

Origin of Federalism

GOVT2306, Instructor: Tom Hanna, Fall 2023, University of Houston

Agenda

- Announcements and questions
- Review
- Origin of Federalism
- Next class: The Bill of Rights

Announcements and questions

Review

- Government's unique tool is organized coercive force
- Coercive force is dangerous to individual rights
- The Constitution was intended to restrain organized coercive force
- It did this partly by dividing power (separation of powers)
- System of Checks and Balances among the separate powers
- One division of power is Federalism: Federal vs State power

Federalism: Definitions

- Sovereignty: Supreme and final governing authority.
- Unitary system: the national government is completely sovereign
- Confederation: The states or similar lower level governments are completely sovereign
- Federalism: Sovereignty is shared between national and state governments

Three meanings of ball

- an orange sphere we play basketball with

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- an orange sphere we play basketball with
- an oblong brown object we play American football with
- a nearly spherical object with 32 flat faces that we play football or soccer with

Three meanings of ball

This isn't **just** to be silly:



Figure 1: Cougar Basketball



Figure 2: Cougar Football



Figure 3: Soccer ball

- Balls are not all the same and...

Question:

- Is it possible to fit a ball inside a larger ball?

Three meanings of ball

- This isn't just to be silly: Is it possible to fit a ball inside a larger ball?

Three meanings of state

- A reference to any government as “the state”
- Any of the independent sovereign actors in the international system. A sovereign government such as a nation like France or an independent city-state like Singapore
- A subdivision in a federal or confederal system like the United States

Unitary systems

- National government is supreme and holds all sovereignty
- Do they have lower level governments? (States, cities, etc.)
 - Yes! But those governments get their power solely from the national government and the
- Most countries are unitary states
 - 166 of 193 United Nations Members
- Examples:
 - People's Republic of China
 - Republic of China (Taiwan)
 - France
 - Finland
 - Sweden

Confederation

- The states are completely sovereign
- The sovereign units may be called states, republics, kingdoms, principalities, or other names associated with *sovereign states*
- Also called a *confederacy* or a *league*



Figure 4: Balls within a ball

- Is there a central or national government?
 - Yes! But the national government gets its power solely from the state governments and the people
- Examples:
 - Benelux states (Belgium, Netherlands and Luxembourg)
 - European Union
 - Switzerland
 - Union State of Russia and Belarus
 - United Colonies of New England (1643-1689)
 - United States of America (1776-1789)
 - Confederate States of America
 - Commonwealth of Independent States (1991-??)

Federalism

- Also called *federal systems* or *federalist systems*
- The central or national government is also called the *federal government*
- Sovereignty is shared between the state and national governments
 - The powers of state and national governments are defined in a constitution
 - The national government may not change the powers of the states
 - The state governments may not change the powers of the national government
 - Each level's powers are binding on the other in its own proper sphere of influence

Federations (Federal systems)

- There are 27 federations in the world
- Examples:
 - Australia
 - Canada
 - Brazil
 - Estados Unidos Mexicanos
 - Germany
 - Russian Federation
 - United Arab Emirates
- and The United States of America

Why federalism?

Two related reasons:

- Historical accident
- Additional Separation of Powers

History

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- 13 Free and Independent States. Plural.
- The Republic created by the Constitution formed from the bottom up

History

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- Not: “an Independent State.” Singular.
- 13 Free and Independent States. Plural.
- The Republic created by the Constitution formed from the bottom up
- The individual states were jealous of the sovereign powers they had just won

History

- From the Declaration of Independence (1776): “...these United Colonies are, and of Right ought to be Free and Independent **States.**”
- Not singular: “a Free and Independent State.”
- Plural: 13 “Free and Independent States.”
- The Republic formed from the bottom up
- States: jealous of new sovereignty
- States: protective of citizens’ Liberty

How was power split?

- Federal government got necessary power for:
 - Interstate relations - common market
- Mostly Article I powers given to Congress
- Examples:
 - uniform laws of bankruptcies
 - regulate commerce...among the several states
 - post offices and post roads
 - standard weights and measures
 - coin money and regulate the value of coin (currency)

How was power split?

- Federal government got necessary power for:
 - Interstate relations - common market
 - Foreign relations - unified foreign policy
- Article I and II
- Examples:

- Make treaties
- appoint ambassadors
- Declare war
- punish piracy
- regulate commerce with foreign nations
- raise armies and a navy
- to govern the state militias when in federal service

How was power split?

- Federal government got necessary power for:
 - Interstate relations - common market
 - Foreign relations - unified foreign policy
 - Taxes to fund federal government
 - Limited power over federal elections
- Article I

How was power split?

- Federal government got necessary power for:
 - Interstate relations - common market
 - Foreign relations - unified foreign policy
 - Taxes to fund federal government
- State governments got: Everything else
 - Most crimes
 - Business formation
 - Property records and enforcement
 - contract law
 - family law
 - Primary power over elections

What happened from there?

- First central banks: 1791, 1810
- States asserted their power: early 1800s
- Civil War: established federal supremacy
- Westward expansion: increased federal power
- 1913 Federal Reserve Bank and Income Tax
- New Deal: further expansion of federal power
- Great Society 1960s
- New Federalism: 1970s

What happened from there?

- What happened from there (Sept 21)
- Bill of Rights and early Civil Liberties (Sept 19)
- Later Civil Liberties and the Civil Rights Movement (Sept 26 and 28)