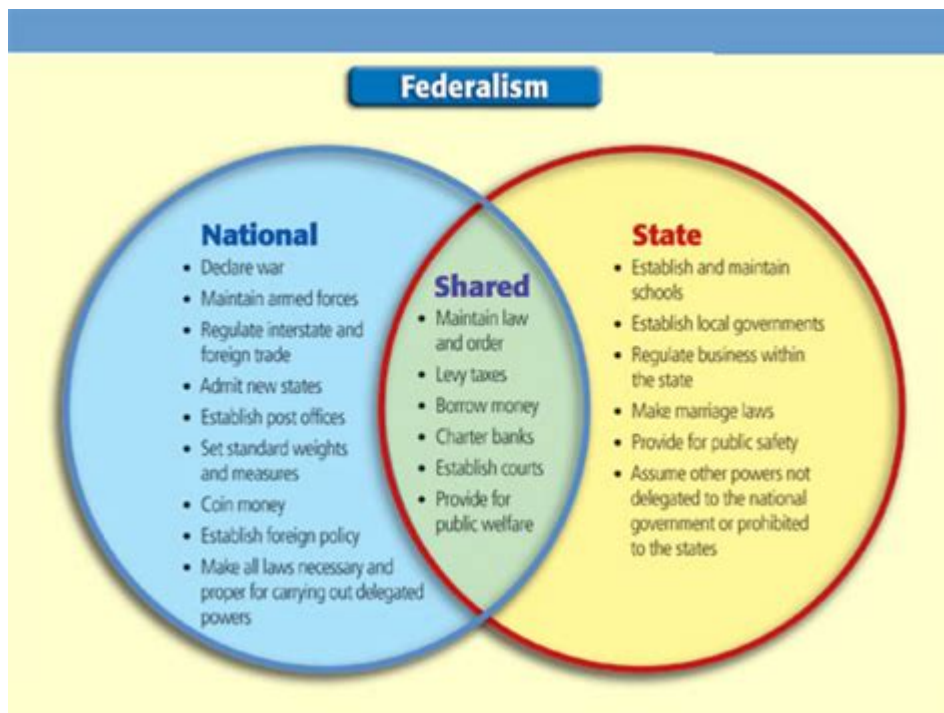


The Federal In Federalism



The Federal in Federalism: Understanding the Core of a Divided Power Structure

Federalism, a system of government where power is divided between a central authority and constituent political units (like states or provinces), is a complex structure often misunderstood. This post dives deep into the crucial role "the federal" plays within this intricate system. We'll explore its powers, responsibilities, and interactions with state or regional governments, providing a clear and concise understanding of this fundamental aspect of many modern nations. Prepare to unravel the intricacies of federal power and its impact on governance.

What Does "The Federal" Actually Mean in Federalism?

The term "the federal" (often capitalized to denote the federal government) refers to the central, national government in a federal system. This is the entity responsible for overarching matters affecting the entire nation. Unlike a unitary system where all power resides in a central government, "the federal" in a federal system shares authority with lower levels of government. This sharing of power is the defining characteristic of federalism. Understanding this crucial distinction is key to comprehending how different levels of government interact and influence policy.

The Federal Government's Enumerated Powers

The federal government's authority is not unlimited. It operates within a framework defined by a constitution (or similar founding document). This constitution typically outlines the federal government's enumerated powers, specifically listing the areas where it holds authority. These powers often include national defense, foreign policy, regulating interstate commerce, establishing currency, and maintaining a postal service. The specifics vary depending on the country's constitution.

The Implied Powers Doctrine

Beyond enumerated powers, the federal government often relies on implied powers. These stem from the "necessary and proper" clause (or equivalent) in many constitutions. This clause grants Congress (or the equivalent legislative body) the power to make all laws "necessary and proper" for carrying out its enumerated powers. This allows for flexibility and adaptation to changing circumstances, but also presents potential for debate and judicial review regarding the limits of implied powers.

The Interaction Between "The Federal" and Subnational Governments

The relationship between "the federal" and state or regional governments is dynamic and often involves both cooperation and conflict. This interplay is a core aspect of federalism's complexity.

Concurrent Powers: Shared Responsibilities

Many areas of governance involve concurrent powers, meaning both the federal and subnational governments share authority. Taxation is a prime example; both the federal and state governments can levy taxes. However, the Constitution or governing documents often outline which level of government holds supremacy in case of conflict.

Federal Preemption: When the Federal Government Takes the Lead

In instances of federal preemption, the federal government's laws supersede conflicting state laws.

This ensures national uniformity in critical areas, such as environmental protection or civil rights. However, the extent of federal preemption is a continuous source of legal and political debate.

Fiscal Federalism: The Power of the Purse

Fiscal federalism describes the complex financial relationships between "the federal" and subnational governments. This includes federal grants-in-aid to states, which can influence state policies by attaching conditions to funding. The distribution of federal funds and the conditions attached are major points of contention and negotiation.

The Strengths and Weaknesses of Federal Systems

Federalism, with its division of power, offers distinct advantages and disadvantages.

Advantages of Federalism

Reduced Tyranny: Dividing power prevents the concentration of authority in a single entity, protecting against potential tyranny.

Increased Participation: Subnational governments provide opportunities for greater citizen involvement in governance.

Policy Experimentation: States can serve as "laboratories of democracy," testing different policy approaches.

Regional Diversity: Federalism allows for policies tailored to regional needs and preferences.

Disadvantages of Federalism

Inefficiency and Duplication: Overlapping jurisdictions can lead to inefficiencies and duplication of effort.

Conflicts between Levels of Government: Disagreements between the federal government and subnational entities can create political gridlock.

Unequal Distribution of Resources: Fiscal disparities between states can lead to inequalities in public services.

Conclusion

Understanding "the federal" within the framework of federalism requires recognizing its defined powers, its interactions with subnational governments, and the inherent strengths and weaknesses of the system itself. The dynamic relationship between the federal government and lower levels of government constantly shapes policy, law, and the overall experience of citizens. The ongoing tension and negotiation between these levels are crucial aspects of a functioning federal system.

FAQs

1. What happens if a state law conflicts with a federal law? Generally, federal law preempts (overrides) conflicting state law, as long as the federal government has the constitutional authority to legislate in that area.
2. Can the federal government force states to enact specific laws? The federal government can incentivize states through grants and funding, but it generally cannot directly force states to enact laws unless explicitly granted that power by the Constitution.
3. How are disputes between the federal government and states resolved? Disputes are often resolved through the judicial system, with the Supreme Court ultimately having the authority to interpret the Constitution and resolve conflicts.
4. What role does the Constitution play in defining the powers of "the federal"? The Constitution is the foundational document that defines the enumerated powers of the federal government, leaving any powers not explicitly granted to the states (or the people).
5. Are all federal systems the same? No, the specific balance of power between the federal government and subnational units varies greatly across different federal systems worldwide, depending on their constitutions and historical context.

the federal in federalism: Democratic Federalism Robert P. Inman, Daniel L. Rubinfeld, 2023-09-26 Federalism, defined generally as a collection of self-governing regions under a central government, is widely viewed as a sensible choice of polity both for emerging democracies and for established states. But while federal institutions are positively correlated with valued economic, democratic, and justice outcomes, ultimately it is unclear how they are connected and which cause which. In *Democratic Federalism*, Robert Inman and Daniel Rubinfeld explore how federalism works and propose concrete and proven policy guidance on how federalist policies can be designed and implemented successfully. The authors define federalism according to three parameters: how much federal revenue comes through local governmental bodies, the number of local governmental bodies, and the extent to which these local bodies are represented federally. In applying these parameters to economic concepts and theory, Inman and Rubinfeld explain how federalism works in a way meant to engage scholars in political science and sociology and policymakers drafting regulation in federalist governments. The book offers applicable ideas and comparative case studies on how to assess potential policies and how to actually design federalist institutions from scratch. Both authors

have real experience with both, most notably in their work advising the South African government on how to build a federalist democracy. This book will be an essential guide to understanding and applying federalist concepts and principles--

the federal in federalism: American Government 3e Glen Krutz, Sylvie Waskiewicz, 2023-05-12 Black & white print. American Government 3e aligns with the topics and objectives of many government courses. Faculty involved in the project have endeavored to make government workings, issues, debates, and impacts meaningful and memorable to students while maintaining the conceptual coverage and rigor inherent in the subject. With this objective in mind, the content of this textbook has been developed and arranged to provide a logical progression from the fundamental principles of institutional design at the founding, to avenues of political participation, to thorough coverage of the political structures that constitute American government. The book builds upon what students have already learned and emphasizes connections between topics as well as between theory and applications. The goal of each section is to enable students not just to recognize concepts, but to work with them in ways that will be useful in later courses, future careers, and as engaged citizens. In order to help students understand the ways that government, society, and individuals interconnect, the revision includes more examples and details regarding the lived experiences of diverse groups and communities within the United States. The authors and reviewers sought to strike a balance between confronting the negative and harmful elements of American government, history, and current events, while demonstrating progress in overcoming them. In doing so, the approach seeks to provide instructors with ample opportunities to open discussions, extend and update concepts, and drive deeper engagement.

the federal in federalism: The Divided States of America Donald F. Kettl, 2022-03-15 As James Madison led America's effort to write its Constitution, he made two great inventions--the separation of powers and federalism. The first is more famous, but the second was most essential because, without federalism, there could have been no United States of America. Federalism has always been about setting the balance of power between the federal government and the states--and that's revolved around deciding just how much inequality the country was prepared to accept in exchange for making peace among often-warring states. Through the course of its history, the country has moved through a series of phases, some of which put more power into the hands of the federal government, and some rested more power in the states. Sometimes this rebalancing led to armed conflict. The Civil War, of course, almost split the nation permanently apart. And sometimes it led to political battles. By the end of the 1960s, however, the country seemed to have settled into a quiet agreement that inequality was a prime national concern, that the federal government had the responsibility for addressing it through its own policies, and that the states would serve as administrative agents of that policy. But as that agreement seemed set, federalism drifted from national debate, just as the states began using their administrative role to push in very different directions. The result has been a rising tide of inequality, with the great invention that helped create the nation increasingly driving it apart--

the federal in federalism: The Federalist Papers Alexander Hamilton, John Jay, James Madison, 2018-08-20 Classic Books Library presents this brand new edition of "The Federalist Papers", a collection of separate essays and articles compiled in 1788 by Alexander Hamilton. Following the United States Declaration of Independence in 1776, the governing doctrines and policies of the States lacked cohesion. "The Federalist", as it was previously known, was constructed by American statesman Alexander Hamilton, and was intended to catalyze the ratification of the United States Constitution. Hamilton recruited fellow statesmen James Madison Jr., and John Jay to write papers for the compendium, and the three are known as some of the Founding Fathers of the United States. Alexander Hamilton (c. 1755-1804) was an American lawyer, journalist and highly influential government official. He also served as a Senior Officer in the Army between 1799-1800 and founded the Federalist Party, the system that governed the nation's finances. His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States.

the federal in federalism: *Foreign Affairs Federalism* Michael J. Glennon, Robert D. Sloane, 2016-04-15 Challenging the myth that the federal government exercises exclusive control over U.S. foreign-policymaking, Michael J. Glennon and Robert D. Sloane propose that we recognize the prominent role that states and cities now play in that realm. *Foreign Affairs Federalism* provides the first comprehensive study of the constitutional law and practice of federalism in the conduct of U.S. foreign relations. It could hardly be timelier. States and cities recently have limited greenhouse gas emissions, declared nuclear free zones and sanctuaries for undocumented immigrants, established thousands of sister-city relationships, set up informal diplomatic offices abroad, and sanctioned oppressive foreign governments. Exploring the implications of these and other initiatives, this book argues that the national interest cannot be advanced internationally by Washington alone. Glennon and Sloane examine in detail the considerable foreign affairs powers retained by the states under the Constitution and question the need for Congress or the president to step in to provide one voice in foreign affairs. They present concrete, realistic ways that the courts can update antiquated federalism precepts and untangle interwoven strands of international law, federal law, and state law. The result is a lucid, incisive, and up-to-date analysis of the rules that empower-and limit-states and cities abroad.

the federal in federalism: *The Price of Federalism* Paul E. Peterson, 2012-01-01 What is the price of federalism? Does it result in governmental interconnections that are too complex? Does it create overlapping responsibilities? Does it perpetuate social inequalities? Does it stifle economic growth? To answer these questions, Paul Peterson sets forth two theories of federalism: functional and legislative. Functional theory is optimistic. It says that each level of the federal system is well designed to carry out the tasks for which it is mainly responsible. State and local governments assume responsibility for their area's physical and social development; the national government cares for the needy and reduces economic inequities. Legislative theory, in contrast, is pessimistic: it says that national political leaders, responding to electoral pressures, misuse their power. They shift unpopular burdens to lower levels of government while spending national dollars on popular government programs for which they can claim credit. Both theories are used to explain different aspects of American federalism. Legislative theory explains why federal grants have never been used to equalize public services. Elected officials cannot easily justify to their constituents a vote to shift funds away from the geographic area they represent. The overall direction that American federalism has taken in recent years is better explained by functional theory. As the costs of transportation and communication have declined, labor and capital have become increasingly mobile, placing states and localities in greater competition with one another. State and local governments are responding to these changes by overlooking the needs of the poor, focusing instead on economic development. As a further consequence, older, big cities of the Rust Belt, inefficient in their operations and burdened by social responsibilities, are losing jobs and population to the suburban communities that surround them. Peterson recommends that the national government adopt p

the federal in federalism: *Courts in Federal Countries* Nicholas Theodore Aroney, John Kincaid, 2017-04-24 Courts are key players in the dynamics of federal countries since their rulings have a direct impact on the ability of governments to centralize and decentralize power. *Courts in Federal Countries* examines the role high courts play in thirteen countries, including Australia, Brazil, Canada, Germany, India, Nigeria, Spain, and the United States. The volume's contributors analyse the centralizing or decentralizing forces at play following a court's ruling on issues such as individual rights, economic affairs, social issues, and other matters. The thirteen substantive chapters have been written to facilitate comparability between the countries. Each chapter outlines a country's federal system, explains the constitutional and institutional status of the court system, and discusses the high court's jurisprudence in light of these features. *Courts in Federal Countries* offers insightful explanations of judicial behaviour in the world's leading federations.

the federal in federalism: *Congress and Crime* Joseph F. Zimmerman, 2014-08-06 Congress in the latter part of the nineteenth century decided to enact a series of statutes facilitating state enforcement of their respective criminal laws. Subsequently, Congress enacted statutes federalizing

what had been solely state crimes, thereby establishing federal court and state court concurrent jurisdiction over these crimes. Federalization of state crimes has been criticized by numerous scholars, U.S. Supreme Court justices, and national organizations. Such federalization has congested the calendars of the U.S. District Court and the U.S. Court of Appeals leading to delays in civil cases because of the Speedy Trial Act that vacates a criminal indictment if a trial is not commenced within a specific number of days, resulted in over-crowded U.S. penitentiaries, and raises the issue of double jeopardy that is prohibited by the Fifth Amendment to the U.S. Constitution and the constitution of each state. This book examines the impact of federalization of state crime and draws conclusions regarding its desirability. It also offers recommendations directed to Congress and the President, one recommendation direct to state legislatures for remedial actions to reduce the undesirable effects of federalized state crimes, and one recommendation that Congress and all states enter into a federal-interstate criminal suppression compact.

the federal in federalism: *Designing Federalism* Mikhail Filippov, Peter C. Ordeshook, Olga Shvetsova, 2004-02-09 Table of contents

the federal in federalism: Federalism Daniel Judah Elazar, 1995

the federal in federalism: American Federalism in Practice Michael Doonan, 2013-08-30 American Federalism in Practice is an original and important contribution to our understanding of contemporary health policy. It also illustrates how contentious public policy is debated, formulated, and implemented in today's overheated political environment. Health care reform is perhaps the most divisive public policy issue facing the United States today. Michael Doonan provides a unique perspective on health policy in explaining how intergovernmental relations shape public policy. He tracks federal-state relations through the creation, formulation, and implementation of three of the most important health policy initiatives since the Great Society: the State Children's Health Insurance Program (CHIP) and the Health Insurance Portability and Accountability Act (HIPAA), both passed by the U.S. Congress, and the Massachusetts health care reform program as it was developed and implemented under federal government waiver authority. He applies lessons learned from these cases to implementation of the Affordable Care Act. "Health policymaking is entangled in a complex web of shared, overlapping, and/or competing power relationships among different levels of government," the author notes. Understanding federal-state interactions, the ways in which they vary, and the reasons for such variation is essential to grasping the ultimate impact of federalism on programs and policy. Doonan reveals how federalism can shift as the sausage of public policy is made while providing a new framework for comprehending one of the most polarizing debates of our time.

the federal in federalism: The Ideological Origins of American Federalism Alison L. LaCroix, 2010-04 In this book, the author traces the history of American federal thought from its colonial beginnings in scattered provincial responses to British assertions of authority, to its emergence in the late eighteenth century as a normative theory of multilayered government. The core of this new federal ideology was a belief that multiple independent levels of government could legitimately exist within a single polity, and that such an arrangement was not a defect but a virtue.

the federal in federalism: Freedom and Federalism Felix Morley, 1981 Despite the centralizing tendencies of the American national government in the twentieth century, there have been surprisingly few books defending the federal system. Felix Morley's *Freedom and Federalism*, which examines the root causes of the problem, was thus a pioneering achievement when it first appeared in 1959. No less relevant today, the book provides a perceptive diagnosis of the collapse of States' rights in modern America; and it seeks the restoration of a constitutional balance between central and state authorities. Is federalism worth saving? Its outstanding virtue, which is the distinctively American contribution to political art, argues Morley, is its facility in combining two naturally antagonistic conditions--the social condition of order, and the more personal condition of freedom. In the end, he concludes, the American government will fail unless these two conditions are reconciled. Felix Morley (1894-1982), Pulitzer-Prize-winning author, journalist, and educator, was a Rhodes Scholar, editor of the *Washington Post* and *Human Events*, and President of Haverford

College.

the federal in federalism: Identities, Trust, and Cohesion in Federal Systems Jack Jedwab, John Kincaid, 2019-02-22 To what extent do federal systems promote multiple identities and attachments? How do their identities affect the trust that is assigned to various orders of government and contribute to cohesion in federalist systems? Do cohesive federations depend on public trust and strong attachment to the national or central government? Are attachments and identification with the various orders of government in conflict or are they compatible? *Identities, Trust, and Cohesion in Federal Systems* offers eight comparative essays that provide key insights into identity debates in federalist countries. The findings are drawn from extensive analyses of public opinion data in Australia, Belgium, Canada, Germany, Mexico, Spain, Switzerland, and the United States. The editors seek to improve our understanding of how identity, trust, and cohesion correlate with centralized, decentralized, and asymmetrical models of federalism in order to gain insight into the diverse governance challenges that various nations encounter. Making effective use of empirical data to draw evidence-based conclusions about federalist governance, *Identities, Trust, and Cohesion in Federal Systems* breaks new ground in public policy studies.

the federal in federalism: Federalism Mark J. Rozell, Clyde Wilcox, 2019 *Federalism: A Very Short Introduction* provides a concise overview of the principles and operations of federalism, from its origins and evolution to the key events and constitutional decisions that have defined its framework. While the primary focus is on the United States, a comparative analysis of other federal systems, including those of Australia, Brazil, Canada, India, Nigeria, and Switzerland, is provided. The role of federal government is explained alongside the critical roles of state and local governments. This *Very Short Introduction* also examines whether federal structures are viable in an era of increasingly centralized and authoritarian-style government--

the federal in federalism: *Federalism and the Making of America* David Brian Robertson, 2013-03-01 Though Americans rarely appreciate it, federalism has profoundly shaped their nation's past, present, and future. Federalism—the division of government authority between the national government and the states—affects the prosperity, security, and daily life of every American. In this nuanced and comprehensive overview, David Brian Robertson shows that past choices shape present circumstances, and that a deep understanding of American government, public policy, political processes, and society requires an understanding of the key steps in federalism's evolution in American history. The most spectacular political conflicts in American history have been fought on the battlefield of federalism, including states' rights to leave the union, government power to regulate business, and responses to the problems of race, poverty, pollution, abortion, and gay rights. Federalism helped fragment American politics, encourage innovation, foster the American market economy, and place hurdles in the way of efforts to mitigate the consequences of economic change. Federalism helped construct the path of American political development. *Federalism and the Making of America* is a sorely needed text that treats the politics of federalism systematically and accessibly, making it indispensable to all students and scholars of American politics. Chosen as one of Choice's Outstanding Academic Titles for 2012.

the federal in federalism: Federalism Malcolm Feeley, Edward Rubin, 2009-12-21 Federalism is one of the most influential concepts in modern political discourse as well as the focus of immense controversy resulting from the lack of a single coherent definition. Malcolm M. Feeley and Edward Rubin expose the ambiguities of modern federalism, offering a powerful but generous treatise on the modern salience of the term. "Malcolm Feeley and Edward Rubin have published an excellent book." —Sanford Levinson, University of Texas at Austin "At last, an insightful examination of federalism stripped of its romance. An absolutely splendid book, rigorous but still accessible." —Larry Yackle, Boston University "Professors Feeley and Rubin clearly define what is and is not federal system. This book should be required for serious students of comparative government and American government." —G. Ross Stephens, University of Missouri, Kansas City "Feeley and Rubin have written a brilliant book that looks at federalism from many different perspectives—historical, political, and constitutional. Significantly expanding on their earlier pathbreaking work, they have

explained the need for a theory of federalism and provided one. This is a must read book for all who are interested in the Constitution.” —Erwin Chemerinsky, Duke University School of Law

the federal in federalism: Federalism in Asia Baogang He, Brian Galligan, Takashi Inoguchi, 2009-01-01 This book is a collection of 13 articles which grew out of a workshop on federalism and democratisation in Asia. But, unlike a great many of the publications which have their origins in conferences, this volume has a clear theme running through its contributions, almost all of which are excellent. . . The individual country studies. . . are highly informative, most making imaginative use of the country's history and current politics to illustrate the theme of the tension between nationalising centralisation and pressures for regional decentralisation. Many of these chapters have innovative conclusions about ways in which this tension can be understood. . . this is a serious book, very well produced and indexed. Its chapters are well written with useful notes and lists of references. The volume will be of great interest to specialists on the countries concerned, and has much to offer for anyone with an interest in federalism and the relationship between regionalism and democratisation. Campbell Sharman, *The Australian Journal of Public Administration* Federalism in Asia provides a valuable resource, both for scholars of Asia in general and for political theorists of federalism. In an academic climate where edited volumes are often assumed to be a lightweight option, *Federalism in Asia* demonstrates how rewarding this form of publication can be. Graham K. Brown, *Political Studies Review* Until now there have been few attempts to examine the different models of federalism appropriate in Asia, let alone to trace the extent to which these different perspectives are compatible, converging, or mutually influencing each other. This book redresses the balance by demonstrating the varieties of Asian federalism. *Federalism in Asia* explores the range of theoretical perspectives that shape debates over federalism in general, and over territorial, multinational, hybrid, and asymmetric federalism in particular relation to Asia. The contributors share their understanding of how federal or quasi-federal institutions manage ethnic conflicts and accommodate differences, how democratization facilitates the development of federalism and how federalism facilitates or inhibits democratization in Asia. Their conclusion is that hybrid federalism or quasi-federalism is more prevalent in some Asian countries than others; and the need and potential for greater federalism in more Asian countries makes this sortie into this area worthwhile. While federalism is relevant to Asia, the working pattern of Asian federalism does not necessarily follow a Western style. Hybrid federal institutional design can be seen as an Asian strategy of managing ethnic conflicts through federal arrangements. This unique book will be of great interest to a wide range of scholars and researchers who work on issues of federalism, political economy, public policy, ethnic relations, cultural diversity and democratization in the Asian region. Policymakers and activists dealing with issues of minority rights and ethnic conflict in the region, government officials and NGOs within Asia, and officials in international agencies and organizations will also find much to engage them.

the federal in federalism: Trump, the Administrative Presidency, and Federalism Frank J. Thompson, Kenneth K. Wong, Barry G. Rabe, 2020-09-29 How Trump has used the federal government to promote conservative policies The presidency of Donald Trump has been unique in many respects—most obviously his flamboyant personal style and disregard for conventional niceties and factual information. But one area hasn't received as much attention as it deserves: Trump's use of the “administrative presidency,” including executive orders and regulatory changes, to reverse the policies of his predecessor and advance positions that lack widespread support in Congress. This book analyzes the dynamics and unique qualities of Trump's administrative presidency in the important policy areas of health care, education, and climate change. In each of these spheres, the arrival of the Trump administration represented a hostile takeover in which White House policy goals departed sharply from the more “liberal” ideologies and objectives of key agencies, which had been embraced by the Obama administration. Three expert authors show how Trump has continued, and even expanded, the rise of executive branch power since the Reagan years. The authors intertwine this focus with an in-depth examination of how the Trump administration's hostile takeover has drastically changed key federal policies—and reshaped who gets what from

government—in the areas of health care, education, and climate change. Readers interested in the institutions of American democracy and the nation's progress (or lack thereof) in dealing with pressing policy problems will find deep insights in this book. Of particular interest is the book's examination of how the Trump administration's actions have long-term implications for American democracy.

the federal in federalism: From Dual to Cooperative Federalism Robert Schütze, 2009-10-15 What is the federal philosophy underlying the law-making function in the European Union? Which federal model best characterizes the European Union? This book analyses and demonstrates how the European legal order evolved from a dual federalism towards a cooperative federalist philosophy.

the federal in federalism: *Fed Up!* Rick Perry, 2010-11-15 Now, do not misunderstand me, America is great. But we are fed up with being over-taxed and over-regulated. We are tired of being told how much salt to put on our food, what kind of cars we can drive, what kinds of guns we can own, what kind of prayers we are allowed to say and where we can say them, what we are allowed to do to elect political candidates, what kind of energy we can use, what doctor we can see. What kind of nation are we becoming? I fear it's the very kind the Colonists fought against. But perhaps most of all, we are fed up because deep down we know how great America has always been, how many great things the people do in spite of their government, and how great the nation can be in the future if government will just get out of the way. Our fight is clear. We must step up and retake the reins of our government from a Washington establishment that has abused our trust. We must empower states to fight for our beliefs, elect only leaders who are on our team, set out to remind our fellow Americans why liberty is guaranteed in the Constitution, and take concrete steps to take back our country. The American people have never sat idle when liberty's trumpet sounds the call to battle -- and today that battle is for the soul of America.

the federal in federalism: The Robust Federation Jenna Bednar, 2008-12-01 The Robust Federation offers a comprehensive approach to the study of federalism. Jenna Bednar demonstrates how complementary institutions maintain and adjust the distribution of authority between national and state governments. These authority boundaries matter - for defense, economic growth, and adequate political representation - and must be defended from opportunistic transgression. From Montesquieu to Madison, the legacy of early institutional analysis focuses attention on the value of competition between institutions, such as the policy moderation produced through separated powers. Bednar offers a reciprocal theory: in an effective constitutional system, institutions complement one another; each makes the others more powerful. Diverse but complementary safeguards - including the courts, political parties, and the people - cover different transgressions, punish to different extents, and fail under different circumstances. The analysis moves beyond equilibrium conceptions and explains how the rules that allocate authority are not fixed but shift gradually. Bednar's rich theoretical characterization of complementary institutions provides the first holistic account of federal robustness.

the federal in federalism: Marijuana Federalism Jonathan H. Adler, 2020 On marijuana, there is no mutual federal-state policy; will this cause federalism to go up in smoke? More than one-half the 50 states have legalized the use of marijuana at least for medical purposes, and about a dozen of those states have gone further, legalizing it for recreational use. Either step would have been almost inconceivable just a couple decades ago. But marijuana remains an illegal controlled substance under a 1970 federal law, so those who sell or grow it could still face federal prosecution. How can state and federal laws be in such conflict? And could federal law put the new state laws in jeopardy at some point? This book, an edited volume with contributions by highly regarded legal scholars and policy analysts, is the first detailed examination of these and other questions surrounding a highly unusual conflict between state and federal policies and laws. Marijuana Federalism surveys the constitutional issues that come into play with this conflict, as well as the policy questions related to law enforcement at the federal versus state levels. It also describes specific areas--such as banking regulations--in which federal law has particularly far-reaching

effects. Readers will gain a greater understanding of federalism in general, including how the division of authority between the federal and state governments operates in the context of policy and legal disputes between the two levels. This book also will help inform debates as other states consider whether to jump on the bandwagon of marijuana legalization.

the federal in federalism: Child Labor Hugh D Hindman, 2016-09-16 Despite its decline throughout the advanced industrial nations, child labor remains one of the major social, political, and economic concerns of modern history, as witnessed by the many high-profile stories on child labor and sweatshops in the media today. This work considers the issue in three parts. The first section discusses child labor as a social and economic problem in America from an historical and theoretical perspective. The second part presents child labor as National Child Labor Committee investigators found it in major American industries and occupations, including coal mines, cotton textile mills, and sweatshops in the early 1900s. Finally, the concluding section integrates these findings and attempts to apply them to child labor problems in America and the rest of the world today.

the federal in federalism: Foreign Relations in Federal Countries Hans Michelmann, 2009-01-28 Foreign Relations in Federal Countries addresses questions such as: What constitutional powers do the federal governments and constituent states have to conduct foreign affairs? To what degree are relations between orders of government regularized by formal agreement or informal practice? What roles do constituent governments have in negotiation and implementation of international treaties? The volume offers a comparative perspective on the conduct of foreign relations in twelve federal countries: Argentina, Australia, Austria, Belgium, Canada, Germany, India, Malaysia, South Africa, Spain, Switzerland, and the United States.

the federal in federalism: The Lander and German Federalism Arthur Gunlicks, 2003-11-22 This book provides a detailed introduction to how the Lander (the 16 states of Germany) function not only within the country itself but also within the wider context of European political affairs. Some knowledge of the role of the Lander is essential to an understanding of the political system as well as of German federalism. This book traces the origin of the Lander. It looks at their place in the constitutional order of the country and the political and administrative system. Their organization and administration are fully covered, as is their financing. Parties and elections in the Lander and the controversial roles of parliaments and deputies are also examined.

the federal in federalism: Who Decides? Jeffrey S. Sutton, 2021-10-29 51 Imperfect Solutions told stories about specific state and federal individual constitutional rights, and explained two benefits of American federalism: how two sources of constitutional protection for liberty and property rights could be valuable to individual freedom and how the state courts could be useful laboratories of innovation when it comes to the development of national constitutional rights. This book tells the other half of the story. Instead of focusing on state constitutional individual rights, this book takes on state constitutional structure. Everything in law and politics, including individual rights, comes back to divisions of power and the evergreen question: Who decides? The goal of this book is to tell the structure side of the story and to identify the shifting balances of power revealed when one accounts for American constitutional law as opposed to just federal constitutional law. The book contains three main parts-on the judicial, executive, and legislative branches-as well as stand-alone chapters on home-rule issues raised by local governments and the benefits and burdens raised by the ease of amending state constitutions. A theme in the book is the increasingly stark divide between the ever-more democratic nature of state governments and the ever-less democratic nature of the federal government over time--

the federal in federalism: Federalism Jennifer Smith, 2004 In a world where federal states seem to exist precariously, politicians and academics from around the globe continue to look to Canada as a model of federalism. And yet, our own system of organization and governance also appears strained: Quebec nationalism, First Nations' claims, the regionalization of party politics, and the uneven and shifting delivery of essential services have all altered the face of federal politics. Federalism explains how Canada came to be a federation (what reasons there were for it, and

against it, historically); what the challenges to federalism currently are; and how we might fortify some areas of weakness in the federal system. Jennifer Smith argues that federalism is part of the democratic problem now; however, reformed, it can be part of the solution. Since theorists disagree on the democratic credentials of federalism, it is essential to look at how a real federal system operates. Smith examines the origins of Canadian federalism and its special features, then analyzes it in relation to the benchmarks of the Canadian Democratic Audit project: responsiveness, inclusiveness, and participation. Finding that Canadian federalism falls short on each benchmark, she recommends changes ranging from virtual regionalism to a Council of the Federation that includes Aboriginal representatives. Democracy is about more than the House of Commons or elections. It is also about federalism. This sparkling account of Canadian federalism is a must-read for students and scholars of Canadian politics, politicians and policymakers, and those who care about Canadian democracy.

the federal in federalism: Federalism on Trial Paul Nolette, 2015-02-23 "It is one of the happy incidents of the federal system," Justice Louis Brandeis wrote in 1932, "that a single courageous state may, if its citizens choose, serve as a laboratory, and try novel social and economic experiments without risk to the rest of the country." It is one of the features of federalism in our day, Paul Nolette counters, that these "laboratories of democracy," under the guidance of state attorneys general, are more apt to be dictating national policy than conducting contained experiments. In *Federalism on Trial*, Nolette presents the first broadscale examination of the increasingly nationalized political activism of state attorneys general. Focusing on coordinated state litigation as a form of national policymaking, his book challenges common assumptions about the contemporary nature of American federalism. In the tobacco litigation of the 1990s, a number of state attorneys general managed to reshape one of America's largest industries—all without the involvement of Congress or the executive branch. This instance of prosecution as a form of regulation is just one case among many in the larger story of American state development. *Federalism on Trial* shows how new social policy regimes of the 1960s and 1970s—adopting national objectives such as cleaner air, wider access to health care, and greater consumer protections—promoted both "adversarial legalism" and new forms of "cooperative federalism" that enhanced the powers and possibilities open to state attorneys general. Nolette traces this trend—as AGs took advantage of these new circumstances and opportunities—through case studies involving drug pricing, environmental policy, and health care reform. The result is the first full account—far-reaching and finely detailed—of how, rather than checking national power or creating productive dialogue between federal and state policymakers, the federalism exercised by state attorneys general frequently complicates national regulatory regimes and seeks both greater policy centralization and a more extensive reach of the American regulatory state.

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governance and more broadly to European and comparative politics.

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the federal in federalism: *States and Regions in the European Union* Tanja A. Börzel, 2002 This book analyses the impact of Europeanization on domestic politics and the relationship between states and regions.

the federal in federalism: *The Development of American Federalism* William H. Riker, 2012-12-06 The chapters of this book have diverse origins. They were written over the period 1954-1984. Several (i.e., three, four, seven, and ten) were originally published in scholarly journals. Several (i.e., one, eight, nine, and eleven) are excerpts from my previous books: *Soldiers of the*

States and Federalism: Origin, Operation and Significance. And several (i.e., two, five, and six) were written for conferences and are now published here for the first time. Despite the fact that this history suggests they are quite unrelated, these chapters do indeed center on one theme: the continuity of American federalism. In order to emphasize that theme, I have written an introduction and an initial commentary for each chapter. These commentaries, taken together, with the introduction, constitute the exposition of the theme. Some of these chapters (four, six, and ten) were written with my students, Ronald Schaps, John Lemco, and William Bast. They did much of the research and analysis so the credit for these chapters belongs to them as much as to me. Chapter five is based quite closely on William Paul Alexander's dissertation for the Ph. D. degree at the University of Rochester, 1973.

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