[\*\*States CP Neg 2](#_Toc328586598)

[States CP 1NC 2](#_Toc328586599)

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[Link Ext – Federal Support/Block Grants 13](#_Toc328586611)

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\*\*States CP Neg

States CP 1NC

Counterplan Text: The 50 states should (implement the mandates of the plan that don’t include federal government action)

The counterplan solves -- States solve the economic benefits of infrastructure spending better – they have flexibility and are responsive to local needs.

Edwards, ’11

[Chris, director of tax policy studies at the Cato Institute, “Federal Infrastructure Investment,” http://www.cato.org/publications/congressional-testimony/federal-infrastructure-investment]

The U.S. economy needs infrastructure, but state and local governments and the private sector are generally the best places to fund and manage it. The states should be the "laboratories of democracy" for infrastructure, and they should be able to innovate freely with new ways of financing and managing their roads, bridges, airports, seaports, and other facilities. It is true that — like the federal government — the states can make infrastructure mistakes. But at least state-level mistakes aren't automatically repeated across the country. If we ended federal involvement in high-speed rail, for example, California could continue to move ahead with its own system. Other states could wait and see how California's system was performing before putting their own taxpayers on the hook.

Solvency Ext

States solve best – federal infrastructure funding distorts market signals and magnifies inefficient programs.

Edwards, ’11

[Chris, director of tax policy studies at the Cato Institute, “Federal Infratsructure Investment,” <http://www.cato.org/publications/congressional-testimony/federal-infrastructure-investment>]

In its report on the state of U.S. infrastructure, the American Society of Civil Engineers gives America a grade of "D."37 However, the ASCE report mainly focuses on infrastructure provided by governments, so if you believe that this low grade is correct, then it is mainly due to government failures. The ASCE lobbies for more federal spending, but OECD data shows that public-sector spending on infrastructure is about the same in this country as in other high-income nations. Some of the infrastructure shortcomings in the United States stem from mismanagement and misallocation by the federal government, rather than a lack of taxpayer support. So part of the solution is to decentralize infrastructure financing, management, and ownership as much as possible. State and local governments and the private sector are more likely to make sound investment decisions without the federal subsidies and regulations that distort their decisionmaking.

A2: Perm – Do Both

Federal investment incentivizes states to opt for projects that make no economic sense, increasing operating costs and decreasing efficiency

Edwards, ’11

[Chris, director of tax policy studies at the Cato Institute, “Federal Infrastructure Investment,” http://www.cato.org/publications/congressional-testimony/federal-infrastructure-investment]

Perhaps the biggest problem with federal involvement in infrastructure is that when Washington makes mistakes it replicates those mistakes across the nation. Federal efforts to build massive public housing projects in dozens of cities during the 20th century had very negative economic and social effects. Or consider the distortions caused by current federal subsidies for urban light-rail systems. These subsidies bias cities across the country to opt for light rail, yet rail systems are generally less efficient and flexible than bus systems, and they saddle cities with higher operating and maintenance costs down the road. When the federal government subsidizes certain types of infrastructure, the states want to grab a share of the funding and they often don't worry about long-term efficiency. High-speed rail is a rare example where some states are rejecting the "free" dollars from Washington because the economics of high-speed rail seem to be so poor.11 The Obama administration is trying to impose its rail vision on the nation, but the escalating costs of California's system will hopefully warn other states not to go down that path.12 Even if federal officials were expert at choosing the best types of infrastructure to fund, politics usually intrudes on the efficient allocation of dollars. Passenger rail investment through Amtrak, for example, gets spread around to low-population areas where passenger rail makes no economic sense. Indeed, most of Amtrak's financial loses come from long-distance routes through rural areas that account for only a small fraction of all riders. Every lawmaker wants an Amtrak route through their state, and the result is that investment gets misallocated away from where it is really needed, such as the Northeast corridor.

Inclusion of federal spending increases regulations, which massively increase spending and doom program effectiveness.

Edwards, ’11

[Chris, director of tax policy studies at the Cato Institute, “Federal Infrastructure Investment,” http://www.cato.org/publications/congressional-testimony/federal-infrastructure-investment]

Another problem is that federal infrastructure spending comes with piles of regulations. Davis-Bacon rules and other federal regulations raise the cost of building infrastructure. Regulations also impose one-size-fits-all solutions on the states, even though the states have diverse needs. The former 55-mph speed limit, which used to be tied to federal highway funds, is a good example. Today, federal highway funds come with requirements for the states to spend money on activities such as bicycle paths, which state policymakers may think are extraneous.

A2: Perm – Do Both - Federalism

Joint action fails to capture any of federalism's benefits

Zimmerman 1

[Joseph F., Professor of Political Science at the State University of New York at Albany, PUBLIUS, Spring, p 16]

Examining this list, it becomes apparent that different institutional features of the federal structure are more or less important for securing these different values. Some of the values ‑ diversity, competition, and experimentalism ‑ appear to depend significantly on the existence of many states pursuing unique regulatory agendas. If all of the states pursued identical regulatory strategies, or were prevented from instituting meaningful agendas altogether, these values, as a logical matter, could not be promoted. Obviously there would be no regulatory diversity, because all of the states would structure the lives of their citizens in the same way. Moreover, this uniformity would prevent state competition and experimentation: people would have no incentive to "vote with their feet" if each state provided the same package of public goods, and experimentation by definition requires that different states attempt different solutions to the same social problems.

The lines between federal and state jurisdiction must be kept clear to preserve federalism

Schapiro 6

[Robert, Law Professor at Emory, March, 74 Fordham L. Rev. 2133]

A few fundamental principles follow from these accounts of federalism. First, the boundaries between state and federal power must be maintained. Further, the borders must be clearly demarcated; the chalk lines must be kept clean. People cannot enjoy the benefits of choice and variety offered by interstate competition if the federal government imposes a single, uniform regulatory product. The policy products also must be clearly branded so that citizen/consumers know who is responsible for what regulations. Clear lines allow citizen/consumers to be good policy shoppers. Republican self-governance can flourish only if states have real control over certain areas. Again, citizens must know which level of government has responsibility for which areas so that they can exercise their self-governance responsibly. From a liberal perspective, without a distinctive state sphere, the dual protection against tyranny ceases. Clear lines ensure against creeping encroachment.

\*\*States CP Aff

2AC States CP 1/2

Permutation –

a) Do both – joint action solves the impacts

Young 4

[Ernest, Law Professor, University of Texas, TEXAS LAW REVIEW, November 2004, p. 59-60]

The intertwining of federal and state bureaucracies through various forms of "cooperative federalism" likewise gives state and local officials the ability to resist federal initiatives in more subtle ways. Recently, for instance, dozens of localities and several states have criticized - and sometimes even refused to cooperate with - aspects of the War on Terrorism that they felt intruded too far into personal liberties.

b) Joint implementation maximizes solvency

Danzig and Szanton 86

[Richard Danzig Peter Szanton, law professor, Stanford, former OMB Director, NATIONAL SERVICE: WHAT WOULD IT MEAN?, 1986, p. 190]

State and local programs would diminish prospects for welding the nation’s youth together in a common experience, but because they would be localized, they could enhance their participants’ sense of common service to their own community. Further, by included selected state and local programs in national service and by having the NSO create a common recognition for all service activity, some synergy and sense of unity could be created among state programs and between state and federal programs. We could have the NSO endorse and subsidize half the costs of two kinds of local programs, conservation corps and community service programs.

States won’t spend on infrastructure

Washing Post 12

Washington Post, March 21, 2012, “Why Can’t We just Leave Infrastructure Spending to the States?,” http://www.washingtonpost.com/blogs/ezra-klein/post/why-cant-we-just-leave-infrastructure-spending-to-the-states/2012/03/21/gIQAjpYBSS\_blog.html

As a recent [report](http://www.cbo.gov/ftpdocs/119xx/doc11940/11-17-Infrastructure.pdf) (pdf) from the Congressional Budget Office detailed, the federal government’s share of infrastructure spending has *already* been shrinking since the 1960s and 1970s. And the states, which still provide the vast majority of spending on roads and highways, haven’t made up the difference. The end result? There’s less infrastructure spending overall as a percent of GDP.

Federal funding more stable because states can’t deficit spend

The Transportation Politic, 12

The Transportation Politic, February 16, 2012, “Clearing it Up on Federal Transportation Expenditures,” http://www.thetransportpolitic.com/2012/02/16/clearing-it-up-on-federal-transportation-expenditures/

\*\* [Commenter John notes](http://www.thetransportpolitic.com/2012/02/16/clearing-it-up-on-federal-transportation-expenditures/#comment-546614) that many transit projects are paid for through bonds, which are in essence deficits, and that states have the technical power to have deficits — and these points are both valid. However, all states except Vermont have some form of balanced budget rule. And the selling of bonds by transit agencies are reliant on them having future guaranteed funding sources to pay back the debt — federal funding like capital grants are an important part of making that equation happen. Transit agencies do not have the ability to expand their debt capacity greatly (unlike the federal government) because of investor fears about future funding security.

2AC States CP 2/2

No solvency ---- variance:

A) State action lacks uniformity

Goldsmith ‘97

(Jack, Associate Prof – U Chicago, Virginia Law Review, November, Lexis)

Nonetheless, these concerns need not affect the legitimacy of the federal common law of foreign relations. Although federal courts might be generally unsuited to make federal foreign relations law on both legitimacy and competence grounds, the adverse consequences of state-by-state regulation in the face of federal political branch silence might be worse. States suffer from many of the same disabilities as federal courts in this context. Moreover, federal courts, in contrast to the states, have independence from local political processes and, as a branch of the national government, are likely to be more sensitive to national foreign relations interests. Even in the absence of strategic behavior by the states, one might think that, all things being equal, suboptimal but uniform federal judge-made regulation of foreign relations is preferable to the nonuniformity **inherent in state-by-state regulation** of a foreign relations issue. [213](http://www.lexis.com/research/retrieve?_m=30e57da0c4e98dad4748fc94bcd482ae&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVtb-zSkAW&_md5=4c3bbc49db3765e390d1f2e67acc99c4#n213) Finally, the federal common law of foreign relations is designed to protect political branch prerogatives in foreign relations that the political branches themselves are structurally unsuited to protect. Any remaining concerns about the legitimacy or competence of the federal common law of foreign relations are thus mitigated by the political branches' ability to override judicial errors in the development of such law.

B) That tanks solvency

Donahue ‘97

(John D., JFK School of Government, Disunited States, p. 42)

Even when states vary, of course, there are arguments for uniformity. Institutions and individuals who live or do business in several states face the expense, bother, and confusion of coping with different (and sometimes conflicting) rules. Inconsistencies among state laws and regulations can lead to disputes of great complexity and to resolutions of limited appeal. After taking its case all the way to the Supreme Court, for example, a cruise ship operator won the right to be sued only in Florida by aggrieved passengers who had been on a trip between Washington State and Mexico.

\*\*Federalism Neg

Federalism 1NC 1/2

A. Uniqueness – State power and authority respected now by Obama

Katz 12

Bruce Katz, Vice President Metropolitan Program, Brookings, February 16, 2012, “Remaking Federalism to Remake the American Economy,” <http://www.brookings.edu/research/papers/2012/02/16-federalism-katz>

On the programmatic front, President Obama has worked to enable states and localities to tackle structural challenges in integrated ways. The administration’s Sustainable Communities Initiative—a partnership among the Department of Transportation, Department of Housing and Urban Development (HUD) and Environmental Protection Agency (EPA)— has, for example, given cities and metropolitan areas resources, information and tools to make sharper connections between housing, transportation and environmental resources. On regulatory matters, President Obama has used federal actions to set a “floor rather than a ceiling” on a range of consumer protection, clean energy and environmental matters. This has left room for the states to innovate on auto emission standards in California, for example, and to seek redress for mortgage abuses through the States Attorney Generals. To date, President Obama’s approach to economic restructuring has tended toward the more permissive, enabling end of the federalist spectrum.

B. Links

1. States have power over transportation infrastructure

Katz 12

Bruce Katz, Vice President Metropolitan Program, Brookings, February 16, 2012, “Remaking Federalism to Remake the American Economy,” <http://www.brookings.edu/research/papers/2012/02/16-federalism-katz>

Our federal republic diffuses power among different layers of government and across disparate sectors of society. States are the key constitutional partners, because they have broad powers over such market-shaping policy areas as infrastructure, innovation, energy, education and skills training.

2. Growth in federal power and usurpation of jurisdiction undermines state power

Harvard Journal of Law and Public Policy ‘2K

Spring, p. 565-6

The new term actually gives us a new perspective on the enumerated powers. No power granted to Congress - think of the Commerce Clause - may be so construed as to preempt entirely the states' power over the people. I employ the phrase "power over the people" for two reasons. First, this phrase emphasizes that the reserved powers of the states must somehow reflect general sovereign powers, which are powers over people. The "States qua States" cases preserve the states' power over some people - those who are state employees. A state that may resist commandeering so as to retain only the power to exist in name possesses no meaningful powers. Second, I refer to the states' power over "people" because the Court has overlooked "the people" in its arguments over the Tenth Amendment, and "the people's" rights are also reserved. The Tenth Amendment expresses a triangular relationship among the federal government, state governments, and the people. Although the context for Tenth Amendment litigation has involved disputes between states and the federal government, residual state authority also inures to the benefit of "the people." In any contest between Congress and the states, a decision that favors expanded federal powers necessarily disfavors the states and the people. When Justice Souter wrote in Alden that "the commerce power is no longer thought to be circumscribed," he meant, implicitly, that the people have reserved no powers over commerce or anything affecting it.

Federalism 1NC 2/2

C. Impact

Federalism solves war in the US and abroad

Calabresi ‘95

(Steven G., Assistant Prof – Northwestern U., Michigan Law Review, p. 762)

Small state federalism is a big part of what keeps the peace in countries like the United States and Switzerland. It is a big part of the reason why we do not have a Bosnia or a Northern Ireland or a Basque country or a Chechnya or a Corsica or a Quebec problem. American federalism in the end is not a trivial matter or a quaint historical anachronism. American-style federalism is a thriving and vital institutional arrangement - partly planned by the Framers, partly the accident of history - and it prevents violence and war. It prevents religious warfare, it prevents secessionist warfare, and it prevents racial warfare. It is part of the reason why democratic majoritarianism in the United States has not produced violence or secession for 130 years, unlike the situation for example, in England, France, Germany, Russia, Czechoslovakia, Yugoslavia, Cyprus, or Spain. There is nothing in the U.S. Constitution that is more important or that has done more to promote peace, prosperity, and freedom than the federal structure of that great document. There is nothing in the U.S. Constitution that should absorb more completely the attention of the U.S. Supreme Court.

Internal Link – Zero Sum

Federal exercise of power reduces state power

Yoo 97

John Yoo, law professor, SOUTHERN CALIFORNIA LAW REVIEW, 1997, p. 1352.

It is important to note that Justice Kennedy did not differentiate between laws that regulated states qua states and those that regulated private parties in areas that might be thought to lie within state power. Following Chief Justice Rehnquist's majority opinion, Justice Kennedy's concurrence treated the exercise of any federal power as a diminution of the power of the states and hence a reduction of state sovereignty

Expansion of federal power reduces states’ rights

Lee ‘96

Rex, Fmr Solicitor General, Brigham Young U. Law Review, p. 369

Thus, though the state circle of power is larger than that of the federal government, federal power is supreme and preempts state power within the area covered by the smaller circle. If the circle of federal power is expanded, as shown by the broken line, the nonpreempted portion of the state’s power circle – and therefore the effective area in which the states may govern – is correspondingly diminished.

Internal Link – Modeling

U.S. constitutional federalism is modeled internationally

Calebresi ‘95

[Stephen, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, “Reflections on United States v. Lopez: "A GOVERNMENT OF LIMITED AND ENUMERATED POWERS": IN DEFENSE OF UNITED STATES v. LOPEZ,” 94 Mich. L. Rev. 752, Michigan Law Review, December, 1995, p. 759-60]

At the same time, U.S.-style constitutional federalism has become the order of the day in an extraordinarily large number of  very important countries, some of which once might have been thought of as pure nation-states. Thus, the Federal Republic of Germany, the Republic of Austria, the Russian Federation, Spain, India, and Nigeria all have decentralized power by adopting constitutions that are significantly more federalist than the ones they replaced. Many other nations that had been influenced long ago by American federalism have chosen to retain and formalize their federal structures. Thus, the federalist constitutions of Australia, Canada, Brazil, Argentina, and Mexico, for example, all are basically alive and well today. As one surveys the world in 1995, American-style federalism of some kind or another is everywhere triumphant, while the forces of nationalism, although still dangerous, seem to be contained or in retreat. The few remaining highly centralized democratic nation-states like Great Britain, France, and Italy all face serious secessionist or devolutionary crises. Other highly centralized nation-states, like China, also seem ripe for a federalist, as well as a democratic, change. Even many existing federal and confederal entities seem to face serious pressure to devolve power further than they have done so far: thus, Russia, Spain, Canada, and Belgium all have very serious devolutionary or secessionist movements of some kind. Indeed, secessionist pressure has been so great that some federal structures recently have collapsed under its weight, as has happened in Czechoslovakia, Yugoslavia, and the former Soviet Union. All of this still could be threatened, of course, by a resurgence of nationalism in Russia or elsewhere, but the long-term antinationalist trend seems fairly secure. There is no serious intellectual support for nationalism anywhere in the world today, whereas everywhere people seem interested in exploring new transnational and devolutionary federal forms. The democratic revolution that was launched in Philadelphia in 1776 has won, and now it seems that democrats everywhere join Madison in "cherishing the spirit and supporting the character of federalists."

The U.S. is a global federalist model

Mallat ‘03

(Chilibi, PhD – U London, Case Western Reserve Journal of International Law, Winter, p. 21

Laurence Tribe, in *Constitutional Choices,* summarized what he calls the underlying political ideas of the American system into a list of six categories: representative republicanism, federalism, separation of powers, equality before the law, individual autonomy and procedural fairness. America has shared many of these traits with other democracies for a long time, but two constitutional features stand out on a world level as typically American -- federalism and the Supreme Court. The American people deserve credit for both inventions which brought new dimensions to democracy and the rule of law for the rest of the planet. Perhaps America does not know it, but the world has been a consistently better place wherever her two home-grown intellectual products have found anchor.

Link Ext – Federal Support/Block Grants

Federal support to the states undermines federalism

Shanske 12

Darien Shanske, Associate Professor of Law, University of California, Winter 2012, Virginia Tax Review HOW LESS CAN BE MORE: USING THE FEDERAL INCOME TAX TO STABILIZE STATE AND LOCAL FINANCE, p. 423

Yet there are still deeper issues to be considered. First, the federal financing subsidy undermines truly competitive federalism because the central government is putting its thumb on the scale in favor of certain activities - specifically, borrowing. Furthermore, this subsidy allows sub-national governments to avoid internalizing the full cost of their borrowing because the borrowing is subsidized by the national government, and so this subsidy is particularly suspect.

Federal subsidies to the states undermine interstate competition

McGinnis & Somin 4

John O. McGinnis and Ilya Somin, Research Professor, Northwestern Law School, Ilya Somin, Assistant Professor of Law, George Mason University School of Law, NORTHWESTERN LAW REVIEW, Fall 2004, pp. 117-8

Federal subsidies to the states undermine interstate competition in two major ways. First, to the extent that horizontal competition is motivated by a desire to increase state tax revenue by attracting migrants or preventing emigration, the existence of an alternative source of revenue necessarily diminishes state incentives to compete. In addition to serving as a substitute source of state revenue, federal grants can sometimes undermine interstate competition more directly by enabling the states to establish a cartel by acceding to a common federal grant condition. The federal government in this scenario acts as the cartel manager, punishing defecting states by withdrawing their funding. For example, states seeking to avoid tax competition can create a cartel by the adoption of a federal policy that denies grants to states with tax rates below a certain level. The federal government can often crush vertical competition simply by paying the states not to compete with it. Federal grants to states are a particularly effective tool for restricting competition because, unlike in the case of preemptive mandates, state governments are actually likely to support them due to their desire to acquire additional federal funds. Finally, federal grants to state governments can undermine diversity by attaching conditions that force dissenting states to conform to the preferences of the majority. Both liberal and conservative interest groups can use such conditions to impose their preferences on recalcitrant minority states.

\*\*Federalism Aff

2AC Federalism 1/2

NU – Growing federal role in transportation policy now

Dilgerm 11

Robert Jay Dilgerm, Senior Specialist in American National Government at the Congressional Research Service, January 10, 2011, “Federalism Issues in Surface Transportation Policy: Past and Present,” <http://www.fas.org/sgp/crs/misc/R40431.pdf>

American federalism, which shapes the roles, responsibilities, and interactions among and between the federal government, the states, and local governments, is continuously evolving, adapting to changes in American society and American political institutions. **The nature of federalism relationships in surface transportation policy has also evolved over time, with the federal government’s role becoming increasingly influential, especially since the Federal-Aid to Highway Act** of 1956 **which authorized the interstate highway system**. **In recent years, state and local government officials, through their public interest groups** (especially the National Governors Association, National Conference of State Legislatures, National Association of Counties, National League of Cities, U.S. Conference of Mayors, and American Association of State Highway and Transportation Officials) **have lobbied for increased federal assistance for surface transportation grants and increased flexibility in the use of those funds.**

No link – under the supremacy clause, federal law is preeminent

Chermerinsky 4

Erwin Chemerinsky, law professor, DUKE, BROOKLYN LAW REVIEW, Summer 2004, pp. 1316-7

Article VI of the Constitution contains the Supremacy Clause, which provides that the Constitution, and laws and treaties made pursuant to it, are the supreme law of the land**. When a state law conflicts with federal law, the federal law controls and the state law bows under the principle of federal supremacy. As the Supreme Court declared: "Under the Supremacy Clause, from which our pre-emption doctrine is derived, any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law, must yield**." In Gade v. National Solid Waste Management Association, the Court summarized the tests for preemption: Pre-emption may be either expressed or implied, and is compelled whether Congress' command is explicitly stated in the statute's language or implicitly contained in its structure and purpose. Absent explicit pre-emptive language, we have recognized at least two types of implied pre-emption: field pre-emption, where the scheme of federal regulation is so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it, and conflict pre-emption, where compliance with both federal and state regulations is a physical impossibility, or where state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress

No internal link: federalism refers to a concept, not to a particular distribution of power

Bobertz 3

Bradley Bobertz, Environmental Law Professor, PACE ENVIRONMENTAL LAW REVIEW, 2003, pp. 88-9

Let us begin by demystifying the word "federalism." Federalism, itself, simply refers to any system of power-sharing in which authority is distributed between what is typically a larger political unit, such as the United States, and what are typically smaller political subdivisions, such as the states, which are a part of, but at least partially independent from, the larger body. The European Union and its constituent nations are an example of federalism, as were the Articles of Confederation that the Constitution supplanted. Federalism, in other words, is a structural notion that has no meaning independent of its particularizing details. Under any given system of federalism, the larger political body can have a great deal more power than its political subunits, as is the case in some European nations, or the subunits can wield comparatively more power than the larger political unit, as was the case under the Confederate Constitution during the American Civil War. In normal usage, then, the term "federalism" is agnostic as to how power is distributed. "Federalists" of the founding generation favored a strong national government in relation to the states, while the modern Federalist Society appears to favor the diminishment of national power vis-a-vis the states

2AC Federalism 2/2

U.S. federalism won’t be modeled correctly in other countries – no democracy spill-over.

**Stepan 99**

Alfred, Wallace Sayre Professor of Government at Columbia University, 1999, Journal of Democracy Volume 10, “Federalism and Democracy: Beyond the U.S. Model,” http://muse.jhu.edu/journals/journal\_of\_democracy/v010/10.4stepan.html

The U.S. model of federalism, in terms of the analytical categories developed in this article, is "comingtogether" in its origin, "constitutionally symmetrical" in its structure, and "demos-constraining" in its political consequences. Despite the prestige of this U.S. model of federalism, it would seem to hold greater historical interest than contemporary attraction for other democracies. Since the emergence of nation-states on the world stage in the after-math of the French Revolution, no sovereign democratic nation-states have ever "come together" in an enduring federation. Three largely unitary states, however (Belgium, Spain, and India) have constructed "holding-together" federations. In contrast to the United States, these federations are constitutionally asymmetrical and more "demos-enabling" than [End Page 32] "demos-constraining." Should the United Kingdom ever become a federation, it would also be "holding-together" in origin. Since it is extremely unlikely that Wales, Scotland, or Northern Ireland would have the same number of seats as England in the upper chamber of the new federation, or that the new upper chamber of the federation would be nearly equal in power to the lower chamber, the new federation would not be "demos-constraining" as I have defined that term. Finally, it would obviously defeat the purpose of such a new federation if it were constitutionally symmetrical. A U.K. federation, then, would not follow the U.S. model. The fact that since the French Revolution no fully independent nation-states have come together to pool their sovereignty in a new and more powerful polity constructed in the form of a federation would seem to have implications for the future evolution of the European Union. The European Union is composed of independent states, most of which are nation-states. These states are indeed increasingly becoming "functionally federal." Were there to be a prolonged recession (or a depression), however, and were some EU member states to experience very high unemployment rates in comparison to others, member states could vote to dismantle some of the economic federal structures of the federation that were perceived as being "politically dysfunctional." Unlike most classic federations, such as the United States, the European Union will most likely continue to be marked by the presumption of freedom of exit. Finally, many of the new federations that could emerge from the currently nondemocratic parts of the world would probably be territorially based, multilingual, and multinational. For the reasons spelled out in this article, very few, if any, such polities would attempt to consolidate democracy using the U.S. model of "coming-together," "demos-constraining," symmetrical federalism.