

Federalism And Center-State Relations: A Comparative Analysis of cooperative and Competitive Federalism

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Abstract

Federalism as a system of government has evolved significantly since its conceptualization, adapting to diverse political, economic, and social contexts across the globe. This research paper examines the intricate dynamics of federalism with specific focus on centre-state relations, analysing how power is distributed, exercised, and contested between national and subnational governments. Through comparative analysis of federal systems including the United States, India, Germany, and Canada, this study explores the tension between cooperative and competitive federalism, the role of fiscal federalism in shaping intergovernmental relations, and the constitutional mechanisms that either facilitate or impede harmonious governance. The paper investigates contemporary challenges such as asymmetric federalism, the impact of globalization on sovereignty distribution, and the rise of populist movements affecting federal cohesion. Drawing on constitutional law, political science, and public administration literature, this research argues that successful federalism requires dynamic equilibrium between autonomy and unity, necessitating institutional innovations that balance regional diversity with national integration. The findings suggest that while no single federal model is universally applicable, certain principles of fiscal equity, judicial arbitration, and democratic participation emerge as critical determinants of sustainable center-state relations in pluralistic societies.

Keywords: Federalism, Center-State Relations, Cooperative Federalism, Fiscal Federalism, Constitutional Law, Intergovernmental Relations, Asymmetric Federalism, Political Decentralization

- Introduction

Federalism represents one of the most sophisticated architectural designs in political governance, attempting to reconcile the seemingly contradictory imperatives of unity and diversity, central authority and regional autonomy. The distribution of powers between central and state governments—commonly referred to as center-state relations—constitutes the operational core of any federal system, determining how effectively such systems manage territorial pluralism while maintaining national coherence.

The contemporary relevance of studying federalism and center-state relations cannot be overstated. In an era characterized by resurgent regional identities, transnational challenges requiring coordinated responses, and increasing demands for localized governance, federal systems face unprecedented pressures. The COVID-19 pandemic, for instance, exposed both the strengths and vulnerabilities of federal arrangements, as central and state governments navigated between coordinated national responses and region-specific public health measures. Similarly, climate change mitigation requires unprecedented cooperation across governmental levels, testing the adaptive capacities of federal architectures.

- Defining Federalism: Conceptual Nuances

Federalism defies simple definition due to its protean nature across different contexts. K.C. Wheare's classic definition characterized federal government as one where "the powers of government are divided between a central government and regional governments such that each is coordinate with and independent of the other within its own sphere" (Wheare, 1963). However, contemporary scholarship recognizes that pure coordinate independence rarely exists; instead, modern federalism involves complex interdependence and overlapping jurisdictions. Daniel Elazar's conceptualization of federalism as "self-rule plus shared rule" captures this duality more accurately, emphasizing that federalism is not merely about dividing powers but about creating multiple canthers of authority that interact in constitutionally prescribed ways (Elazar, 1987). This perspective shifts attention from static power allocation to dynamic relational processes, highlighting how center-state relations are continuously negotiated rather than fixed. William Riker's influential work introduced a rational choice perspective, arguing that federalism emerges from political bargains where leaders agree to expand

territorial control while preserving regional autonomy (Riker, 1964). This "bargain theory" suggests that center-state relations are fundamentally shaped by political calculations of advantage rather than abstract constitutional principles, implying that federal stability depends on maintaining equilibrium in these bargains.

- **Typologies of Federalism**

The literature distinguishes several federal typologies relevant to understanding center-state relations. Dual federalism, associated with early American constitutional development, conceives national and state governments as operating in separate spheres with minimal interaction—like "layer cakes" with distinct layers. Cooperative federalism, by contrast, emphasizes intergovernmental collaboration in "marble cake" fashion, where functions intermingle and governments work together on complex policy issues.

Competitive federalism views governmental units as competing for citizens and resources, potentially improving efficiency through jurisdictional competition. Coercive federalism describes situations where the center unilaterally imposes policies on states, often through conditional grants or mandates (Kincaid, 1990). Asymmetric federalism recognizes that not all constituent units possess equal powers, accommodating special arrangements for particular regions based on historical, ethnic, or geographic factors.

These typologies are not mutually exclusive; actual federal systems typically exhibit combinations. The European Union, for instance, demonstrates elements of cooperative federalism in economic policy while maintaining competitive dynamics in taxation, alongside asymmetric arrangements recognizing special status for regions like Greenland or the Eland Islands.

- **Theoretical Perspectives on Center-State Relations**

Constitutional federalism emphasizes the foundational legal documents that establish federal structures. This perspective, prominent in legal scholarship, focuses on constitutional text, judicial interpretation, and formal amendment processes as determinants of center-state relations. The role of constitutional courts in arbitrating federal disputes receives particular attention, with scholars debating whether judicial review stabilizes or destabilizes federal arrangements.

Fiscal federalism theory, developed by Wallace Oates and others, analyses how revenue and expenditure assignments affect efficiency and equity across governmental levels. Oates' Decentralization Theorem suggests that local provision of public goods is more efficient when preferences vary across jurisdictions and no significant economies of scale exist (Oates, 1972). However, fiscal federalism also examines how intergovernmental transfers can correct fiscal imbalances and achieve redistribution, creating complex dependencies between center and states.

Multi-level governance theory, emerging from EU studies, challenges the hierarchical view of center-state relations, emphasizing instead networked governance where authority is dispersed across multiple actors operating at different scales. This perspective highlights how globalization and European integration have transformed traditional federal dynamics, creating "federalism without the federal state" in complex governance arrangements.

Historical-institutionalism approaches stress path dependency and institutional legacies in shaping contemporary center-state relations. Federal systems, once established, create vested interests and institutional arrangements that constrain subsequent changes, making certain reform trajectories more likely than others (Pierson, 1995). This explains why federal systems with similar constitutional provisions may function differently due to divergent historical developments.

- **Constitutional Design Options**

The constitutional allocation of powers between center and states constitutes the foundational architecture of federal systems. Three primary design approaches exist: enumerated powers (listing specific central powers with residual authority to states, as in the United States and Australia), three lists (dividing powers into central, state, and concurrent jurisdictions, as in India and Canada), and framework constitutions (establishing broad principles while allowing legislative specification, as in Germany).

The United States Constitution exemplifies enumerated powers design, granting Congress specific authorities under Article I, Section 8, with the Tenth Amendment reserving remaining powers to states. This design initially suggested clear jurisdictional boundaries, but expansive interpretation of the Commerce Clause and Necessary and Proper Clause has significantly centralized authority. The "New Deal" constitutional revolution of the 1930s-40s marked a decisive shift toward national supremacy, with the Supreme Court largely deferring to federal legislation (Ackerman, 1991).

India's Constitution adopts a three-list approach (Union List, State List, Concurrent List) with residuary powers vested in the Union. Notably, Article 3 grants Parliament power to alter state boundaries unilaterally, and Article 356 permits President's Rule in states, indicating stronger centralization than typical federations. However, judicial federalism has evolved through Supreme Court interpretations, particularly the "basic structure" doctrine limiting constitutional amendments that would destroy federalism (*Kesavananda Bharati v. State of Kerala*, 1973).

Germany's Basic Law (Grundgesetz) employs framework constitutionalism, establishing federal principles while allowing detailed legislative specification. The Bundesrat (Federal Council) represents state governments directly in federal legislation affecting state interests, creating a distinctive "executive federalism" where state officials participate in national policy-making. This design facilitates cooperative federalism but raises democratic accountability concerns.

- **Judicial Arbitration of Federal Disputes**

Constitutional courts play crucial roles in mediating center-state conflicts, though their interventions generate scholarly debate. In the United States, the Supreme Court's federalism jurisprudence has oscillated between nationalist and dualist phases. The Rehnquist Court's "federalism revival" (1990s-2000s) attempted to revive state sovereignty through decisions limiting federal commerce power and commandeering of state officials, though these proved largely symbolic rather than transformative.

Canada's Supreme Court has developed distinctive "federalism values" jurisprudence, interpreting the constitution to preserve balance between orders of government. The "watertight compartments" approach of early decisions gave way to "cooperative federalism" interpretations allowing overlap, while maintaining judicial oversight against encroachment (Hogg, 2007). The Reference Re Secession of Quebec (1998) established that federalism implies obligations of negotiation and consultation, not merely jurisdictional boundaries.

India's Supreme Court has evolved from initial centralist tendencies toward more balanced federalism protection. The *S.R. Bommai v. Union of India* (1994) judgment significantly limited arbitrary use of Article 356, requiring judicial review of President's Rule proclamations. The court has also developed "federalism as a basic structure" doctrine, implying that certain federal features are constitutionally entrenched beyond ordinary amendment.

- **Amendment Procedures and Federal Stability**

Constitutional amendment rules significantly affect center-state relations by determining how easily federal arrangements can be altered. Rigid amendment procedures, requiring supermajorities or state consent, protect state interests against central encroachment but may impede necessary adaptation. Flexible procedures facilitate responsiveness but risk centralization through incremental amendment.

The United States requires two-thirds congressional approval plus three-fourths state ratification, making formal amendment extremely difficult (only 27 amendments in 230+ years). This rigidity has pushed adaptive change toward constitutional interpretation and "informal amendment" through political practice, raising questions about democratic legitimacy (Levinson, 2006).

India's amendment procedure (Article 368) distinguishes between amendments requiring simple parliamentary majorities, those requiring special majorities, and those requiring state ratification (affecting federal provisions). This graduated

approach balances flexibility with federal protection, though the basic structure doctrine adds judicial oversight. Germany requires two-thirds approval in both Bundestag and Bundesrat, effectively giving states veto power over federal constitutional changes, reinforcing cooperative dynamics.

- **Intergovernmental Transfers: Conditional vs. Unconditional**

Central transfers to states take various forms with distinct implications for autonomy. Unconditional transfers (revenue sharing, block grants) preserve state discretion but may not achieve national policy objectives. Conditional transfers (categorical grants, matching grants) promote policy coordination but potentially infringe state autonomy and create bureaucratic dependencies.

The United States evolved from largely unconditional revenue sharing (1972-1986) toward conditional grants-in-aid, particularly Medicaid and transportation grants with extensive federal conditions. This "cooperative federalism" expanded national influence into traditional state domains, prompting complaints of "unfunded mandates" and federal overreach. The Trump administration's attempts to impose conditions on "sanctuary cities" illustrated tensions between conditional spending and constitutional limits (Trump v. Hawaii, 2018; Murphy v. NCAA, 2018).

Canada's Equalization program provides unconditional transfers to less prosperous provinces, constitutionally entrenched since 1982. Unlike conditional transfers, equalization respects provincial jurisdiction while addressing fiscal disparities. However, political debates persist regarding the formula's generosity and whether it discourages resource development in recipient provinces.

Brazil's fiscal federalism demonstrates conditional transfer excess, with thousands of "earmarked" revenues constitutionally dedicated to specific purposes, creating rigidities and inefficiencies. The "fiscal war" among states competing for investment through tax incentives further illustrates competitive federalism's potential pathologies (Rezende, 2015).

- **United States: From Dual to Coercive Federalism**

American federalism has undergone dramatic transformation from the founding's dualist vision to contemporary "coercive federalism." The New Deal marked the first major centralization, as the Supreme Court acquiesced to expansive federal commerce and spending powers. The Great Society programs of the 1960s-70s further nationalized welfare provision, while the Reagan era's "devolution revolution" proved largely rhetorical.

The 1990s witnessed significant centralization through unfunded mandates (Americans with Disabilities Act, Clean Air Act amendments) and conditional spending. The No Child Left Behind Act (2001) imposed detailed federal education standards, traditionally a state function. The Affordable Care Act (2010) Medicaid expansion, though partially struck down in NFIB v. Sibelius (2012), demonstrated continued federal leverage through conditional grants.

However, recent years show centrifugal tendencies. The Supreme Court's 2018 sports betting decision (Murphy v. NCAA) revived anti-commandeering doctrine, limiting federal power to compel state action. The cannabis legalization movement—where states defy federal prohibition without federal enforcement—illustrates "uncooperative federalism" (Gerken, 2010). The COVID-19 response showed both coordination (fiscal support) and conflict (competing lockdown policies, vaccine distribution disputes).

Contemporary American federalism is characterized by partisan polarization mapped onto federal-state tensions, with Democratic administrations favouring national standards and Republican administrations emphasizing state flexibility. This "partisan federalism" undermines the constitution's intended de-politicization of jurisdictional boundaries (Bulman-Pozen, 2014).

- **India: Managing Diversity through Asymmetric Federalism**

India's federalism represents perhaps the world's most complex management of diversity, accommodating over 1.4 billion people, 22 scheduled languages, and multiple religious communities within a parliamentary federal structure. The Constitution's framers, influenced by Partition's trauma and princely state integration challenges, created a "holding together" federation with strong central features.

The linguistic reorganization of states (1956 onwards) transformed federalism by creating culturally coherent units, reducing secessionist pressures while creating new regional identities. Subsequent creation of Jharkhand, Chhattisgarh, and Uttarakhand (2000) and Telangana (2014) responded to regional demands, demonstrating federal flexibility. However, the abrogation of Article 370 (removing Jammu & Kashmir's special status) in 2019 and subsequent state bifurcation into Union Territories raised concerns about federal unilateralism.

India's fiscal federalism has evolved significantly. The Planning Commission's "plan grants" created central influence over state development policies, criticized as "license-permit federalism." The 14th Finance Commission's recommendations and GST implementation represent moves toward greater fiscal decentralization, though the GST Council's voting rules (weighted by revenue contribution) favor larger states.

Asymmetric federalism is institutionalized through special provisions: Article 371 provides special protections for northeastern states; Schedule VI grants autonomy to tribal areas in Assam, Meghalaya, Tripura, and Mizoram; and Article 371A gives Nagaland special cultural and religious protections. These arrangements recognize that uniform federalism cannot accommodate India's extreme diversity.

However, challenges persist. The use of Governor's office (central appointees) to destabilize opposition state governments, the centralization of anti-corruption agencies (ED, CBI), and the controversial farm laws (2020-2021) that bypassed state agricultural jurisdiction illustrate ongoing center-state tensions. The COVID-19 pandemic initially saw uncoordinated state responses, followed by central vaccine procurement and distribution, highlighting both the need for and difficulty of federal coordination.

- **Germany: Cooperative Federalism and Executive Integration**

Germany's federalism is distinctive for its "executive" character, where state governments (Länder) participate directly in federal legislation through the Bundesrat. This design reflects post-war concerns with Weimar Republic fragmentation while preserving regional diversity. The Basic Law requires Bundesrat approval for legislation affecting Länder interests, creating a "joint decision trap" where policy change requires broad consensus (Scarf, 1988).

German federalism emphasizes uniformity in living conditions, achieved through extensive fiscal equalization and framework Legislation. The federal government establishes broad legal frameworks while Länder implement through detailed legislation and administration. This "administrative federalism" ensures policy coherence while accommodating regional variation.

The 2006 federalism reform (Federalism Reform I) attempted to clarify legislative competences, reducing framework legislation and transferring some powers to Länder. Federalism Reform II (2019) further adjusted fiscal arrangements. These reforms responded to concerns that joint decision-making produced gridlock and blurred accountability, though critics argue they insufficiently decentralized.

Germany's response to the Eurozone crisis tested federalism, as the federal government negotiated bailouts affecting Länder budgets without full Länder participation. The 2020 COVID-19 response showed both cooperative strengths (coordinated lockdowns, fiscal support) and tensions (vaccine distribution disputes, school closure disagreements). The recent rise of the Alternative für Deutschland (AfD) in eastern Länder creates new federal tensions, as some Länder governments resist federal policies on migration and energy transition.

- **Canada: From Confederation to Asymmetrical Accommodation**

Canadian federalism originated in 1867 as a quasi-federation, with provinces subordinate to the federal government. Judicial interpretation, particularly the Privy Council's expansive reading of provincial powers, transformed Canada into one of the world's most decentralized federations. The Constitution Act, 1982 patriated the constitution with an amending formula requiring substantial provincial consent, entrenching provincial influence.

Asymmetric federalism characterizes Canadian development. Quebec's distinct civil law tradition, language policies, and immigration authority recognize its unique national status within Canada. The 2004 Health Accord and subsequent agreements allow differential treatment of provinces based on specific needs. However, asymmetry generates resentment among "have-not" provinces and fuels western alienation, particularly in Alberta and Saskatchewan regarding resource revenues and environmental regulation.

The Supreme Court of Canada has evolved from early centralist interpretations toward "federalism values" jurisprudence that respects jurisdictional boundaries while permitting necessary cooperation. The Reference Re Secession of Quebec established that federalism implies negotiation obligations, not merely legal boundaries. Recent decisions on carbon pricing (Reference Re Greenhouse Gas Pollution Pricing Act, 2021) upheld federal environmental authority while acknowledging provincial jurisdiction, attempting federalism balance.

Contemporary challenges include Indigenous self-government, which adds a third order of government beyond the federal-provincial dyad. The Truth and Reconciliation Commission's calls to action and recent legislation implementing UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) require reconfiguring federal-provincial-Indigenous relations. Climate policy creates tensions, as federal carbon pricing faces provincial resistance, while resource-rich provinces oppose federal environmental assessment expansions.

- Contemporary Challenges and Emerging Trends

1. Digital Federalism and Data Governance

The digital transformation of governance creates novel federalism challenges. Data localization requirements, digital ID systems, and platform regulation require coordination across governmental levels while raising privacy and jurisdictional concerns. India's Aadhaar system (national biometric ID) was challenged by states regarding data sharing and privacy, eventually resolved through Supreme Court recognition of privacy as a fundamental right (Puttaswamy v. Union of India, 2017).

The European Union's General Data Protection Regulation (GDPR) demonstrates how supranational digital governance affects federal systems, requiring member state implementation while establishing uniform standards. In federal countries, digital governance raises questions: Should cyber security be national or state responsibility? How should data sharing between center and states be governed? The COVID-19 contact tracing apps illustrated these tensions, with some federal systems (Germany) achieving coordination while others (United States) produced fragmented approaches.

2. Climate Change and Environmental Federalism

Climate change mitigation poses existential challenges for federalism, requiring coordinated action while involving subnational authorities in implementation. The "tragedy of the commons" dynamic—where individual jurisdictions have incentives to free-ride on others' emissions reductions—suggests federalism may impede effective climate policy. However, subnational governments can also pioneer policies (California's climate programs, German Lander renewable energy initiatives) that subsequently scale nationally.

Carbon pricing implementation illustrates these dynamics. Canada's federal carbon pricing "backstop" applies where provincial systems are inadequate, defended by the Supreme Court as necessary national concern. Australia's abandoned carbon pricing scheme faced state resistance. The United States sees state-level carbon markets (California, north eastern states) alongside federal regulatory approaches, creating complex regulatory patchworks.

Environmental federalism scholarship debates optimal jurisdiction assignment. Some argue centralization is necessary for global public goods like climate stability; others emphasize local knowledge and preferences regarding environmental protection. The "race to the bottom" concern—that competitive federalism reduces environmental standards—competes with "race to the top" arguments that jurisdictions compete on environmental quality.

3. Security Federalism and Counter-Terrorism

Post-9/11 security concerns have generally centralized authority in federal systems, as terrorism and cyber threats require coordinated national responses. The USA PATRIOT Act expanded federal surveillance and law enforcement powers, preempting state authority. India's National Investigation Agency (NIA) Act (2008) created federal investigation authority over terrorism, overriding state police jurisdiction in certain cases.

However, security centralization generates tension with federal principles. The "war on drugs" in the United States saw federal enforcement against state-legal cannabis operations, creating jurisdictional conflicts. India's Unlawful Activities (Prevention) Act (UAPA) amendments expanding federal detention powers have been criticized for bypassing state criminal justice systems.

The appropriate balance remains contested. Some argue security is inherently national, requiring federal supremacy; others contend that local intelligence and community policing are more effective against terrorism, requiring state involvement. The COVID-19 pandemic added "biosecurity" to federalism concerns, with debates over whether public health is inherently local or requires national coordination.

4. Populism and Federal Stress

The global rise of populism creates distinctive federalism challenges. Populist leaders often centralize power while claiming to represent "the people" against "elites," potentially undermining federal checks and balances. Hungary's "illiberal democracy" under Viktor Orban saw centralization against local governments; Poland's Law and Justice Government similarly reduced local autonomy.

In federal systems, populism can manifest as regional movements challenging federal legitimacy (Brexit's challenge to UK devolution, Catalan independence movement in Spain) or as national populism suppressing regional diversity. India's Hindu nationalist central government has been accused of centralizing authority and imposing cultural uniformity, challenging federal pluralism. Brazil's Jair Bolsonaro centralized environmental and indigenous policies, overriding state and local protections.

Federalism may also provide resistance to populist centralization. Subnational governments can uphold rights and policies contrary to national populist agendas—"progressive federalism" in the United States where states advance environmental and social policies despite federal opposition. The COVID-19 pandemic saw governors and mayors resist federal pressure to reopen economies prematurely, demonstrating federalism's protective potential.

5. Asymmetric Federalism and Territorial Management

Asymmetric arrangements, where different constituent units possess different powers—are increasingly common, reflecting recognition that uniform federalism cannot accommodate extreme diversity. Spain's "state of autonomies" grants varying autonomy levels to Catalonia, Basque Country, and Galicia compared to other regions. Italy's "special statute" regions possess greater autonomy than ordinary regions.

However, asymmetry generates political tensions. "Special status" regions may be resented by others; demands for expanded asymmetry can escalate to secessionism (Catalonia, Scotland). The United Kingdom's devolution is highly asymmetric: Scotland, Wales, and Northern Ireland have devolved legislatures with varying powers, while England lacks separate institutions, creating the "West Lothian question" (Scottish MPs voting on English-only matters).

Managing asymmetry requires constitutional mechanisms for adjusting powers without destabilizing the federation. Canada's "asymmetric federalism" has evolved through bilateral federal-provincial agreements rather than constitutional amendment, providing flexibility but raising questions about equality and solidarity.

The future of federalism likely involves hybrid arrangements combining federal territorial governance with functional networks that cross-cut governmental levels. "Multi-level governance" increasingly describes reality better than traditional federalism, as cities, regions, and transnational organizations join national and state governments in complex policy networks. Federal systems that can accommodate this complexity while maintaining democratic accountability and territorial representation will prove most sustainable.

Ultimately, federalism remains indispensable for governing diverse, large-scale democracies. The challenge is not whether to have federalism, but how to design and maintain institutions that balance the permanent tension between unity and diversity, central coordination and local autonomy. As this research demonstrates, achieving this balance requires continuous institutional innovation, political commitment to cooperative norms, and constitutional frameworks flexible enough to adapt without sacrificing fundamental federal values.

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