL

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PRÓLOGO

ACCOMMODATING DIVERSITY IN FEDERAL COUNTRIES. SOME REFLECTIONS FROM AROUND THE WORLD AND CANADA

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Accommodating diversity is a key issue of our times; it preoccupies policymakers the world over. Debates about ethnic, national, linguistic, religious, and economic diversity and its accommodation in viable and legitimate institutional structures has become a concern for established and emerging democracies alike.

Diversities, however, should not be considered a burden. They should be seen as an asset that states can build upon. Indeed, one has to consider diversities as an opportunity for states that are enriched by different languages, cultures, religions, and traditions. Since its founding, the Forum of Federations has been increasingly drawn to work on the «diversity question» around the world - which includes both developing and established democracies.

Whereas issues arising from cultural, racial, religious, and linguistic diversity are more pronounced in some countries than others, the issues of socio-economic diversity (and indeed how they are bridged) concerns all federal or devolved systems. The overlap between economic and social markers of diversity can complicate policy making and polarize the politics of a country. Recent referenda on independence in Catalonia, Scotland, and Kurdistan were as much about identity questions as they were about economic issues.

Over the last fifty years, many countries have come to craft institutional arrangements, albeit imperfect ones, for dealing with such issues. This has become necessary because these markers of identity can either not be changed, or can only be changed by violating fundamental human rights, such as religion or language. Moreover, unlike economic

diversities that can be altered (positively) via technical intervention, social diversity is often rooted in symbols and emotions.

It is fair to note that not all countries with social or economic diversity are necessarily set up as federal or devolved states. However, federal states often have the means for institutional accommodation which allows for the expression and recognition of social differences and provides mechanisms for bridging economic diversity. It is not surprising that some of the most ethnically diverse countries in the world, such as Canada, Ethiopia, Nigeria, India, and Switzerland, are also federations.

Several federations like Belgium, India, Nigeria, Ethiopia, and older federations like Switzerland, for example, were constituted precisely to deal with issues of social and ethnic diversity. Indeed, the United States, Switzerland, Ethiopia, and Nigeria, as they exist today, were specifically constituted to deal with the aftermath of a civil war. And while it may no longer be obvious today, even Germany, had religious diversity or sectarianism as a deciding feature of its politics. Other monocultural federations like Australia, Brazil, and the United States have a substantial aboriginal population whose welfare has now been taken into account as the states embark on creating a more equitable and just society.

DIFFERENT TYPES OF DIVERSITY

In 2010, the Forum published a comparative study edited by Luis Moreno and Cesar Colino looking at how twelve federations responded to challenges posed by diversity. Some of the findings from the study were anticipated in terms of institutional structures of how countries cope with old diversities, namely language, religion, and ethnicity. However, what stands out is the fact that all countries around the world, in addition to dealing with old diversities, are now coping with what one would call «new diversities» i.e. diversity as a result of migration.

Therefore, it would be short-sighted to think of ethnic diversity as being static and territorially bounded. Migration can often play an important role in creating «new diversities» which may not always be territorially concentrated. Migration is often thought of as the movement of immigrants from the Global South to the Global North. What is forgetten is that there are also South-South movements on a similar, if not larger, scale. Displaced Somalis living in Kenya or Afghans in Pakistan, or indeed situations of internal economic migration have the potential to change the face of politics in host societies; hence, this should be taken into cognisance in trying to deal with the issues of diversity.

I think it is also important to acknowledge that there is no perfect model for dealing with diversity. Also, countries that have succeeded in reconciling unity and diversity have done so by experimenting with a wide range of devices available from the federalism toolkit. Countries which have tried to deal with the challenge of unity through repression,

exclusion or forced assimilation have often end up in political instability and civil war.

It is true that there have been secessionist and separatist movements in many of the world's established federations. In the 1960s, Nigeria dealt with separatism call by Biafra in the east of the country, and for many decades, Canada has had to deal with Quebec separatism. In Spain, Catalonia has a sovereignty movement and Basque country had the separatist terrorist group ETA for decades. The United States, 140 years ago, fought a civil war to preserve the union and in India, there have been constant insurgences on the periphery. While it is true that in each case of militarized separatism, the state has used force to quell resistance, the continued unity of these countries and the viability of their democracy have resulted from a willingness of the state to explore institutional mechanisms for accommodating divergent points of view rather than from ceaseless and continued coercion.

CONFIGURATION OF DIVERSITY AND INSTITUTIONAL RESPONSE

Not all federations were originally designed to empower ethnic or linguistic minorities nor are all diverse countries federations. However, federal types of arrangements seem increasingly to be the preferred means to reconcile and champion respect for diversity with a common purpose of unity. This is possible because federal states have the means for institutional accommodation. Many federal countries owe their stability to the fact that they have been flexible and have often taken a middle role in balancing unity and diversity. In Canada, Spain, and India, diverse groups can consider certain provinces or autonomous communities as their homelands and at the same time all groups have significant representations in the key institutions of the state. Institutional arrangements for how each country deals with diversity vary depending upon the type and configuration of diversity. Countries like Nigeria, Switzerland, India, and Spain tend to have linguistic groups that are territorially concentrated and often solution to that has been to create territorial homelands for linguistic groups. Instead, in other countries like Brazil and the United states, identified minorities are often dispersed across the country and there the state often resorts to affirmative action policies in order to be more inclusive.

Typically, most countries have identity groups which may be territorially concentrated on the one hand but may also be dispersed or cross-cutting across various groups. For example, in India while linguistic identities are territorially concentrated, religious identities are not. This is also true in countries like Nigeria so what is desirable is a combination of approaches (territorial or non-territorial) to fashion institutions that aresuited for the context in which those institutions will function. Nigeria went from three constituent units at independence to thirty-six

states today; that is a way of accommodating the expression of ethnicity in Nigeria. There is also the religious dimension where unwritten rules may apply. Since the restoration of democracy in Nigeria, an interesting compact in the current setup allows for the presidency to rotate between the Christian dominated South and Muslim dominated north.

What is rather interesting is that in fifteen of twenty-five recognizable federal systems, linguistic diversity is the main issue around which identities are mobilized. It is no surprise that many federal countries, therefore, have made great efforts to address diversity based on language. The ability to communicate is fundamental to citizenship in a democracyand allowing people the right to do so in their mother tongue enhances their sense of belonging.

India has forty languages spoken by more than one million people; Hindi, which is the mother tongue of almost one in five Indians, is the official language of the Union government. When attempts were made in the 1950s to force Hindi on the rest of the country, the country almost splitand the government, realizing this, backtracked and came up with what became the three language formula. Under this arrangement, every state was allowed to choose its own official language and was expected to communicate with the Union government in Hindi and English or the language of choice. While this was the official approach of how the units and centre was supposed to communicate, in practice, communications approaches are more flexible. The state of Tamil Nadu, never reconciled to the idea of communicating in Hindi —the very idea that Hindi should be the national language was repugnant to the Tamils as it was in Bengal— so whenever there is correspondence between the government of Tamil Nadu and the federal government, the Tamil Nadu governmentsends its first correspondence in Tamil, second correspondence in English and a note saying «Hindi translation follows». However, in the last sixty years, Hindi translations have not been sent. Nonetheless, the relationship between the government of Tamil Nadu and the Union government continues and the country continues to operate.

In Nigeria, Yoruba, Hausa, and Igbo are the major languages spoken by millions of people but there are about 450 other recognized languages used in various regions and although some of them are spoken by a few thousand people, English remains, the principal language of public administration and of secondary and post-secondary education in this country.

Ethiopians, who moved from an absolute monarchy to a totalitarian regime and then to a constitutional federal state, take a different approach. From the days of the Ethiopian empire Amharic became the lingua franca of the empire but the new government, which based the rebuilding or building of democratic Ethiopia on ethnic lines, decided that there would be no official language. Since most people spoke Amharic, Amharic generically became the working language of the federa-

tion. Allowing other regions within Ethiopia to choose their language and the language of communication in the conduct of the government business was therefore not a problem. However, the reality is that, prior to democratization, Ethiopia had a low level of literacy and the elites across the country were schooled in Amharic, so by default, Amharic became the language in which the government operates. Nevertheless, the new generation of Ethiopians have the opportunity to learn their local language —whether Somali, Oromo or whatever that maybe—.

Switzerland is another country with three official languages but a fourth linguistic group —the Romansh— exist. With only forty thousand speakers, Romansh is recognized as a national language but in practice, the governments do not have to operate in that language. The Swiss Federal government operates in all three major languages: French, German and Italian but not Romansh. As for cantons in Switzerland, majority of them have one official language, while three are bi-lingual cantons and one is trilingual; this is emblematic of a mixed approach to managing diversity. In South Africa, English and Afrikaans were both used but after the move to majority rule, languages like Xhosa, Tshwane, Ndebele, and Zulu have been given official language status. Yet, practicalities associated with education and literacy means that English remains the link language in this case.

Canada has two official languages: English and French. The country is also officially bilingual at the federal level, with one province that is officially bilingual which is New Brunswick. Quebec has adopted French as its official language but also offers services in English to its large English speaking population but what is often forgetten is that there are other languages in Canada (which to outsiders may seem very obscure) with recognized status. The Inuit language which is spoken by the people of Nunavut (people formerly called Eskimos) with its own script is one of several aboriginal languages spoken by hundreds of thousands, if not millions of people, including Cree, Ojibwa and Dene, to name a few. In Canada, unlike a lot of other countries, language rights are actually portable and based on the idea that every Canadian should have the right to be served with the language of his/her choosing. In this sense, Canada differs from other diverse countries, where groups are assigned rights rather than individuals.

THE CANADIAN MODEL

At this point, I would like to review some key elements of the Canadian model. First, Canada was the only classical federation where a unitary state was federalized with a view of managing conflict between its Anglo and Francophone population. Consequently, Canada has openly debated differences within the country even to the point that one constituent unit —Quebec— might wish to secede. Secondly, apart from Quebec versus the rest of Canada, relations between the federal level

and constituent units and people are continuously debated and negotiated. This is because the provinces in Canada, unlike in many other federations, are fiscally in a position to challenge the federal government's transgressions into their areas of jurisdiction.

The third outstanding aspect in Canada is the historic belief (and indeed practice) in the premise that unity is best achieved through recognition and accommodation of difference rather than a rejection and suppression of it. The Supreme Court of Canada, in its landmark decision on secession, upheld democracy, federalism, constitutionalism, rule of law and the respect for minority rights as the guiding principles of the Canadian federation. However, there are concerns in some quarters that in Canada, there is too much emphasis on diversity, but it is very hard to see how without recognizing these diversities, a country of continental size could carry on as a united entity.

Diversity in Canada to the outside world often appears binary — Anglo Canada vs Quebec— but this is one dimension, and it is the dimension that gets the most press because Canada came so close to breaking up in 1996. While in recent times separatism has receded, once there is a separatist impulse within a polity, this can re-emerge. Like the United States and Australia, Canada too was a settler federation and to that extent there are other diversities and the first one of course has to do with its large indigenous population and how the aboriginal population has been treated over the years. There are three identifiable groups of indigenous people in Canada, the first group, rather misleadingly, is called Indians, and Christopher Columbus's ignorance can be blamed for that; they should be referred to as First Nations. The second group are the Inuit's formerly known as the Eskimos in the North and the third group are called the Meities - the mixed population in Canada, off springs of the Aborigines and the White settlers who came to Canada in the last two centuries and before. Given the historic injustices heaped on these groups, in recent years the government of Canada has worked hard at redressal. The enactment of affirmative action policies for these groups providing them access to livelihoods, to incomes and so on and so forth for the benefit of these groups has only been partially successful, and this is a diversity or social issue that the government of Canada still grapples with.

Furthermore, given Canada's continental scale, there is a lot of diversity in endowment and outcomes. Whereas Quebec is fearlessly protective of its linguistic and cultural rights, Alberta in the west is fearlessly protective of its mineral rights. In Canada where minerals on land are in the exclusive jurisdiction of the provinces, the Federal government's attempts in the 1970s to tax oil in Alberta created a constitutional crisis almost at par with the Quebec secession crisis.

Last but not the least, Canada was and is a country of immigrants. Over the last ten years about 250,000 immigrants per year have moved to Canada. People from the Indian subcontinent form the largest group

of new immigrants to Canada followed by the Chinese. And this creates a new sort of diversity that Canada along with other OECD countries are having to deal with because a lot of these people now come from the parts of the world whose value systems and social systems are different from that of the recipient country. Canada is not the only country to deal with this «new» challenge but other federations in Europe and elsewhere are struggling with the process of immigration integration.

Canada's story with all its flaws is rather a good one. Despite all its problems and quarrels, the country has held together for the better part of a century and a half. No federal country has the perfect recipe for unity that can be easily adopted by others. There is value in studying how others handle challenges of diversity. However, each federation is a product of its particular history and solutions cannot be imported. Rather, what suits a particular circumstance should be adopted by understanding the failure and successes of other models.

Many federal countries owe their stability to the fact that they adopted a balanced approach to accommodating diversity; this means organizing the constituent units as homelands as deemed appropriate and creating, when necessary, new constituent units to reflect diversity. This has happened not just in countries like India where new states were created in the north east into the 1990s and beyond to provide people their stake in the system and a sense of belonging. Switzerland which became a modern federation in 1848 had 25 cantons until 1979 when the Canton of Jura was separated from Bern. Jura's mountain population saw itself as being so different from the urbanized population in Bern, in addition to their linguistic and sectarian differences, that they felt that only a creation of a new canton would allow them to express their individuality and their identity. Also, it is very important to have significant representation in institutions of the central and state government from as many diverse groups as possible. Finally, recognition of language rights is integral to the success of countries that have thrived in maintaining unity because this recognized it as a central tenet of their institutional design. Perhaps the single most important lesson is that federalism and federal structures allow individuals to have multiple identities without negating a country wide identity. In other words, it is possible to be Catalan, Bengali or Quebecois and be Spanish, Indian or Canadian at the same time.

PRESENTACIÓN

CALIDAD DEMOCRÁTICA Y DISTRIBUCIÓN TERRITORIAL DEL PODER

José Tudela
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Fernando Reviriego

Este volumen recoge las ponencias del Congreso Internacional «Calidad democrática y organización territorial» celebrado en Calatayud el 26 de septiembre de 2017 y organizado por la Universidad Nacional de Educación a Distancia y la Fundación Manuel Giménez Abad de las Cortes de Aragón. El desarrollo del seminario y la posterior publicación han sido posibles gracias a la ayuda del Vicerrectorado de Investigación e Internacionalización de la UNED y la colaboración de los grupos de investigación (Forma de gobierno y aspectos institucionales de la participación en los sistemas de gobierno multinivel —DER2015-68160-C3-1P— e Interacción entre representación y participación en la producción normativa —DER2015-68160-C3-3-P—), así como la del Departamento de Derecho Público General de la Universidad de Salamanca. Este Congreso ha contado, asimismo, con el Aval de la Asociación de Constitucionalistas de España y del Foro de las Federaciones.

En dicho Congreso se ha abordado, a lo largo de intensas sesiones de trabajo, el creciente proceso de deslegitimación que, en los últimos años, ha podido observarse en el funcionamiento de las democracias occidentales afectando especialmente a sus instituciones representativas en muchos países de la Unión Europea y América Latina. Relacionado con este efecto se ha constatado una sensación decreciente de confianza en las instituciones democráticas entre los ciudadanos, sintiéndose especialmente el impacto de la pérdida de legimitidad del paradigma representativo en las instituciones de los distintos niveles de gobierno. Partiendo de este debate actual se han analizado el rendimiento de las instituciones democráticas en los Estados compues-

tos, su regulación y, singularmente, las formas de interacción entre los diferentes niveles de gobierno. Todo ello con vistas al objetivo de formular propuestas contrastadas y concretas de mejora potencial de la calidad democrática, desde una perspectiva interdisciplinar e internacional. Y ello desde la perspectiva de la atribución a la descentralización del poder con efectos positivos en la organización administrativa, considerando la división vertical de poder también como garante adicional de la protección del individuo ante abusos de poder. Numerosos estudios confirman la relación positiva entre la descentralización del poder y la calidad democrática de las sociedades; en palabras del profesor García Pelayo, el federalismo puede manifestarse como una acentuación del principio de división de poderes destinada a garantizar la libertad. En la práctica, la experiencia comparada nos demuestra que todos los países políticamente descentralizados tienen un sistema político democrático, mientras países autoritarios suprimen la diversidad regional y la autonomía de minorías étnicas o religiosas, así como la separación de poderes.

Dentro de este marco se han abordado posibles formas de mejora de la calidad democrática a partir de la mejora en el funcionamiento institucional, analizando la perspectiva del Derecho comparado y teniendo en cuenta la organización territorial del poder.

Hemos contado en el Seminario con las reflexiones de profesores e investigadores de un amplio número de universidades europeas y americanas como Daniel Barceló, de Universidad Nacional Autónoma de México, Peter Bussjäger, de la Universidad de Innsbruck, Walter Carnota, de la Universidad de Buenos Aires, Ernani Contipelli, de la Universidad Comunitária da Região de Chapecó, Enriqueta Expósito Gómez, de la Universidad de Barcelona, Elena García Guitián, de la Universidad Autónoma de Madrid, Mario Kölling, de la Fundación Manuel Giménez Abad y la UNED, Sara Parolari, de la European Academy of Bolzano, Jared Sonnicksen, de la Universidad Técnica de Darmstadt y José Tudela Aranda de la Fundación Manuel Giménez Abad. Junto a ellos, hemos contado con la colaboración de Jorge Alguacil, Angustias Hombrado, Pilar Mellado, María Salvador y Santiago Sánchez, de la UNED, José Sánchez Medalón, Elena Martín y Ana Carmen Espes Mallén de la Fundación Manuel Giménez Abad, y Augusto Martín de la Vega de la Universidad de Salamanca, así como con la inexcusable ayuda de Ana Lagunas, Directora del Centro Asociado de la UNED en Calatayud que desde el primer momento ha colaborado para la mejor organización del Seminario. A todos ellos les agradecemos su trabajo desinteresado.

Es importante destacar que, junto a las ponencias, se presentaron un elevado número de comunicaciones de indudable calidad a cargo de Ignacio Álvarez Rodríguez, Ilich Luis Ajates Meca, Eduardo Álvaro Espina, Iván Arias Balsa, Abel Arias Castaño, Antonio Arroyo Gil, Fernando Casal Bertoa, Enrique Cebrián Zazurca, Andrés Iván Dueñas

Castrillo, Carlos Fernández Esquer, Elena García Cuevas, María Garrote De Marcos, Luis Miguel González de la Garza, Devany Ana Karen Covarrubias, Santiago Larrazabal Basañez, Rogelio López Sánchez, Augusto Martín de la Vega, José Luis Mateos Crespo, José Antonio Mingorance, Ana Nava Vázquez, David Parra Gómez, José Rama Caamaño, Joan Ridao Martín y Francisco Javier Romero Caro.

CALIDAD DEMOCRÁTICA Y DISTRIBUCIÓN TERRITORIAL DEL PODER. APROXIMACIONES TEÓRICAS

FEDERALISM AND DEMOCRACY
A TENSE RELATIONSHIP

Jared Sonnicksen

SUMMARY: I. INTRODUCTION.—II. COMPATIBILITIES AND CONTRADICTIONS BETWEEN FEDERALISM AND DEMOCRACY.—III. INTRAGOVERNMENTAL DIMENSION: DEMOCRACY AND THE HORIZONTAL DIVISION OF POWERS.—IV. INTERGOVERNMENTAL DIMENSION: FEDERALISM AND THE VERTICAL DIVISION OF POWERS.—V. COUPLING BETWEEN FEDERALISM AND DEMOCRACY.—VI. CONCLUSION.—BIBLIOGRAPHY.

I. INTRODUCTION

The link between territorial organization of the polity and democracy represents a cardinal question to political science[1]. How to properly organize the polity poses not only a challenge for normative political thinking, but also emerges, time and again, in socio-political discussion on constitutional reforms and constitutional engineering. Matters of territorial scale and organisation are perhaps more current than ever, especially in democratic political systems. They apply on account of a wide range of developments and challenges, from the increasing diversity and heterogeneity of societies to growing complexity of governing with globalisation and multifaceted forms of regionalisation. The promises of federalism to address these challenges for democracy appear to be manifold.

Research on comparative federalism and multilevel governance has been driven, among others things, for empirical-analytical reasons to capture changes in (re-)scaling on account of assorted developments in regionalism and multilevel governance «beyond» as much as «below» the state[2]. This research agenda has made significant progress, leading even

[1] R. Dahl and E. Tufte, *Size and Democracy*, Stanford, Stanford University Press, 1973.

[2] L. Hooghe, G. Marks and A. Schakel, *The Rise of Regional Authority. A Comparative Study of 42 Democracies*, London, Routledge, 2010; M. Keating, «Spatial Rescaling, Federalization, and Interest Representation», G. Skogstad *et al*. (eds.) *The Global Promise of Federalism*, Toronto,

to a «growth industry» of regional and federal studies[3]. There has been much work done to study the various processes of shifting competences and governance practices which emanate from different and changing configurations of distribution of powers in federal, federalizing and decentralizing polities. In addition to individual case studies, the search for suitable indicators and respective indices have likewise increased. They investigate fiscal components like distribution of tax revenues across levels of government and institutional features usually considered related to federalism such as constitutional guarantees of autonomy, bicameralism or constitutional courts[4]. Moreover, such contributions have helped to enable empirical comparative research on effects or correlations between federalism and decentralization[5] or between the two and policy[6], not least to social and welfare policy[7]. More recent scholarship has expanded the scope beyond the federal-unitary or centralised-decentralised dichotomies to construct measures of regional authority at multiple levels of any polity[8]. In summary, such endeavours allow for making assessments on the quality (or at least quantity) of territorial organisation. However, the link between territorial organisation and democracy, not to mention their respective qualities, is still taken widely for granted.

At first glance this may appear unsurprising. There is a long tradition in political thought of linking federalism and other forms of non-centralism with separation of powers that reinforces rule of the people[9]. Such notions have fostered the premise of an inherently democratic quality of federalism. Foremost is the classic notion that federalism increases structures and thus opportunities of choice and participation, so that it would appear self-evident that federalism complements and im-

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University of Toronto Press, 2013; S. Piattoni, *The Theory of Multi-Level Governance. Conceptual, Empirical, and Normative Challenges*, Oxford, Oxford University Press, 2010.

[3] J. Erk, «Comparative Federalism as a Growth Industry», *Publius*, núm. 37, 2007.

[4] J. Lane and S. Ersson, *The New Institutional Politics. Performance and Outcomes*, London, Routledge, 2000; W. E. Oates, *Fiscal Federalism*, New York, Harcourt Brace Jovanovich, 1972; J. Rodden, «Comparative Federalism and Decentralization: On Meaning and Measurement», *Comparative Politics*, núm. 36, 2004.

[5] J. Erk and E. Koning, «New Structuralism and Institutional Change: Federalism between Centralization and Decentralization», *Comparative Political Studies*, núm. 43, 2010.

[6] See e.g. U. Wachendorfer-Schmidt (ed.), *Federalism and Political Performance*, London, Routledge, 2000.

[7] See e.g. H. Obinger, S. Leibfried and F. Castles (eds.), *Federalism and the Welfare State. New World and European Experiences*, Cambridge, Cambridge University Press, 2005. P. Pierson (ed.), *The New Politics of the Welfare State*, Oxford, Oxford University Press, 2001; J. Sellers y A. Lidström, «Decentralization, Local Government, and the Welfare State», *Governance*, núm. 20, 2007.

[8] L. Hooghe and G. Marks, «Beyond Federalism: Estimating and Explaining the Territorial Structure of Government», *Publius*, núm. 43, 2013; L. Hooghe, G. Marks and A. Schakel, *The Rise of Regional Authority. A Comparative Study of 42 Democracies*, London, Routledge, 2010; A. Schakel, «Validation of the Regional Authority Index», *Regional & Federal Studies*, núm. 18, 2008.

[9] For an overview, see J. Gerring, S. Thacker and C. Moreno, «Centripetal Democratic Governance: A Theory and Global Inquiry», *American Political Science Review*, núm. 99, 2005, pp. 567-569.

proves democracy. This idea may also seem valid under the premises of a potential cost effectiveness of decentralised political structures as well as their comparably higher proximity of public services to citizens[10]. In line with the economic theory of federalism, federalism and decentralisation have been deemed conducive to institutional competition that fosters opportunities for citizens to «vote with their feet»[11]. Other democratic-promoting features commonly attributed to federalism include a stronger safeguard to liberty and rule of law[12] but also a better accommodation of diversity and assorted minority groups[13]. All of the above have reinforced a notion of mutual compatibility between federalism and democracy[14]. It is against this backdrop that federalism and decentralization could come to be viewed as complementary or supplemental features even of one particular model of democracy, as illustrated in Lijphart's consensus model[15]. From that analytical perspective, in addition to assessing power-sharing arrangements at the centre, measuring «how federal» a system is would equate to assessing the extent or level of consensual-democratic quality.

However, these virtues of federalism briefly illustrated above already reveal a fundamental ambivalence. It begs the question of whether federalism supports and incentivizes *competition* or *cooperation*, and thus *which* democracy does it promote. For instance, different types of federalism affect not only the operation of decentralized or federalized governments, but also their «propensities for change»[16]. More basically, we face the question of *which* federalism we mean in the first place. This matter likewise requires clarification before assessing the linkage then to quality of democracy. Our guiding question from the outset could be instead, which federalism promotes which kind of democracy.

Depending on analytical perspective, federalism and democracy may be viewed as mutually reinforcing, though the two can just as well contradict one another. The latter may certainly be the case when considering federal systems that are in transition to democracy[17]. For the

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[10] See e.g. M. Kochen and K. Deutsch, «Toward a Rational Theory of Decentralization: Some Implications of a Mathematical Approach», *American Political Science Review,* núm. 63, 1969.

[11] W. E. Oates, *Fiscal Federalism*, New York, Harcourt Brace Jovanovich, 1972.

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[14] R. Watts, *Comparing Federal Systems*, 3rd ed., Montreal, McGill-Queen's University Press, 2008.

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[16] C. Colino, «Varieties of federalism and propensities for change», in A. Benz y J. Broschek (eds.), *Federal Dynamics. Continuity, Change, & the Varieties of Federalism*, Oxford, Oxford University Press, 2013.

[17] A. Benz and S. Kropp, «Föderalismus in Demokratien und Autokratien - Vereinbarkeiten, Spannungsfelder und Dynamiken», *Zeitschrift für Vergleichende Politikwissenschaft*, núm. 8, 2014.

guiding question at hand though, we can set the focus on established democratic systems. Yet even here, the link between federalism and democracy is complex. A democratic federation connects vertical division of power between governments with horizontal division of power in government. The latter in turn refers to horizontal division of powers, a constitutive feature of democracy. Distinguishing these two regime dimensions is consequently relevant for understanding democratic federations. What is certain is that their combination in one polity produces a series of tensions. Thus, it is necessary to establish more analytical clarity on the relations between them. To this end, I first set out in the following to conceive democracy and federalism as two distinct dimensions of government with different logics of operation. The various features of federalism and democracy each comprise distinct mechanisms of collective action. To understand the interaction of these mechanisms requires us again to distinguish them. Although their operation may produce stronger or weaker effects, it is the existence of a particular mechanism and its logics of operation which are relevant to the linkages between federalism and democracy.

To address then the connection between federalism and the quality of democracy, I subsequently provide an outline of the various combinations of these two basic forms of organising the distribution of power of which each, again, can be configured in different ways. Building on previous conceptualisation[18], we need to distinguish the *coupling* arrangements, i.e. the combinations of interlinkage in federal democracies. These may refer to particular modes of multilevel governance and intergovernmental relations which together constitute more «tightly» or rather «loosely» to even «decoupled» patterns of interlinkage between the federal and democratic regime dimensions.

There apparently remains a risk of linking, if not equating decentralised authority with outcomes of democratic quality. However, as the following argues, these two regime dimensions are neither inherently compatible nor inevitably «at odds» with one another[19]. Instead, they face a series of challenges and tensions. To cope with them, institutionalized arrangements, not only as structures, but also processes and practices are decisive for how federalism and democracy work together. Thus, whether federalism or another certain form of territorial organisation promotes the quality of democracy, or vice-versa for that

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[18] A. Benz and J. Sonnicksen, «Patterns of federal democracy: tensions, friction, or balance between two government dimensions», *European Political Science Review*, núm. 9, 2017.

[19] A. Benz and J. Sonnicksen, «Federalism and Democracy - Compatible or at Odds with One Another? Re-examining a Tense Relationship», in C. Fraenkel-Haeberle, S. Kropp, F. Palermo and K. Sommermann (eds.), *Citizen Participation in Multi-Level Democracies*, Leiden, Brill, 2015.