Federalism

Federalism: Pros and Cons

Are federal systems superior to unitary systems? Practically speaking, the question is probably moot as the Constitution guarantees a federal form of government and no state would be willing to surrender almost complete authority to a centralized government. The adoption of federalism was largely a response to ensure greater security for the states against external and internal threats, not merely a carefully considered experiment in governmental design. Taking the comparative perspective, however, it makes sense to ask what are the advantages or disadvantages of a federal system?

Advantages of Federalism

Advocates of federalism argue that it prevents the concentration of power by dispersing it. Fear of a tyrannical national government was a motivating factor behind federalism, separation of powers, and the Bill of Rights. By reserving certain powers to the states, the framers believed oppressive government would be less likely to occur. Maintaining autonomous state governments also provides a training ground for national leadership and assures that when a political party loses elections at the national level it will retain bases of operation at the state level. Federalism is also argued to increase citizen participation and government responsiveness by keeping government closer to the people. State governments are in a better position to handle many policy concerns because elected officials at the state level are more likely to be familiar with regional issues and local conditions than federal officials.

Federalism also promotes policy innovation. The Supreme Court Justice Louis Brandeis described the fifty states as "laboratories of democracy." States, as well as the national government, can learn from each other's successes and failures. Contrasting policies implicating such diverse issues as taxation, same-sex marriage, medical use of marijuana, environmental quality, and physician-assisted suicide reflect an intensity of experimentation that is much less likely to happen in a unitary system. This diversity of programs and practices highlights an additional advantage of federalism: it allows citizens and businesses to vote with their feet. If an individual doesn't care for the policies of a particular state he or she is always
free to move to another state. Freedom of choice guarantees that state governments will be more responsive to the wishes of their citizens than might otherwise be the case.

**Disadvantages of Federalism**

Critics of federalism observe that it results in inefficiencies, redundancy and policy failure. Hurricane Katrina is now an iconic case of how multiple levels of government and overlapping jurisdiction can result in catastrophic failure. Federalism also permits state policies that may undermine the interests of nearby states. Consider the case of a state where gambling is legal situated next to a state that prohibits it. The latter state’s attempt at regulating public morality and criminality may be undermined as its citizens and criminal elements flock to the state that has legalized gambling. Federalism is also criticized for creating a political environment that can result in a race-to-the-bottom in terms of goods and services provided by state governments. As states compete for business and investment, businesses can forum shop for states with the lowest taxes, fewest regulations and best business climate. This puts states in competition with each other and can exert downward pressure on taxes (which may contribute to a greater quality of life for citizens through better schools and hospitals) and regulations (which may result in healthier environment and safer products). Finally, to those who extol federalism’s virtue in bringing democracy closer to its citizens through greater local control, critics point to cases where federalism has actually reinforced injustice and undemocratic practices. The perseverance of racial segregation in the southern states for almost one hundred years after the end of the Civil War is a glaring example.

**The Advantages and Disadvantages of Federalism**

Such issues as same-sex marriage, the medical use of marijuana, and response to natural disasters illustrate how a federal system of government impacts our ability to address issues facing our country. This activity examines the advantages and disadvantages of federalism.

**Interactive Activity: The Advantages and Disadvantages of Federalism**

Examines the advantages and disadvantages of federalism. Advantages include:

(1) state and local governments can create policies specific for their region,
(2) increased opportunities for citizen involvement in the political process,
(3) state and local governments serve as "laboratories of democracy,"
(4) states and communities compete to offer services at lower costs,
(5) state governments serve as training ground for future national leaders,
(6) citizens can "vote with their feet," and
(7) dispersal of political power. Disadvantages include:
   (1) states and local governments compete in "race to the bottom,"
   (2) federalism does not bring people closer to the government,
   (3) citizens suffer because of inequalities across states,
   (4) policies in one state may undermine policies in another state,
   (5) overlap of responsibilities among local, state, and national governments, and
   (6) state and local interests can block federal initiatives.

Virtual Roundtable

Most democracies of the world have a unitary system of government, in which power flows from the national government. In the United States, power is shared between the national and state governments in a system defined as federalism. What are the advantages and disadvantages of federalism?

Video: H.W. Perry, Jr., Associate Professor of Law and Government, University of Texas School of Law

Video script:

There are many advantages and disadvantages to federalism, particularly in a society as large as ours. We’re a very large nation with people with different cultures, values, explanations. And so as a result of that, by having much of what governs our lives, it can differ in different sorts of areas. Texans can run their lives differently from people from California or Nevada or Massachusetts. It allows more governmental decisions to be made closer to home where we can be closer to some of our representatives. Part of the disadvantages of federalism is that we have this very complex situation of laws and authorities that govern us in different ways. We have responsibilities by federal law, by state law, and it also means that we as Americans oftentimes live under a very different form of what we’re allowed to do and what we’re not allowed to do and there’s something that can be troubling about the fact that I may have rights if
I lived in one state, but not the same rights if I lived in another state. It also means that the federal government is limited in some of the policy making that it can deal, that it can do, because it often has to work through states by things like the spending clause to give states money and to work through their bureaucracy and their elected officials. The flip side is sometimes those elected officials and bureaucracies can better understand what the needs are and apply them better in a in their area. So federalism is something that obviously has good things about it and bad things about it.

End of video.

Video: David F. Prindle, Professor of Government, University of Texas at Austin

Video script:

The advantages of federalism are the disadvantages of federalism. That is, the advantages of federalism is that states get to experiment in public policy independent of the central government. The disadvantage of federalism is that states get to experiment in public policy independent of the central government. So many people would say that some of the public policies pursued by the states over the years have been much in advance of the federal government and therefore, it’s been a good thing because states have been able to experiment and when the experiment turns out well, the federal government has then followed. Other people have suggested that some of the states have been extremely retrograde and behind the federal government, especially in the field of affording civil rights to minorities. So the people who focus on the good experiments of the states say that the states should have more independence from the federal government and the people who focus on the bad behavior of the states in the past tend to say that the states should have less independence of the federal government.

End of video.
Additional Resources

Websites

**The Federalist Society**
http://www.fed-soc.org/

An organization for conservatives and libertarians seeking reform of the current American legal system in accordance with a textualist or originalist interpretation of the US Constitution. Emphasizes judicial restraint, separation of powers, and the legality of states' rights.

**The American Constitutional Society**
http://www.acslaw.org/

A liberal progressive legal organization which has as its mission the promotion of "the vitality of the US Constitution and the fundamental values it expresses: individual rights and liberties, genuine equality, access to justice, democracy and the rule of law."