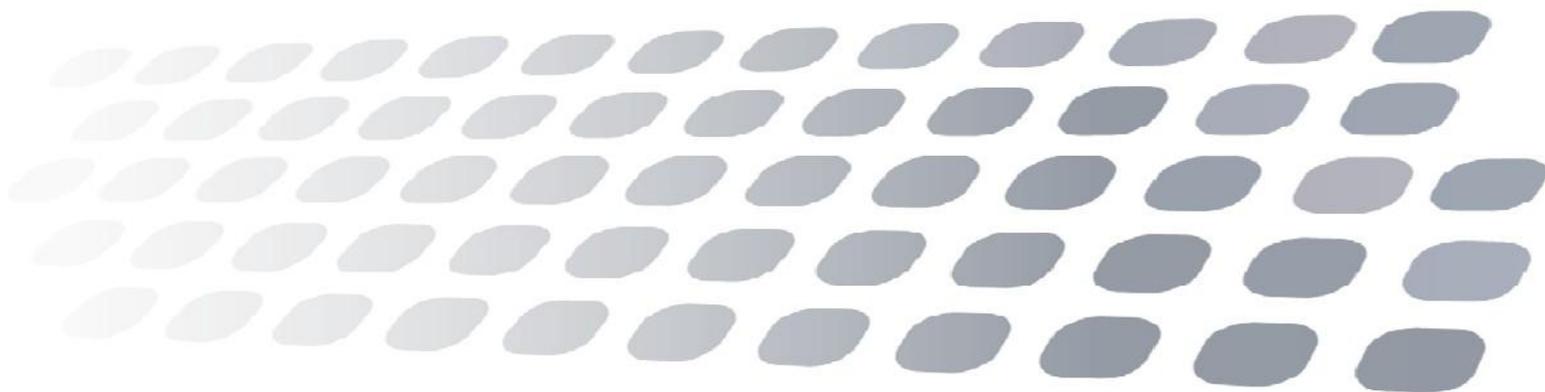


PERSPECTIVES ON FEDERALISM

VOLUME 17

ISSUE 1

2025





ISSN: 2036-5438

VOL. 17, ISSUE 1, 2025
TABLE OF CONTENTS

ESSAYS

*The Impact of Artificial Intelligence
on Gender-Based Violence*

MARIAM BALAVADZE E-1-27

*Cities challenging federalism: how
subsidiarity can help*

CHIARA SALATI E-28-53

*Responsibility without Power:
Federalism and the Dilemma of
Internal Security Management in
Nigeria*

SAHEED BABAJIDE OWONIKOKO AND
IKENNA MIKE ALUMONA E-54-81

*A Comparative Review of the Federal
Security Models in Nigeria and the
United States of America*

AKAPOTI-AJIBOLA SUNDAY JAMES,
AZEEZ OLANIYAN AND
ISEOLORUNKANMI JOSEPH E-82-121

*US Federalism and the North-South
Conflict: From Bicomunalism to
Centralization*

KARL KÖSSLER E-122-145



ISSN: 2036-5438

The Impact of Artificial Intelligence on Gender-Based Violence

by
Mariam Balavadze*

Perspectives on Federalism, Vol. 17, issue 1, 2025





Abstract

In the modern era, the development of technology is an irreversible process. Humanity has reached a stage where artificial intelligence can perform tasks that were once possible only for humans, such as learning, problem-solving, understanding language, recognizing images and making decisions. AI can also generate photos and videos using someone's image, creating content that isn't real but appears to show events as if they actually happened.

This technological development has both positive and negative implications. This article explores its potential impact on gender-based violence.

The paper examines the nature of gender-based violence and the various forms in which it is perpetrated. It also evaluates the legal regulation of artificial intelligence on international level. It also analyzes relevant case law from the European Court of Human Rights concerning both topics.

Furthermore, the article considers both the positive and negative effects of artificial intelligence in the context of gender-based violence (including female journalists) and assesses the measures that states should adopt to mitigate its potential harms.

Keywords

Gender-based violence, AI, artificial intelligence, technology, deep-fakes, protective measures, cyber violence, European Court of Human Rights



1. Introduction

It has been a long time since the protection of women's rights became a priority at the international level, especially within the European Union. In modern society, gender-based violence, both in physical spaces and online, has become an increasingly pressing issue. Using online platforms, women are often subjected to gender-based online violence, sexual harassment, stalking, the creation and distribution of fake intimate photos using artificial intelligence (AI) or the threat of distribution, blackmail, extortion, and more. Female journalists are particularly vulnerable to AI-generated hate crimes due to their public visibility and online presence. Gender-based online violence against them is particularly dangerous because its publicity reinforces gender stereotypes and may even serve as an example for some perpetrators.

Much of the modern technology industry is currently focused on developing artificial intelligence. At the same time, the role of these systems in everyday life is becoming more important day by day and is also helping to simplify the decision-making process in certain areas. Although the work of artificial intelligence has a positive impact on the development of various fields (for example, easily identifying online discrimination), it may also create certain threats and risks to human rights and freedoms. Accordingly, it is important to have both domestic and international legal regulations governing the development and further use of artificial intelligence systems.

Gender equality is greatly influenced by the media, the Internet, and artificial intelligence. It is essential that specific measures be taken to ensure gender equality in the use of artificial intelligence. These areas should be inclusive and they should promote social changes in a positive way.

The aim of this article is to discuss and evaluate international regulatory acts on artificial intelligence in the context of discrimination and to analyze the possible impact of artificial intelligence on gender-based violence, especially against female journalists.

This paper adopts a doctrinal legal research methodology, focusing on the interpretation of international legal instruments, including human rights treaties and conventions relevant to AI and gender-based violence. It also draws on case law from the European Court of Human Rights to examine how legal principles have been applied in cases involving online



abuse, freedom of expression and state obligations to protect individuals, particularly women, from violence and harassment. The paper is supported by secondary sources, including academic literature and policy reports, to provide broader legal and contextual insights.

The article consists of an introduction, four chapters, and a conclusion. The four chapters cover the essence of gender-based violence and its forms, the essence of artificial intelligence and the international legal norms regulating it, the impact of artificial intelligence on gender-based violence, and violence against women journalists.

2. The essence of gender-based violence and its forms of perpetration

Although the principle of non-discrimination is upheld by a number of powerful international instruments (including the Convention for the Protection of Human Rights and Fundamental Freedoms^I), violence motivated by intolerance and discrimination remains a persistent challenge. Gender-based violence is a serious social problem and a form of human rights violation that reflects gender inequality and discrimination in society. It not only harms specific individuals, but also deepens the unequal distribution of power and stirs up structural injustice. Such violence poses significant challenges to legal systems and policies, requiring a complex and coordinated response, including preventive measures, victim protection mechanisms, and public awareness-raising.

One of the most important international documents recognizing women's rights is the UN Convention on the Elimination of All Forms of Discrimination against Women (UN 1979).^{II} According to Article 1 of the above mentioned Convention, the concept of "discrimination against women" mean "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Even though CEDAW does not explicitly mention gender-based violence, it addresses certain forms of it indirectly, such as forced marriage and sexual exploitation. For example, Article 3 focuses on ensuring women's full development and advancement in all fields (in



particular in the political, social, economic and cultural fields). Article 5 calls on states to modify social and cultural patterns that reinforce gender roles (to achieve the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women). Article 6 obliges states to suppress all forms of trafficking and exploitation of women. Together, these provisions illustrate how the Convention approached the structural roots of inequality, even if it did not yet define or name gender-based violence as a standalone issue.

It is noteworthy that the word “gender” appears in the Declaration on the Elimination of Violence against Women (UN General Assembly 1993).ⁱⁱⁱ In particular, in accordance with the first article of the aforementioned declaration “term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” Although gender is mentioned in the document, its concept is not clearly defined. It was implicitly addressed in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Council of Europe 2011).^{iv}

In a patriarchal society, women and girls are in an unequal position because of gender, in other words, as the Council of Europe Convention on preventing and combating violence against women and domestic violence addresses it, “socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men” (Council of Europe 2011).^v Gender-based violence is prevalent, women's work is undervalued, and the role of women is diminished.

Violence against women is a broad term and includes gender-based violence against women as well. According to the Council of Europe Convention on preventing and combating violence against women and domestic violence, it is a “violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Council of Europe 2011).^{vi} Specifically, gender-based violence against women refers to violence that targets women specifically because of their gender or has a particularly severe impact on women compared to men (CEDAW 1992, §6).^{vii} Therefore, gender-based crimes are committed primarily



because the victim's social expression is inconsistent with the perpetrator's perception of their sex and gender role. Accordingly, sex and gender in this context are completely different dimensions, and the circumstances of a specific crime determine the perpetrator's motivation and attitudes toward the act.

Violence against women can take various forms such as physical, psychological, sexual, and economic abuse (African Union 2003, art. 1).^{VIII} Specific actions can be expressed as follows - forced marriage, stalking, female genital mutilation, forced abortion and forced sterilization, sexual harassment and so forth.

Patriarchal systems don't just exist in the physical world - they've also deeply influenced the digital space, where women and girls face widespread online abuse, and harmful ideas tied to toxic masculinity are often amplified. Online violence can lead to real-life harm, just like real-life violence can continue online. The EU Directive on combating violence against women and domestic violence outlines that “the increase in internet and social media usage has led to a sharp rise in public incitement to violence and hatred, including based on gender. The easy, fast and broad sharing of hate speech through the digital world is reinforced by the online disinhibition effect, as presumed anonymity on the internet and a sense of impunity reduce people's inhibition to engage in such speech. Women are often the target of sexist and misogynous hate online, which can escalate into hate crime offline” (European Union 2024).^{IX}

Technology-facilitated gender-based violence poses a global threat to health, safety, and the political and economic well-being of not only those directly affected, but of society as a whole. It is “an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated, and amplified in part or fully by the use of information and communication technologies or digital media, against a person on the basis of their gender” (IREX 2023, 5).^X

Although both women and men can face online abuse and violence, research at the EU, international, and national levels shows that women and girls are far more likely to experience it more often, more intensely, and with more serious physical, psychological, or emotional harm (EIGE 2022, 10).^{XI} An estimated 58% of young women and girls worldwide have been subjected to online harassment through social media platforms (Chowdhury 2023).^{XII}

There's currently no unified legal definition of cyber violence against women and girls at the European level. However, the European Commission's Advisory Committee on Equal



Opportunities for Women and Men suggests using the following definition: “Cyber-violence against women is an act of gender-based violence perpetrated directly or indirectly through information and communication technologies that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women and girls, including threats of such acts, whether occurring in public or private life, or hindrances to the use of their fundamental rights and freedoms. Cyber-violence against women is not limited to but includes violations of privacy, stalking, harassment, gender-based hate speech, personal content sharing without consent, image-based sexual abuse, hacking, identity theft, and direct violence. Cyber-violence is part of the continuum of violence against women: it does not exist in a vacuum; rather, it both stems from and sustains multiple forms of offline violence” (European Commission 2020, 4).^{XIII}

GREVIO’s understanding of the concept of violence against women in its digital dimension encompasses both online aspects (activities performed and data available on the internet, including internet intermediaries on the surface web as well as the dark web) and technology-facilitated (activities carried out with the use of technology and communication equipment, including hardware and software) harmful behavior perpetrated against women and girls (GREVIO 2021, para. 23).^{XIV}

When discussing gender-based cyber violence against women, it is important to consider the case law of the European Court of Human Rights.

One of the most important decisions on cyber-violence was delivered by the European Court of Human Rights in the case of *Volodina v. Russia* (*Volodina v. Russia* (No. 2) 2021).^{XV} The case concerned the state's failure to protect a woman, a victim of domestic violence, from cyber-violence, and its failure to hold the perpetrator accountable. According to the factual circumstances of the case, the applicant’s social media account was hacked, her fictitious name was replaced with her real name, and her personal data, including her passport photo and other intimate photographs, were uploaded. Subsequently, the teachers and classmates of the applicant’s 12-year-old son were added as contacts on the same account. Two years after this incident, new accounts were created on other social networks, using intimate photos of the applicant. The state launched an investigation with a two-year delay, and in 2020, the police discontinued the investigation without holding the perpetrator accountable, citing the expiration of the statute of limitations.



The Court examined the case under Article 8 (the right to respect for private and family life) of the European Convention on Human Rights. It emphasized that “the concept of private life includes a person’s physical and psychological integrity which the States have a duty to protect, even if the danger comes from private individuals” (*Söderman v. Sweden* 2013, §§78–80).^{xvi} The Court notes that “the acts of cyber-violence, cyber-harassment and malicious impersonation have been categorised as forms of violence against women and children capable of undermining their physical and psychological integrity in view of their vulnerability. Cyber-harassment is currently recognised as an aspect of violence against women and girls and can take a variety of forms, such as cyber-violations of private life ... and the taking, sharing and handling of information and images, including intimate ones” (*Volodina v. Russia (No. 2)* 2021, §§48).^{xvii} According to the court's assessment, the State's positive obligation to combat violence against women extends to both offline and online forms of abuse. The State failed to fulfil its positive obligations, and accordingly, the Court found a violation of Article 8 of the Convention.

In the case of *Buturugă v. Romania*, the Court explains that “cyberbullying is currently recognised as one aspect of violence against women and girls, and can take a variety of forms, including breaches of cyber-privacy, intrusion into the victim’s computer and the capture, sharing and manipulation of data and images, including private data” (*Buturugă v. Romania* 2020, §§74).^{xviii}

In summary, gender-based violence against women remains a global challenge. This violence can take various forms, including those occurring online. With the advancement of technology, cyber violence - particularly targeting women and girls - is on the rise. The European Court of Human Rights has emphasized that states have a positive obligation to take preventive measures against such crimes. Moreover, when acts of cyber violence infringe upon the right to respect for private and family life - whether committed by state actors or private individuals - states must ensure an effective investigation is conducted and the perpetrators are identified.



3. The nature of artificial intelligence and the framework of its regulation under international law

In the modern world, technologies have become one of the main sources not only of communication, but also of receiving and distributing information. Technological progress is constantly developing and gaining even more importance over time. Nowadays, artificial intelligence is considered one of the important stages of this progress, representing a significant achievement of modern technological evolution. Like the steam engine or electricity in the past, AI is transforming our world, our society and our industry (European Commission 2018, 1).^{XIX}

The rapid development of artificial intelligence has made it necessary to establish globally applicable legal framework setting out common general principles and rules governing the activities of artificial intelligence. The OECD AI Principles was the first international AI standards that was adopted in 2019 (OECD 2019).^{XX} Principles defined AI system as “a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment”. Recommendation of the Council on Artificial Intelligence outlined that throughout the AI system lifecycle the rule of law, human rights, democratic and human-centred values should be respected. This includes non-discrimination and equality (OECD 2019).^{XXI}

In 2021, the UNESCO adopted the Recommendation on the Ethics of Artificial Intelligence (UNESCO 2021).^{XXII} The Recommendation aims to provide a basis for ensuring that AI systems work for the good of humanity, individuals, societies, and the environment, while also preventing harm and promoting the peaceful use of AI technologies. One of the main objectives of the Recommendation is to protect, promote, and respect human rights and fundamental freedoms, human dignity, and equality, including gender equality (UNESCO 2021).^{XXIII}

In 2022, the White House Office of Science and Technology Policy published the Blueprint for an AI Bill of Rights, outlining five key principles to protect civil rights in the design and use of AI systems (White House 2022).^{XXIV} One of the key principle is algorithmic



discrimination protections, which occurs when automated systems contribute to unjustified different treatment or impacts disfavoring people based on their race, color, ethnicity, sex, religion, age, national, origin or any other classification protected by law (White House 2022).

In 2024, the Council of Europe has developed a Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Council of Europe 2024b)^{xxv} (for the purposes of this chapter, it will hereinafter be referred to as the Convention). The preamble to the above mentioned Convention, among other basic aims, states that one of the reasons for its adoption is “concerns about the risks of discrimination in digital contexts, particularly those involving artificial intelligence systems, and their potential effect of creating or aggravating inequalities, including those experienced by women and individuals in vulnerable situations, regarding the enjoyment of their human rights and their full, equal and effective participation in economic, social, cultural and political affairs.”

The definition of an artificial intelligence system is prescribed in the article 2 of the Convention. According to it, “artificial intelligence system” means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.” Although the Convention defines what artificial intelligence is, the signatory parties of the treaty may exercise their margin of appreciation and specify its concept in their domestic legal acts without limiting its scope (Council of Europe 2024a, §§24).^{xxvi}

Within the European Commission's Communication on AI, it was defined as “systems that display intelligent behaviour by analysing their environment and taking actions – with some degree of autonomy – to achieve specific goals. AI-based systems can be purely software-based, acting in the virtual world (for example, voice assistants, image analysis software, search engines, speech and face recognition systems) or AI can be embedded in hardware devices (for example, advanced robots, autonomous cars, drones or internet of things applications)” (European Commission 2018, 1).^{xxvii} The term “artificial intelligence” directly refers to the presence of intelligence. However, the concept of intelligence is vague. Experts often use the concept of rationality in relation to AI, which refers to the ability to choose the best action to take in order to achieve a certain goal, given certain criteria to be optimized and the available resources (High-Level Expert Group on AI 2018, 1).^{xxviii}



In light of the Convention, it doesn't matter if the activities within the lifecycle of the artificial intelligence systems undertaken by public authorities or private actors acting on their behalf, each party should anyway apply this convention (Council of Europe 2024b, art. 3).^{XXIX} It is also worth noting that legal literature is already actively discussing not only the commission of crimes involving artificial intelligence, but also crimes committed independently by artificial intelligence itself, as well as the issue of liability for such acts (Nerantzi and Sartor 2024).^{XXX}

Privacy-invasive technologies are not neutral, they often affect certain groups more than others, especially those already seeking equality, who are more likely to be targeted (Thomasen and Dunn 2021, 565).^{XXXI} Ensuring diversity, non-discrimination, and fairness means that AI systems must be developed and applied in ways that include diverse participants, promote equal access and gender equality, respect cultural diversity, and prevent discrimination and unfair bias as prohibited by the European Union or national law (European Union 2024, §27).^{XXXII}

The Convention defines principles related to activities within the lifecycle of artificial intelligence systems. One of these principles is equality and non-discrimination. According to article 10 of the Convention, “Each Party shall adopt or maintain measures with a view to ensuring that activities within the lifecycle of artificial intelligence systems respect equality, including gender equality, and the prohibition of discrimination, as provided under applicable international and domestic law. Each Party undertakes to adopt or maintain measures aimed at overcoming inequalities to achieve fair, just and equitable outcomes, in line with its applicable domestic and international human rights obligations, in relation to activities within the lifecycle of artificial intelligence systems.”

The Framework Convention obliges Parties to explore suitable regulatory, governance, technical, or other measures to address the various ways in which bias may be intentionally or unintentionally embedded in artificial intelligence systems at different stages of their development and deployment. The provision clarifies that the obligations under this article go beyond merely prohibiting less favorable treatment without “objective and reasonable justification” based on protected characteristics in relevant areas of a protected sector. Parties are expected to adopt new, or uphold existing, measures designed to address and rectify structural and historical inequalities, in accordance with their domestic and international



human rights obligations. Furthermore, where appropriate, these measures should be shaped by the perspectives of those directly affected (Council of Europe 2024a, 16–17).^{xxxiii}

Artificial intelligence has already been integrated into the digital world and it is impossible to avoid its impact on both specific individuals and international organizations, especially those working to protect human rights (Szappanyos 2023, 93).^{xxxiv} The European Court of Human Rights is among the most influential institutions working in the field of human rights protection. Accordingly, an analysis of the Court's approach to artificial intelligence is essential.

Although the term artificial intelligence was first used in the 1950s (McCarthy et al. 1955),^{xxxv} progress was slow until recently, mainly due to the limitations of earlier computational technologies (Yigitcanlar et al. 2020, 1473).^{xxxvi} That explains the reason there is still no single decision of the European Court of Human Rights that explicitly mentions artificial intelligence. However, some decisions indirectly address it and focus on automated decision-making and algorithmic systems.

In the case of *S. and Marper v. The United Kingdom* (ECtHR 2008a),^{xxxvii} the European Court of Human Rights mentions the development of technology. The case was concerned about the storage of DNA data for indefinite time, despite the fact that the investigation had been discontinued. The Court mentioned that “the rapid pace of developments in the field of genetics and information technology, the Court cannot discount the possibility that in the future the private-life interests bound up with genetic information may be adversely affected in novel ways or in a manner which cannot be anticipated with precision today” (ECtHR 2008a, §71).^{xxxviii} The Court explained that the protection of an individual's personal data is a fundamental aspect of the enjoyment of the right enshrined in Article 8 of the European Convention on Human Rights. Therefore, the domestic legal norms of the State must provide appropriate safeguards. Such protection is particularly essential when it concerns the automatic processing of personal data. The Court believes that if a country sees itself as a leader in developing new technologies, it has a special duty to make sure it properly balances innovation with the protection of human rights.

In another case the court emphasizes the need for the state to have clear and unambiguous norms regarding automated devices. In particular, in the Case of *Roman Zakharov v. Russia* (ECtHR 2015),^{xxxix} the court outlines that “it is essential to have clear, detailed rules on interception of telephone conversations, especially as the technology



available for use is continually becoming more sophisticated. The domestic law must be sufficiently clear to give citizens an adequate indication as to the circumstances in which and the conditions on which public authorities are empowered to resort to any such measures” (ECtHR 2015, §§229).^{XI}

To sum up the court practice about AI, even though there are some other decisions where the court mentions technology and automatic processing of personal data, it doesn't mention the artificial intelligence explicitly and doesn't discuss its possible effects on Human Rights.

In parallel with the aforementioned practice of the European Court of Human Rights, in the latest case of *Ships Waste Oil Collector B.V. And Others v. The Netherlands* (ECtHR 2025),^{XLI} there is a dissenting opinion of judge Serghides, who explicitly mentions AI and suggests theoretical and philosophical discussion about adopting a new Protocol on protecting artificial intelligence. Although he expresses his concerns about whether artificial intelligence itself would respect human rights, the rule of law, and the principles of democracy.

4. The potential impact of artificial intelligence on gender-based violence

Digital technology shapes how we connect with others in both our personal and public lives - affecting everything from our relationships with partners, family, and friends to how we interact with workplaces, social systems, and government services. The relationship between gender and technology is complex and constantly evolving, and this intersection raises serious concerns about the use of digital tools to perpetrate gender-based violence (Barter and Koulu 2021, 368).^{XLII}

As already mentioned, some examples of online violence include cyberstalking, online harassment, trolling, and doxing; the non-consensual sharing of intimate images, cyber-flashing, and slut-shaming; threats of sexual violence and murder; deep-fakes, synthetic media, and morphing; gendered hate speech, disinformation, misinformation, and cyber smear campaigns. Gender-based violence against women can be committed by something or somebody using AI as a tool.



Artificial intelligence can have both positive and negative impacts on gender-based violence against women, depending on how it is designed, used, and implemented in the digital sphere.

One of the positive aspects of using artificial intelligence is that with the help of AI, it is possible, for example, to collect, classify, and analyze hate speech data in the digital space. At present, detecting hate speech remains a significant challenge, and manual identification is practically impossible. This highlights the need for automated detection systems (Kumarage, Bhattacharjee, and Garland 2024, 2).^{XLIII} In relation to hate speech (including gender-based), artificial intelligence can be used in a way that, once integrated into social platforms, identifies and automatically deletes hateful posts. However, this approach also carries certain risks, particularly the potential interference with the right to freedom of expression.

Freedom of speech is one of the fundamental principles of a democratic society. According to many leading theories, freedom of speech cannot be limited by restricting the use of hate speech. However, according to many other opinions, this is justified. Countries that prohibit hate speech are not necessarily seen as opposing free speech, but rather as acknowledging the need to balance it against other important values. This idea of balancing can be interpreted in different ways. In European human rights law, for instance, freedom of expression is weighed against other rights, and the key task is to determine what constitutes a proportionate balance between them (Howard 2024).^{XLIV}

Today, digital social networks have become the most important place for many people to express their opinions, gather information and exchange ideas with others. It is therefore essential to regulate this issue carefully. In addition to the risk that automatically removing hateful content may interfere with freedom of expression, there is also a possibility that artificial intelligence could misinterpret content, either mistakenly labeling it as hateful or failing to identify hateful material (Dietrich 2024).^{XLV} Despite the challenges, with proper regulation and implementation, artificial intelligence can significantly contribute to combating hate speech.

Another potential application of artificial intelligence lies in supporting risk assessments related to gender-based violence. AI systems may be capable of predicting the likelihood of domestic and intimate partner violence affecting women and children. These tools can be used to identify individuals who are at high risk of either perpetrating or experiencing such



violence. Moreover, once a case of gender-based violence is reported, AI can assist case workers in assessing the continued risks faced by survivors and in formulating appropriate and effective safety strategies (Ward, Spencer, and Kalsi 2023, 5).^{XLVI} AI can be utilized for predictive analytics to evaluate the potential risk of fatal outcomes in domestic violence situations. This technology could be adapted for use in humanitarian programs based in social work, such as gender-based violence initiatives, by helping social workers assess the severity of individual threats and provide additional resources to support cases at high risk (Spencer 2021, 16).^{XLVII}

Along with the positive impact of artificial intelligence, it can be misused, which could cause significant harm. Such damage is often complex, leading to multiple negative impacts. The psychological harm caused by AI can sometimes escalate into physical harm, even resulting in death. For example, AI systems can contribute to gender-based violence by enabling harassment, stalking, cyberbullying, and sexual extortion. Another example of harm caused by the use of AI is the generation of "deep fakes" impersonating actual persons to deceive and undermine the decision-making, individual autonomy and free choices of individuals can also be combined with significant harms for groups of persons (for example, sharing the same ethnic or racial origin or gender as the victims depicted on the deep fakes) (European Commission 2025, 30).^{XLVIII}

The non-consensual creation of sexual images of women through artificial intelligence is a new form of abuse enabled by technology (for example, sexual deep-fake videos or virtual reality pornography) (Dunn 2020a, 3).^{XLIX} Sexual deep-fakes have been created to be used in targeted hate campaigns meant to dox, shame and silence women, or to put their lives in danger (Dunn 2020b, 11).^L Pornographic deep-fakes contribute to a culture that treats women's bodies as objects for consumption and control (De Silva de Alwis 2023).^{LI}

Creating deep-fakes is a highly sensitive action, as it can trigger gender-based violence, these videos/photos create opportunities for new forms of reputational and dignitary abuse (Thomasen and Dunn 2021, 560).^{LII} Deep-fake technology has made it much easier to distort reality. It can create fake audio and video of real people, making it look like they said or did things they never actually did (Chesney and Citron 2019).^{LIII} This works by using artificial intelligence to analyze a person's face and then place it onto someone else's face in a video (Thomasen and Dunn 2021, 560).^{LIV} AI makes it easier to create fake videos and images that look very real, making it harder to tell the difference between real and fake content. While



image manipulation isn't new, especially since tools like Photoshop became popular, AI has made these fakes more advanced and harder to spot (Blauth, Gstrein, and Zwitter 2022, 77115).^{Lv} It is to be noted that, as of 2019, approximately 96% of all deep-fake videos are pornographic and feature women without their consent (Ajder et al. 2019).^{Lvi}

In October 2023, a former student from the National Polytechnic Institute in Mexico was charged in one of the first known cases involving AI-facilitated digital violence. The student allegedly used artificial intelligence to create non-consensual deep-fake pornography by digitally removing clothing from images of fellow students, and then profited by distributing and selling these manipulated images online (De Silva de Alwis 2023).^{Lvii}

Artificial intelligence allows for the rapid and large-scale generation of fake images, audio, text, and video. As a result, perpetrators now have access to sophisticated and automated tools for carrying out sustained harassment campaigns, often requiring little to no technical expertise (Chowdhury 2023, 11).^{Lviii}

In addition to deep fakes, artificial intelligence can be used for facial recognition and doxing. For example, many sex workers don't share their real names or contact details with their online content to protect their privacy and stay safe. In 2016, media reported that a group in Russia used a facial recognition app called FindFace to create a database linking images of female escorts and pornographic actors to their social media profiles. After identifying the women, the group shared their sexual content with family members and social media contacts, and publicly posted their names and contact information, encouraging others to harass them (Thomassen and Dunn 2021, 559).^{Lix} Artificial intelligence and biometric technologies can accurately authenticate individuals by analyzing their unique physiological and behavioral characteristics (Ward, Spencer, and Kalsi 2023, 4).^{Lx}

Another form of gender-based violence is online hacking and stalking. Generative AI models can be manipulated to assist in such activities. For example, when asked how to find someone's address online, they may provide detailed information, including which websites can be used (Chowdhury 2023, 19).^{Lxi}

Disinformation is also a technological challenge. Artificial intelligence contributes to the spread of disinformation in two primary ways: through the generation of false or misleading content and by enhancing the dissemination, amplification, and targeting of such content. The production and circulation of disinformation online can trigger violent acts. When disinformation is created or amplified by AI systems, it can significantly heighten the risk of



gender-based violence, particularly in contexts where it provokes mob aggression or intensifies armed conflict (Ward, Spencer, and Kalsi 2023, 3).^{LXII}

The potential positive and negative impacts of artificial intelligence on gender-based violence are extensive, and as the technology continues to evolve, it is likely to give rise to new and unforeseen challenges.

As for the decisions of the European Court of Human Rights concerning gender-based violence involving the use of artificial intelligence, as already noted, there is currently limited case law that directly addresses artificial intelligence not only in the context of gender-based violence, but in general as well. The European Court of Human Rights may not explicitly refer to artificial intelligence in its judgments, but it does establish general principles that in the context of the State's positive obligations, in order to effectively deter serious offences that threaten fundamental values and essential aspects of private life, States must have efficient criminal-law provisions in place (*X and Y v. the Netherlands* 1985, §§23–24).^{LXIII} Accordingly, states must establish an appropriate legislative framework governing artificial intelligence to address and mitigate the adverse consequences associated with its use.

According to the EU Directive on combating violence against women and domestic violence, “states should take measures to prevent the cultivation of harmful gender stereotypes in order to eradicate the idea of the inferiority of women or stereotyped roles of women and men. That could also include measures which aim to ensure that culture, custom, religion, tradition or honour is not perceived as a justification for, or does not give rise to a more lenient treatment of, offences of violence against women or domestic violence” (European Union 2024).^{LXIV} The article 8 of this Directive also indicates that intentionally inciting violence or hatred directed against a group of persons or a member of such a group, defined by reference to gender, by publicly disseminating, by means of ICT (information and communication technologies), material containing such incitement should be punishable as a criminal offence.

According to the Recommendation on the Ethics of Artificial Intelligence, states must ensure that the human rights and fundamental freedoms of girls and women, and their safety and integrity are not violated at any stage of the AI system life cycle (UNESCO 2021).^{LXV}

Recent regulatory and scholarly literature outlines a range of strategies aimed at addressing and mitigating gender-based violence facilitated or amplified by artificial intelligence. For instance, UNESCO's Red Teaming Playbook offers a ready-to-use



framework for simulating and detecting gendered harms in AI systems (UNESCO 2024).^{LXVI} Several scholars think that although the AI Act represents meaningful progress in the regulation of high-risk AI systems, it remains limited in its capacity to effectively address gender-based biases embedded in these technologies. It is suggested that, to effectively mitigate the risks and harms associated with AI, the AI Act should incorporate feminist legal principles that emphasize gender equality, accountability, intersectionality, and the structural transformation of embedded biases (Karagianni 2025).^{LXVII} Also, promoting diversity and inclusion in AI development teams is proposed as a key measure to counteract gender stereotyping and the potential for AI systems to incite violence. Enhancing women's representation in the field is anticipated to broaden the range of perspectives, stimulate innovation, and raise gender consciousness within teams (Sideri and Gritzalis 2025).^{LXVIII} The Council of the EU recommendations prioritize the implementation of appropriate measures to prevent AI systems from producing discriminatory outcomes, including the transparent use of clear, representative, and high-quality data, regular evaluation of AI systems, the incorporation of human oversight along with review and redress mechanisms, and strict compliance with non-discrimination laws and relevant AI sector regulations (Council of the European Union 2025).^{LXIX}

5. The potential impact of artificial intelligence on violence against female journalists

The role of a journalist in a democratic society is invaluable. It is particularly important in reporting and exposing human rights violations, informing the public, and promoting and strengthening democracy and the rule of law. It is important to ensure a safe environment and protect the right of media representatives to carry out their journalistic activities freely.

Journalists and other media actors often face specific risks, threats and discrimination based on sex, gender identity, sexual orientation, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Working on certain issues may expose them to threats, attacks, insults and harassment.



Journalists covering protests and demonstrations, as well as women and journalists from various minority groups, are particularly vulnerable. Among them, female journalists face especially high risks, as they are often subjected to gender-based and intersectional discrimination, as well as blackmail and intimidation. Women journalists and other female media actors face specific, gender-related threats in the course of their journalistic work, such as sexism, misogynistic or degrading treatment, threats, intimidation, blackmail, harassment, and sexual violence. These acts are often committed online.

Early studies that examined the gendered nature of the harassment faced by women bloggers in the pre-social media era laid important groundwork for understanding the current landscape of cyber-misogyny. These foundational insights help contextualize the intensified and often targeted abuse experienced by women journalists today within the framework of 'social journalism' (Posetti and Storm 2019).^{LXX}

Online abuse is a gender problem. While male journalists also face harassment, female journalists are disproportionately targeted with sexually explicit content as a form of intimidation and gender-based humiliation (Simões, Alcântara, and Carona 2021).^{LXXI}

Women journalists and human rights defenders are frequently subjected to online rape and death threats, especially when they engage in discussions on gender equality or challenge traditionally male-dominated fields. According to Global Information Society Watch, women bloggers, journalists, and leaders face online abuse and violent sexual attacks more often than men. Articles written by women tend to attract more abuse and dismissive trolling than those written by men, regardless of the topic (Dunn 2020a, 15, 19).^{LXXII} According to ICFJ-UNESCO online violence survey, 25% of women-identifying journalists reported receiving death threats or threats of general physical violence, while 18% said they had experienced threats of sexual violence (OSCE, 2023).^{LXXIII}

A prominent example of the global epidemic of online violence against women journalists is Maria Ressa, the Filipino-American journalist and founder of the Manila-based news outlet Rappler. Since the 2016 Philippine election, Ressa has faced daily online abuse, including death and rape threats, doxxing, and racist, sexist, and misogynistic attacks conveyed through text, images, and memes (Posetti et al. 2022).^{LXXIV}

The impact of artificial intelligence on female journalists largely mirrors its broader effects in the context of gender-based violence, as it can both reinforce existing risks and introduce new forms of harm specific to their profession and gender.



For instance, it is not only celebrities who are targeted by deep-fakes. For example, Indian journalist Rana Ayyub was the victim of a sexual deep-fake as part of a coordinated online harassment campaign. The abuse she faced was so serious that the United Nations issued a statement urging the Indian government to ensure her protection (UN OHCHR 2018) (Dunn 2020a, 13).^{LXXV}

Another defining feature of online abuse targeting women media professionals is the deliberate use of disinformation. False claims are circulated to damage their reputation, discredit their work, and silence their public voice. These tactics often involve deploying bots to spread carefully crafted lies and propaganda at a large scale, creating the illusion of widespread, grassroots opposition (Posetti and Storm 2019).^{LXXVI} According to ICFJ-UNESCO online survey, 41% of female journalists reported that the online violence they experience is associated with coordinated disinformation attacks (OSCE, 2023).^{LXXVII}

One of the most important decisions on cyber-violence against woman journalist was delivered by the European Court of Human Rights in the case of Khadija Ismayilova v. Azerbaijan (Khadija Ismayilova v. Azerbaijan 2019).^{LXXVIII} The case concerned the state's failure to protect applicant from unjustified intrusions into her private life linked to her work as a journalist. According to the factual circumstances of the case, applicant was a female journalist who investigated and broadcasted critical of the government, including corruption and violations of human rights in Azerbaijan. The applicant stated that ever since she started reporting critically on the government, she has faced threats and various forms of intimidation. The applicant received a letter containing still images taken from a video that showed her engaged in sexual intercourse, along with the accompanying message: "Whore, refrain from what you are doing, otherwise you will be shamed!". The threat was related to her journalistic work to cease her activities. A few days later, the intimate videos were published and disseminated online. The State failed to fulfill its positive obligation to conduct an effective investigation.

According to the court, the actions taken against the applicant violated human dignity, namely the intrusion into the applicant's home and the installation of hidden video surveillance cameras, secretly filming during the most intimate moments of her life, in the privacy of her own home, and later publicly sharing those videos. Also, receiving a letter threatening her with public humiliation. The applicant is a well-known journalist and there was a plausible link between her professional activity and the aforementioned intrusions,



whose purpose was to silence her. In this case, the European Court of Human Rights found that the State had failed to fulfil its positive obligation to conduct an effective investigation into the alleged acts against the applicant, in breach of Article 8 of the European Convention on Human Rights. The Court also found that the State had failed to ensure the protection of the applicant's right to carry out her journalistic activities and to exercise her freedom of expression, therefore state has violated the Article 10 (Freedom of expression) of the Convention.

Automated online attacks, carried out through bots or other forms of artificial amplification, intensifies the consequences of online harassment experienced by women working in the media. This escalation not only affects journalists themselves but also extends harm to their predominantly female audiences and sources (Posetti and Storm 2019).^{LXXIX}

6. Conclusion

The rise of information and communication technologies has played a major role in speeding up globalization, making it easier for people to connect, share information, and trade across borders. While this digital transformation has brought many benefits, it has also introduced new risks. One of the most concerning is the growing issue of cyber violence against women and girls. This type of abuse takes many forms and is deeply rooted in long-standing patriarchal and misogynistic social structures, now amplified in the digital space. Violence against women in the digital realm is a growing global problem with severe consequences.

There's a worrying rise in the use of AI-powered chat-bots and online forums where abusers exchange tips and techniques to harm virtual partners. At the same time, the spread of AI-generated images, videos, and other digital content targeting women is creating a new and dangerous form of violence. With facial mapping and AI technology, images and videos can be manipulated to create hyper-realistic deep-fakes. When used to produce pornographic content, these deep-fakes contribute to a culture that treats women's bodies as objects and fuels further harm. Today, pornographic deep-fakes have become yet another tool for gender-based violence and tech-enabled abuse against women.



To develop effective protective measures for women, it is essential to fully understand the risks associated with the use and abuse of AI systems. To effectively address this issue, it is essential for states to establish a comprehensive legislative framework. Such legislation should govern the implementation of the principles of equality and non-discrimination in the integration of artificial intelligence, as well as its potential misuse as a weapon by private individuals.

*PhD candidate, Ivane Javakhishvili Tbilisi State University, Georgia. Email: mari.balavadze@gmail.com.

^I Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 14 and Article 1 of Additional Protocol No. 12.

^{II} UN Convention on the Elimination of All Forms of Discrimination against Women, 1979, Adopted 18 December 1979, entered into force 3 September 1981.

^{III} UN General Assembly, Declaration on the Elimination of Violence against Women, Resolution 48/104 of 20 December 1993.

^{IV} Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011, CETS №210.

^V Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011, CETS №210, art. 3.

^{VI} Ibid.

^{VII} UN Convention on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, 1992, Contained in Document A/47/38, §6.

^{VIII} The Protocol to the African Charter on Human and People's Rights on the Right of Women in Africa, 2003, Adopted in July 2003, entered into force 25 November 2005, art. 1.

^{IX} EU Directive 2024/1385 of the European Parliament and of the Council on Combating Violence against Women and Domestic Violence, 24 April 2024, 25.

^X Technology-Facilitated Gender-Based Violence as an Attack on Women's Public Participation: Review of Global Evidence and Implications, 2023, Prepared by IREX, 5.

^{XI} Combating Cyber Violence against Women and Girls, 2022, European Institute for Gender Equality, 10.

^{XII} Chowdhury R., 2023, *Technology-Facilitated Gender-Based Violence in an Era of Generative AI*, the United Nations Educational, Scientific and Cultural Organization.

^{XIII} European Commission, Advisory Committee on Equal Opportunities for Women and Men, 1 April 2020, 4.

^{XIV} GREVIO General Recommendation N0.1 on the digital dimension of Violence against women, 2021, para. 23.

^{XV} ECHR, *Volodina v. Russia* (No. 2), 2021, application no. [40419/19](#).

^{XVI} ECHR, *Söderman v. Sweden* [GC], 2013, no. [5786/08](#), §78-80.

^{XVII} ECHR, *Volodina v. Russia* (No. 2), 2021, application no. [40419/19](#), §48.

^{XVIII} ECHR, *Buturușă v. Romania*, 2020, Application no. 56867/15, §74.

^{XIX} Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on Artificial Intelligence for Europe, Brussels, 25.4.2018 COM(2018) 237 final, 1.

^{XX} OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449, 2019.

^{XXI} OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449, 2019, Section 1, 1.2. (a).

^{XXII} UNESCO, Recommendation on the Ethics of Artificial Intelligence. Paris: United Nations Educational, Scientific and Cultural Organization, 2021.

^{XXIII} UNESCO, Recommendation on the Ethics of Artificial Intelligence. Paris: United Nations Educational, Scientific and Cultural Organization, 2021, 5-8.

^{XXIV} White House Office of Science and Technology Policy, Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People, 2022.

^{XXV} Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, (adopted 17 May 2024, entered into force on 1 August 2024).



of AI, 77115.

LVI Ajder, H., Patrini, G., Cavalli, F., & Cullen, L., 2019, *The state of deepfakes: Landscape, threats, and impact*, Amsterdam: Deeptrace.

LVII De Silva de Alwis R., 2023, *A Rapidly Shifting Landscape: Why Digitized Violence is the Newest Category of Gender-Based Violence*, Public Law and Legal Theory Research Paper Series Research Paper No. 23-43.

LVIII Chowdhury R., 2023, *Technology-Facilitated Gender-Based Violence in an Era of Generative AI*, the United Nations Educational, Scientific and Cultural Organization, 11.

LIX Thomassen K. and Dunn S., 2021, *Reasonable Expectations of Privacy in an Era of Drones and Deepfakes: Expanding the Supreme Court of Canada's Decision in R v Jarvis*, 559.

LX Ward J., Spencer S. and Kalsi K., 2023, *Gender-Based Violence and Artificial Intelligence (AI): Opportunities and Risks for Women and Girls in Humanitarian Settings*, 4.

LXI Chowdhury R., 2023, *Technology-Facilitated Gender-Based Violence in an Era of Generative AI*, the United Nations Educational, Scientific and Cultural Organization, 19.

LXII Ward J., Spencer S. and Kalsi K., 2023, *Gender-Based Violence and Artificial Intelligence (AI): Opportunities and Risks for Women and Girls in Humanitarian Settings*, 3.

LXIII ECHR, *X and Y v. the Netherlands*, 1985, Series A no. 91, §23-24.

LXIV EU Directive 2024/1385 of the European Parliament and of the Council on Combating Violence against Women and Domestic Violence, 24 April 2024, 75.

LXV UNESCO, Recommendation on the Ethics of Artificial Intelligence. Paris: United Nations Educational, Scientific and Cultural Organization, 2021.

LXVI UNESCO, Red Teaming Playbook: Tackling Gender Bias and Harms in Artificial Intelligence, 2024.

LXVII Karagianni, A., *Gender in a stereo-(gender)typical EU AI law: A feminist reading of the AI Act*, *Cambridge Forum on AI: Law and Governance*, 1, e25, 2025, 13.

LXVIII Sideri, M. and Gritzalis, S., *Gender Mainstreaming Strategy and the Artificial Intelligence Act: Public Policies for Convergence*, 2025, 20.

LXIX Council of the European Union, Council conclusions on advancing gender equality in the AI-driven digital age, Document ST-9984-2025-INIT, 2025, 30. <https://data.consilium.europa.eu/doc/document/ST-9984-2025-INIT/en/pdf> [Last seen: 01.09.2025].

LXX Posetti, J. and Storm, H., Violence Against Women Journalists – Online and Offline. In: Journalism, Gender and Power, 2019, 80. <https://gamag.net/wp-content/uploads/2019/09/Chapter-7.pdf> [Last seen: 27.08.2025].

LXXI Simões, R.B., Alcântara, J. and Carona, L., *Online abuse against female journalists: A scoping review*, 2021, 366.

LXXII Dunn S., 2020, *Technology-Facilitated Gender-Based Violence*, Safer Internet Paper No. 1, 15, 19.

LXXIII OSCE, Guidelines for monitoring online violence against female journalists, 2023, 18. https://www.osce.org/files/f/documents/b/0/554098_1.pdf [Last seen: 27.08.2025].

LXXIV Posetti J., Shabbir N., Maynard D., Bontcheva K. and Aboulez N., *The Chilling: A global study on online violence against women journalists*, 2021, 45.

LXXV Dunn S., 2020, *Technology-Facilitated Gender-Based Violence*, Safer Internet Paper No. 1, 13.

LXXVI Posetti, J. and Storm, H., Violence Against Women Journalists – Online and Offline. In: Journalism, Gender and Power, 2019, 81-82. <https://gamag.net/wp-content/uploads/2019/09/Chapter-7.pdf> [Last seen: 27.08.2025].

LXXVII OSCE, Guidelines for monitoring online violence against female journalists, 2023, 48. https://www.osce.org/files/f/documents/b/0/554098_1.pdf [Last seen: 27.08.2025].

LXXVIII ECHR, *Khadija Ismayilova v. Azerbaijan*, 2019, applications nos. 65286/13 and 57270/14.

LXXIX Posetti, J. and Storm, H., Violence Against Women Journalists – Online and Offline. In: Journalism, Gender and Power, 2019, 80. <https://gamag.net/wp-content/uploads/2019/09/Chapter-7.pdf> [Last seen: 27.08.2025].

Acronyms and Abbreviations

AI - Artificial Intelligence

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

DNA - Deoxyribonucleic acid

ECHR – European Court of Human Rights

EU – European Union

GREVIO - Group of Experts on Action against Violence against Women and Domestic Violence

OECD - Organisation for Economic Co-operation and Development





OSCE - Office of the Organization for Security and Co-operation in Europe
UNESCO - United Nations Educational, Scientific and Cultural Organization
UN - United Nations
UN OHCHR - United Nations Office of the High Commissioner for Human Rights

References

- The European Commission's High-Level Expert Group on Artificial Intelligence, A Definition of AI: Main Capabilities and Scientific Disciplines, 2018.
- Ajder, H., Patrini, G., Cavalli, F., & Cullen, L. (2019). The state of deepfakes: Landscape, threats, and impact. Amsterdam: Deeptrace.
- Barter, C. & Koulu, S., 2021, Special issue: Digital technologies and gender-based violence – mechanisms for oppression, activism and recovery. *Journal of Gender-Based Violence*, 5(3).
- Blauth, T., Gstrein, O., & Zwitter, A., 2022, Artificial Intelligence Crime: An Overview of Malicious Use and Abuse of AI.
- Chesney, R. & Citron, D., 2019, Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security. *California Law Review*, 107.
- Chowdhury, R., 2023, Technology-Facilitated Gender-Based Violence in an Era of Generative AI. The United Nations Educational, Scientific and Cultural Organization.
- Combating Cyber Violence against Women and Girls, 2022, European Institute for Gender Equality.
- Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on Artificial Intelligence for Europe, 2018, COM(2018) 237 final. Brussels.
- Communication to the European Commission, Commission Guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689 (AI Act), 2025, C(2025) 884, Brussels.
- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 14 and Article 1 of Additional Protocol No. 12.
- Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, 2024, Adopted 17 May 2024, entered into force on 1 August 2024.
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, CETS №210.
- Council of the European Union, Council conclusions on advancing gender equality in the AI-driven digital age, Document ST-9984-2025-INIT, 2025. <https://data.consilium.europa.eu/doc/document/ST-9984-2025-INIT/en/pdf> [Last seen: 01.09.2025].
- De Silva de Alwis, R., 2023, A Rapidly Shifting Landscape: Why Digitized Violence is the Newest Category of Gender-Based Violence. *Public Law and Legal Theory Research Paper Series Research Paper No. 23-43*.
- Dietrich, F., 2024, AI-based removal of hate speech from digital social networks: Chances and risks for freedom of expression. <https://doi.org/10.1007/s43681-024-00610-7>. [Last seen: 28.04.2025]
- Dunn, S., 2020a, Identity Manipulation: Responding to advances in artificial intelligence and robotics.
- Dunn, S., 2020b, Technology-Facilitated Gender-Based Violence, *Safer Internet Paper No. 1*.
- ECHR, Buturugă v. Romania, 2020, Application No. 56867/15.
- ECHR, Khadija Ismayilova v. Azerbaijan, 2019, Applications Nos. 65286/13 and 57270/14.
- ECHR, Roman Zakharov v. Russia, 2015, Application No. 47143/06.
- ECHR, S. and Marper v. The United Kingdom, 2008, Applications Nos. 30562/04 and 30566/04.
- ECHR, Ships Waste Oil Collector B.V. And Others v. The Netherlands, 2025, Application No. 2799/16.
- ECHR, X and Y v. the Netherlands, 1985, Series A No. 91.
- ECHR, Söderman v. Sweden [GC], 2013, No. 5786/08.



- ECHR, *Volodina v. Russia* (No. 2), 2021, Application No. 40419/19.
- EU Directive 2024/1385 of the European Parliament and of the Council on Combating Violence against Women and Domestic Violence, 24 April 2024.
- European Commission, Advisory Committee on Equal Opportunities for Women and Men, 2020.
- Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, 2024.
- GREVIO General Recommendation No. 1 on the digital dimension of Violence against women, 2021.
- Howard, J.W., 2024, Freedom of speech. In E. N. Zalta & U. Nodelman (Eds.), *Stanford Encyclopedia of Philosophy* (Spring 2024 Edition). <https://plato.stanford.edu/entries/freedom-speech/#DemoTheo> [Last seen: 28.04.2025].
- Karagianni, A., Gender in a stereo-(gender)typical EU AI law: A feminist reading of the AI Act, Cambridge Forum on AI: Law and Governance, 1, e25, 2025.
- Kumarage, T., Bhattacharjee, A., & Garland, J., 2024, Harnessing Artificial Intelligence to Combat Online Hate: Exploring the Challenges and Opportunities of Large Language Models in Hate Speech Detection.
- McCarthy, J., Minsky, M. L., Rochester, N., & Shannon, C. E., 1955, *A Proposal for the Dartmouth Summer Research Project on Artificial Intelligence*.
- Nerantzi, E. & Sartor, G., 2024, ‘Hard AI Crime’: The Deterrence Turn. *Oxford Journal of Legal Studies*, 44(3).
- OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449, 2019.
- OSCE, Guidelines for monitoring online violence against female journalists, 2023, 18. https://www.osce.org/files/f/documents/b/0/554098_1.pdf [Last seen: 27.08.2025].
- Posetti, J. and Storm, H., Violence Against Women Journalists – Online and Offline. In: Journalism, Gender and Power, 2019. <https://gamag.net/wp-content/uploads/2019/09/Chapter-7.pdf> [Last seen: 27.08.2025].
- Posetti J., Shabbir N., Maynard D., Bontcheva K. and Aboulez N., *The Chilling: A global study on online violence against women journalists*, 2021.
- Regulation (EU) 2024/1689 of The European Parliament and of The Council of the European Union., 2024, Rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139, and (EU) 2019/2144, and Directives 2014/90/EU, (EU) 2016/797, and (EU) 2020/1828 (Artificial Intelligence Act). Official Journal of the European Union, §27. <https://eur-lex.europa.eu/eli/reg/2024/1689/oj> [Last seen: 28.04.2025].
- Sideri, M. and Gritzalis, S., Gender Mainstreaming Strategy and the Artificial Intelligence Act: Public Policies for Convergence, 2025.
- Simões, R.B., Alcântara, J. and Carona, L., Online abuse against female journalists: A scoping review, 2021.
- Spencer, S., 2021, Humanitarian AI: The hype, the hope, and the future. *Humanitarian Practice Network*, Network Paper Number 85.
- Szappanyos, M., 2023, Artificial Intelligence: Is the European Court of Human Rights Prepared? *Acta Humana*, 1, 93–110.
- Technology-Facilitated Gender-Based Violence as an Attack on Women’s Public Participation: Review of Global Evidence and Implications., 2023, Prepared by IREX.
- The Protocol to the African Charter on Human and People’s Rights on the Right of Women in Africa., 2003, Adopted in July 2003, entered into force 25 November 2005.
- Thomasen, K., & Dunn, S., 2021, Reasonable Expectations of Privacy in an Era of Drones and Deepfakes: Expanding the Supreme Court of Canada’s Decision in *R v Jarvis*.
- UN Convention on the Elimination of All Forms of Discrimination against Women, 1979, Adopted 18 December 1979, entered into force 3 September 1981.
- UN Convention on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, 1992, Contained in Document A/47/38.



-
- UNESCO, Recommendation on the Ethics of Artificial Intelligence. Paris: United Nations Educational, Scientific and Cultural Organization, 2021.
 - UNESCO, Red Teaming Playbook: Tackling Gender Bias and Harms in Artificial Intelligence, 2024.
 - UN General Assembly, Declaration on the Elimination of Violence against Women, Resolution 48/104 of 20 December 1993.
 - Ward, J., Spencer, S., & Kalsi, K., 2023, Gender-Based Violence and Artificial Intelligence (AI): Opportunities and Risks for Women and Girls in Humanitarian Settings.
 - White House Office of Science and Technology Policy, Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People, 2022.
 - Yigitcanlar, T., Desouza, K., Butler, L., & Roozkhosh, F., 2020, Contributions and risks of artificial intelligence (AI) in building smarter cities: Insights from a systematic review of the literature. *Energies*, 13(6).



Fondazione CSF

PERSPECTIVES ON FEDERALISM



ISSN: 2036-5438

Cities challenging federalism: how subsidiarity can help

by
Chiara Salati*

Perspectives on Federalism, Vol. 17, issue 1, 2025



Except where otherwise noted content on this site is licensed under a [Creative Commons 2.5 Italy License](https://creativecommons.org/licenses/by-nc-nd/4.0/)

E - 28



Abstract

This paper explores the challenge that cities pose to federalism. Cities are increasingly emerging as sites not only of institutional pluralism, but also of social pluralism where democratic innovations take place. In this sense, cities are gaining importance as players beyond states from both a government and governance perspective. Through a comparative analysis of the constitutional recognition of cities in 27 federal and quasi-federal systems around the world, the paper investigates their constitutional status. Also by bringing the example of the Italian cities' case, the paper argues that cities within federal systems could receive greater recognition for their governance role in addressing pluralism – particularly societal pluralism – by engaging with their citizens and drawing on the contribution offered by the principle of subsidiarity in its horizontal/societal dimension. All in all, the recognition of what subsidiarity can offer to federalism would strengthen its capacity to better address societal pluralism through the role of cities.

Keywords

federalism, cities, subsidiarity, local democracy, institutional pluralism, social pluralism



1. Introduction

Urbanization as a phenomenon is increasing worldwide, with more than 4 billion people – over half of the global population – now living in cities (Ritchie 2024). According to the United Nations (UN), the critical year was 2007, when for the first time in history the number of people living in urban areas overtook the number in rural settings (Ritchie 2024). This phenomenon is expected to continue to increase, and because of that some have defined our times as a “*new urban age*” where the predominant institutional actors would be the city (Bloomberg 2015). This phenomenon can be observed as a general trend across both unitary and federal states. This also seems to be pushing the boundaries of our traditional Westphalian order based on states as the only actors in an international context (Hoeksma 2020) towards a more multi-level understanding of states with growing importance given to cities and other urban agglomerations. In fact, not only cities are emerging as laboratories of governance innovations in parallel to states, but also, they are increasingly claiming their role as protagonists beyond States’ borders and traditional administrative structures.

While the ‘city’ as a concept and idea has been the object of study for the human and social sciences for a while – for example, in philosophy (Lefebvre 1976; Weinstock 2014), political theory (Magnusson 2011; Barber 2013), geography (Harvey 2003: 939-941), history (Hörcher 2021: 1-12), urban studies (Jacobs 1961; Sennett 2006), economics (Florida 2017), sociology (Sassen 2005: 27–43), digital innovation (Ratti 2016) – only very recently it has gained the attention also of public law scholars. This research gap in public law started to be addressed with recent studies in comparative constitutional law (Hirschl 2020), administrative law (Auby 2013: 302–06), and public international law (Aust 2021). In the wake of that, also federal scholars (Arban 2022) started dealing with the idea of the city as distinguished from other local government entities. Federal and constitutional studies tend to focus on the *institutional* dimension of the city, which includes its constitutionalization (or not) as an autonomous level of government, its relationship with federal/state authorities, and the powers granted to that – in this way pushing traditional state-based federalism from a dual structure towards a three-tiered system. What receives less attention, however, is the *societal* dimension of cities and their capacity to support democratic innovations together with their citizens.



Given this, the paper addresses one essential research question: to what extent could federal theory evolve to better address the growing role of cities as laboratories for democratic innovations? To answer that, its structure starts by setting the scene on the rising role of cities and their role of laboratories of democratic innovations; it proceeds then with a comparative overview of cities in federal systems^I and some essential reflections upon the current challenges and limitations of federalism; it then brings to the table the contribution to cities coming from the subsidiarity principle and claims its relevance by reporting the Italian cities' case. In conclusion, the paper argues for the need for federal theory to be inspired from theory and practice of subsidiarity in order to be better equipped to deal with the urban age.

2. Setting the scene: the rising role of cities

At the international level the rising role of cities is emerging essentially through the growing number of transnational city networks^{II} through which cities are positioning themselves in the international arena as institutional actors willing to commit firsthand on certain topics like human rights, climate change, or sustainability to name a few. Sometimes this happens in relation to those international standards where the national government decides at the central level to step back, and therefore cities choose to independently take the initiative to commit themselves to such fields. Their rising role also emerges from the international fora where cities and their mayors have regularly met in recent years to influence global governance by coordinating local responses to global challenges^{III}. These newer forums exist alongside long-standing institutions like the Council of Europe (CoE) Congress for local and regional authorities, or the European Union (EU) Committee of the regions. In essence, cities are on the rise because they are at the forefront in problem solving (Barber 2013) or crisis governance (like for example the migration crisis, Kälin 2025), and they often deal with them more effectively than states.

This growing importance raises some fundamental issues. First, the issue of status. The question is to what extent and why a 'city' is or should be differentiated from other local authorities. Cities, in fact, many times constitute the first elected level of government together with other local authorities. At this local level of democracy many are the terms in



use: not only ‘cities’, but also ‘local governments’, ‘local authorities’, ‘local entities’, or ‘municipalities’. For defining this local unit of government sometimes also other terms like ‘territorial autonomies’, ‘subnational authorities’, ‘subnational entities’, ‘regional and local authorities’ are used, in this way not making any clear distinction between the two regional and local dimensions. Moreover, when talking about cities, there are different types of them, ranging for example from ‘megacities’ (Hirschl 2020) to ‘metropolitan cities^{IV}’, ‘capital cities’ (Slack 2012), or ‘intermediate cities’ (Morandell 2024). What seems true is that depending on the geographical and political context, sometimes the term city is used interchangeably with municipality, while some other times to differentiate a specific unit from other local authorities. This, however, leads to some confusion about what precisely a city is, and sometimes even a context-based approach is not enough to situate it.

Second, the issue of definition. The question is how a city is actually defined from both institutional contributions and doctrinal ones. Definitions differ based on aspects such as administrative boundaries, number of inhabitants, population density, history, competences, and so on. Starting from the institutional contribution, in the latest decades there has been a tendency in using the terms ‘city’ and ‘urban’. At the international level, we can see that through the UN work and program on urban development (UN-Habitat) and its related conferences (UN-Habitat I in 1976, Habitat II in 1996, Habitat III in 2016). Additionally, we can see that through the CoE European Urban Charters (I in 1992, II in 2008, and III in 2023) (Salati 2024b), which constitute holistic documents of soft law, which aim to provide an ideal vision for urban living drawing a catalogue of urban principles. Still, no precise definition of what a city is provided in such documents. Of a different kind is the contribution of the EU Commission, that in recent years took the leadership on this topic, and came up together with the OECD with a definition of ‘city’ based on grid cells used for statistical purposes in two important reports (in 2012 and 2020, EU COM and OECD 2020). Accordingly, *“cities consist of contiguous grid cells that have a density of at least 1500 inhabitants per km² or are at least 50% built up. They must have a population of at least 50.000”*. This EU COM-OECD definition of cities is people-based, founded on density and total population, and distinguishes cities from ‘towns and semi-dense areas’ and ‘rural areas’, according to the so called ‘degree of urbanization’ method. In the same report, cities were also distinguished from ‘functional urban areas’ (FUA, also called ‘metropolitan areas’). In parallel to the EU Commission, interesting is also the contribution of the European Parliament, that in a 2018



resolution stated that cities are “understood as towns, cities and urban and metropolitan areas, as well as small and medium-sized cities^V”, in this way basically putting under the same label all forms of urban settlements which are not rural.

With concern to doctrinal contributions, there is no single agreed upon definition to use. Administrative law scholars are looking at the ‘city beyond the municipality’ (Giglionni 2020: 267-284), pushing for the need for a new transversal categorization of ‘a law of cities’ (*droit de la ville*)^{VI} by acknowledging that traditional borders of urban areas have gone much beyond mere administrative borders. Sometimes, however, a ‘city’ may actually be smaller than its municipality administrative borders: this may happen for example if the municipality includes also a vast rural area inside its boundaries, which may be seen as non-city by its dwellers. Public law scholars are looking at ‘the city beyond the state’ (Pizzolato 2022) within general transformations of public law, focusing on that as a precise cultural and spatial concept which pre-dates nation states, and as the original dimension of democracy and law. Constitutional federal scholars are looking at the city as an autonomous legal entity to be distinguished from other local authorities. One interesting conceptualization considers cities as socio-economic and political spaces that require their own sphere of autonomy because that would be strategic for building new models of governance and reconciling diversity and social cohesion (Arban 2020).

The third fundamental issue related to the rising role of cities is their constitutional entrenchment as an autonomous level of government. This constitutes, indeed, the core matter for constitutional and federal scholars. Some scholars believe this could have many advantages because it would allow cities to enjoy significant regulatory initiative and autonomy (Hirschl 2020), and “to experiment new modes of governance for the urban area [...] as opposed to local governments” (Arban 2020: 323-345). At the same time, more skeptical positions pointed to the fact that constitutionalisation is not necessarily the solution since anyways in federations across the world the local level of government itself is often neglected (Saunders and Arban 2022), and there is a risk of generating unnecessary complexity among governmental levels, putting additional burden on bureaucracies, and deepening the urban-rural divide (Arban 2021: 343–57). With concern to cities in federal systems, section four will provide a comparative overview.

In sum, the three aspects of status, definition, and constitutional entrenchment of cities are the essential ones to consider when looking at the rising role of cities beyond the



municipality and beyond the state. In the end, the city is also the place where multiple legal orders coexist and find the concrete ultimate application of the legal acts they adopt (Salati 2023a: 144).

3. Cities as laboratories of local democracy

When looking at cities^{VII} as emerging institutional actors, one aspect which is often overlooked is their role of laboratories of local democracy together with their citizens first and foremost thanks to their proximity. This laboratory-oriented character is grounded on cities' capacity and attitude to experiment with different forms of citizen participation, which go beyond traditional representative democracy channels. Such forms can be addressed to as 'participatory practices' or also 'democratic innovations (DIs)', and they put cities – together with also other local governments – on the spotlight because they tend to take place at the local level (Allegretti 2015: 211; Hendriks 2012: 741). In this sense, the wider the local autonomy, the more local governments can experiment with new practices of civic participation (Palermo 2015: 506).

What lies at the core of such participatory practices are citizens' initiatives – whether institutionalized or not. The city, in fact, not only represents an actor of institutional pluralism, but also constitutes the concrete space where social pluralism^{VIII} can flourish and be supported also via institutional means. Citizens' initiatives could take place in both formal and informal ways. Informal initiatives are bottom-up participatory actions that do not have an institutional cover, while formal initiatives – whether their origin is top-down or bottom-up – are the ones that receive institutional recognition by public authorities. All such initiatives experiment with forms of civic engagement at the very local level of democracy and usually they involve a relationship with the local public administration.

Such participatory practices are well-known in the literature under the name of democratic innovations (DIs), and the majority of them can be traced back to four main types (Elstub and Escobar 2019): mini-publics, participatory budgeting (PB), referenda and citizens' initiatives, collaborative governance. Mini-publics are consultative bodies like citizens' assemblies or citizens' juries where a group of citizens deliberate on a specific issue to give input to decision-makers. Participatory budgeting are processes where citizens can



have a say in deciding how to allocate part of the public budget. Referenda and citizens' initiatives are instruments of direct democracy. Collaborative governance looks at a wide variety of practices where citizens contribute to the production and delivery of public policies and services. Other DIs are for example forms of civic participation in urban planning or community gardens, but many more could be found since there is no exhaustive list of them.

It is generally acknowledged that most of such DIs happen at the local level, in cities or other local governments. For example, it was demonstrated^{IX} that deliberative practices – even though they have been carried out at all levels of government – are mostly taking place at the local level. At the same time digital forms of participation (e-participation) are also becoming the normality across the world, and the growing trend for cities to become 'smart cities' can be observed everywhere. This on one side puts an emphasis on cities' role of local laboratories, while on the other it also stresses their multi-level entrenchment (Voorwinden 2022: 155-180; Falanga 2024: 1052–61).

All in all, even though their real impact is actually disputed (Jacquet 2023), such participatory practices make cities and other local governments emerge as key actors from both government and governance perspectives, in so far as not only they rely – as also higher levels of government – on traditional representative democracy channels (like elections, the party system, and political representatives), but also they can offer a wide array of participatory channels for people to engage in local democracy. This seems to be even more likely in those cases where additional legitimation comes from *ad hoc* legislation on participatory practices adopted by subnational governments (Trettel 2020). The flourishing of such participatory practices in many countries around the world constitutes, therefore, another reason for the rising role of cities.

4. A comparative overview of cities in federal systems

As a consequence of this widespread rising role of cities as protagonists beyond states, also federal scholarship – after a general blindness on cities and, more generally, on the local level – started to question the traditional two-tier approach of federal systems. This has traditionally been concerned with the relationship between the national/federal and subnational/state levels. The rising role of local governments in general and cities more



specifically, has been leading to a multiplication of public spheres in need of being recognized and studied also by federal scholars. They started dealing with that (Steytler 2009: 393–436) only in more recent years, talking of a third (Palermo and Kössler 2017: 281-315) or even fourth (Panara and Varney 2013) level of government, and essentially considering three main aspects: the degree of autonomy of local government, its relationship with other levels of government, its place in the constitutional framework (Saunders and Arban 2022: 33). For example, looking at the degree of autonomy of a local government means looking at the legislative or administrative capacity of local governments, and the levels of homogeneity and asymmetry within a federal system (Valdesalici and Nicolini 2024: 93-94)^x. Looking at the relationship between a local government and other governmental levels means looking at competences distribution or sharing – and financial arrangements – from the federal and state governments (Valdesalici and Nicolini 2024: 92-93). Looking at the place of local governments in the constitutional framework consists, in a nutshell, in analyzing the extent to which local governments are formally recognized and entrenched in constitutions or not. Because of the great variety that exists among local governments in federal (but also unitary) systems^{xⁱ}, it is hard to reach a clear comparative taxonomy (Valdesalici and Nicolini 2024: 104), which is the reason why there is still a lot of confusion in this field of studies.

With concern, in specific, to cities in federal or quasi-federal systems, the first contributions came from North American federal scholars (Blank 2010; Frug 1980), who highlighted the limited status of cities as mere creations of states, while also anticipating their growing importance as actors beyond the state within a framework of "*international law of local government*" (Frug and Barron 2006). Their understanding of cities, however, did not make any precise distinction from other local governments, using these concepts in an interchangeable way. If one wants to better understand what is meant for “cities” in federal or multi-level systems, there is considerable confusion (as also seen previously in section 2), with labels depending on a wide array of criteria which are mainly context-based (disciplinary, demographic, legislative, etc.). Additionally, cities differ tremendously not only in terms of definitions, but also in terms of population, and size, and increasingly their boundaries do not match their metropolitan areas anymore (Slack and Chattopadhyay 2009: 305).

From a preliminary comparative overlook of explicit mentions of specific cities or urban areas and of terminological references to cities in the national constitutions of some federal or quasi-federal systems^{xⁱⁱ}, interesting considerations can be shared^{xⁱⁱⁱ}. A total of 27 cases



were analyzed (see Table 1 below)^{XIV}, and the keywords used for the research were: city, cities, capital, and the names of capitals and other main cities. Units whose names are the same for both a single municipality and the corresponding province or region, but which were included in the constitution in their capacity as a province or region, were excluded from this analysis^{XV}.

First, we can predominantly find a special constitutional entrenchment for capital cities, whether they are named as “*federal capital*” (Vienna, Kuala Lumpur, Islamabad), “*capital city*” (Addis Ababa, Abu Dhabi City), “*capital*” (Madrid, Rome^{XVI}, Kathmandu, Sarajevo), or “*the seat of parliament/government*” (Cape Town, Ottawa) to name just a few. This, however, is not always the case, since sometimes the capital city is not even mentioned in the constitution (Bern). Second, sometimes also other cities can find mention despite not being the capital (like Basel, Hamburg and Bremen), and despite not having any special status but simply being “*the largest towns*” (it is the case for example of the Cypriot Limassol, Famagusta, Larnaca and Paphos). Sometimes other cities are mentioned as “*cities of federal significance*” (like St. Petersburg and Sevastopol’). Third, sometimes no cities at all are entrenched in the national constitution (United States). Cities may instead be included in sub-national constitutions or in states’ legislation: for example, the special status of the “*City of Brisbane*” as the capital city of the state of Queensland in Australia is contained in a special Act^{XVII}. Fourth, sometimes cities are also regions (Vienna, Brussels and Berlin) or city-states (Berlin, Hamburg, Bremen, Basel), or they coincide with their province (Buenos Aires).

Federal or quasi-federal system	Continent	Specific cities/urban areas mentioned in the national constitution	Terminological references to cities in the constitution & definitions of the mentioned cities/urban areas
Republic of Austria	Europe	Vienna	<i>Land</i> (Article 2) <i>Federal capital</i> (Article 5)
Belgium	Europe	Brussels	<i>Region</i> (art.3) <i>Region of Brussels-Capital</i> (Art.4) <i>City / Capital</i> (Art.194)
Federal Republic of Germany	Europe	Berlin	<i>Land</i> (Preamble) <i>Capital</i> (Art.22 – Berlin) <i>Greater Berlin</i> (Art.127)



		Hamburg, Bremen	<i>Land</i> (Preamble)
Italian Republic	Europe	Rome -	<i>Capital</i> (Art.114) <i>Metropolitan cities</i> (Art.114)
Kingdom of Spain	Europe	Madrid Ceuta, Melilla	<i>City / capital</i> (Art.5) <i>Cities</i> (Art.68)
Swiss Confederation	Europe	Basel	<i>City / land</i> (Art.1)
Bosnia and Herzegovina	Europe	Sarajevo	<i>Capital</i> (Art.5)
Cyprus	Europe	- Nicosia, Limassol, Famagusta, Larnaca and Paphos	<i>Capital (Art.133)</i> to refer to the seat of the Supreme Constitutional Court. <i>Largest towns of the Republic</i> (Art.173)
Republic of India ^{XVIII}	Asia	Delhi	<i>National Capital Territory</i> (Art.239AA)
Nepal ^{XIX}	Asia	Kathmandu	<i>Capital</i> (Art.288)
Malaysia ^{XX}	Asia	Kuala Lumpur	<i>Municipality / Federal capital</i> (Art.154)
Pakistan	Asia	Islamabad	<i>Federal Capital / Islamabad Capital Territory</i> (Art.1)
Russian Federation	Asia	Moscow, St. Petersburg, Sevastopol' Moscow	<i>Cities of federal significance</i> (Art.65) <i>Capital / city</i> (Art.70)
United Arab Emirates ^{XXI}	Asia	Abu Dhabi City	<i>Capital city</i> (Art.9)
Federal Republic of Nigeria ^{XXII}	Africa	Abuja	<i>Federal Capital Territory</i> (Art.3)



		List of all states' capital cities (Umuahia, Yola, Uyo, etc.)	<i>Capital city</i> (Art.3, and Part I of the First Schedule)
Republic of South Africa	Africa	Cape Town	<i>The seat of Parliament</i> (Art.42)
The Federal Democratic Republic of Ethiopia ^{XXIII}	Africa	Addis Ababa	<i>Capital city</i> (Art.49)
Union of the Comoros ^{XXIV}	Africa	Moroni	<i>Capital</i> (Art.10)
Argentine Republic	Americas	Buenos Aires	<i>Province</i> (Art.31) <i>City</i> (Art.44) <i>Capital city</i> (Art.129)
Brazil	Americas	Brasilia Rio de Janeiro	<i>Federal capital</i> (Art.18) <i>City</i> (Art.242)
Canada	Americas	Ottawa Toronto, Quebec, Halifax, Fredericton	<i>The Seat of Government of Canada</i> (Art.16) <i>City</i> (Art.68, seats of the provincial governments)
Saint Kitts and Nevis	Americas	-	-
United Mexican States	Americas	Mexico City	<i>Capital / Federal district</i> (Art.44)
United States of America	Americas	–	–
Commonwealth of Australia ^{XXV}	Oceania	Sydney Melbourne	Only mentioned in relation to the definition of the <i>seat of government</i> (Art.125)
Federated States of Micronesia ^{XXVI}	Oceania	-	-

Table 1 (Source: author's elaboration).



Since capital cities are the predominant ones seen by federal countries' constitutions, they are also the ones more studied by federal scholars, that have reorganized them in essentially three categories (Slack and Chattopadhyay 2012): federal districts, city-state, cities in provinces/states. Capital cities are federal districts when they are subject to federal legislation (Mexico city, Delhi); they are city-states when they have more power than other cities because their unit have the same border of their state/region/province (Berlin, Brussels); they are normal cities with the same status as all other municipalities in their country, when they fall under their province/state/region legislation (Ottawa, Bern, Cape Town). This diversity of arrangements for capital cities in federal and quasi-federal countries is with no doubt the result of various factors like historical traditions or political contexts. This stands out also if we look specifically at the European context, where this variety of constitutional arrangements for capital cities persist despite increasing legal standardization coming from shared principles of local democracy – such as the CoE 1985 European Charter for local self-government (Boggero 2025).

Obviously, the constitutional entrenchment (or lack thereof) of *cities* does not preclude the constitutional recognition of *local governments* as such, which appears to be more widespread, albeit with significant differences in the status and autonomy granted to them^{xxvii}. This is for example very evident among the 46 European countries (federal, quasi-federal as well as unitary) members of the Council of Europe: having all of them ratified the 1985 European Charter of Local Self-Government, they all decided to commit to the constitutional recognition of local authorities and their self-government capacity in their domestic legal orders. The Charter, in this way, has been said to constitute the fundamental basis for a new European constitutional local government law (Boggero 2018). Some other times, this constitutional recognition of local governments could also be quite impressive despite the lack of a constitutional recognition of specific cities as such: for example, this is the case of South Africa, where local governments have “*a status that at times equals or surpasses that of provincial government*” (de Visser 2024: 409).

All in all, it can be said that in most federal and quasi-federal systems, cities – except from capital ones – are not clearly distinguished from other local governments, but they are “*part of the vastly diverse network of local government entities*” (Saunders and Arban 2022: 40). At the same time, federal constitutions almost never recognize big cities (sometimes defined as megacities), or other cities whose economic, political, social and cultural importance has long



surpassed the capital city in importance (Kaufmann 2018). Such urban settlements usually need solutions to better address their metropolitan governance. Lastly, another consideration is that in many geographical contexts most cities are not megacities (or, obviously, capital cities) but are instead medium-sized cities, which, however, would need to be distinguished from other (smaller) local governments because of their role: this is clear for example if we look at the European context.

In conclusion, comparative research on the constitutional status of cities in federal systems points to the recognition given mainly to capital cities or a few other exceptions. Federal constitutions are silent on all other cities and urban settlements which, therefore, are seen as mere local governments despite their relevance for different reasons (like number of inhabitants, economic power, etc.). At this point, going back to our research question, it becomes key to understanding how cities in federal and quasi-federal systems (even if not constitutionally entrenched) could receive better recognition in their governance role to better deal with the complexity of urban phenomena.

5. Federalism beyond institutional pluralism: space for evolvement

Federalism is traditionally concerned with pluralism: in this sense, “*accommodation of pluralism has always been the backbone of federal studies*” (Palermo 2015: 499-513). At the same time, federalism has mainly focused on *institutional* pluralism and its accommodation within a common constitutional framework (Palermo and Kössler 2017: 6). Even most recent definitions of federalism look at that from this perspective, for example defining it as a value concept which “*refers to maintaining the proper balance between different levels of territorial authority*” (Popelier 2021: 46). Because of this, federalism has generally focused on regulating the relationship between the two national and subnational tiers of governments, and more recently also local governments as the third tier.

For its capacity to accommodate institutional pluralism, federalism is generally considered a useful answer to address different challenges in the distribution of public power. Challenges such as the relationship between national and subnational entities and the financial agreements between them, the prevention and resolution of conflicts, diversity management and accommodation of ethno-cultural differences, democratic legitimacy and



the opening of decision-making processes towards more societal actors, constitute only some among the multiple challenges that federalism with its toolbox (Palermo and Kössler 2017: 2) has been facing throughout years. The toolbox of federalism has developed so far as to foresee constitutional guarantees such as federal or quasi-federal forms of state, minorities protection, intergovernmental relations, decentralization, and special autonomy guarantee.

This traditional essential focus of federal theory on institutional pluralism, however, may be subject to criticism under a few aspects, among which two essential ones. First, its traditional overlook of participation of non-state actors in governance systems. As it has been written, in parallel to federalism as the expression of institutional pluralism we can find participatory democracy as the expression of societal pluralism (Palermo and Kössler 2017: 114). The question that remains open is, however, to what extent can federalism reinforce or constrain instruments of societal pluralism (Palermo and Kössler 2017: 115). The second main criticism of federal theory is its traditional interconnection with the state, and therefore its government (rather than governance) perspective. This has been recently defined as a *“feder(ation)alist approach”* (Alessi and Salati 2026; Alessi 2024) to underline the emphasis on the implicit connection between the concept of federalism and its state-related manifestations.

Among the challenges to face, there is growing consciousness among scholars of the need for federalism to better address societal pluralism (Palermo 2015: 499-513; Palermo and Alber 2015). In fact, more and more complex governance phenomena are emerging and challenging traditional federal thought in so far as they require federalism to go beyond its institutional dimension. For example, this can be seen in cases like urbanization, or the rise of the commons (Alessi and Salati 2026), where decision-making processes different from the traditional representative ones emerge more with actors (individual or associated citizens) getting involved through participatory channels.

At this stage, the key question becomes how federalism could better reflect this societal pluralism – first and foremost visible in cities, at the local level of democracy – and the answer that this paper brings forward is the principle of subsidiarity as an inspirational principle that could serve for that, thanks to its capacity to address not only institutional but also societal pluralism, and for its capacity to include both a government and governance perspectives.



6. From federalism to subsidiarity

Both federalism and subsidiarity could be understood as a response to the centralization of the state, and both support a vision of decentralization and local autonomy (Arban 2025). At the same time, while federalism has so far offered limited support to the growing role of cities as laboratories for democratic innovations, subsidiarity can contribute. In this way, some scholars have talked about “*subsidiarity beyond federalism*” (Arban 2025) for highlighting the fact that the application of subsidiarity goes (and potentially can go) beyond federalism.

Similarly to federalism, subsidiarity is an organizational principle looking at the distribution of powers. Over time, subsidiarity has been considered as a synonym of and used interchangeably with federalism, decentralization, multilevel governance, or treated as a federal principle, with its conceptual independence often having been denied or overlooked. However, subsidiarity should be understood as a universal principle, whose potential remains unexplored (Arban 2025), and it was also theorized as one of the seven overarching principles of constitutionalism (Barber 2018). There are three main reasons for looking at subsidiarity.

First, subsidiarity can be found not only in federal or quasi-federal states, but also in unitary states. If to give a broad overview of this principle (Arban 2025; Salati and Arban 2026), we can find it in the constitutional text of both federal or quasi-federal states – like Germany, Switzerland, or Italy for example – as well as unitary states – like Portugal, France, Georgia, Bolivia, Chad, Ecuador, Colombia, Sweden. In addition to national constitutions, subsidiarity can also be found in subnational constitutions: for example, in the constitution of the Ticino Canton in Switzerland. Subsidiarity can also be found as a constitutional principle in the international legal order of the Council of Europe, specifically at Article 4(3) of the 1985 European Charter of local self-government, and in the supranational legal order of the European Union, specifically at Article 5(3) of the Treaty on European Union (TEU). Overall, subsidiarity is a principle adopted by countries for guiding competencies allocation and power distribution notwithstanding their federal or unitary character (Arban 2025). This aspect is what makes subsidiarity go ‘beyond federalism’ for its potential outreach to a considerable number of states.



Second, the value of subsidiarity as a universal constitutional principle should be acknowledged based on its recognition in both constitutional texts and court jurisprudence. Federalism, on its side, has traditionally been conceived primarily as a philosophical value, closely tied to the organization of the state and the distribution of power within it. While federalism focusses essentially on power distribution across the state as a political organization, subsidiarity looks at power distribution not only among state actors but extends its logic also to non-state ones, putting at the core of its approach the idea of autonomy.

Third, in relation to cities, subsidiarity does not need a constitutional entrenchment of cities to support them, because it already foresees a preference for the closest unit to citizens. We will see this in the Italian case (section 7). On the opposite, federalism typically favors one level of government – the subnational or federated entities (such as cantons, Länder, regions, etc.) – being “concerned with protecting federated units from federal intervention” (Arban 2025: 5). This may help explain why recent scholarly debates on federalism started lately to advocate for the constitutional entrenchment of cities and other local governments.

Despite its wide circulation, subsidiarity could be said to have a somehow disputed meaning. With a centuries-old pre-legal tradition that begun in social philosophy and was later taken up by the catholic social doctrine (Luther 2020; Salati 2023a; Salati and Arban 2026), nowadays subsidiarity as a constitutional principle can be found under many labels, and with essentially two main understandings: a prevalent one and a forgotten one. Preliminary research aimed at mapping the different labels under which subsidiarity can be found in (mainly Italian) doctrinal works and jurisprudence of the Italian constitutional court revealed that there are at least around twenty different ways to refer to subsidiarity, from circular to global, functional, active, fiscal, negative/positive, ascending/descending, polycentric – to name just a few (Salati and Arban 2026). If broader research were carried out on a global scale, many additional labels would likely emerge. However, one key consideration becomes clear: that despite the variety – and at times confusion – of meanings and interpretations that have been attributed to this principle over time, everything can ultimately be traced back to subsidiarity’s dual orientation: on one hand, toward territorial pluralism/autonomies; on the other, toward social pluralism/autonomies. In this sense, we can speak of two fundamental dimensions of subsidiarity: the vertical/institutional dimension and the horizontal/social one.



While in most constitutions and interpretations the overwhelmingly dominant understanding is that of vertical/institutional subsidiarity, it can be claimed that the horizontal/social meaning has largely been forgotten (Salati 2023b) – though it still exists, nonetheless. In a nutshell, while vertical/institutional subsidiarity looks at the vertical and hierarchical distribution of powers among different governmental levels, horizontal/social subsidiarity looks at the horizontal and collaborative distribution of powers between governmental levels and individual or associated citizens. Vertical/institutional subsidiarity is the understanding that we can find, for example, in the constitutions of Germany, Portugal, Georgia, in the TEU, or in the CoE 1985 Charter. The horizontal/social meaning of subsidiarity can be found explicitly mentioned in the Italian constitution first and foremost, but it may also be found implicitly in the constitutions of Spain, The Netherlands, Switzerland, and perhaps in many other, upon closer examination (Salati and Arban 2026).

If to argue that subsidiarity can be of help to federalism in the urban challenge, then its forgotten horizontal/social understanding becomes of key importance. That's why the last section of the paper will briefly introduce the special relationship between cities and horizontal/social subsidiarity in the context of the Italian case: this will be referred to as “the Italian cities’ case”.

7. Cities and subsidiarity: insights from the Italian cities’ case

The Italian cities’ case is an interesting one since it shows a mutual strengthening of cities and subsidiarity thanks to their relationship. Thanks to this constitutional principle in its horizontal/social dimension, cities are shaping collaborative forms of governance together with their citizens. Put in another way, thanks to horizontal/social subsidiarity cities are emerging as laboratories of democratic innovations.

As it has been claimed by some scholars, subsidiarity may indeed offer hope to city scholars as “*it provides a paradigm [...] for greater autonomy*” (Cahill and O’Sullivan 2022: 57). This seems to find a confirmation in the Italian context, where cities are strengthening their governance capacity not as a consequence of their constitutional entrenchment, but thanks to the constitutional principle of subsidiarity and its concrete implementation through a precise organizational model – defined as shared administration (*amministrazione condivisa*) –



and its administrative framework. The case of Italy is also an interesting one because it is not a federal nor a unitary system but is a quasi-federal (or regional) system. As a formally unitary state with strong regionalism, subsidiarity is contributing in Italy to the strengthening not only of metropolitan cities – as recognized by the constitution despite their still ambivalent nature (Boggero 2016) – but also of other local governments to innovate local governance with their citizens. Therefore, we can see the value of subsidiarity beyond purely federal systems.

Taking a closer look at what is happening in Italian cities – whose extensive treatment is discussed elsewhere (Salati 2023b; Salati 2024b) – in this section we can share, first, a general description of how subsidiarity is being implemented in cities, and second, some considerations and reflections useful to the cause of subsidiarity as a key enhancer of cities.

In its formulation at Article 118(4) of the constitution, horizontal/social subsidiarity outlines a duty for the state at all its levels to support all those individual or associated citizens that autonomously decide to take initiatives in the general interest of society. The uniqueness of this provision is that it mandates the state at all its levels to support civic autonomies – understood as individual citizens’ spontaneous initiatives for the general interest. Civic autonomies differ from private autonomies – that is individual citizens’ initiatives for personal interests. Subsidiarity has helped to proceduralize a shared governance between public authorities and citizens, and concretely speaking, this is happening in two ways. The first one, is the third sector legislation, which is implementing horizontal/social subsidiarity through the collaborative governance between public administrations and third sector organizations^{XXVIII}. The second one is the organizational model of shared administration that, through its two instruments of a prototype municipal regulation on shared administration and the innovative legal tool of the “collaboration pact”, has given recognition to a shared governance between public administrations and associated/individual citizens. Starting from the pioneering (metropolitan) city of Bologna that in 2014 adopted the first regulation on shared administration – which from then started spreading to more than other 300 bigger as well as smaller cities around Italy to date^{XXIX} – both third sector organizations and individual or associated citizens are *de facto* implementing the constitutional provision of subsidiarity through services of general interest or through the so called commons (or common goods). Commons can be defined, in a nutshell, as goods or resources of general societal interest whose governance – whether shared between societal and state actors or carried out by the



societal actors alone – can be collaborative or conflictual and goes beyond the traditional public-private dualism. In specific, subsidiarity seems to be the only principle that so far has provided for a stable constitutional anchor for the proceduralization of the governance of the commons, allowing for an institutional entrenchment of this phenomenon. As of today, starting from 2014, not only there are more than 300 public authorities – among which metropolitan cities, municipalities, and other local authorities – that have adopted this regulation, but there is a growing number of regional laws adopted that contain explicit reference to horizontal/social subsidiarity or shared administration, in this way contributing to the strengthening of this phenomenon bottom-up. For example, the regulation has been adopted by metropolitan cities such as Torino, Milano, Genova, Bologna, Venezia, Firenze, Bari, Rome, Palermo, Reggio Calabria, Sassari; medium-size municipalities such as Trento, Verona, Brescia, Livorno; smaller municipalities like Bagheria (PA), Capannori(LU), Corigliano-Rossano (CS), Sciacca (AG); mountain communities and unions of municipalities such as Unione della Romagna Faentina, and the XI Comunità montana del Lazio. Regions that to date have adopted legislation on this matter are Toscana, Lazio, Emilia-Romagna, Molise, Umbria, Marche, Piemonte, Puglia. Thousands of collaboration pacts have been signed between local authorities and citizens in cities on different policy areas spanning from social and welfare issues to education, spatial planning, urban regeneration, agriculture, environment, health, cultural initiatives, sport activities, innovation, and inclusion. This means that hundreds of thousands of citizens have been and constantly are engaged in this subsidiarity-based shared governance with public authorities, and especially with bigger municipalities and metropolitan cities, in this way showing the concrete impact of subsidiarity in cities and big urban areas^{xxx}.

In light of these essential aspects and its theoretical debate and practice, what emerges is that subsidiarity can work as an enhancer of cities thanks to its connection with some main aspects: citizens and societal pluralism, civic participation, local self-government, local democracy. Concerning *citizens and societal pluralism*, the Italian cities' case shows that the principle of subsidiarity is capable of giving value to the civic autonomy of individual and associated citizens that can contribute to the general interest out of their autonomous initiative. Such contribution can be seen as an innovative form of *civic participation* which is supported by subsidiarity in parallel to traditional representative channels in so far as it contributes to strengthening democratic legitimation. Subsidiarity is also permitting the



bottom-up emergence of cities and other local authorities as frontline actors in democracy, whose capacity of *local self-government* (or local autonomy) is being strengthened by the participation of individual and associated citizens. Lastly, subsidiarity is helping cities to better address urban challenges and solve urban problems together with their citizens, in this way creating an impact on *local democracy*. These four aspects point to the supportive relationship between cities and the principle of subsidiarity comprehensive of both its vertical/institutional and horizontal/social dimensions in the Italian context.

8. Conclusions: federalism looking ahead

The importance of cities will only grow in the coming years, posing new challenges to federal, quasi-federal, as well as unitary states and their political structures. A comparative analysis of cities within federal and quasi-federal systems reveals that constitutional recognition is typically reserved for capital cities or a few exceptional cases – and, in some instances, cities are entirely absent from constitutional texts. Overall, there is a clear pattern of neglect: despite their rising significance, cities are still predominantly treated as ordinary local governments, with little formal acknowledgment of their expanding democratic role.

The purpose of this paper was to understand the extent to which federal theory could evolve to better address the growing role of cities in federal and quasi-federal systems, especially looking at them as laboratories for democratic innovations. Many different ways could, of course, be possible. However, to answer this research question, the paper has argued that the principle of subsidiarity could be of primary help to federalism. In doing so, the paper offered some considerations also in light of the Italian cities' case, bringing that as a good example of how hundreds of cities of all sizes have been strengthened by the principle of subsidiarity, and by that empowered in their innovation capacity together with their citizens.

In fact, to deal with the rising role of cities as actors of democratic innovations, a space for evolvement for federalism could be seen in going beyond its traditional focus on institutional pluralism towards better support of societal pluralism. Therefore, two are the key take-home messages for federalism from the experience of subsidiarity. The first one is to take inspiration from subsidiarity to go all the way down to cities and not stop at the



federal-state/regional dichotomy. Going all the way down to cities means to value cities (and other local governments) in a multi-level system in which the local level should be recognized and supported by higher governmental levels in its local self-government capacity to experiment with democratic innovations. This also implies supporting an even wider decentralization of power. The second one is to take inspiration from subsidiarity for its (often forgotten) horizontal/social dimension, which allows a better and deeper involvement of individual and associated citizens in the co-creation of the city and its local democracy. Subsidiarity in this way shows that it is possible to bring back individuals and groups in local democracy beyond traditional representative channels, by doing that through new participatory forms better capable of reflecting societal pluralism. All in all, subsidiarity emerges as a principle capable of encompassing both government and governance perspectives, reflecting both institutional and societal pluralism, as well as territorial and civic autonomies.

To conclude, subsidiarity can help federalism on these two key points by providing an additional value to better address the challenges posed by the city century. The rediscovery of subsidiarity – particularly its forgotten horizontal/social dimension – could lead to a further strengthening of the key role of cities within federal states, as well as within unitary states. After all, federalism already has a “*favourable disposition*” (Hirschl 2022: 95) towards subsidiarity: the task now is simply to deepen this relationship by fully recognizing both dimensions that subsidiarity offers.

* Post-doc researcher at *Eurac Research Institute for comparative federalism*, and editor-in-chief of the pacts of collaboration section of *Labsus*. Email address: chiara.salati@eurac.edu.

^I Terminology used following Palermo, Francesco, and Karl Kössler. *Comparative Federalism: Constitutional Arrangements and Case Law*. Bloomsbury Publishing, 2017.

^{II} For example, in Europe see Eurocities (<https://eurocities.eu/>), United Cities and Local Governments (UCLG) (www.uclg.org), The Council of European Municipalities and Regions (CEMR) (<https://www.ccre.org>), Intercultural Cities (<https://www.coe.int/en/web/interculturalcities>), Energy Cities (<https://energy-cities.eu>), Local Governments for Sustainability (ICLEI) (<https://iclei.org>), Human Rights Cities (<https://humanrightscities.net/>). Beyond Europe see the C40 network on the climate crisis (<https://www.c40.org/>), or the Sharing Cities Action on platform economy (<https://www.sharingcitiesaction.net/>).

^{III} See for example the Global Parliament of Mayors (<https://globalparliamentofmayors.org/>), and the UN Forum of Mayors (<https://unece.org/forumofmayors>),

^{IV} For example, in Italy or India: see Steytler, Nico, editor. *The Forum of Federations Handbook on Local Government in Federal Systems*. Palgrave Macmillan, 2024.

^V European Parliament resolution of 3 July 2018 on the role of cities in the institutional framework of the Union (2017/2037(INI)), OJ C 118, 8 April 2020, p.5.

^{VI} “*The law of cities can be simply apprehended as the law applicable to various essential dimensions of cities functioning: [...] and*



it is possible to go through these various issues without too much wondering whether you are in the field of constitutional law, administrative law, planning law or whatever” (Auby, Jean-Bernard. ‘Droit de La Ville. An Introduction’. *Italian Journal of Public Law*, vol. 5, no. 2, 2013, p.303).

^{VII} In this section, by looking at them as laboratories of local democracy, we will not distinguish between cities and other local governments. With concern to democratic innovations, in fact, it seems not yet necessary to distinguish between the two, as no significant differences have emerged so far.

^{VIII} Dahl, Robert Alan. “Polyarchy, Pluralism and Scale.” *Scandinavian Political Studies*, vol. 7, no. 4, 1984, p. 232: “social pluralism - that is, a diversity of social organization with a large measure of autonomy with respect to one another”.

^{IX} 52% out of a total of 282 analyzed cases: see OECD. *Innovative Citizen Participation and New Democratic Institutions Report. Catching the Deliberative Wave*. 2020 (p.16).

^X It is useful to report also the contribution of public administration scholars who developed many indexes to measure local autonomy: among the others, see the LAI in Ladner, A., Keuffer, N. and Bastianen, A. (2021). *Local Autonomy Index in the EU, Council of Europe and OECD countries (1990-2020)*. Release 2.0. Brussels: European Commission.

^{XI} For a recent comparative study of local governments in 16 federal or federal-type countries, see further Steytler, Nico, editor. *The Forum of Federations Handbook on Local Government in Federal Systems*. Palgrave Macmillan, 2024. The comparative study analyses local governments (LGs) through the specific aspects of: history, structures and institutions; constitutional recognition; governance role; finances; supervision by higher levels of government; intergovernmental relations; political culture.

^{XII} For the selection of federal systems, we used the list of 25 countries provided by the Forum of Federations (<https://www.forumfed.org/federal-countries/>). For the selection of quasi-federal systems, we limited our analysis to the two cases of Italy and Spain, even though the list could be longer.

^{XIII} In this preliminary work we look only at federal or quasi-federal countries. However, cities are often recognized also in the constitutions of unitary states: just to name a few, Prague is referred to as the *capital city* of the Czech Republic at Art.14 of the constitution, Sofia as the *capital city* of Bulgaria (Art.169 of the constitution), Ankara is the *capital* of Turkey (Art.3 of the constitution).

^{XIV} This comparative overlook and related table are highly preliminary, as they are based on the author’s consultation of national constitutions in English translation (rather than in their original languages) and on secondary sources such as existing literature. They do not aim at reflecting a comprehensive or systematic analysis of all constitutional texts, and some inaccuracies or omissions may be present. The constitutional texts were accessed in the official English versions of the CoE CODICES database <https://codices.coe.int/codices/documents/welcome>. For those constitutions not available on this database, explicit reference is made.

^{XV} For example, this is the case of Trento and Bolzano, referred to as “*autonomous provinces*” in the Italian constitution (Art.116), for their special autonomy guaranteed by a basic law of the same rank of national constitutional laws. Their naming, however, is the same of the respective municipalities. Similarly, also Salzburg is included in the Austrian constitution (Art.2) as an “*autonomous land*”, and not as Salzburg city/municipality.

^{XVI} For an inquiry on the constitutional status of Rome and its still underdeveloped symbolic and functional significance see Citino, Ylenia Maria. 2025. ‘Rome as a Determinant of the National Constitutional Identity’, in *Perspectives on Federalism*, E-38-51.

^{XVII} See the City of Brisbane Act 2010 <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2010-023>.

^{XVIII} Accessed here <https://legislative.gov.in/constitution-of-india/>.

^{XIX} Accessed here https://ag.gov.np/files/Constitution-of-Nepal_2072_Eng_www.moljpa.gov.npDate-72_11_16.pdf.

^{XX} Accessed here <https://www.sprm.gov.my/admin/files/sprm/assets/pdf/penguatkuasaan/perlembagaan-persekutuan-bi.pdf>.

^{XXI} Accessed here <https://www.uaegislation.gov.ae/en/constitution>.

^{XXII} Accessed here <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.

^{XXIII} Accessed here <https://ethiopianembassy.be/wp-content/uploads/Constitution-of-the-FDRE.pdf>.

^{XXIV} Accessed here <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC128670/>.

^{XXV} Accessed here https://www.aph.gov.au/-/media/05_About_Parliament/52_Sen/523_PPP/2023_Australian_Constitution.pdf.

^{XXVI} Accessed here <https://www.fsmlaw.org/fsm/constitution/>.

^{XXVII} For a starting point on that, see Palermo, Francesco, and Karl Kössler. 2017. *Comparative Federalism: Constitutional Arrangements and Case Law*. Bloomsbury Publishing, 281-315, where the authors conclude that in general, despite constitutional recognition, local governments are in general “*policytakers, not policymakers*”, with



their local autonomy being far than equal to subnational autonomy (p.315). See also Steytler, Nico, editor. *The Forum of Federations Handbook on Local Government in Federal Systems*. Palgrave Macmillan, 2024.

^{xxviii} The reference point on third sector in the Italian context is the legislative decree no.117/2017 (“Codice del Terzo Settore”). Accordingly, at Article 4 of this decree, third sectors organizations are listed: for example, we can find associations, social enterprises, community cooperatives, private foundations. The term ‘third sector’ was coined in Etzioni, Amitai. ‘The Third Sector and Domestic Missions’. *Public Administration Review*, vol. 33, no. 4, 1973, pp. 314–23, for referring to a third alternative between the two dominant State (public) and market (private) sectors. For the Italian constitutional debate related to the third sector see further Gori, Luca. *Terzo Settore e Costituzione*. Giappichelli, 2022.

^{xxix} For an up to date list of Italian cities that have adopted this prototype regulation see the work of *Labsus – Laboratorio per la sussidiarietà* at <https://www.labsus.org/i-regolamenti-per-lamministrazione-condivisa-dei-beni-comuni/>.

^{xxx} For the latest up to date numbers and graphs, see the Labsus 2024 annual report at <https://www.labsus.org/rapporto-labsus-2024/>. For an overview of the Italian cities’ case through municipal regulations, legislation, debates, and concrete stories and photos of currently active collaboration pacts across Italy see www.labsus.org.

References

- Alessi Nicolò Paolo, 2024, *A Global Law of Diversity. Evolving Models and Concepts*, Routledge, London.
- Alessi Nicolò Paolo and Salati Chiara, 2026 (forthcoming), *Federalism beyond Government: Thinking Outside the (Institutional) Box through the Commons*.
- Allegretti Umberto, 2015, ‘Participatory Democracy in Multi-Level States’, in Fraenkel-Haeberle Cristina et al. (eds), *Citizen Participation in Multi-Level Democracies*, Brill, Leiden, 211.
- Arban Erika, 2020, ‘Constitutional Law, Federalism and the City as a Unique Socio-Economic and Political Space’, in Hirsch Ballin Ernst et al. (eds), *European Yearbook of Constitutional Law 2020. The City in Constitutional Law*, Asser Press, The Hague, 323–345.
- Arban Erika, 2021, ‘City, State: Reflecting on Cities in (Comparative) Constitutional Law’, in *I•CON*, XIX (1): 343–357.
- Arban Erika, 2025, ‘Subsidiarity, Federalism, and Beyond’, in *Journal of Social Philosophy*, 1-9.
- Arban Erika (ed), 2022, *Cities in Federal Constitutional Theory*, Oxford University Press, Oxford.
- Auby Jean-Bernard, 2013, ‘Droit de La Ville. An Introduction’, in *Italian Journal of Public Law*, V (2): 302–306.
- Aust Helmut Philipp and Nijman Janne E. (eds), 2021, *Research Handbook on International Law and Cities*, Edward Elgar, Cheltenham.
- Barber Benjamin R., 2013, *If Mayors Ruled the World. Dysfunctional Nations, Rising Cities*, Yale University Press, New Haven.
- Barber N. W., 2018, *The Principles of Constitutionalism*, Oxford University Press, Oxford.
- Blank Yishai, 2010, ‘Federalism, Subsidiarity, and the Role of Local Governments in an Age of Global Multilevel Governance’, in *Fordham Urban Law Journal*.
- Bloomberg Michael, 2015, ‘City Century. Why Municipalities Are the Key to Fighting Climate Change’, in *Foreign Affairs*, October: 116–124.
- Boggero Giovanni, 2016, ‘The Establishment of Metropolitan Cities in Italy: An Advance or a Setback for Italian Regionalism?’, in *Perspectives on Federalism*, E-1-22.
- Boggero Giovanni, 2018, *Constitutional Principles of Local Self-Government in Europe*, Brill, Leiden.
- Boggero Giovanni, 2025, ‘Common Constitutional Patterns of Capital Cities in Europe’, in *Perspectives on Federalism*, E-25-37.
- Cahill Maria and O’Sullivan Gary, 2022, ‘Subsidiarity and the City: The Case for Mutual Strengthening’, in Arban Erika (ed), *Cities in Federal Constitutional Theory*, Oxford University Press, Oxford.
- Citino, Ylenia Maria. 2025. ‘Rome as a Determinant of the National Constitutional Identity’, in *Perspectives on Federalism*, E-38-51.



- de Visser Jaap, 2024, 'South Africa', in Steytler Nico (ed), *The Forum of Federations Handbook on Local Government in Federal Systems*, Palgrave Macmillan, London.
- Elstub Stephen and Escobar Oliver, 2019, 'Defining and Typologising Democratic Innovations', in Elstub Stephen and Escobar Oliver (eds), *Handbook of Democratic Innovation and Governance*, Edward Elgar, Cheltenham.
- EU COM - OECD, 2012, *Cities in Europe. The New OECD-EC Definition*; OECD, 2020, *Cities in the World. A New Perspective on Urbanisation*, <https://www.oecd.org/publications/cities-in-the-world-d0efcbda-en.htm>.
- Falanga Roberto, 2024, 'Democratic Innovations: Is the Local Scale (Still) the Ideal Laboratory for Democracy?', in *Local Government Studies*, L (4): 1052–1061.
- Florida Richard, 2017, *The New Urban Crisis*, Basic Books, New York.
- Frug Gerald E., 1980, 'The City as a Legal Concept', in *Harvard Law Review*, XCIII (6).
- Frug Gerald E. and Barron David J., 2006, 'International Local Government Law', in *The Urban Lawyer*, XXXVIII (1).
- Giglioni Fabio, 2020, 'Verso un Diritto delle Città. Le Città Oltre il Comune', in Carloni Enrico and Cortese Fulvio (eds), *Diritto delle Autonomie Territoriali*, Cedam, Padua, 267–284.
- Harvey David, 2003, 'The Right to the City', in *International Journal of Urban and Regional Research*, XXVII (4): 939–941.
- Hendriks Frank et al., 2012, 'European Subnational Democracy: Comparative Reflections and Conclusions', in Loughlin John et al. (eds), *The Oxford Handbook of Local and Regional Democracy in Europe*, Oxford University Press, Oxford.
- Hirschl Ran, 2020, *City, State. Constitutionalism and the Megacity*, Oxford University Press, Oxford.
- Hirschl Ran, 2022, 'Cities in Federal Systems. Comparative Perspectives', in Arban Erika (ed), *Cities in Federal Constitutional Theory*, Oxford University Press, Oxford.
- Hoeksma Jaap, 2020, 'Replacing the Westphalian System', in *The Federal Trust*, <https://fedtrust.co.uk/wp-content/uploads/2020/10/Replacing-the-Westphalian-system.pdf>.
- Hörcher Ferenc, 2021, *The Political Philosophy of the European City: From Polis, through City-State, to Megalopolis?*, Lexington Books, Lanham.
- Jacobs Jane, 1961, *The Death and Life of Great American Cities*, Vintage Books, New York.
- Jacquet Vincent et al. (eds), 2023, *The Impacts of Democratic Innovations*, ECPR Press, Colchester.
- Kälén Christian H. (ed), 2025, *Free Global Cities. The Future Leaders in Migration and Public Governance*, Hart Publishing, Oxford.
- Kaufmann David, 2018, *Varieties of Capital Cities. The Competitiveness Challenge for Secondary Capitals*, Edward Elgar, Cheltenham.
- Lefebvre Henri, 1967, *Le Droit à la ville*; (Italian translation: *Il Diritto alla Città*, Ombre Corte, Verona, 2013).
- Luther Jörg, 2020, 'La Sussidiarietà Come Principio Sussidiario Del Diritto Pubblico Comune Europeo' in Daniela Ciaffi - Filippo Maria Giordano (eds), *Storia, percorsi e politiche della sussidiarietà. Le nuove prospettive in Italia e in Europa*, Il Mulino, 209-225.
- Magnusson Warren, 2011, *Politics of Urbanism. Seeing like a City*, Routledge, London.
- Morandell Theresia, 2024, 'Intermediate Cities Key to Regional Competitiveness?', in *Eureka!*, 2 July, <https://www.eurac.edu/en/blogs/eureka/intermediate-cities-key-to-regional-competitiveness>.
- Palermo Francesco, 2015, 'Regulating Pluralism: Federalism as Decision-Making and New Challenges for Federal Studies', in Palermo Francesco and Alber Elisabeth (eds), *Federalism as Decision-Making. Changes in Structures, Procedures and Policies*, Brill Nijhoff, Leiden.
- Palermo Francesco and Kössler Karl, 2017, *Comparative Federalism: Constitutional Arrangements and Case Law*, Bloomsbury Publishing, London, 281–315.
- Palermo Francesco and Alber Elisabeth (eds), 2015, *Federalism as Decision-Making. Changes in Structures, Procedures and Policies*, Brill Nijhoff, Leiden.
- Panara Carlo and Varney Michael, 2013, *Local Government in Europe. The 'Fourth Level' in the EU Multilayered System of Governance*, Routledge, London.
- Pizzolato Filippo et al. (eds), 2022, *La Città Oltre lo Stato*, Giappichelli, Turin.



- Popelier Patricia, 2021, *Dynamic Federalism. A New Theory for Cohesion and Regional Autonomy*, Routledge, London.
- Ratti Carlo and Claudel Matthew, 2016, *The City of Tomorrow. Sensors, Networks, Hackers, and the Future of Urban Life*, Yale University Press, New Haven.
- Ritchie Hannah et al., 2024, 'Urbanization', in *Our World in Data*, February, <https://ourworldindata.org/urbanization>.
- Salati Chiara, 2023a, *Towards a Theoretical Framework for Civic Participation through the Commons in EU Cities: The Contribution of Horizontal Subsidiarity in Italian Cities*, PhD Thesis, Università degli Studi di Macerata.
- Salati Chiara, 2023b, 'The Forgotten Meaning of the EU Principle of Subsidiarity – Horizontal Subsidiarity in Italian Local Governments', in *Diversity Governance Papers*, II.
- Salati Chiara, 2024a, 'Città e Sussidiarietà Orizzontale: Orientamenti Dottrinali dal Caso Italiano per l'Unione Europea', in *Italian Papers on Federalism*, I.
- Salati Chiara, 2024b, 'Local Authorities or Cities? Perspectives from the Council of Europe', in *Eureka!*, <https://www.eurac.edu/en/blogs/eureka/local-authorities-or-cities-perspectives-from-the-council-of-europe>.
- Salati Chiara and Arban Erika, 2026 (forthcoming), 'Sussidiarietà, Pluralismo e Autonomie: Un Canale Aggiuntivo alla Partecipazione', in *Partecipazione e Innovazioni Democratiche in Italia. Una Prospettiva Multidisciplinare e Multilivello*.
- Sassen Saskia, 2005, 'The Global City: Introducing a Concept', in *The Brown Journal of World Affairs*, XI (2): 27–43.
- Saunders Cheryl and Arban Erika, 2022, 'Federalism and Local Governments', in Arban Erika (ed), *Cities in Federal Constitutional Theory*, Oxford University Press, Oxford.
- Sennett Richard, 2006, 'The Open City', in *Urban Age*, LSE Cities, <https://urbanage.lsecities.net/essays/the-open-city>.
- Slack Enid and Chattopadhyay Rupak, 2009, 'Comparative Conclusions', in *Finance and Governance of Capital Cities in Federal Systems*, McGill-Queen's University Press, Montreal.
- Slack Enid and Chattopadhyay Rupak, 2012, 'Governance of Capital Cities in Federal Countries: Comparative Perspectives', in Saxena Rekha (ed), *Varieties of Federal Governance. Major Contemporary Models*.
- Steytler Nico, 2009, 'Comparative Conclusions', in Steytler Nico (ed), *Local Government and Metropolitan Regions in Federal Systems*, McGill-Queen's University Press, Montreal, 393–436.
- Trettel Martina, 2020, *La Democrazia Partecipativa negli Ordinamenti Composti: Studio di Diritto Comparato sull'Incidenza della Tradizione Giuridica nelle Democratic Innovations*, Edizioni Scientifiche Italiane, Naples.
- Voorwinden Astrid, 2022, 'Regulating the Smart City in European Municipalities: A Case Study of Amsterdam', in *European Public Law*, XXVIII (1): 155–180.
- Weinstock Daniel, 2014, 'Cities and Federalism', in Fleming James E. and Levy Jacob T. (eds), *Federalism and Subsidiarity*, New York University Press, New York.



ISSN: 2036-5438

Responsibility without Power: Federalism and the Dilemma of Internal Security Management in Nigeria

by

Saheed Babajide Owonikoko and Ikenna Mike Alumona*

Perspectives on Federalism, Vol. 17, issue 1, 2025





Abstract

Security has taken centre stage in Nigeria's political discourse, as in most developing countries. Across the different geopolitical zones in the country, different factors of insecurity have continued to take a heavy toll on lives and properties. Yet, the challenge of maintaining security in the country is compounded by the nature and character of Nigeria's federal governance structure, which vests the sole constitutional responsibility for security maintenance in the federal government, leaving the component units with no formal control over the security forces. This paper examines how lopsided security responsibilities and powers of federal and component units contribute to widespread insecurity in contemporary Nigerian society. Using both primary and secondary data, this paper argues that the contradictions of Nigeria's federal governance are not only undermining the maintenance of security but also contributing to the exacerbation of insecurity in Nigeria as a result of the use of extra-legal means by the component units to ensure the security and safety of lives and properties. Given the ongoing reforms in Nigeria, the study recommends security sector reform that ensures the constitutional entrenchment of local security mechanisms for the component units—States and Local Governments—to enhance effective security governance.

Keywords

security, federalism, internal security management and governance



1. Introduction

Nigeria is currently facing a dire security challenge. To understand the magnitude of Nigeria's current security challenges, the Cato Institute ranked Nigeria 161st out of 162 countries in terms of safety and security. This, in essence, means that Nigeria is the second most unsafe country in the world (Vasquez et al, 2021). The failing security of Nigeria did not just start today. It is a build-up that culminates in the present security situation Nigeria finds itself in today. As the report shows, Nigeria's score on the safety and security index dropped sharply from 2008, from a high of 7.14 to 2.35. Although it reached its lowest point in 2016, when the country scored 1.57, it rose slightly in 2017 before starting to drop again. Meanwhile, Nigeria is ranked poorly in other security-related reports. For example, the country is ranked 148th out of 163 countries on the 2025 [Global Peace Index](#) (Institute for Economics and Peace, 2025). It is the sixth most terrorised country in the world on the [Global Terrorism Index](#) (Institute for Economics and Peace, 2025).

The various geopolitical zones of Nigeria face distinct security challenges that collectively contribute to the country's pervasive insecurity. In the South-South region, which comprises six states, the enduring crisis of militancy continues to threaten the region's security, despite the government's implementation of the amnesty programme since 2009. Further, the region faces security crises relating to cultism, farmer-herder clashes and oil theft. In the South East, which consists of five states, the resurgence of Biafran secession has taken a violent dimension and “unknown gunmen” are on a killing spree in the region. There is also the growing crisis of cultism, which is taking a new dimension (Alumona, 2022). The South West, which comprises six states, is arguably the most peaceful region in Nigeria. However, it is still experiencing farmer-herder clashes, as well as secessionist campaigns. In the North Central region, which also has six states, farmer-herder clashes and banditry in some states like Benue, Nasarawa, Plateau and Niger states, and recent terrorist attacks in Kogi and Kwara states have rendered the region ungovernable.

This is also the case in the Northwest, which comprises seven states, where farmer-herder clashes, which began in Zamfara State, have gradually degenerated into banditry and terrorism that now engulfs almost all the Northwest states. This has led to kidnapping, killings and maiming of people in the region (Owonikoko et al, 2023). In the North East,



which also comprises six states, terrorism and insurgency, which began in 2010, continue to expand, leading to the deaths of thousands and the displacement of millions. The region has also witnessed and continues to witness farmer-herder clashes and intercommunal clashes. The plummeting security in the states of the federation has resulted in many fatalities. The fatality figure captured by Nnabuihe et al (2023) revealed that a total of 150,888 persons died across the 36 Nigerian states and the federal capital territory between 2006 and 2020. Between 2020 and 2025, the figure has increased tremendously due to the intensification of acts of banditry, communal clashes, farmer-herder clashes, secessionist agitations, and election-related violence. According to the report of Amnesty International, over 10,000 people have been killed across various states of Nigeria in two years, ranging between 2023 and 2025 (Sahara Reporter, 2025).

The collapsing security architecture of the Nigerian state has prompted research from scholars seeking to explain the reasons behind the state's failing security. As a result, scholars have offered many explanations. Most of the trending and popular explanations for collapsing security architecture of Nigeria are neo-patrimonialism and the economy arising from the counterterrorism efforts of the state (Njoku, 2020), youth bulge and unemployment (Kwaja & Owonikoko, 2020) corruption of the political class and security managers (Onuoha et al, 2023; Kwaja & Yau, 2021), lack of coordinated responses of the state to the security challenges confronting the Nigerian state (Bappa, 2016; Nnabuihe et al, 2023) and so on. While these explanations are valid and important for understanding Nigeria's failure in security architecture, they are insufficient. Many other explanations must be brought into the analysis for a holistic understanding of the security vulnerability of the Nigerian State. The lopsided allocation of security responsibilities and power between the levels of government, particularly between the central government and the component units, as outlined in the Constitution of Nigeria (Federal Government of Nigeria, 1999), is an explanation that cannot be ignored. This is primarily due to the centralisation of the security power of the component units, which limits them from performing their constitutional responsibility of providing security to their subjects. This study, therefore, provides an alternative explanation that ties Nigeria's plummeting security to the lopsided federal system in the 1999 constitution, which gives security responsibilities to the component units without corresponding power to perform them.



However, this is not the first study that will unpack Nigeria's lopsided federal system in the post-colonial Nigerian state. Several studies have discussed Nigeria's federalism as lopsided and unable to address Nigeria's ethno-religious diversities, thus fomenting protests from marginalised minority groups, which have disturbed the peaceful coexistence of the different groups in the country (Oshaghe, 2001, 2003a, 2003b; Onyeoziri, 2005; Benjamin, 2011). However, these studies, although they contribute largely to understanding the failure of Nigeria's federalism in addressing Nigeria's diversities, especially the concerns of the minority groups and how that threatens Nigeria's corporate existence, only limit security challenges emanating from the lopsided nature of Nigeria's federalism to something that comes from its inappropriate response to Nigeria's diversities, particularly ethno-religious diversities. The impediments to the power of the component units to deliver on their security responsibilities to their subjects are conspicuously ignored or discussed as a footnote. This study fills these significant gaps in the literature. It critically examines how the lopsided practice of federalism in the Nigerian state, in terms of the allocation of responsibilities and powers among all existing levels of government, contributes to the perpetuation of insecurity in the current Nigerian state. It also explains the extra-legal responses of the component units to meet their responsibility of providing security for their subjects, as well as the implications of these responses for the security of the subjects.

The study will be divided into nine sections. After the introduction, which gives background to the study, the second section conceptualises federalism. The third section examines federalism, peace, and security in Africa, with a focus on reviewing the literature on the impact of federalism on the continent. The fourth section discusses the evolution of federalism in Nigeria. The fifth section discusses the methodology. The sixth section discusses the security provision of the federating units under the 1999 constitution. The seventh section examines the extra-legal responses of the lower federating units to insecurity in their domains and their implications for security. Section eight discusses the findings while the ninth section is the conclusion and recommendations. The study argues that the lopsided allocation of power for the responsibility of providing security under the Nigerian federal structure, as currently entrenched in the 1999 constitution, is a threat multiplier as the extra-legal responses of the lower component units contribute to exacerbating the security challenges of the Nigerian state. Consequent upon this, the study recommends federalisation of institutions for the security provision, especially the police, so that the component units



are constitutionally allowed to own and control their own security apparatuses. Until this is done, the component units—the states and local government areas—will continue to use extra-legal means to address the complex security challenge they face and the security implications will remain dire.

2. Conceptualising federalism

The word “federalism” originated from the Latin word “foedus”, meaning “treaty” or “covenant”. The earliest meaning of federalism, therefore, is a treaty among sovereign states. However, the contemporary understanding of the concept has evolved beyond this, even though the etymological understanding remains embedded in it. Wheare is one of the earliest theorists to define federalism. According to him, federalism is a term used to designate an association of states that come together to form a larger state in which member states retain a considerable measure of their independence, based on the division of power so that the general and regional governments are each within a sphere, coordinate and independent (Wheare, 1945). While Wheare emphasises the core principle of federalism, which is the division of powers, it is not always the case that federalism is voluntarily adopted as a result of two or more states coming together. In some circumstances, it can also be imposed, as in the case of Nigeria and other countries that experienced colonialism.

Foremost American political scientist, David Elazar, reinforced Wheare by defining federalism as having to do with the “need of the people and polities to unite for common purposes yet remain separated to preserve their respective integrity” (Elazar, 1988, p. 33). In this definition, Elazar views federalism as involving the constitutional diffusion of power by constitutionally distributing power among general and constituent governing bodies in a manner designed to protect the existence and authority of all. Leff (1999:210) defines federalism more succinctly as an institutional arrangement whereby “authority and functional competences are shared among different levels of government”. In other words, it is a political arrangement whereby units within the state derive their power from the constitution. According to Nwabueze (1983:159), federalism has two primary cardinal objectives. These are: first, to enable each group in a pluralistic society to manage its affairs; second, to limit the centralisation of powers, functions and responsibilities at the centre to prevent the



national government from becoming an “instrument of total domination and tyranny”. Therefore, federalism aims to enhance diversity management within the union. As such, the federal state attempts to operate under a written constitution, where all the powers and responsibilities of the federal entities are clearly defined. The constitution outlines, among other things, the terms by which power is shared in the political system so that the central and component units can understand the limits of their powers and the extent of their responsibilities. This is why Watts (1999:110) refers to federalism as “the basic notion of involving the combination of shared rule for some purposes and regional self-rule for others within a single political system so that neither is subordinate to the other”.

Typically, in a federal state, the federation comprises a central (federal) government, regional (state, regional, and provincial) governments, and sub-regional (local, community, and municipal) governments. All these levels of government operate independently, each being responsible within its respective spheres of power and authority, as defined and allocated by the constitution. Scholars who support the operation of federalism in a deeply divided society have argued that federalism facilitates the management of differences among diverse groups, as well as other societal differences (Nnoli, 1978; Eliagwu, 1993; Ayoade, 1998; Onyeoziri, 2005). This is because it accommodates the people's demands for self-government and provides governments closer to the people than the central government, which the people can more easily hold accountable for the unmet needs, rather than the distant federal government. Arising from the aforementioned fact, one of the key attributes of federalism is the territorial division and separation of state power, as well as the assignment of various powers and responsibilities to different layers of government through the means of the constitution.

According to Benjamin (2011), one of the key attributes of federalism is the constitutional delineation of revenue sources for the various government tiers. Not only this, responsibilities and powers must also be shared. Therefore, federalism is a constitutional framework for enhancing democracy, local self-governance and development. The essence is to effect the dispersal of power and enhance local autonomy and capacity, so that each group is empowered to address its own problems, whether social, political, economic, or security-related.



3. Federalism, peace and security in Africa: A review of literature

Scholars identify several factors that drive the adoption of federalism globally. Elazar (1987) links federalism to the pursuit of freedom, equality, and liberty. Riker (1964) argues that larger geographical units adopt federalism to pool resources together and enhance their own security. Stephan (1999) notes that federalism is adopted to facilitate diversity management and provide accommodative mechanisms. The management of diversity and the provision of accommodative mechanisms are the most consistent reasons the practice of federalism has appealed to many countries worldwide. This is why countries with heterogeneous characters often consider federalism as the most reliable system of government to practice.

While federalism has gained broader acceptance in Africa, the appeal is tied to the continent's ethnic and regional heterogeneity. Studies show that African federal systems have remained enduring but display persistent limitations. Yimenu (2022; 2023a; 2023b) aptly observed that many African federations provide limited accommodation of group interests, weak conflict management, and insufficient subnational autonomy. Insufficient subnational autonomy is a significant challenge that hinders the state's ability to address security issues in Africa in a timely manner. It restricts the capacity of subnational entities to respond to internal challenges, thereby reducing the effectiveness of federal structures in addressing security and governance issues.

4. Evolution of federalism in Nigeria

The origin of Nigeria's federalism can be traced to the 1914 amalgamation of the Northern and Southern Provinces by Lord Lugard (Coleman, 1958). This amalgamation led to the formal formation of the Nigerian state. However, the entrenchment of federalism in Nigeria after the amalgamation can be traced to Sir Arthur Richards's Constitution of 1946, which divided Nigeria into three (3) regions: Western, Northern, and Eastern. However, despite the division of Nigeria into regions, there was no constitutional division of power between the centre and the regions (Osaghae, 1989). For instance, the regional assemblies lacked the constitutional power to enact laws for their regions. However, the Macpherson



Constitution of 1951 improved on the Arthur Richards Constitution by introducing a quasi-federal one. Quasi-federal because it contains elements of both unitary and federal systems. It empowered regional legislative houses to make laws on specific matters, subject to approval by the central government. The Lyttleton Constitution of 1954 introduced a form of “true federalism” into Nigeria, dividing legislative powers into exclusive, concurrent, and residual lists between the federal and regional governments (Sklar, 1963; Elaigwu & Erim, 2001). The exclusive list includes the list of activities that the central government can legislate on. In contrast, those on the concurrent list can be legislated by both regional and federal governments. On the other hand, the residual list can be legislated upon exclusively by the regional government.

Since this moment, Nigeria’s federalism has undergone significant evolution. As Table 1 shows, from a three-region state, Nigeria currently has 36 states and 774 local government areas federating with the central government. The fundamental problem, however, remains the allocation of powers and responsibilities among the federating units, particularly concerning the power to protect the lives and property of the people within the component units. The component unit derives its own power and responsibility from within the constitution. However, the constitution grants the central government extensive power to control security apparatuses, while the component units lack any power or control over these apparatuses.

Table II: Evolution of Nigeria’s Federal Structure

YEAR	CONSTITUTION/RULE	COMPONENT UNIT CREATED	NUMBER
1946-1963	Arthur Richard Constitution	Creation of Regions	3
1963-1967	Republican Constitution	Addition of a region	4
1967-1975	General Yakubu Gowon Military Rule	Creation of states from existing regions	12
1975-1987	General Mohammed Murtala/Olusegun Obasanjo Military Rule	Addition of 7 states	19
1987-1996	General Ibrahim Babangida Military Rule	Addition of 3 states	21
		Addition of nine states	30



1996 to date	Sanni Abacha	Addition of 6 states	36

Source: Authors' compilation

5. Methodology of data collection

The study utilised primary and secondary data. Primary data were collected from interviews with relevant stakeholders across Nigeria. A total of 26 interviews were conducted across Yola, Jalingo, Kaduna, Zamfara, Enugu, Ibadan, Warri and Lagos. The targeted population included community/traditional leaders, security agents, and state government personnel in charge of security. The table below shows the details of interviews conducted with respondents.

Table I: Breakdown of the Interview Conducted

S/N	Population	Sample
1	Security Agencies	9
2	Government Personnel	10
3	Traditional/Community leaders	7
4	Total	26

Fieldwork, 2022

Samples were taken from the population using a purposive sampling technique. In this case, we selected individuals knowledgeable about the deployment of security forces to address security challenges, as well as community leaders involved in security matters within their communities. Data collected from them were transcribed and analysed using content analysis approach. In some places, direct quotations of the respondents' utterances were used verbatim to support the point being made. Meanwhile, the respondents' identities were shielded by tagging them for security reasons. Secondary sources, including published materials such as books, journal articles, and newspapers, supported the primary sources.



6. Security provisioning and the responsibilities of the federating units under Nigeria's 1999 Constitution

In most countries operating a federal system, there is a constitutionally entrenched demarcation of powers and responsibilities between the federating units regarding national security and public security. In all cases, for countries operating under federalism, national security, which involves defending the state against external threats through the armed forces, border security agencies, and intelligence services, is a primary function of the central government. Thus, the Central Government typically controls these institutions: the armed forces, border security agencies, and intelligence services. However, public security, which involves ensuring the security of lives and property through law enforcement, justice administration, and the maintenance of public order, is a responsibility usually shared between the central government and its component units. Therefore, institutions responsible for law enforcement, maintaining public order, and administering justice are jointly owned and controlled by the Central Government and the Component Units. The essence of this is to empower different levels of government to fulfil their security responsibilities over their respective subjects. This, however, is not the case in Nigeria.

There are three levels of government in Nigeria, federating under the Nigerian Constitution: the federal government, the state governments, and the local governments, which form the third layer. These three levels of government derive their power from the Constitution; therefore, they are autonomous in their own respect and have different levels of influence. However, their autonomy is often theoretical and less practical. In other words, their autonomy is enshrined in the constitution, but it is less evident in practice. A glaring manifestation of this is how the federal government utilises its emergency power against the states and how states directly influence those who administer affairs in local government areas. While Nigeria's 1999 constitution grants the federal government the power to declare a state of emergency, it does not empower it to remove the elected governor from office. However, the practice has been that the federal government will suspend the state governor. In 2004, President Olusegun Obasanjo declared a state of emergency in Plateau State due to an ethno-religious conflict in Yelwa town and suspended the then governor, Joshua Dariye, allegedly, for his weak and incompetent leadership, as he was unable to halt the conflict and



replace him with another (The New Humanitarian, 2004). This was also the case in Ekiti State in 2006. President Obasanjo (1999-2007) suspended Governor Ayo Fayose from office because he was unable to prevent political violence from occurring in his state (News24, 2006). Most recently is President Tinubu (2023 till date) suspending the elected governor of River State, Mr Similayi Fubara, as well as the whole State Assembly and imposed a sole administrator on the allegation that Mr Fubara's supporters were fomenting trouble that could plunge the country into economic crisis (Olabimtan, 2025)

At the local government level, the local government authorities are usually appendage of the state governors. For most of the time, governors in Nigeria have appointed local government chairmen in their state rather than through elections, until recently, when the federal government challenged the autonomy of local governments in the Supreme Court and emerged victorious. Although most local government authorities are now mandated to be a product of elections, they still largely remain an appendage of the state governors. This means that the autonomy for the component units in Nigeria's federal constitution is rather theoretical than practical.

Another major issue that highlights the theoretical nature of component units' autonomy in Nigeria is the control of the security apparatus. Even though governments at the lower federating units, such as states and local government areas—governors and local government chairmen/persons—are the Chief Security Officers of their respective states and local government areas, the power to perform the function is not constitutionally entrenched. The constitution saddled them with the responsibility of providing for the security and welfare of the respective levels of government, but it does not grant the power to ensure this. For instance, Chapter Two, Section 13, Sub-section 2b of the Nigerian 1999 Constitution observed “that the security and welfare of the people shall be the primary purpose of government” (Federal Government of Nigeria, 1999). Since Nigeria has three levels of government, this shows that all the levels of government have the responsibility not only to ensure the welfare of the people but also to ensure the security of their lives and property within the vicinity of the states or local governments.

To achieve this, the lower-level federating units should have control over the security apparatus, enabling them to respond adequately to security situations that require attention. Unfortunately, however, this is not so. The control of the security and defence apparatuses is put in the exclusive list, which means that only the federal government can legislate on



such matters. Under the Executive Legislative List, which consists of items such as Arms, ammunition and explosives (item 2), defence (item 17), military (Army, Navy and Air Force) (item 38), police and other government security agencies established by law (item 45) are all under the exclusive legislation of the Federal government. This means that states and local governments do not have control over the police and other statutorily established state security agencies. Furthermore, Section 215 (subsections 2-4) mandates the Nigeria Police Force, particularly the Inspector-General and the Commissioner of Police in the respective states of the federation, to comply with the directives of the President or those of the ministers concerning public safety and order. However, the section went ahead to say, about the power of the Governors and units affiliated to the State Governments, thus:

Subject to the provisions of this section, the governor of a state or such commissioner of the government of the state as may authorize in that behalf, may give to the Commissioner of police of that State such lawful directions with respect to the maintenance and securing of public safety and public order within the State as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with provided that before carrying out any such directions under the foregoing provisions of this section the Commissioner of Police may request that the matter be referred to the President or such Minister of the Government of the Federation as may be authorized in that behalf by the President for his directions (Federal Government of Nigeria, 1999; Section 215, Subsection 2—4).

The foregoing quotation indicates that before a Commissioner for Police¹ or any police officer can be deployed for public safety by Governors or Local Government Chairmen, authority for deployment must be obtained from the federal capital, either from the President, the Inspector-General of Police, or the Minister of the Federal Government.

Even in the composition of National Defence Council which have the power to advise the president on matters relating to defence of the sovereignty and territorial integrity of Nigeria and National Security Council which have the power to advise the president on matters relating to public security including matters relating to any organisation or agency established by law for ensuring the security of the federation, lower-level federating units are not involved. Governors, the states' Chief Executive Officers (CEO) are only permitted to



be part of the Nigeria Police Council. Nigeria's 1999 Constitution, Section L (Third Schedule, Part I, L) (28 A, B & C), observed that the function of the Nigeria Police Council shall include "the general supervision of the Nigeria Police Force; and advising the President on the appointment of the Inspector-General of Police". This indicates that the power of the lower-level federating units in Nigeria, particularly the governors, regarding the control of the Police under the Nigeria Police Council, is minimal, as they do not have control over the use and operational control of the force. Although they may have a say in advising the President on appointing the Inspector-General of Police, the President hardly seeks their advice. Even when it is freely given, the President can accept or reject the advice. It is not mandatory. Therefore, the lower-level federating units do not have any control over the use and operational control of the police and any other statutorily established security agencies in their localities. The implication is that, although security agencies are present at all levels, from federal to local, within the Nigerian state, none of the lower-level federating units has the authority to direct the actions of those security agencies when necessary. Many state governors in Nigeria have vociferously complained about this. For Instance, the immediate past Governor of Rivers State, Governor Nyesome Wike, expressed that he has refused to answer CSO because he has no security apparatus to control (Abaenogbe, 2021). In the same vein, the former Governor of Kaduna State, Nasir El-Rufai, expressed:

We are all frustrated. I am frustrated in my state, many governors are frustrated in their states; we are called chief security officers only in name, we have no control over cohesive instruments of the state...Some of us have more influence than others, but to a large extent, you ask the commissioner of police to do something and he has to clear with the Inspector-General of Police; this is the reality. We are not in control of the police, I don't determine who gets posted to my state as CP and if I give him directives, he can decide to flout the directives. So, we are all frustrated (cited in Abaenogbe, 2021:28-31)

The import of Nasir El-Rufai's statement here is that the personal relationship of the governors with the Commission for Police is usually deployed when there is a need for the use of the services of the commissioner of police or any of its police men. Thus, states and local government authorities strive to maintain good relationships with the heads or leadership of the security agencies in their states/localities by funding their logistics and



paying them allowances, thereby making them more responsive to security threats in their areas. The former governor of Niger State, Babangida Aliyu, hinted at this thus:

Governors lack control over security apparatus in their domain who are answerable to Federal authorities, I remember when I was governor, I established a cordial relationship with the security agencies in payment of their allowances as well as the purchase of vehicles... (cited in (Abaenogbe, 2021: Para 30)

Furthermore, these security formations rarely penetrate locally due to a shortage of police personnel. The farther you move away from the city, the thinner the security presence becomes. For instance, all the offices of the security agencies terminated in the local government areas, which are third-level government in Nigeria. Thus, all the local government areas have at least one office of the major civil security outfits, especially the Police, Nigeria Security and Civil Defence Corps and the Directorate of State Security Services (DSS). However, the problem of manpower deprives them of reaching villages. Meanwhile, most of the activities of terror groups in Nigeria takes place in villages. One of the respondents confirmed this. According to him:

All local government areas have a police division that covers them. However, some local governments may have more than one police division or one or two outposts at the village level, based on the area's population, landmass, and the extent of criminal activity in the area. However, the problem is that it can hardly go around the local government. Even in the villages where outposts are established, the problem of enough personnel and logistics remains a significant challenge (Divisional Police Officer/Key Informant Interview/Yola/ February 3, 2023)

This expression featured prominently in the responses of the security personnel interviewed. They complained of being unable to extend their coverage network to villages due to a shortage of personnel and logistics. The implication is that security agencies are only able to police towns in local government areas effectively, but villages remain porous. This is one of the reasons villages have become safe havens for criminal activities in local government areas.



At the state and local levels, governors and Chairmen/chairpersons convene security meetings with all relevant security agencies to coordinate efforts and pool resources and expertise to address the security situation in their respective areas. The significant contributions of state and local government authorities in this respect include paying stipends to security operatives, supplying them with logistics for movement, and providing them with other necessary equipment. As one of the security operatives interviewed explained:

The federal government hardly provides logistics and transportation for us. State governors and local government chairmen typically do this. Without their funding, we might have been conducting our patrols on foot (Divisional Police Officer/Key Informant Interview/Yola/January 23, 2023).

Buttressing the point above, another representative of the Nigeria Security and Civil Defence Corps (NSCDC) interviewed observed that:

When it comes to funding security personnel to do their work well, governors are really trying. In all the states where I have served, it is the governors and local government chairmen who purchase security gadgets, as well as means of transportation, such as vehicles, for us. Anytime they fail to do this, the security personnel fail to work appropriately (District Officer/Nigeria Security and Civil Defence Corps/Interview/Yola/January 21, 2023).

However, in the area of control and given directives for the action of the security agencies, the governors and local government chairmen cannot order the security agencies to deploy without taking orders from above. During interviews with security personnel, all of them expressed that governors and state commanders of the security agencies constantly clash because whenever governors deploy them to address a security situation, they would not honour the order unless another order from Abuja supports it. To cite one of the security personnel interviewed

We often meet (security agencies and governors as well as chairmen of LGAs) to strategise on how we can address the security situation prevalent within a state. However,



Governors do not have control over any security apparatuses. They cannot order them to respond except it is an order from Abuja or the order is strengthened by a superior order from Abuja (Senior Police Officer/Phone Interview/Yola/December 2, 2022).

The implication is that although governors and local government chairmen have the responsibility to provide security for the people, they do not have the requisite power to command or order any statutory security agencies to act, except their orders are reinforced by a superior order from Abuja, either from the headquarters of their agency or from the President. This has had many effects on society.

One of the effects of this is lack of effective security collaboration among the security agencies and between the security agencies and the Chief Executive Officers at the State and Local Government Levels. On several occasions, governors and local government chairmen have had to fall out with police officers because they could not honour their orders on security provision. Where the CEO and the security agencies in their areas are not on good terms with one another, it will be an opportunity for the criminals to have a field day. This is the current situation in Nigeria. Arising from this lack of effective collaboration and the delay in deployment are also challenges to the prevalence of insecurity in Nigeria. As a community leader, an interviewee said:

Whenever there is a security challenge in any locality, and the governor orders the deployment of security personnel, they must wait for an order from their headquarters in Abuja before they can be deployed. Most of the time, before the deployment is done, the criminals have also concluded their actions and fled. That is when the security personnel will come, and there will be nobody to arrest except the innocent. Criminals are aware of these hurdles, and they make good use of them (Government Personnel/Key Informant Interview/Ibadan/December 28, 2022)

From the analysis above, the lack of collaboration causes a delay in deployment. Delay in deployment makes it difficult to apprehend criminals. In most accounts of victims regarding the arrival of security personnel at the venue of the incident, it is prevalent to hear that while they informed security personnel quickly about the attack, they arrived very late after the incident had occurred. One of the primary reasons for this is the lengthy wait for



the order to be approved for deployment. Criminals are aware of this gap and exploit it in their operations. Therefore, a delay in deployment leads to impunity and exacerbates insecurity.

7. Responses of the component units and implications for security

The lack of constitutional power to accompany the performance of the CSOs' responsibility at the component units has elicited various responses from them. These are:

7.1. Formation of vigilante groups

One of the responses from lower-level federating units is the formation of vigilante groups as an ad hoc response to bridge the security gap left behind by the over-centralisation of security agencies in Nigeria. Numerous vigilante groups have been established in Nigeria to address local security challenges. Table III presents some of the vigilante groups, their types and descriptions, and the current state of their operations in Nigeria. While these vigilante groups have been able to bridge the gap left behind by the inadequacies of the state security agencies, they have also contributed to the exacerbation of security challenges in some cases. They are sometimes involved in gruesome human rights abuses that contribute to the exacerbation of insecurity. For instance, a study carried out by Owonikoko and Onuoha (2019) revealed that the formation of the CJTF and its deployment to combat Boko Haram led to the decimation of the group, which in turn encouraged the formation of similar groups in Lake Chad to fight Boko Haram. However, they were involved in human rights abuses, abuse of position to witch-hunt opponents, serving as informants to Boko Haram members, as well as manipulation by the elites for political reasons. Similarly, in his study on banditry in the North West, Rufai (2021) also expressed that the gruesome abuse of human rights by *Yan Sakai* contributed to the exacerbation of insecurity in the North West.



Table III: Some of the vigilante groups in Nigeria

S/N	Name of Vigilante Group	Status of Existence	Type/Description	State of Operation
1	Civilian Joint Task Force	Still existing	Formed to fight the Boko Haram insurgency in the North East	Yobe, Borno and Adamawa States
2	Hunters Association of Nigeria	Still existing	Reinvigorated to fight insecurity in Adamawa State	Adamawa State
3	Professional Hunters Association of Nigeria	Still existing	It is a splinter group from the Hunters Association	Adamawa State
4	Yan sakai	Still existing	Formed to counter banditry and kidnapping in the North West	Zamfara, Katsina, Kebbi, Sokoto, Kaduna,
5	Oodua People's Congress	Still existing but not as viable as before	Ethnic militia/vigilante group	All South West States
6	Vigilante group of Nigeria (VGN)	Still Existing	Voluntary security group. This currently	Present in all the states of Nigeria
7	Hisbah	Still existing	Established to implement Sharia laws and principles in Kano State	Kano
8	Kaduna State Vigilante Service	Still existing	State-sponsored Vigilante group	Kaduna State
9	Bakassi Boys	Now moribund	Established to fight crime in the South East	South East states
10	Community Security Watch	Recently created with the training of 2400 members	Established by the State Government of Katsina to confront bandit-terrorists	Katsina State Government
11	Niger Rangers	Recently created to secure the Forests	Established by the State government of Niger State	Niger State



12	Community Protection Guard	Recently Created	Established to provide security for the people from banditry	Niger, Zamfara and Katsina States
13	Agwunchemba Vigilante Group	Existing	Established to provide security in the Anambra metropolis	Anambra State

Source: Author's Compilation.

7.2. Tacit approval of private citizens to own arms for personal security

The call for private ownership of firearms for personal security is a relatively recent phenomenon, but it has become widespread. An open call for people to arm themselves was first noticed when Governor Aminu Bello Masari, the then executive governor of Katsina State, urged residents of areas prone to banditry in the state to acquire weapons and defend themselves against bandits. According to him, “We must all rise to counter the insecurity challenge, we must not sit and watch some people buying guns attacking our Houses, we too should buy the guns and protect ourselves...” (Channels Television, August 2021: Para 4 cited in Owonikoko et al, 2023). Similarly, the Governor of Kaduna State and the Governor of Ondo State have also called on the people to arm themselves against their attackers (Owonikoko et al, 2023). The latest development is the legitimisation of weapons acquisition by the Zamfara State government, which was announced on Sunday, June 26, 2022. This reflects the state's frustration with managing its insecurity, hence the announcement. However, as Owonikoko et al. (2023) have argued, it represents a breakdown of the social contract between the government and the people, and an invitation to chaos.

7.3. Formation of regional security outfits

Another response is the creation of a regional security outfit by a combination of states within the region. Two different security outfits stand out in this regard. These are the Western Nigeria Security Network, also known as *Amotekun* in the Southwest and Ebube-Agu in the Southeast. These two regional security outfits arose from the prevalence of what is tagged “herdsmen attacks,” particularly in rural communities, and the inability of the state security agencies to curtail them.

Amotekun was founded on January 9, 2020, in Ibadan, Oyo State, by the six governors of the South-Western States of Nigeria—Lagos State, Oyo State, Ogun State, Ondo State, Osun



State and Ekiti State, with the sole mandate to curb insecurity in the region. The establishment of the security outfit was subject to the decision by all six governors at the regional security summit held in Ibadan, Oyo State, in June 2019, through the Development Agenda for Western Nigeria (DAWN) to establish such a security outfit. Members of the outfit are drawn from local hunters, members of the Oodua People's Congress, Agbekoya, and Vigilante groups (Ojelu, 2020). On the other hand, Ebube-Agu is a security outfit established by the five governors of the South-East region: Imo State, Abia State, Enugu State, Ebonyi State, and Anambra State. The group's formation stemmed from a security summit convened by the region's governors and security agencies. Establishing these security outfits has generated controversies around the outfit's constitutionality and has significantly limited the weapons they can use. They were only permitted to use dane gun against highly sophisticated criminal groups. Again, establishing these security outfits has raised many human rights and inter-group relations issues in Nigeria. One of the outcomes from the announcement of the regional security outfits—Amotekun and Ebube-Agu—is the disagreement among the governors of the South and the North. The Northern Governors in the All Progressives Congress (APC) rejected the creation of Amotekun (News Wire Nigeria, 2020). This is not the only complaint against the creation of regional security outfits. The Chairman of Miyetti Allah Kautal Hore, Abdullahi Bello Bodejo, also condemned the creation of the group as a plot against the Fulani and Northerners in the South West and South East. According to him

If the Federal Government doesn't stop Amotekun and the one coming from the South-East, we will have no option than to roll out our own with over 5, 000 personnel in all the 36 states of the federation and Abuja to protect our Fulani people in the forests and bushes, whose lives are in danger. You can see how the Amotekun are killing our people in the South-West, as if they are having an agenda. I'm very much surprised the way they are taking the law into their hands. There is no problem. If the Federal Government cannot stop them, then it is time to unveil our own under the umbrella of Miyetti Allah. Both Amotekun and the new one from the South-East, Ebube Agu, are targeted against the Fulani. Since it has come to this, our own security outfit is inevitable (cited in The Sun, 2021: Para 6-7)



The creation of regional security outfits in the South East and South West has raised tension in the polity, further weakening the already fragile social cohesion among different groups across the North-South divide in Nigeria.

7.4. Dialoguing and Granting of Amnesty to Threat Groups

Dialoguing and granting amnesty to threat groups is one of the measures taken by state governments that struggle to deal decisively with the threat groups operating within their domain. The state government's first obvious use of amnesty for a threat group in their domain was in Rivers State in 2004. During this period, Governor Peter Odili, with support from the President of Nigeria, then President Olusegun Obasanjo, organised an amnesty programme for the militants operating in the Niger Delta region. Several weapons were collected from the militants (Owonikoko, 2016). In the wake of the unrest caused by banditry in the North West region of Nigeria, some governors from the North West States, including Sokoto State, Katsina State, Kaduna State, and Zamfara State, have also deployed the instruments of dialogue and amnesty for the bandits. The state governors met with the bandits and reached an agreement that led to the declaration of amnesty for the bandits. Following this, the governors released members of the bandit groups in the custody of their states. However, amnesty hardly led to sustainable peace and security, primarily when it does not address the root cause(s) of the crisis or presents the state as being weak to act against the threat groups (Owonikoko & Danjibo, 2019; Owonikoko, 2020). In the River State Government 2004 Amnesty Programme for militants, weapons collected from the militants were paid for. According to Asuni (2011:159), the average cost of a serviceable AK-47 was approximately USD 2,000, which was contrary to international best practice.

Similarly, the amnesty deal in the North West States followed the same pattern and outcomes. With the announcement of amnesty for the bandits, incentives were introduced to encourage them to accept. Although there was no official information regarding whether the governors gave money as an inducement to the leaders of the bandit groups, a form of incentive was given to sustain the amnesty in some states, like Zamfara and Katsina states, where banditry was higher. In the report of the Director of Press to the Zamfara State Government, it was reported that, in order to sustain peace and facilitate the rehabilitation of repentant bandits, the Zamfara State government has mapped out intervention programmes to recruit 18,000 youths among the bandits, who will be paid a monthly



allowance of N20,000. This was also the case with other North West States (Vanguard, 2016; Ejiofor et al, 2019; Musa, 2022; Owonikoko et al., 2023). The leader of the bandit group reciprocated by laying down their arms and turning over a new leaf. At the end, about 477 hostages were released, 218 guns, including AK-47 and SMG, were surrendered by the bandits across the North West States (Ejiofor et al, 2019). After a temporary lull in banditry in the Northwest, attacks resumed in the States of the region several months later. For instance, in Zamfara State, between January 2021 and June 2023, about 911 persons, including women and school children, were abducted by bandits in about 108 incidents. Meanwhile, in the whole of the North West Region, between January 2021 and June 2022, there were 521 violent attacks by bandits, leading to the death of about 3,009 persons (Nextier SPD, 2022, p. 3). So bad was the bandit attack that some state governments, like Zamfara State, Katsina State and Kaduna State, encouraged the citizens to defend themselves by acquiring weapons (Owonikoko et al, 2023).

Documentation revealed that between 2016 and 2025, six amnesties were implemented for bandits by governors in the North West Region of Nigeria; however, this has not translated into lasting peace in the region (Mohammed, 2025). The decision to grant amnesty is borne out of resignation to fate among the governors, who lack the power to ensure the safety of the lives and properties of the people. As Mohammed argued, this continued to embolden bandits to carry out attacks. So far, bandits have been responsible for most of the attacks against innocent people in Nigeria's North West.

8. Discussion of findings

The findings indicate that centralising security control in Nigeria diminishes the capacity of both state and local authorities to respond swiftly to internal threats. Similar findings are observed in studies that explore federal security coordination issues in other federations. Alemika and Chukwuma (2004) contend that policing in Nigeria functions through a command-and-control structure inherited from military rule, which restricts initiative at the subnational level and delays field responses during emergencies. This corroborates the interview evidence, which indicates that police officers often wait for clearance from Abuja before deployment, even when governors request immediate action.



Comparative research also demonstrates that federations with decentralised policing achieve quicker response times and greater accountability. Brodeur (2010), writing about Canada, found that provincial police forces enable regional governments to influence law enforcement priorities based on local conditions. The lack of similar autonomy in Nigeria explains why state governors recognise a gap between their constitutional responsibility as chief security officers and their practical limitations. The study also indicates that shortages in manpower and logistics hinder security agencies from maintaining an effective presence in rural communities. A similar pattern is observed in Olonisakin (2017), who notes that many African security institutions lack sufficient personnel to cover their territories, thereby increasing ungoverned spaces and providing opportunities for armed groups to expand.

The rise of vigilante and community protection groups in Nigeria reflects civilian self-help responses noted in the broader African security literature. The risks identified in interviews, including human rights abuses and political manipulation, also appear in Baker (2002), who documented how civilian patrols in South Africa sometimes reproduce the same violence they are meant to prevent when oversight is weak. The paper also highlights negotiation and amnesty as common responses by states to armed groups. In other African cases, such as Sierra Leone and Mozambique, Richards (2005) notes that amnesty policies without accompanying structural reforms often provide only temporary calm rather than lasting security. The resurgence of attacks in parts of northern Nigeria thus reflects a familiar pattern where negotiations enable armed actors to regroup when governments lack the enforcement capacity.

Today, Nigeria faces increased security challenges. Nigeria has been designated as a country of particular concern by Donald Trump over allegations that Christians are specifically targeted for killings, which some have called “genocide”. While this cannot be disproved in some parts of Nigeria, especially the North Central region, these attacks highlight the country's overall insecurity (Owonikoko, 2025). They originate from the state's failure to respond effectively to insecurity. There remains growing concern that President Donald Trump might order direct military intervention in Nigeria, potentially breaching Nigeria's sovereignty. This serves as a reminder that failing to address Nigeria's insecurity directly could lead to further problems for the country.



9. Conclusions and recommendation

As discussed in this study, one important lesson from the constitutional allocation of security responsibilities and power in Nigeria is that the security sector can be a source of widespread insecurity or complicate the security challenges it is intended to address. This implies that a poorly constructed security sector represents a significant obstacle to promoting peace and development. Conversely, a well-thought-out Security sector enhances effective, efficient security delivery. This underscores the importance of security governance in public governance and administration. As this study has shown, Nigeria's case involves the arrangement of different levels of government within the federal system to respond to security challenges in their respective domains. Over-centralisation of the security agencies in Nigeria's federal system encouraged a top-down approach to security that prevented the component units from actively addressing the security challenges facing their subjects. While this has given threat groups a field day to operate in Nigeria without apprehending the deployment of extra-legal means, in a bid to enhance their response to the security challenges they face, it has also contributed to exacerbating these challenges.

As the federal government of Nigeria is currently driving economic and security reforms to improve the country's performance, such as tax reform and legislation on the creation of state police, Nigeria needs to undertake a comprehensive reform of its security sector. Although the bill for the creation of state police is currently going on at the National Assembly, state police are necessary but not sufficient. Security reform should go beyond the state to the local government areas. This will encourage a bottom-up approach to addressing insecurity in the states. Criticism of the need to establish local security under the control of component units is often attributed to the local political elites' manipulation of local security platforms and the cost implications of running a local security unit, as most component units are financially weak without support from the central government. However, the reality, as shown in this study, has revealed that the consequences of not entrenching the creation of local security in Nigeria's Constitution are more dire and can exacerbate insecurity in Nigeria, as we have seen in the recent allegation of Christian genocide in Nigeria, as well as the categorisation of Nigeria as a Country of Particular Concern. Reforming Nigeria's security



arrangement is inevitable. Security control must not only be extended to state governments but also to local authorities.

* Saheed Babajide Owonikoko, PhD, is a Senior Lecturer and Researcher with the Centre for Peace and Security Studies, Modibbo Adama University, Yola, Nigeria. He can be reached at owonikoko.babajide@gmail.com. Ikenna Mike Alumona, PhD, is a Professor of Comparative Politics and Security Governance at Chukwuemeka Odumegwu Ojukwu University, Igbariam, Nigeria, and a Visiting Senior Fellow at the Athena Centre for Policy and Leadership, Abuja. He can be reached at ikennaalumona@yahoo.com.

¹ The Commissioner for Police is the head of the police unit at the state level.

References

- Abaenogbe Timilehin (2021). Insecurity: Why State governors are not Chief Security Officers but ceremonial heads. February 4. Available at www.dailypost.ng/2021/02/04/insecurity-why-state-governors-are-not-chief-security-officers-but-ceremonial-heads/.
- Alemika, E.O. & Chukwuma Innocent (2004). *Crime and policing in Nigeria: Challenges and Options*. Network for Police Reform in Nigeria.
- Alumona, I.M., Onwuanabile, K., Iwuoha, V.C. & Aniche, E.T. (2022). Old problem, new manifestation: the emergence of cultism in rural secondary schools in Anambra state, Nigeria. *Security Journal* 36, 498–529. <https://doi.org/10.1057/s41284-022-00351-4>.
- Asuni Burden Judith (2011). ‘Consequences of the Forgotten (or Missing) R’ in Civic A. Melanne and Miklaucic Michael (eds) *Monopoly of Force: The Nexus of DDR and SSR*. Institute for National Strategic Studies, National Defense University
- Ayoade, J.A.A. (1998). ‘The Federal Character Principle and the Search for National Integration’ in Kunle Amuwo, R. Suberu, A. Agbaje, and G. Haurault (eds.), *Federalism and Political Restructuring in Nigeria*. Spectrum Books Limited. Ibadan and IFR, Ibadan.
- Baker, B. (2002). ‘Living with non-state policing in South Africa: The issues and dilemmas’. *Journal of Modern African Studies*, 40(1), 29–53.
- Bappah Habibu Yaya (2016). ‘Nigeria’s military failure against the Boko Haram insurgency’. *African Security Review*, Vol. 25(2).
- Brodeur, J. P. (2010). *The policing web*. Oxford University Press.
- Coleman, J. S. (1958). *Nigeria: Background to Nationalism*. University of California Press, Berkeley
- Ejiofor Alike, Sardauna Francis, Shiklan John & Innocent Onuminya (2019). Two Months After, Sokoto, Zamfara, Katsina counts gains if amnesty for bandits. October 8. Available at www.thisdaylive.com/index.php/2019/10/08/two-months-after-sokoto-zamfara-katsina-count-gains-of-amnesty-for-bandits.
- Elaigwu, J. Isawa and Erim, E.O. (2001). *Foundations of Nigerian Federalism*. Institute of Governance and Social Research, Jos.
- Eliagwu, J.J. (1993). ‘The Nigerian Federation: Its Foundation and Future Prospects’ in Omofume F. Onoge (eds) *Nigeria: The Way Forward*. Spectrum Books Limited, Ibadan.
- Federal Government of Nigeria (1999) Constitution of the Federal Republic of Nigeria as amended. Abuja.
- Institute for Economics and Peace (2022a) Global Peace Index 2022: Measuring Peace in a complex World. Available at <https://www.visionofhumanity.org/wp-content/uploads/2022/06/GPI-2022-web.pdf>.
- Institute for Economics and Peace (2022b) Global Terrorism Index 2022: Measuring the impact of terrorism. Available at <https://www.visionofhumanity.org/wp-content/uploads/2022/03/GTI-2022-web-09062022.pdf>.
- Kwaja Chris M.A and Yau Yunusa Z. (2021) *The Compromised State: How Corruption Sustains Insecurity in Nigeria*. Centre for Information Technology and Development, Kano.



- Kwaja, C.M.A and Owonikoko Babajide Saheed (2020) 'Youth, Violence and (In)security in Northern Nigeria' in C.M.A. Kwaja and Ruqayyah Aliyu (eds) *Youth in Peacebuilding in Northern Nigeria*, 15-45. Centre for Information and Technology, Kano
- Leff, C.S. (1999) 'Democratisation and Disintegration in Multinational States: The Break-up of the Communist Federations'. *World Politics*, Vol. 51.
- Mohammed Idris (2025) Why bandits amnesties are failing in Nigeria's Northwest. *The New Humanitarian*, September 16. Available at <https://www.thenewhumanitarian.org/opinion/2025/09/16/why-bandit-amnesties-are-failing-nigerias-northwest>.
- Musa Shallek Yaks (2022) 'Nigeria's Banditry: Why 5 Government Strategies have failed'. *The Conversation*, April 22.
- News Wire Nigeria (2020) APC Northern Governors reject Amotekun after FG Agreement. Available at www.newswirengr.com/2020/01/24/apc-northern-governors-reject-amotekun-after-fg-agreement/.
- News24 (2006) State of Emergency in Ekiti. October, 16. Available at <https://www.news24.com/state-of-emergency-in-ekiti-20061019>.
- Nextier SPD (2022) 'Zamfara Residents: To bear or not to bear firearms'. *Policy Weekly*, Vol. 6(20). Available at www.nextierspd.com/zamfara-residents-to-bear-or-not-to-bear-firearms/.
- Njoku, Emeka Thaddeus (2020) 'Merchants of Terror: Neo-patrimonialism, Counterterrorism Economy and Expansion of Terrorism in Nigeria'. *Africa Conflict and Peacebuilding Review*, No. 10 (2): 83-107.
- Nnabuihe Onyekachi, Ashindorbe Kelvin and Odobo Samuel Osagie (2023) 'Politics of Security Sector Reform: Violence and the emergence of Regional Security Outfits in Nigeria'. *African Studies Quarterly*, Vol. 21(4) 41-64.
- Nnoli, O. (1978) *Ethnic Politics in Nigeria*. Fourth Dimension Publishers Limited, Enugu.
- Nwabueze, B.O. (1983) *Federalism in Nigeria under the Presidential Constitution*. Sweet and Maxwell, London.
- Ojelu Henry (2020) Constitutional Implication of Operation Amotekun. *Vanguard*, 29. Available at www.vanguardngr.com/2020/01/constitutional-implication-of-operation-amotekun/.
- Olabimtan, Bolanle (2025) Explainer: What Constitution says about emergency rule, governor's suspension. March 19. <https://www.thecable.ng/explainer-what-constitution-says-about-emergency-rule-governors-suspension/>.
- Olonisakin, F. (2017). 'Human Security and the Protection of Civilians in Africa'. *Journal of Conflict and Security Law*, 22, 1-18.
- Onuoha, F.C., Nwangwu, C., Ugwueze, M.I. (2023). 'Counterinsurgency operations of the Nigerian military and Boko Haram insurgency: expounding the viscid manacle'. In: Omenma, J.T., Onyishi, I.E., Okolie, AM. (eds) *Ten Years of Boko Haram in Nigeria*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-031-22769-1_4.
- Onyeoziri, Fred (2005) 'Federalism and the Theory of State' in Ebere Onwudiwe and Rotimi T. Suberu, (eds) *Nigerian Federalism in Crisis*, PEFS, Ibadan.
- Osaghae, E. E. (1989). *Federal Character and Federalism in Nigeria*. Heinemann, Ibadan.
- Oshaghae, E.E. (2001) 'From Accommodation to Self-determination: Minority nationalism and the restructuring of the Nigerian State'. *Nationalism and Ethnic Politics*, 7 (1).
- Oshaghae, E.E. (2003a) 'Explaining the changing patterns of ethnic politics in Nigeria'. *Nationalism and Ethnic Politics*, 9(3)
- Oshaghae, E.E. (2003b) 'The changing face of Nigerian federalism'. *Indian Journal of African Studies* 14 (1 and 2).
- Owonikoko Babajide Saheed (2020) 'Amnesty for Boko Haram Members: Lessons from the Amnesty Programme for Militants in the Niger Delta Region'. *Africa Insight*, Vol. 49(4). Pp. 39-54.
- Owonikoko Babajide Saheed and Dominic Nathaniel Danjibo (2019) 'Building Peace or Buying Peace?: Rethinking Non-Coercive Approach to the Management of Non-State Armed Groups Involved in Mass Atrocities'. *Genocide Studies and Prevention* 13(2) 116-128 (<https://doi.org/10.5038/1911-9933.13.2.1701>).



- Owonikoko Babajide Saheed and Onuoha C. Freedom (2019) 'Child of Necessity: (Ab)use of the Civilian Joint Task Force in Borno State'. *AFSOL Journal*, Vol. 3(1): 27-40.
- Owonikoko Babajide Saheed, Momodu Jude Abdulkareem and Abdullahi Liman Tukur (2023) Wither Social Contract? Rising Insecurity and State Legitimation of Civilian Weapon Acquisition for Self Defence in Zamfara State, North West, Nigeria. Paper Presented at International Conference on Defence, Security and Sustainable Development in Africa: Emerging Challenges and Responses. Organised by Nigerian Defence Academy, Kaduna held between Wednesday 27th and Thursday 28th July 2022.
- Owonikoko, Babajide Saheed. (2016) Assessment of Government Engagement with Armed Groups in the Niger Delta Region. Lambert Publishing Limited.
- Owonikoko, Babajide Saheed (2025) US-Nigeria relations: what it means to be a 'country of particular concern' and why it matters. *The Conversation*, November 16. Available at <https://theconversation.com/us-nigeria-relations-what-it-means-to-be-a-country-of-particular-concern-and-why-it-matters-269044>.
- Richards, P. (2005). *No peace, no war: An anthropology of contemporary armed conflicts*. James Currey.
- Riker, W. H. (1964). *Federalism: Origin, operation, significance*. Little, Brown and Company Limited, Boston, MA.
- Rufa'i, M. (2021). 'I am a bandit': A decade of research in Zamfara State bandit's den. Public Lecture delivered on September 9, 2012 at Usman Danfodiyo University Sokoto (UDUS).
- Sahara Reporter (2025). 10,217 Killed, 672 Villages Sacked In Two Years Of Tinubu's Government –Amnesty International. May 29. Available at <https://saharareporters.com/2025/05/29/10217-killed-672-villages-sacked-two-years-tinubus-government-amnesty-international>.
- Sklar, R. L. (1963). *Nigerian Political Parties: Power in an Emergent African Nation*. Princeton University Press, Princeton NJ.
- Solomon Akhere Benjamin (2012) *Politics of Accommodation in Nigeria's Federalism, 1993-2007*. PhD Thesis, University of Ibadan.
- Stepan, A. (1999). 'Federalism and democracy: Beyond the US model'. *Journal of Democracy* 10 (4): 19–33.
- The New Humanitarian (2004) Obasanjo declare state of emergency in Plateau State. May 18. Available at <https://www.thenewhumanitarian.org/news/2004/05/18/obasanjo-declares-state-emergency-plateau-state>.
- The Sun (2021) Amotekun, Ebubeagu set up to kill Fulani—Bodejo, Miyetti Allah Leader. April 7th. www.sunnewsonline.com/amotekun-ebubeagu-set-up-to-kill-fulani-bodejo-miyetti-allah-leader/.
- Vanguard (2016) We've paid some Fulani to stop killing in Southern Kaduna—El-Rufai. December 3rd. Available at www.vanguardngr.com/2016/12/weve-paid-fulani-stop-killings-souther-kaduna-el-rufai/.
- Vasquez Ian, Mchahon Fred, Murphy Ryan & Schneider Guillermina Sutter (2021). The Human Freedom Index 2021: A Global Measurement of Personal, Civil and Economic Freedom. Cato Institute. Available at <https://www.cato.org/sites/cato.org/files/2022-03/human-freedom-index-2021-updated.pdf>.
- Watts, R.L. (1999). *Comparing Federal Systems*. Institute of Inter-governmental Relations, Queen's University, Kingston ON.
- Wheare, K. C. (1946). *Federal government*. Oxford University Press, Oxford
- Yimenu, B. (2022a). 'Measuring and explaining de facto regional policy autonomy variation in a constitutionally symmetrical federation: The case of Ethiopia, 1995–2020'. *Publius: The Journal of Federalism* 53 (2): 251–277.
- Yimenu, B. (2023). 'Federalism and State Restructuring in Africa: A comparative analysis of Origins, Rationale and Challenges'. *Publius: The Journal of Federalism*, 54(1): 6–33.
- Yimenu, B. (2023). Federalism, Peace and Democracy in Africa. *Democracy in Africa*. Available at <https://democracyin africa.org/federalism-peace-and-democracy-in-africa/#:~:text=States%20such%20as%20Kenya%2C%20Ghana%2C%20and%20Uganda%20have,decentralize%20authority%20and%20navigate%20the%20complexities%20of%20diversity>.



ISSN: 2036-5438

A Comparative Review of the Federal Security Models in Nigeria and the United States of America

by

Akapoti-Ajibola Sunday James, Azeez Olaniyan and Iseolorunkanmi Joseph¹

Perspectives on Federalism, Vol. 17, issue 1, 2025





Abstract

Federalism is a system of government that shares power among different levels of government. Two dominant security models in federal states are centralized and decentralized, especially within the political context of Nigeria and the United States of America. Security issues are universal simply because of their cross-border nature, which calls for rigorous measures through the collective efforts of all state security mechanisms.

The study aimed at examining the outcomes of security models in two federal states, i.e., Nigeria and the United States of America. The study adopted data from documentary sources that range from Scopus, Google Scholar, and Ebsco. The establishment of the Department of Homeland Security in 2003 was a successful effort in the United States of America at combating terrorism after the 2001 September 11 attacks on the United States of America institutions, the Pentagon, and the World Trade Centre. This model has hitherto prevented recurrence of such a provocative attack, although, the U.S.A. is still facing security issues, especially tension from Russia and China. In Nigeria, the amnesty programme, counterterrorism programme, and other internal measures put in place have failed to quell the security challenges, and the insecurity, such as Boko Haram and kidnapping, remains an intense challenge to the security architecture in Nigeria.

This study provides an understanding of the analysis of the strengths and weaknesses of the centralized security model in Nigeria alongside the United States of America's decentralized security approach to inform policymakers to make effective decisions on security strategies.

Keywords

federalism, national security, security model, centralized and decentralized



1. Introduction

Security is fundamental to every sphere of a state's development, and the choice of security model adopted by any state could have significant implications for its security outcomes due to the implementation of security measures adopted, the sharing of information, and the response of the state to security threats (Awotayo & Omitola, 2024). Although the choice of any model is not all-inclusive, it does not guarantee total security. No state can survive amid insecurity, killings, terrorism, chaos, and uncertainty of peace. Security issues are universal concepts and a progressive phenomenon that needs the collective responsibility of all states' security mechanisms for combined synergy toward sustainable governance. The survival of any state hangs on its security architecture, and the importance of security is not negotiable.

David & Salifu (2020) defined security architectural structure as the combination of a country's constitutional and legal system, which includes all institutions that provide a security network for its citizens and secure its territorial integrity. Shaffer (2023) stated that anything that challenges the authority of a state is a security problem, and the degree to which it could affect the stability of a state and its constituent units cannot be determined. The sensitivity of security issues at the global stage prompts states to employ everything within their ability to maintain firm control over their home state and counteract any potential threats to their survival. There is no single country that can be described as free from security threats because security issues are multidimensional and their impact is universal.

Scholars such as Osaghae & Suberu (2005); Collins (2024); Agunbiade (2024); Ogunsanya (2021); Gbandi & Amisssah (2022); Omitola & Olaniyan (2020) examined Nigeria's security system and concluded that the insecurity has greatly impacted its development and stability, contributed to the rise of ethnic and religious tensions as a result of corruption, bad governance, and the contest for limited resources, which acted as a channel for violent conflict in Nigeria. This, thereby, affected community stability, breaking national harmony, and stunting growth and development in the country. For instance, the North Central perennial crisis and the Niger Delta crisis were influenced by the agitation over resource allocation and political marginalization. The instability triggered by insecurity is beyond the economic impacts because its implications cannot be measured in monetary terms, still



provides trade crumbling, low foreign policy, and increased governmental spending on security rather than growth and development, with adverse effects on the statehood, as argued by (Wambai, Hayewa, & Mamman, 2023; Iherue, 2020).

The existence of insurgency, coupled with violence, banditry, kidnapping, armed mobs, and communal conflict, underscores how complex and sensitive security in Nigeria could be. The analysis of the insecurity in Nigeria revealed its prevalence in all six geopolitical zones. For instance, the North Central is porous with the Boko Haram militants, which is regarded as the deadliest form of insecurity in the world; it emerged in the 2000s to stand against Western education and later advocated the formation of an Islamic State ruled by Sharia law (Afzal, 2020; Moss, 2018). The North East zone is battling with tension from insurgency and terrorism. North West faces challenges from kidnapping, communal clashes, and banditry, South-south is battling with tension from Niger Delta militancy and kidnapping, South west is porous with robbery, kidnapping, and communal clashes. In contrast, the South East is highly tense with the separatist mentality, pressure, and community-based issues.

Atobatele (2022) averred that the farmer and herder clashes bring to the fore the aspect of environmental factors, including climate change and resource competition, as major security concerns in Nigeria. Indeed, this led to massive displacement and distortion in the national economy, both locally and internationally. Urban violence, political extremism, and mass shootings are the major insecurities in the United States of America while terrorism like ISIS remains a serious attention in United States in addition to organized crime, gun violence, cybersecurity, border security, and radical tension from Russia and China as established from various reports such as (Kleinfeld, 2023; Lutz & Lutz, 2013; Pitcavage, 2019; Richards, 2018; Smith, 2014).

Since security has become the survival of the fittest, each state pursues policies and strategies that will ensure its stability and promote the welfare of its members. Nigeria and the United States of America are federal states with distinct security models constitutionally established through centralized and decentralized systems. In exploring the current insecurity issues, there is no doubt that Nigeria is bedeviled with security challenges such as kidnapping, terrorism, separatists, movement banditry, Boko Haram insurgency, and communal interface, which are detrimental to its national development and political stability, as averred by (Ndema, 2024; Olajide, 2023).



The management and control of resources, such as allocation and distribution centralized system is in the hands of the government. This underscored why the excessive power of the federal government could create inefficiencies and clashes between the central and state governments (Suberu, 2008). According to the 1999 constitution of the Federal Republic of Nigeria, the federal government is empowered to control defense, law enforcement, and national security issues, while the major responsibility of the state government is to maintain law and order, especially through the establishment of the State Security Services (SSS), charged with the responsibility to maintain state security. In contrast, the United States has a more decentralized security architecture, with significant powers granted to state governments. American federalism, according to scholars like Richman & Seo (2020), Amsey (2012), permits the sharing of responsibility between the federal and state governments, which enables the government to respond to security challenges at the instance of perceived threats, while the states are constitutionally empowered to act over homeland security, emergencies, and enforcement of the law. The U.S Constitution gives the federal government control over defense, foreign policy, and national security. Some states, such as California and New York, have established their security initiative, such as data privacy security laws, to address particular local issues in their state (Lim & Oh, 2025)

Far more than the application of military means, security has become a more dynamic and multidimensional concept that provides an in-depth knowledge of the comparative analysis of different security models and their synergy with social, political, and economic security, validating its multifaceted nature. With the unpredictable nature of security, no state can attain its total security agenda because the trend of security issues evolves by the day (WINS, 2018; United Nations, 2023)

This study will help to give an in-depth knowledge of issues related to security through a comparative study of different security models within the federal systems of Nigeria and the United States of America. An understanding of the intricacies of governance and security management can be gained by examining the centralized and decentralized security models in federal states such as Nigeria and the United States of America, and their impact on the security outcomes.

In Nigeria, measures such as anti-terrorism legislation (Federal Republic of Nigeria, 2013), and various internal measures such as Operation Whirl Stroke and Safe Haven to combat insecurity in the North Central, especially in Benue and Nasarawa States



(International Crises Group, 2018; Ibrahim & Olasupo, 2023), Operation Lafiya Dole to combat Boko Haram insurgency in the Northeastern with the help of the Nigerian Army and Air force (Ezeani, Ani, Ezeibe, & Ubiebi 2021), Operation Amotekun established by the six South-West governors (Oikhala, 2022). The establishment of the Civilian Joint Force has been an instrument in the combating of insecurity in North-Eastern Nigeria with the professional support of the Nigerian army. The impact of community-led initiatives in the North-West was a bold step toward restoring peace to the region and an amnesty program in the South-South (Oluwaniyi, 2011).

The United States of America addressed security issues, especially in the light of 9/11 attacks, through the establishment Homeland Security to consolidate various security systems (Lansford, 2010), an Intelligence reform system was launched to enhance information sharing between agencies such as the Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), (White House, 2012) and established National Counterterrorism Centre (Heins, 2019), engagement of military power through the launch of war as seen in Afghanistan and Iraq (Administered & Archives, 2015; Salt, 2018), the use of USA PATRIOT Act is also a laudable strategy (Information & Recherche, 2006) and increasing public awareness (DHS, 2013).

Despite these measures, security challenges persist. Comparatively, Nigeria and the United States of America experience cybercrimes, terrorism, border security challenges, pandemic and health security issues, and organized crime. The dynamism of the common security challenges in both countries calls for concerted efforts of all state security apparatus for a combined synergy toward sustainable governance. Notwithstanding policy documents put in place by both countries to curb these menaces, security issues remain a global challenge and multidimensional, and their importance can never be underplayed because it is not static, and calls for dynamic measures.

2. Statement of the Problem

Provision of national security remains a cyclical challenge in federal states, where debate over centralized and decentralized security models is common. Nigeria and the United States of America, which are federal states with different security architectures, have faced



difficulties in attaining the best security outcome. The search for the perfect model is a comprehensive strategy that no state can achieve its total security agenda. However, states like France, the U.S, Russia, Canada, Germany, and New Zealand have made considerable efforts to attain substantial security solutions with remarkable outcomes to combat their security challenges. Yet, security remains far-fetched in other milieus (Kitler, 2021). This is further substantiated by (Michaelsen, 2010; Ummah, 2019 ; Oliphant, 2017).

While existing literature offers insight into security governance in federal political systems, a noticeable gap remains in comparative analyses between centralized and decentralized security models across diverse federal contexts. Specifically, there is a dearth of studies that have examined security within the context of Nigeria and the United States of America to explore the structural, operational, functional, and policy outcomes of Nigeria's centralized security system alongside the decentralized model of the United States. This study will address that gap by exploring how each system influences internal security, public trust, and the effectiveness of each model, thereby contributing to policy discourse on security reform in federal states by examining conceptual analysis, reviewing relevant literature, and examining the practical implications of these models in the context of federal states.

Despite differences in the security models adopted by each of the states under consideration, as guaranteed by the constitutions in both countries, security challenges are still prevalent. The inability of each model to provide total remedies to security issues remains an intellectual debate in federal states, especially within the political context of Nigeria and the United States of America, to determine the best model for tackling the perennial security challenges faced by these states. Although, no single fit-all approach to security issues as a result of inadequacies with the centralized and decentralized security models.

Research by Awotayo & Omitola (2024) on "Decentralizing security architecture: evaluating federalism's role in enhancing security frameworks in Nigeria" corroborated the above statement, found a relationship between the centralized security architecture and the surge in the development of security challenges in Nigeria. This is because centralization could alienate citizens from local security decision-making, contributing to insecurity. This has led to the inability of decentralized security systems to quell and address serious security challenges and solve local security issues in Nigeria. In contrast, the decentralized security model as obtained in the USA allows for regional integration and community-led security



initiatives, which could enhance security frameworks and provide a step forward in combating security challenges due to its inclusivity in addressing security challenges and responses to regional needs. However, the suitability of each approach in a federal state remains a subject of discussion.

Constitutional provisions by each of the states under consideration validate outcomes of different security models based on the extent to which the constitution granted each level of government autonomy to operate (Ogedengbe, 2024). Sections 217-220 of the amended 1999 constitution of Nigeria saddled the central authority with the responsibility to establish armed forces and oversee the military, the police force, and other agencies of various security establishments, while the state and local government are to maintain law and order. The USA 1992 constitution, as amended on May 7, 1999, allowed division of security responsibilities among the governmental echelons. Agencies such as the Federal Bureau of Investigation (FBI) at the federal stratum that are responsible for domestic intelligence for the enforcement of federal laws and investigate crimes and violence and Drug Enforcement Administration (DEA) saddles with the responsible for drug control, organized crimes and monitor the activities of drug traffickers, while state/local agencies have police departments and sheriff's offices, operating concurrently with the federal agencies.

However, the inability to solve the cyclical security issues despite the past measures calls for a careful re-evaluation of strategies employed by Nigeria and the United States of America through the adoption of a more integrated and community-focused approach. This study will also examine the centralized and decentralized systems in Nigeria and the United States of America, respectively, and then go ahead to propose a workable security model that will help guide policymakers.

Research Objectives

- i. To examine how centralized and decentralized security models in Nigeria and the United States of America influence national security outcomes.



3. The Rationale of the Study

The relevance of this study to the current security challenges in our contemporary world formed the basis for this study to examine the contribution and challenges of various security models, and how best they can inform policy decisions on security governance in federal states. Nigeria and the United States of America are federal states with different security architectures; they are offshoots of British colonies and have had difficulties in providing total security for their homeland. As observed in this study, security issues can never be underplayed. Nigeria battles significant security issues, including terrorism, notably armed banditry, kidnapping, and communal violence. The surge in insecurity and its complexity in federal states, such as Nigeria and the United States of America, necessitate the need for an understanding of the strengths and weaknesses of security models. By comparing both countries, this study would provide valuable lessons that may be learned from the effectiveness of the centralization and decentralization security models in different contexts. While existing literature offers insight into security governance in federal political systems, a noticeable gap remains in comparative analyses between centralized and decentralized security models across diverse federal contexts. Specifically, there is a dearth of studies that have examined security within the context of Nigeria and the United States of America to explore the structural, operational, functional, and policy outcomes of Nigeria's centralized **security** system alongside the decentralized model of the United States. This study will address that gap by exploring how each system influences internal security, public trust, and the effectiveness of each model, thereby contributing to policy discourse on security reform in federal states by examining theoretical foundations, conceptual analysis, and practical implications of these models in the context of federal states.

Nigeria's government has implemented some notable strategies through the deployment of Military operations to combat Boko Haram, leading to temporary improvements but not a complete resolution of the conflict, the engagement of community policing has proved to be inconsistent, and the establishment of the anti-terrorism act to enhance the country's legal framework also flopped due to the lack of enforcement power (Udeoba & Eze, 2021).



4. Scope of the Study

Nigeria and the United States of America are the major study areas of this study. Both countries are federal states, offshoots of the British Colony, having different security systems. This study will examine security models of Nigeria and the United States of America on a comparative basis to identify best practices and lessons that each state can learn from the other to improve its security systems. The comparison is motivated by the divergent security challenges and outcomes in the two countries, despite their shared federalist structures.

Nigeria's centralized security model is striving amidst security issues in the country to address the country's myriad security challenges, including terrorism, kidnapping, and armed robbery. In contrast, the United States' decentralized security model has been credited with facilitating a more effective response to domestic security threats while also allowing for greater public engagement in security decision-making.

By comparing and contrasting the security models in these two federal states, the study tends to provide insights into how different security models could impact national security outcomes and to identify possible areas for restructuring and enhancement in Nigeria's security sector.

5. Operational Definitions of Terms

- i. Security is about how the state and its members are protected from internal and external attacks
- ii. Homeland security is the strategic measure put in place by the U.S government to tackle terrorism challenges in the wake of the 9/11 attacks on its institutions (World Trade Centre and Pentagon)
- iii. Federalism is an arrangement of government that involves the submission of individual sovereignty to one another to form a strong union despite their ethnic and cultural differences, without automatically losing their various identities
- iv. Decentralization entails the distribution of power and resources among the central government and the constituent units



- v. National Security is the protection of the state sovereignty and its territory from internal and external attack.
- vi. The security model is an approach adopted by a state towards solving security challenges
- vii. National Security outcome refers to the results of security implementation in the member states.

6. Review of the Literature

This literature review aims to compare and contrast centralized and decentralized security models in Nigeria and the USA, and their implications on national security outcomes in federal states, examining the historical, cultural, institutional, and constitutional contexts that shape these models.

6.1. Conceptual review: Security and National Security

Simonyi (2002) and Bhal (2014) opined that security is a neglected and contested concept, dating back to Wolfe's 1952 article. He emphasized that security as an academic field of study has been neglected, as reflected in various surveys on the subject. He further noted the work of Barry Buzan's view of security as an "undeveloped concept" and found a gap in the conceptualization of security. Security as a contested concept was believed to be portrayed as an essentially contested concept due to the ambiguity of its meaning (Adhikari, 2024). This further signifies that security may fulfil the requirement for its classification as an essentially contested concept based on its conflicting perspectives. This contest suggests that no agreement could be reached or attained on the general security perspective because there are always alternatives to be foregone. This attests to the costs associated with pursuing security, such as the loss of other objectives that could have been accomplished with the money and resources spent on security. The importance of security to the survival of the state and its citizens is more preferable than the cost spent on security because it is about upholding the state's core values, which are in the state regardless of the costs incurred (Alumona, 2019).

Bakreski & Bardjieva (2024) contest that security is no longer monopolized by the state as the only actor recognized in the international system to determine what constitutes



security. He argued further that the traditional perspective of security does not challenge the fundamental nature of security (ontology) but focuses on the essentiality of security. This further established the social perspective of security as an intersubjective practice, which is a shared responsibility between individuals and the group. This emphasized human perception of security to determine what security is and what it does not connote, depending on its context. More precisely, security could be approached based on its essence, which signifies the core nature of security, a concept that is the anchor upon which security stands, and governance of security, which emphasizes how security is being managed and implemented.

Mrozek & Galiczek (2022) argued that etymologically, the term “security” originates from the Latin words "sine cura, securitas," meaning certainty and security. Security is the state of being freed from fear and having a considerable level of peace and confidence (Mrozek & Galiczek, 2022). Korzeniowski (2016) averred that the provision of security and safety is within the power of the state because the state possesses enormous power in shaping security architecture at the national and international levels, with the power to influence its security outcome. Security issues are a global phenomenon, and National Security concerns the safekeeping of the nation as a whole, the ability of the state to defend or protect its homeland and its citizens from internal and external threats (Obronna, 2022).

National security comprises all aspects of security, such as military, energy, cultural, environmental, economic, cyber security, political, and human security, as argued by (ROK President’s Office (2018). Afolabi & Bodunde 2020) viewed national security as the capability of a state to guide and protect its national and territorial integrity, its assets, and entire members of the state.

According to Olaniyan & Omotola (2015)

“Security connotes safety or freedom from danger and threats to the survival of individuals, the nation, and the international system at both internal and external levels.

“The concept of 'national security' has been a subject of intense academic debate over the years. The debate has given rise to two dominant perspectives: pax atomica, or pax armamentaria, and pax mundi. The former typifies a military-based security framework, with emphasis on traditional military approaches, and the latter emphasizes non-military security frameworks that place the people at the center.”



Lippmann, W., Lasswell, H., Wolfers, A., Brown, H., & Maier, C. (1996). National security is otherwise known as national defense. It comprises the military, cyberattacks, and the state and non-state actors who have a great impact on the outcome of security issues in the world. It involves the protection of the state and its members from events that could harm or cause damage to them and their properties. According to Powell (2014), the concept of security as a “relational concept” is not substantive; rather, the information of security entails the understanding of security from the perspective of security for whom, security of what, security against what, and security by whom. An answer to these fundamental security questions establishes it as a silent concept, which mostly depends on the level at which it is applied. The “rational concept of security” is neither abstract nor conservative because it goes beyond the maintenance of the status quo. Powell further argued that security could be expressed as a “negative and positive concept”. The negative perspective of the concept of security validates the inherent nature of man that feels secure when nothing negative happens to them. The idea of security as a positive concept suggests its importance as an instrument to protect the values and interests of the state for posterity's sake in response to unforeseen threats.

National security is defined as the process of ensuring the safety and defense of a state, its citizens, economy, and institutions against internal and external threats (Hamza, 2024). It is quite awesome to recall that the National Security Organization in Nigeria was created by decree 27 of 1976, immediately after the aborted coup masterminded by Dimka that led to the death of the former head of state, General Muritala Mohammed, charged with the responsibility to coordinate internal security, foreign intelligence, and counterintelligence activities, and ensuring that crimes are detected and prevented. This was able to reduce insecurity to a minimum level, but failed to provide total security.

6.2. Homeland Security

Searching for a solution to tackle terrorism, especially during the 9/11 attack on the U.S institutions, led to the establishment of a model in 2002, known as the Homeland Security model, which has hitherto prevented the occurrence of such a provocative attack. Homeland security consists of 22 federal agencies that are responsible for the prevention of terrorism in the USA.



Homeland Security, according to Randol (2010), is the U.S. federal executive department granted power and authority constitutionally to be accountable for public security. It could be regarded as an interior, home, or public security ministry in other countries. The Secretary of DHS is in charge of homeland security and oversees its various components, such as the Federal Emergency Management Agency (FEMA), saddled with the responsibility of coordinating disasters and establishing a relief operational system. The Transportation Security Administration (TSA) helps to ensure that the national transportation system is secured. It is the responsibility of Customs and Border Protection (CBP) to see to the enforcement of customs, immigration, and agricultural laws, while the main focus of Immigration and Customs Enforcement (ICE) is to oversee the enforcement of immigration laws and investigate transnational crimes. A laudable impact of DHS in protecting the national security infrastructure and preventing of U.S from security threats can never be underplayed. Its overarching functions and dynamic structure strategically empower it to address a variety of security issues and ensure the protection and well-being of Americans.

“Homeland security is a concerted national effort to prevent terrorist attacks within the United States, reduce its vulnerability to terrorism, and minimize the damage and recover from attacks that do occur” (Siedschlag & Jerković, 2022). Its main components in the United States include preventing terrorist attacks through intelligence collection, counterterrorism tactics, and security procedures; reducing the country's susceptibility to attack through risk assessment, mitigation, and resilience building; and managing and recovering from attacks through emergency response, crisis management, and reconstruction efforts. This highlights the importance of a coordinated national effort to prevent, reduce vulnerability, and mitigate the USA's exposure to attack.

6.3. Federalism

Emeka (2019) defined federalism as a political system that has the challenge of conceptualization. (Anderson, 2008) argued that the word “federalism” has been proven as a long-established viable democracy and holds an important place in the world democratic system. The concept of federalism has been examined by different authors in the field of Political Science and International relations. (Chopan & Dar 2017) explained that the word “federal” has its root in the Latin word "foedus," which, having a similar meaning to the Hebrew word "brit," meaning a covenant. Federalism is a collaborative partnership guided



by a covenant, with internal arrangements dependent on a mutual commitment to each partner's integrity and the promotion of unity. In Hebrew, "shalom," meaning peace, is related to "brit," emphasizing the importance of achieving covenantal wholeness and genuine peace. Federalism should, in reality, be placed on a separate continuum based on non-centralization, or the effective union of unity and diversity, rather than the centralization-decentralization continuum. A notable scholar on federalism (Olulu & Udeorah, 2018) examined federalism as a:

“Political concept in which power to govern is shared between National and Sub-national governments, creating what is often referred to as a federation. In a federal arrangement, each tier of government is coordinated and independent in its limited sphere of authority and should also have appropriate taxing powers to exploit its independent sources of revenue.”

According to Ojo (2009), Nigerian federalism is “convoluted,” stressing its challenges despite its significance. He lauded Nigeria's federalism as an example in the deployment of a power-sharing approach to promote inter-ethnic cooperation and regional imbalance, and serving as a pillar to maintain Unity in diversity. (Bulmer, 2017) conceptualized Federalism as a constitutional framework that shares power among governmental tiers and grants each federation independence to act within a specific area of jurisdiction, and shares power according to agreed principles. This system combines self-government and shared governance. He noted that federalism is common in a country with a multicultural system or having a wider geographical area. Federal states include Nigeria, the United States, Argentina, Belgium, Canada, Germany, India, Malaysia, Pakistan, Spain, and South Africa, among others.

In conceptualizing federalism, Bulmer (2017) differentiated between “competitive, cooperative, and asymmetrical” federalism. Both the national and subnational institutions in federal states in a competitive federalism were regarded as totally different institutions with overlapping territorial jurisdiction, which occupy separate legal spheres and are independent of each other in carrying out their responsibilities. Cooperative federalism regards both the state and local government as partners in government, working together to share responsibilities and power as a common good, and constituent units have substantial



involvement in the formulation of federal policies, where the federal government depends on the state for the policy to be implemented. In asymmetrical federalism, different part of the country's territory is granted autonomy at different levels. These differences in autonomy may be a result of responses in capacity to issues, which is based on the development of each territory. A notable example is Spain and Canada.

Piate & Ukere (2024) quoted K.C. Wheare (1963), who defined federalism as a governmental system where the powers of government are shared between central and regional governments to ensure coordination and independence within specified sectors. The principle of federalism entails that the power of government is divided among levels of government with a codified constitution and coordinated function, rather than subordinating them to a two-level government. This means that for a system to be regarded as Federal, there must be an existence of power division among levels of government within their sphere of action, and each is independent of the others.

6.4. Centralization and Decentralization

In federal states, the two predominant systems are Centralized and Decentralized, which define the level of autonomy granted to sub-units, and this depends on the state's historical context, economic development, and cultural identity, among other factors. Nigeria, France, and Russia are centralized states, while the United States of America and Germany are decentralized.

Datta (2021) defined decentralization as the transfer of authority and responsibility from the central government to elected subnational authorities, such as the state and regional governments, to avail them of some level of autonomy. There are three interconnected aspects of decentralization: political, administrative, and fiscal. The success of decentralization depends on how it is implemented and managed. Closing the gap between government and the people at the grassroots, decentralization enhances citizen participation and improves public service delivery to meet citizens' needs. This explained decentralization as a constitutional instrument that permits the decision-making power to be shared between the center and its constituent units or even different levels of government, such as regional, state, or local governments.

Njie & Adesopo (2023) defined Centralization as a system of government where there is a concentration of power at the Centre without the devolution of power to the constituent



units, while Decentralization is a system of government where there is devolution of power, sharing of power among the federal government units, or transfer of political power from the Federal government to the constituent units. David & Abubakar (2024) explained that centralization involves concentrating decision-making and power at the top of an organization, allowing for a coordinated response to crises. However, it can lead to slow decision-making and limited flexibility. On the other hand, decentralization involves delegating more authority and decision-making power to lower levels of an organization, enabling quicker decisions and tailored responses to local conditions. Despite this, decentralization has the challenge of a poor coordinating mechanism and consistency in decision-making processes.

Huxley & Schneiderman (2018) examined centralization as the constitutional method by which decision-making authority is granted to the central government. Ojo (2015) emphasized the need to ensure a balanced application between centralized and decentralized security models for a federal state like Nigeria. Although he affirmed that, while a total centralized approach might not be best for the country as a result of various needs and potential vulnerabilities, a decentralized approach could lead to conflicts and inefficiencies.

6.5. Security Model

The focus of security models differs from one another, ranging from traditional realist perspectives, which emphasized military power and state survival, to more contemporary approaches that considered economic, societal, and environmental security. Different actors expressed this concept based on their perspectives, interests, and values. A security model is a broad framework of analysis across different fields of study. In political science, Buzan & Hansen (2012) define security models as frameworks that analyze how states and societies protect themselves from threats, both internal and external. Buzan and Hansen's work on the traditionalist approach to security has undergone substantial changes. The traditionalist approach is characterized by three main elements: military focus, which emphasizes military security and the balance of power; state-centricity, which views the state as the main actor in the international system; and realism, which emphasizes the anarchical nature of the international system and the significance of the need for self-help.

Nigeria and the USA are federal states with different security models, constitutionally established to solve security challenges in each state. The literature on centralized and



decentralized security models in federal states is enormous and diverse, and debate on its implications on national security outcomes in federal states has become a subject of discourse in recent years, especially in federal states like Nigeria and the United States.

7. Empirical Review

Generally, security challenges are global issues, and federal states are not excepted due to the structural nature of numerous ethnic groups and diverse religious inclinations, as well as ethnic biases as a result of the government's inability to provide effective and sufficient security for its citizens (Nwankwo et al., 2023). Jester (2022) investigates security as a unifying component in each of the global issues we face in the world today, and for that reason, it becomes a central theme in International Relations. Relations (2014) claimed that many emerging societal security challenges require a synergy between various actors who need to work towards similar or relatively identical objectives, especially in crisis management and responses to disasters. Awotayo & Omitola (2024) have evaluated the security architectures in Nigeria and argued that the lack of a decentralized security infrastructure has worsened the already existing insecurity problems in the country.

Centralized and decentralized security frameworks underscore two different governance systems, which represent two sides of the same coin, as well as two limiting organizational structures and management paradigms that shape decision-making in organizations, institutions, and government bodies. Centralization and decentralization were viewed by Falk & Raundalen (2021) and Cornito (2021) within the context of a global crisis and explored their impact on managing global crises. The authors discuss how these strategies can be effectively combined to address crises. A systematic study of the two security models of centralized and decentralized systems highlights the strengths and weaknesses of the approaches and their impacts on security architecture in a federal state (Kharel & Acharya, 2023). It further established differences in the way these models operate and in the handling of respective security threats.

Egara (2025) opined that security issues have become a major challenge in Nigeria, with terrorism, kidnappings, banditry, and communal clashes remaining a persistent concern, with great implications for the nation's social, economic, and political development and stability.



He added that Nigeria and the USA are not exempt from the security issues that plague the nation as a whole, which are exacerbated by the antecedents of ethno-religious conflicts, economic disparities, governmental failure, and constitutional weakness worldwide. This threat has undermined the nation's stability and left it on the verge of ruin, terror, and despair.

Berebon (2025) in the “Nexus between Security, Human Development, and Economic Stability” examined the complex relationship between security, human development, and economic stability in Nigeria. According to the study, Nigerian insecurity has had a detrimental effect on many facets of national life, such as a slowdown in economic growth, a lack of a safe environment that prevents young people from finding work, and a threat to internal security from both new and preexisting security issues. The research emphasizes the interconnectedness between economic stability, human development, and security. It illustrated security as a crucial factor for development, influencing human and economic growth by fostering a stable environment for investment, innovation, and progress.

The study also looks at how economic stability creates the foundation for security by allowing governments to manage resources and efficiently handle security concerns, while human development, which includes education, healthcare, and skill development, drives economic growth and stability. It highlighted the interconnectedness of historical, social, political, and economic variables and their impact on the Nigerian security system. In addition to poverty, poor administration, and a weak political system, security challenges are complicated and linked to the improper integration of people from various regions and ethnic groups in the service of national security (Olaniyan & Omotola, 2015; Odalonu, 2022; OAS, 2022; Siegle & O’Mahoney, 2007; Booth, 2007).

Adams & Ogbonnaya (2014) "Ethnic and Regional Violence in Nigeria: Implications for National Security" provided a detailed explanation of the complexity of security challenges Nigeria is battling with. The authors examined various forms of violence, such as organized crime, gang crime, militant Islamist groups, farmer-herder conflicts, separatist movements, and violence perpetrated against civilians. The key findings highlight that Boko Haram and its affiliate, the Islamic State in West Africa (ISWA), remain significant threats to national security. Their activities have resulted in numerous casualties, the displacement of people, and economic losses. Organized criminal gangs have capitalized on the situation by engaging in lucrative kidnapping for ransom schemes, particularly in the North West region, leading to increased instability and insecurity in the country.



Omilusi (2016), in his journal article "The Multi-Dimensional Impacts of Insurgency and Armed Conflicts on Nigeria," argued that terrorism and insurgencies have had great consequences on the state infrastructure, socioeconomic development, humanitarian crisis, and national security. He contended that the emergence of Islamic extremists and violence in Nigeria was a result of the inability of the state to manage the expansion of external terrorist organizations and their links to domestic religious groups. The article is organized around four primary themes: Infrastructure Collapse, which talks about the breakdown of infrastructure as a result of conflict; Humanitarian Crisis, which emphasizes the serious humanitarian effects of armed conflicts and insurgencies; National Security, which looks at how insurgency affects Nigeria's security; and Socio-Economic Impact, which explores the economic and social effects of insurgency, including loss of livelihoods, destruction of infrastructure, and the emergence of extremist groups.

Awotayo & Omitola (2024) pointed out that a state's security results may be significantly impacted by the security model it chooses to use. The results of security measures, information exchange, and the state's reaction to security threats may all be impacted by the political environment of Nigeria's centralized security system and the United States' decentralized security strategy. Additionally, the provision of a single command, consistent protocols, and better coordination across all of its domains are common to centralized systems; this could strengthen national security. Bulme (2017) claimed that security results can be greatly impacted by how the federal and state governments share security-related duties and authority. This will necessitate the formulation and implementation of a clear policy across all government institutions and proper accountability.

More so, within the federal states, as explained by the UN (2000) decentralized security model is commended for its flexibility in addressing issues at the local and regional levels, improving local security by utilizing local expertise, and encouraging community involvement through involvement in local security operations. Inequality in the distribution and allocation of resources within its realm is the major challenge.

Kharel & Acharya (2023) argued that giving the central government too many decision-making responsibilities could result in inefficiencies, corruption, and power abuse, as well as delays in decision-making while navigating hierarchical processes. Hollenbeck et al. (2011), lack of flexibility and comprehensiveness in responding to local problems, addressing regional issues, or adjusting to change may impede or postpone the prompt response to



community needs, weaken local autonomy and decision-making authority, and create vulnerabilities as the central authority may be jeopardized. Ogunnubi (2022) pointed out that the idea of decentralization allows for the possibility of extending governance to the local level through local government structures. The security architecture in Nigeria is centralized, establishing the federal government as a dominant actor in the security system. The Nigerian police force is responsible for maintaining law and order (Esq. et al., 2015), Department of State Security Services (DSS) saddled with the responsibility of handling domestic intelligence and counterterrorism operations (DSS, 2015), Nigerian Armed Forces comprises of Nigerian Army, Navy and Nigerian Air forces who are responsible for external security and defense of the state (Thompson, 2021) and the National Security Adviser (NSA) who serves as the chief security adviser to the President to coordinate national security policies, are the major players in Nigeria's security system (Shaffer, 2023). Awotayo & Omitola (2024) called for the examination of the role of federalism in decentralizing the security approach to strengthen security measures across the country.

The decentralized security model is in operation in the USA, which allows for power distribution among levels of government. The key players in USA security architecture include federal Bureau of investigation (FBI) who key focus is on domestic intelligence and law enforcement, The Department of Homeland Security (DHS) have the responsibility of preventing and responding to terrorist threats and other security issues in the USA which are at the federal level while state and local security enforcement agents are the state police and local police, who are responsible for the maintenance of laws and order within their jurisdiction as argued by (Bates, 2023). Devine (2022) explained that in the USA, Intelligence agents such as the CIA and National Security Agency are saddled with the responsibility of external defense without deviating from internal protection of the state. Fisher (2014) accentuated that the National Guard is a reserved component of the U.S Armed Forces that could be called at any time to give security support to the state and federal authorities in when crisis erupts, and the private security companies who provides security support in the area of cyber security which the virtual aspect of security and highly sensitive and also involves in intelligence gathering.

Luitel (2024) critically examined the role of non-state actors in shaping the security systems of a state and provided a guide to the understanding of their impact in Nigeria and the USA security system. In Nigeria, non-state actors such as Boko Haram and Militant



herder groups have contributed to civil unrest and violence over resources, while non-state actors such as vigilantes, Civil Society Organizations, and traditional rulers have contributed immensely to protecting local communities, supporting community-based security initiatives, and maintaining order and resolving conflicts in their communities, respectively (Ademi & Vula, 2023; Omale, Theophilus Ocholi; Shuibu & Bayo, 2025). In the United States of America, the roles of non-state actors such as private military companies, cybersecurity firms, and community-based organizations also play a significant role in decentralized security provision in the USA through the provision of security training, cybersecurity, and security of critical infrastructure and support of homeland security could not be underplayed, especially through their partnerships with government agencies and community-based initiatives (Frank, 2017). Although the United States of America is facing threats from terrorist groups, non-state actors are causing significant threats to national security and posing cyber threats to its critical infrastructure.

8. Integrative Review

The study of fiscal federalism and its implications for the state of economic security has been a major debate among scholars of federalism. Scholars such as Olulu&Udeorah (2018); Olu-Adeyemi (2017) and Great (2024) examined Nigeria federalism on “Fiscal Federalism and the State of Economy in Nigeria”, “Federalism and the National Integration in Nigeria” and “True Federalism and National Development in Nigeria” respectively, found a correlation in the outcome of their finding with the emphasis on the need for restructuring or true federalism in the Nigeria centralized system of federalism.

More specifically, the researchers adopted a qualitative research method, and data were collected through secondary data collection, and a critical analysis of the existing literature was conducted. The findings, among others, revealed limited state autonomy, which is paramount to the Nigerian centralized security system. The literature suggested that to promote economic development in Nigeria and ensure a notch-touch service delivery, there is a need for decentralization of power and resources to the state and local government.



9. Historical Review

Traditionally, the resurgence of terrorism in the world with the September 11, 2001, attack, which was a deadly and provocative attack on the most vital institutions of America, the World Trade Center and Pentagon, by Osama Bin Laden and his fundamentalist group known as Al-Qaeda which added strategic dimensions to the debate on international security (Booth, 2007; McElreath et al., 2021). The logic of the plan and preparation that led to the deliberate attack by Osama Bin Laden was explored in three ways. The first was the group's ideology, which was based on the belief that the presence of the USA in Saudi Arabia and its extreme support for Israel was an insult to Islam, which aggravated his actions for such a provocative attack. The second area was the structure of Al-Qaeda, which was centralized with different operatives dispersed in various countries, established Osama Bin Laden as the leader of the group, and Khalid Sheikh Mohammed (KSM) was the intelligence planner of the attack. Thirdly, he was able to conduct reconnaissance and surveillance on most revered institutions of the World Trade Centre and the Pentagon (Reynolds, 2018; Gunaratna & Nielsen, 2008; Pamela, 2023).

NCTA (2004), (report of 9/11 report), critically examined the nature of the 9/11 attacks on the United States institutions and highlighted the failure of US intelligence agencies to detect and prevent the plot, as well as the role of al-Qaeda's ideological and operational evolution in the provocative attack. Four major areas were examined to describe the nature of the attack. The commercial airlines, such as American Airlines of number AA11, United Airlines Flight 77 with number UA77, and United Airlines Flight 93 with number UAF93, were provocatively hijacked. Secondly, Flight AA11 and US175 were deliberately crashed into the World Trade Center (the Twin Towers in New York City). The third strategy was at the Pentagon in Arlington, Virginia, which was destroyed through the crashing of AA77 Flight, and the fourth was the crashing of UA93, which was an intended attack on the white house or the USA Capitol before it crashed into a field in Shanksville, Pennsylvania, after an attempt to overcome the hijackers by the passengers failed.

A retrospective into the factors that contributed to the attack, an unforgettable moment in contemporary history, DHS (2019); the 9/11 Commission Report (2004), and Camerino (2020), revealed several notable intertwined factors, such as the rise of Islamist terrorism,



intelligence failures, and weaknesses in aviation security, as contributing to the attacks. The report emphasized the importance of understanding evolving terrorist threats and the need for continuous attention to detail and adaptive response strategies. Some of the cited reasons behind the 9/11 attacks by Osama include US military presence in Saudi Arabia, support for Israel, and objections to American culture as untouchable (Rosthauser, 2010).

The first observed factor could be the lack of intelligence sharing by the USA intelligence agencies, which believed they could have had some information but failed to share the information with the expected security agencies (DHS, 2019; 9/11 Commission Report, 2004). The insufficient security measures at airports enabled the hijackers to board planes without being noticed, Camerino (2020). Underestimating the ability and capabilities of Osama Bin Laden and his fundamentalist group was also a contributory factor. Lastly, the complacency and inadequate preparation could be another factor because, before the attack by Al-Qaeda, the USA had not experienced such a provocative attack under the assumption that the country was secure (DHS, 2019).

As argued by National Fire Academy (2000) the United State of American quickly switched into action by immediately deployed firefighters, police, and medical personnel to the scenes of the attack to rescue those who were trapped and provide medical assistance, the launch of war on Terror, which was a military campaign globally with a focus on combating terrorism and extremism, the passage of USA Patriot Act to established a comprehensive and inclusive surveillance powers strengthen law enforcement agencies and improved intelligence gathering, and the creation of Department of Homeland Security (DHS) which consist of 22 departments to coordinate national effort and combat terrorists threats. DHS (2019) claimed that the 9/11 attack on USA institutions claimed thousands of lives, and the impact of the attack is evident on global politics, international relations, national security policy, religious perspectives, technology advancement, and internet improvement, among others. This political dimension may also capture ideological or religious goals. This was corroborated by (UNODC, 2009) when differentiated between victimizing and criminal terrorists. While terrorist acts are major crimes, it is crucial to keep in mind that victimizing terrorists differs from criminal victimization in that the former includes an intrinsic political component.

Homeland Security (2003) proclaimed that a major revamp of national security rules and procedures resulting from the 9/11 attacks had a dramatic influence on the U.S security



architecture, leading to a significant overhaul of its national security policies and procedures, with an effect on the security system, resulting in significant shifts in the security approach toward terrorism and insurgency in the world. Some of the identified impacts include: Restructuring National Security Organizations as the USA's reaction to the September 11 attacks, which led to the establishment of a security sector in 2002 known as the Department of Homeland Security, which united 22 disparate departments and organizations under one roof to enhance coordination and communication among national security agencies. Changes in Counterterrorism Techniques after 9/11 had a major impact, placing more emphasis on intelligence collection, international collaboration, and preventative measures, and increasing funding for cybersecurity, border security, and intelligence services.

Development of a strategic balance between security and civil freedoms led to policies such as the PATRIOT Act of the USA, which supports law enforcement agencies in monitoring capabilities.

The global Consequences of the 9/11 attacks had a wide range of repercussions, including increased military interventions, international wars on terror, and a reorganization of international relations. Goldberg et al. (2020) claimed that the Pentagon symbolized America's might and power at home and abroad after the end of World War II for over half a century, under the assumption that the nation was safe from invasion. Wars et al., (2003) argued the attack on the U.S. Pentagon on September 11, 2001, was a wake-up call to the United States and showed that it was not immune to security threats; hence, the need for the enhancement of its security infrastructure through the fortification of its security apparatuses and measures that led to the creation of a security model in 2002.

Arutselvan (2022) described how the establishment of the Department of Homeland Security was a major leap forward in reducing American vulnerability, especially after the September 11 attacks that dramatically changed American security policy. The Department of Homeland has 22 federal establishments, which include the Federal Emergency Management Agency, the Coast Guard in the U.S.A., and the Immigration and Naturalization Service, which placed greater emphasis on ensuring security and safety for its members. The collaboration and integration strategy through a decentralized system among state and regional governments and private organizations strengthened and solidified the U.S. security system beyond the 9/11 attack for the implementation of the recommendations of the reports of the Commission Act of 2007. The development of insecurity in



Nigeria and, most importantly, terrorism, has given a new perspective to Nigeria's security system. Boko Haram is the most prevailing threat to the peace of the country, with other actors such as Islamic States West African Provinces (ISWAP), Yan Bindiga, Yan Tadda, with the challenge of kidnapping and all sorts of atrocities ravaging the country, explained the unpredictable nature of security challenges in Nigeria (Forum, 2020).

Mamman (2020) and Afzal (2020) avowed that Boko Haram insurgency is regarded as the deadliest insurgency in the world, which began as an opposition to Western education in Nigeria in the late 2000s. It later became an agitator for the establishment of the Islamic Caliphate and the terrorist group as we have it today. The group has executed successful attacks on both the military, nonmilitary, and infrastructural architecture in Nigeria, such as bombing, assassination, kidnapping, causing death and displacement of several people (Asfura-Heim & Mcquaid 2015). The government has indeed made several attempts to address the insecurity challenges, but the outcomes have yielded little success, which validates the threat the group remains a significant threat to its national security.

In addition, ethnic militancy, especially the Niger Delta militants, had caused serious havoc to the Nigerian economy and the death of innocent individuals and government officials. (Henry 2015) echoed that to be in control of oil resources, citing land and water pollution as a result of oil spillage as the major environmental challenges that have not been addressed by the federal government. This, among other reasons, led to the kidnapping of oil workers and the engagement in other atrocities in the country.

There is no doubt that this has had serious implications for Nigerian national security outcomes, such as rendering the government incapable of maintaining law and order.

Implications of terrorism on Nigerian national security outcomes are severe, such as economic loss, humanitarian crisis, and regional and political instability.

Joshua & Damilola (2021) highlighted that Chapter Four of the 1999 Nigerian Constitution lays out certain rights for its citizens, while Chapter Two outlines the government's obligations, which include the government's primary duty to protect citizens' lives and property from both internal and external threats. This further demonstrates that the methods used by various nations, as outlined in their constitutions, and the practicality of the models used, will significantly influence the best approaches for resolving the security issues that the states face.



Michael (2020) stated that a thorough knowledge of the decentralization framework may be gained by looking at a variety of constitutional developments, especially the Littleton Constitution of 1954, the Macpherson Constitution of 1951, and the Richard Constitution of 1946. Richard's constitution laid the country's decentralized foundation through the introduction of a regional system in Nigeria and assigned a regional council in each of the three regions (North, West, and East), and allowed for some degree of participation in governance and decision-making. Although through Macpherson's constitution of 1951, more autonomy was granted to the regional government, the Lyttleton Constitution of 1954 established a profound federal structure by further decentralizing the existing structure and clarifying the responsibility and power of government. This further empowers the regional administrations to implement their programs without interference from the national government. As a result, regions have considerable authority over their local affairs. Akpan (2019) showed that the Lyttleton Constitution of 1954 established a system of quasi-federalism in Nigeria while maintaining the governance framework established by Richard and Macpherson. Both the 1979 Constitution and the Republican Constitution of 1963 strengthened this position (Ogunnubi, 2022).

The Rights (1787) outlined how the US Constitution, particularly the original version ratified in 1788 and in operation in 1789, established a decentralized security model and functioned as a symbol of the US federal government, as the country's constitutional development demonstrates. The Militia Clauses (Article I, Section 8) are made up of citizen-soldiers and give Congress the authority to organize, equip, and discipline the militia. Therefore, this clause encourages a decentralized security strategy that places more emphasis on local militias than on a centralized standing force. According to the Constitution's Article I, Section 10 on State Defense Responsibilities, states are not allowed to have armies or wage war without Congress's consent. Despite granting the state the authority to defend itself under specific conditions, Article I, Section 8 recognizes the value of state defense and was founded on Federalism and Shared Powers, which permit the separation of powers between the federal government and individual states and bolster a decentralized security model. Emergency response, homeland security, and law enforcement fall under the jurisdiction of state governments.

Thomas & Aghedo (2014) noted that the centralization of the security approach, which has roots in the historical development of the security services, is the cause of Nigeria's



inadequate security delivery and ongoing security upheaval. The Nigerian Police was established by the British colonial ruler as a temporary solution to the West African Frontier Force's resistance. Implementing the imperial Acts of 1807 and 1833, which ultimately put a stop to slavery and the slave trade in all its manifestations and built a colonial divide-and-rule system that made it easier for raw resources to reach the city, was the goal of the Police's centralized organization.

Comparative federalism is a substantial body of literature, particularly when it comes to important topics like national security and the challenges governments face, such as terrorism, the spread of WMDs, cybercrime, poor governance, insurgencies, and corruption. (Ritz & Hensley, 2004; Shaffer, 2023; Awotayo et al., 2023). It is necessary to conduct an intellectual investigation into the central question of how the constitutional framework has affected the security architecture in both nations. As a result, this study will examine the two disparate constitutional frameworks of Nigeria and the USA, and how they affect national security outcomes.

10. Theoretical Review

Literature on security theories gives a more in-depth analysis of the study under review. A review of realist theory, also known as realism or international relations theory, propounded by Thomas Hobbes in 1651 and developed by Hans Morgenthau in 1948, provides more insight into the interplay of power in a nation's security architecture (Zhang, 2017; Falode, 2015). The tenet of realism is based on the state-centric approach and describes the connection between power, security, and self-interest in international relations. The major principle of realism in international relations is the state, its survival, and self-help. The state is considered the primary actor, driven by its national interests, security, and need for survival. Each state prioritizes its survival and relies on military strength for security. States rely on one another for the protection of their interest and sovereignty in the absence of a centralized authority. Yılmaz & Chowdury (2024); Lomia (2020) accentuated that realism has evolved into various forms over time, including “Classical Realism”, which described the nature of man and morality in international relations. This was influenced by thinkers like Thucydides, Machiavelli, and Hobbes; Structural Realism (Neorealism), which emphasized



power distribution among states in the international scene. This school of thought was led by scholars such as Kenneth Waltz. “Offensive Realism”, advocated for states to maximize power and influence for security, as proposed by John Mearsheimer; and “Defensive Realism”, prioritizing security and the status quo, influenced by scholars like Robert Jervis (Falode, 2015).

Because states will use every means at their disposal to secure their survival and security in anarchical international systems, this theory led to the conclusion that international relations would be marked by conflict, competition, and the pursuit of power. The theory's observed flaws include an excessive emphasis on military might, a failure to consider other types of power, such as economic, cultural, and soft power, non-state actors, and transnational issues in determining security outcomes, and a focus on state sovereignty at the expense of other security-related factors, such as human rights, economic growth, and environmental preservation.

Lucinescu (2021), in the context of the security system, looked at Human Security Theory, which was propounded by Mahbub ul Haq in 1994 and developed by the United Nations Development Programme. Its central idea was a shift away from state-centric security and focuses on protecting individuals from threats like poverty, hunger, disease, and environmental degradation. This theory underscores the necessity of safeguarding individuals and communities from diverse threats, encompassing economic security (ensuring access to fundamental needs such as food, shelter, water and healthcare) food security is about averting hunger and malnutrition, health security is based on protecting against diseases and ensuring healthcare accessibility, environmental security helps in alleviating natural disasters and environmental degradation, personal security ensured prevention of violence, crime, and human right infringements, and community security which helps in maintaining cultural identity, social cohesion, and overall well-being.

The outcome of the theory was that the protection of individual security will necessitate the enhancement of both national and global security. If human development were addressed, the world would become a safer and more peaceful place to live. Human security theory did not adequately address the impact of power disparities on both individual and collective security, which was regarded as the major gap, in addition to not taking into consideration the cultural and environmental factors that affect human security in different communities and locations.



The theory of centralization was propounded in 1932 by Carl Schmitt, as presented in his work “Political,” which highlighted the importance of having a powerful central authority in ensuring national security, as examined by (Howland, 2018). Schmitt contends that the moral, social, and economic domains are not the same as the political domain. Politics is inherently characterized by rivalry, conflict, and the possibility of bloodshed. The foundation of his philosophy is the friend-enemy differences, which he views as the primary criterion of politics. This difference is not founded on moral or ideological differences, but rather on the possibility of conflict and the necessity of group action. Schmitt highlights the strong connection between the idea of sovereignty and his conception of the political. According to him, sovereignty is more than just having institutional or legal authority; it also includes the capacity to establish a state of exception, which permits the suspension of regular laws and the adoption of extraordinary actions in times of emergency.

Nonetheless, several shortcomings and criticisms are discernible. Schmitt's theory might have resulted in marginalization and exclusion since it did not adequately address the interests and worries of different groups within a society. Additionally, it places too much emphasis on state sovereignty, which may breed authoritarianism and disregard for the liberties and rights of individuals.

In 1956, Robert Dahl propounded the theory of Decentralization, as outlined in his work "A Preface to Democratic Theory," which highlights the necessity of decentralized decision-making in democratic administration and security, according to (Fabbrini, 2003). Kit further inferred that decentralization does not have the capacity to address power disparities among varied groups in a plural society, which excludes minority groups from decision-making processes, is the observed gap in this theory. Robert Dahl presents the idea of polyarchy to characterize a system of governance in which authority is shared by multiple groups as opposed to being centralized in the hands of a select few or a single person. This method places a strong emphasis on pluralism, which holds that different viewpoints, interests, and groups that can affect decision-making processes can coexist in a healthy society. Additionally, he sees democracy as a dynamic process rather than a set of institutions or a static structure. He highlights the significance of constant engagement, compromise, and equilibrium in democratic governance. His research explored how democratic institutions can protect individual freedoms while concurrently attending to the demands and goals of society as a whole.



Essentially, Dahl's theory provides insights into democracy as a complex and dynamic system that values the continuous pursuit of a comprehensive and equal participation of citizens in the affairs of government and the existence of decentralization of power. This calls for a more robust study of security in the federal states, where researchers could examine both theoretical and practical applications of federalism and its dynamic impact on the state and security governance. As a result of the interplay between centralization, decentralization, development, and security, there is no single fit approach to security issues. (Carpenter et al., 2016). The importance of security to the survival of a state can never be undermined; the gaps observed indicated the need for an inclusive security model that touches base with all aspects of human life to reduce insecurity to a minimum.

The security architecture in Nigeria's centralized system underscores the unresolved crisis on security issues at the national, state, and local levels. Bala (2020) claimed that the comparative study of centralized and decentralized security models in federal states stresses the need to put security into a proper context through the understanding of diverse impacts of historical, political, constitutional, and environmental issues on security in the United States and Nigeria.

Yusuf & Mohd (2023) averred that rather than addressing the underlying causes of security problems in Nigeria, which are rooted in constitutional inadequacies, the primary government responses are geared toward the symptoms of insecurity. The constant attack by Boko Haram, Islamic State's West African Provinces in the Northeast, destruction of infrastructure, bombing, kidnapping and community displacement and migration, economic instability, breakdown of laws and order, and intensive poverty across various institutions in the state, among other issues, are the symptoms of terrorism and violence.

11. Methodological Review

Moliki et al., (2020) examined "Federalism, National Security, and State Policing in Nigeria Fourth Republic". The essence of the study was to examine the impact of the police in the state security in the fourth republic (1999-2018). The author adopted a mixed method of research design, and data was collected the means of primary and secondary sources. The analysis of data was through the use of chi-square statistics, and propositions from the theory



were analyzed through content analysis. The theoretical position of the scholar was analyzed through content analysis. Findings revealed that the Nigerian Police have failed to solve various security challenges in Nigeria caused by structural imbalances. The observed gap in the literature was the lack of comparative analysis with other federal systems on security issues and limited access to data or information on sensitive issues.

Bryan (2012) examined “Leadership Decapitation and the End of Terrorist Groups.” The argument was that if the leader of a terrorist group can be overpowered, there is a possibility to bring an end to the terrorist challenges, believing that the ideology of the terrorist mostly resides with the leaders. The outcome of this mostly depends on group characteristics, the structure of the leadership, and the ideology of the terrorist group. Bryan conducted a quantitative research study to analyze the impact of decapitating a leader on the lifespan of a terrorist organization. The study utilized a quantitative research design, a dataset of 207 terrorist organizations, and drew on concepts from leadership, organizational behavior, and terrorism studies to develop a framework for understanding the effects of leadership decapitation.

The research approach involved modeling the time-to-event (group dissolution) and examining the influence of leadership decapitation on group longevity using survival analysis, specifically, the Cox proportional hazards model, which serves as a control for other factors that could affect the life span of the group. The compilation of the dataset was through the Global Terrorism Database and the RAND Dataset of Global Incidents. The purpose of inferential statistics, such as survival analysis and Cox proportional hazards models, was to determine the correlation relationship between leadership decapitation and the group life span, while descriptive statistics provided an overview of the dataset, including the frequency and distribution of leadership decapitation events. The finding revealed that the strategy of leadership decapitation has a short effect and life span, especially when it involves religion or separatist groups that have the capacity to adapt and survive after losing their leader. It is, however, effective when the group is in its formative stage. The observed gap was the lack of comparative analysis across different terrorism incidents involving different groups.

An overview of security index in Nigeria and the USA on four (4) parameters was reviewed to provide insight into the understanding of how different security indexes played out in both countries (NCSI, 2022; Economic s al., 2024; Department of Defense & Fiscal, 2023).



Country	Terrorism Index	Global Peace Index	Cybersecurity Index	Security Spending
Nigeria	Index score of 7.658 in 2025 ranked 6 th globally	Ranked 147 out of 163 countries (2024)	43 rd globally in 2024 with an index score of 61.67.	\$3.58 billion in 2024
USA	Index score of 4.066, ranking 34 th globally.	Ranked 132 out of 163 countries (2024)	The USA ranked 2 nd globally in 2024 with an index score of 95.64.	\$855 billion in 2024

12. Discussion

The study revealed the role of federalism in shaping security models and enhances policies development in Nigeria and United States of America. Both country have different security models with Nigeria national security model characterized with strong central system control by the federal government while the United States of America security model is decentralized with the sharing of security responsibilities among the federal, state and local government.

The study also shows differences in terms of responses to security threats in both countries. Nigeria, as a centralized political system have difficulty in enhancing quick response to security challenges due to bureaucratic processes involved. The United States of America decentralized political system is praised for its ability to respond quickly to security challenges with more power granted to state and local authorities.

Despite the measures put in place by both countries, security threats persist. The dynamism of security system validates the need for a dynamic solution to meet specific security need.



13. Conclusion and Recommendation

The comparative study of federalism and national security models in Nigeria and United State of America is an analysis of the important of strength and weakness of security models in federal States and their impact on security outcomes. Security challenges are a global issue of which federal political systems are not exempt. The peculiarity of each security model in Nigeria and the United States of America, and their impacts on national security outcomes, reflects each constitutional provision and differences in state responses to security threats. Despite both Nigeria and the United States of America established measures to tackle their peculiar security issues, insecurity persists.

A hybrid method is recommended for both Nigeria and United States of America for an inclusive response to security system. In a hybrid system, Nigeria political system will be able to respond quickly to local security challenges through a decentralized system while United States of America political system will be able to respond quickly to external security challenges through a centralized security system. This will help to ensure a comprehensive synergy among security architectures towards a sustainable governance.

¹ Saheed Babajide Owonikoko, PhD, is a Senior Lecturer and Researcher with the Centre for Peace and Security Studies, Modibbo Adama University, Yola, Nigeria. He can be reached at owonikoko.babajide@gmail.com. Ikenna Mike Alumona, PhD, is a Professor of Comparative Politics and Security Governance at Chukwuemeka Odumegwu Ojukwu University, Igbariam, Nigeria, and a Visiting Senior Fellow at the Athena Centre for Policy and Leadership, Abuja. He can be reached at ikennaalumona@yahoo.com.

References

- Adams, D., & Ogbonnaya, U. M. (2014). Ethnic and Regional Violence in Nigeria: Implications for National Security. *Journal of Politics and Law*, 7(3). <https://doi.org/10.5539/jpl.v7n3p20>
- Ademi, M., & Vula, V. (2023). The Role of Civil Society for Prevention and Combat of Violent Extremism and Radicalization Leading To Terrorism-War. *Access to Justice in Eastern Europe*, 6(3), 192–203. <https://doi.org/10.33327/AJEE-18-6.3-n000309>
- Adhikari, A. S. (2024). *The Concept of International Security*. August. <https://doi.org/10.31947/hjirs.v4i2.34797>
- Administered, P. L., & Archives, N. (2015). George W. Bush Presidential Library and Museum. In *Choice Reviews Online* (Vol. 52, Issue 10, pp. 52-5077-52 5077). <https://doi.org/10.5860/choice.190242>
- Afolabi, M. B., & Bodunde, O. D. (2020). Concept of Security Threats. *Readings in Intelligence and Security Studies*, 2, 12–28.
- Afzal, M. (2020). From “Western education is forbidden” to the world’s deadliest terrorist group. *Foreign Policy at Brookings*, April 2–28. https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200507_nigeria_boko_haram_afzal.pdf
- Agunbiade, O. (2024). *INSECURITY AND NIGERIA'S SOCIO-ECONOMIC DEVELOPMENT*. 7(2), 166–181. <https://doi.org/10.52589/AJSSHR-PGKPNW8K>



- Akpan, U. J. (2019). A Survey into different constitutional developments offers a great insight into the decentralization system, especially the Richard Constitution of 1946, the Macpherson Constitution of 1951, and the Lyttleton Constitution of 1954. *The International Journal of Humanities & Social Studies*, 7(2), 1–9. <https://doi.org/10.24940/theijhss/2019/v7/i2/hs1708-108>
- Alumona, I. M. (2019). Internal Security Management in Nigeria. In *Internal Security Management in Nigeria* (Issue June). <https://doi.org/10.1007/978-981-13-8215-4>
- Amsey, M. I. D. R. (2012). *AMERICAN FEDERALISM AND THE TRAGEDY OF GONZALES V RAICH*. 1(2005).
- Anderson, G. (2008). *Federalism: An Introduction*. Oxford University Press.
- Arutselvan, K. (2022). Message From the Director. *Proceedings - International Conference on Applied Artificial Intelligence and Computing, ICAAIC 2022*. <https://doi.org/10.1109/ICAAIC53929.2022.9793009>
- Asfura-Heim, P., & McQuaid, J. (2015). Diagnosing the Boko Haram Conflict: Grievances, Motivations, and Institutional Resilience in Northeast Nigeria. *CNA Analysis & Solutions, January*, 1–92. https://www.cna.org/cna_files/pdf/DOP-2014-U-009272-Final.pdf
- Atobatele, A. J. (2022). *Herdsmen's / Farmers' Conflicts and Sustainable National Development in June*.
- Awotayo, O. O., Oderinde, S. L., & Olaniran, A. F. (2023). *Terrorism and Arms Proliferation in Sub-Saharan Africa: A Comprehensive Analysis*. October 2024.
- Awotayo, O. O., & Omitola, B. O. (2024). Decentralizing security architecture: evaluating federalism's role in enhancing security frameworks in Nigeria. *Law and Safety*, 93(2), 68–75. <https://doi.org/10.32631/pb.2024.2.06>
- Bakreski, O., & Bardjieva Miovska, L. (2024). THE POSITION AND ROLE OF STATE AND NON-STATE ACTORS IN THE 21st CENTURY. *Security Dialogues / Безбедности Дујалози*, 15(1), 35–49. <https://doi.org/10.47054/sd24151035b>
- Bala, B. G. S. (2020). *Nigeria's Security Architecture for the future*. Muhamsaid Commercial Press.
- Bates, C. (2023). Navigating Homeland Security: A Strategic Evolution Analysis of the Department of Homeland Security (DHS). *European Modern Studies Journal*, 7(6), 39–41. [https://doi.org/10.59573/emsj.7\(6\).2023.4](https://doi.org/10.59573/emsj.7(6).2023.4)
- Berebon, C. (2025). *The Nexus Between Security, Human Development, and Economic Stability: Addressing Insecurity as a Threat to National Growth in Nigeria*. January.
- Bhal, J. de. (2014). Security: An Essentially Contested Concept? *E-International Relations, Lasswell 1936*, 1–5. <https://www.e-ir.info/2014/08/24/security-an-essentially-contested-concept/#:~:text=Thus%2C,security%20is%20best%20understood,static%20definitions%20have%20inherent%20problems.>
- Booth, K. (2007). Theory of World Security. In *Theory of World Security*. <https://doi.org/10.1017/cbo9780511840210>
- Bryan C. Price. (2012). Leadership Decapitation and the Impact on Terrorist Groups. *Quarterly Journal: International Security*.
- Bulmer, E. (2017). Federalism International IDEA Constitution-Building Primer 12. In *International IDEA: Vol. International*.
- Buzan, B., & Hansen, L. (2012). International Security Studies post-Cold War: the traditionalists. In *The Evolution of International Security Studies*. <https://doi.org/10.1017/cbo9780511817762.008>
- Camerino, A. (2020). *Department of Political Science Master's Degree in International Relations - Global Studies Chair of Geopolitical Scenarios and Political Risk Intelligence Failures in Countering Islamic Terrorism: A Comparative Analysis on the Strategic Surprises of t*.
- Carpenter, W. M., Wiencek, D. G., & Lilley, J. R. (2016). Asian Security Handbook. *Asian Security Handbook, January*, 1–47. <https://doi.org/10.4324/9781315289854>
- Chopan, G. A., & Dar, A. R. (2017). *Concept of Federalism and its Development in Indian and US Politics*. 04(17), 141–150.
- Collins, O. O. C. E. E. O. C. (2024). Governance and Insecurity in Nigeria: The Nexus (2015-2023). *Ayan*, 15(1), 37–48.
- Cornito, C. M. (2021). Striking a Balance between Centralized and Decentralized Decision Making: A School-Based Management Practice for Optimum Performance. *International Journal on Social and Education Sciences*, 3(4), 656–669. <https://doi.org/10.46328/ijonses.217>



- Datta, S. (2021). Making Decentralisation Work. In *Conservation and Society* (Vol. 19, Issue 4). https://doi.org/10.4103/cs.cs_20_81
- David, A. D., & Abubakar, M. F. (2024). *Evaluating the Effects of Centralization and Decentralization on Strategic Implementation at Federal University Wukari*. *Evaluating the Effects of Centralization and Decentralization on Strategic Implementation at Federal University Wukari*. October. <https://doi.org/10.62225/2583049X.2024.4.5.3327>
- David, D., & Salifu, A. M. (2020). Security Architecture, Internal Policing, and Agitations for State Police. *Science Research*, 10, 169–191.
- DEPARTMENT OF DEFENSE, & FISCAL. (2023). *2024 Defense Budget Overview: UNITED STATES DEPARTMENT OF DEFENSE FISCAL YEAR 2024 BUDGET REQUEST*. March 2023. <http://comptroller.defense.gov>.
- Department of Homeland Security. (2019). Strategic Framework for countering terrorism and targeted violence. *Homeland Security*, September 1–40. https://www.dhs.gov/sites/default/files/publications/19_0920_plcy_strategic-framework-countering-terrorism-targeted-violence.pdf
- Department of State Services. (2015). *State Security Service (Nigeria)*.
- Devine, M. E. (2022). *Defense Primer: National and Defense Intelligence*. 3003(Ic), 4–6. <https://crsreports.congress.gov/product/pdf/IF/IF10525>
- Economic, T., War, I., & Analysis, C. S. (2024). *Peace Index 2024*.
- Egara, O. W. (2025). *INSECURITY AND ITS ATTENDANT EFFECTS IN NIGERIA: A PHILOSOPHICAL*. April.
- Eghosa E. Osaghae, & Rotimi T. Suberu. (2005). *A History of Identities, Violence, and Stability in Nigeria*. 6, Report number 6. <http://www.dfid.gov.uk/R4D/PDF/Outputs/Inequality/wp6.pdf>
- Emeka Anthony. (2019). The Theory, Practice, and Current Trends in Federalism. *International Journal of Research in Tourism and Hospitality*, 5(1), 30–40. <https://doi.org/10.20431/2455-0043.0501005>
- Emmanuel, O. O. (2009). Federalism and the search for national integration in Nigeria. *African Journal of Political Science and International Relations*, 3(9), 384–395.
- English, A., Lippmann, W., Lasswell, H., Wolfers, A., Brown, H., & Maier, C. (1996). *National security*.
- Esq., J. B., Junaidu Bello Marshall, E., & Esq., A. M. M. (2015). The Role of Police in Maintaining Public Order in Nigeria: Challenges and Way Forward. *International Journal of Research*, 2(2), 1387–1400. <http://edupediapublications.org/journals/index.php/ijr/article/view/1527>
- Ezeani, E. O., Ani, C. K., Ezeibe, C., & Ubiebi, K. (2021). From a Religious Sect to a Terrorist Group: The Military and Boko Haram in Northeast Nigeria. *African Renaissance*, 18(2), 125–145. <https://doi.org/10.31920/2516-5305/2021/18n2a6>
- Fabbrini, S. (2003). Bringing Robert A. Dahl's Theory of Democracy to Europe. *Annual Review of Political Science*, 6(June), 119–137. <https://doi.org/10.1146/annurev.polisci.6.010302.115514>
- Falk, W., & Raundalen, K. (2021). Decentralization and centralization in the context of a global crisis. *Département d'Études Commerciales Université d'Uppsala*.
- Falode, A. (2015). *THE THEORETICAL FOUNDATION OF REALISM*. March.
- Federal Republic of Nigeria. (2013). *Terrorism_Bill.Pdf*. Federal Government Printer, Lagos.
- Fisher, S. (2014). United States National Guard. In *Persian Gulf War Encyclopedia: A Political, Social, and Military History* (pp. 475–476).
- Forum, N. (2020). *National Inherent Risk Assessment of Terrorist Financing in Nigeria*. 1–121.
- Frank, X. (2017). *Role of the U.S. government in the cybersecurity of private entities*.
- Gbandi, E. C., & Amisah, G. (2022). The nexus of leadership, insecurity, and development in Nigeria. *Amity Journal of Management Research*, June. https://www.researchgate.net/profile/Eleazar-Gbandi/publication/361462856_The_Nexus_of_Leadership_Insecurity_and_Development_in_Nigeria_Introduction_and_Background_to_the_Study/links/62b2e9d31010dc02cc538377/The-Nexus-of-Leadership-Insecurity-and-Developm
- Goldberg, A., Papadopoulos, S., Putney, D., Berlage, N., & Welch, R. (2020). Defense Studies Series: Pentagon 9/11. In *Paper Knowledge. Toward a Media History of Documents*. Library of Congress Cataloging-in-Publication Data.



- Great, A. (2024). Redefining the Nigerian System of Government: The Error of a Copied Democracy without True Federalism. *Open Journal of Political Science*, 14(02), 177–192. <https://doi.org/10.4236/ojps.2024.142011>
- Gunaratna, R., & Nielsen, A. (2008). Al Qaeda in the tribal areas of Pakistan and beyond. *Studies in Conflict and Terrorism*, 31(9), 775–807. <https://doi.org/10.1080/10576100802291568>
- Hamza, A. (2024). *Federalism and Politics of Security Management in Nig. May*.
- Heins, L. (2019). National Counterterrorism Center. *Global Crime: An Encyclopedia of Cyber Theft, Weapons Sales, and Other Illegal Activities: Volume 1: AL; Volume 2: MZ, 1–2*(August), 413–415.
- Henry ORHERO, I. (2015). Boko Haram as a Syndrome of the Unresolved National Question in Nigeria: The Dilemma. *Journal of Economics and Sustainable Development*, *www.iste.org ISSN*, 5(18), 79–91.
- Hollenbeck, J. R., Ellis, A. P. J., Humphrey, S. E., Garza, A. S., & Ilgen, D. R. (2011). The quick response to local needs may be hampered or delayed due to the inflexibility of adapting to changes. *Organizational Behavior and Human Decision Processes*, 114(1), 64–74. <https://doi.org/10.1016/j.obhdp.2010.08.003>
- Homeland Security. (2003). The Physical Protection of Critical Infrastructures and Key Assets The Physical Protection of Critical Infrastructures and Key Assets. *Most*, 96.
- HOUSE, T. W. (2012). *NATIONAL STRATEGY FOR INFORMATION SHARING AND SAFEGUARDING*.
- Howland, D. (2018). Carl Schmitt's Turn to Sovereignty in Jurisprudence. *Beijing Law Review*, 09(02), 211–234. <https://doi.org/10.4236/blr.2018.92015>
- Huxley, A., & Schneiderman, H. (2018). Centralization and Decentralization. *Ends and Means*, 4(6), 68–77. <https://doi.org/10.4324/9781351311847-7>
- Ibrahim, D. S., & Olasupo, P. M. (2023). The Nigerian Military Operation Safe Haven (OPSH) Operation in Internal Security Management in Plateau State: Challenges and Prospects. *Journal of Political Science and Leadership Research*, 9(1), 10–24. <https://doi.org/10.56201/jpslr.v9.no1.2023.pg10.24>
- Iherue, S. O. (2020). *Insecurity in Nigeria: a major impediment to national development*. 2(1), 20–33.
- Information, S. D., & Recherche, E. T. D. E. (2006). *USA PATRIOT ACT OVERVIEW*. *March*.
- International Crises Group. (2018). Stopping Nigeria's Spiralling Farmer-Herder Violence. *Report 262 / Africa 26 July 2018*, 262(July), 38. <https://www.crisisgroup.org/africa/west-africa/nigeria/262-stopping-nigerias-spiralling-farmer-herder-violence>
- Jester, N. (2022). International Security. *The Bush Doctrine and the War on Terrorism*, 164–177. <https://doi.org/10.4324/9780203028162-18>
- Kharel, A. B., & Acharya, A. (2023). Centralized and Decentralized Federal System: A Comparative Analysis of Governance Structures and Policy Implementation. *Interdisciplinary Journal of Management and Social Sciences*, 4(2), 1–17. <https://doi.org/10.3126/ijmss.v4i2.57187>
- Kitler, W. (2021). *National security: theory and practice* (Issue January).
- Kleinfeld, R. (2023). Polarization, Democracy, and Political Violence in the United States: What the Research Says. *Carnegie Endowment for International Peace*, *September*. <https://carnegieendowment.org/2023/09/05/polarization-democracy-and-political-violence-in-united-states-what-research-says-pub-90457>
- Korzeniewski, L. F. (2016). Securitology – security of a subject. *Securitologia*, 23(1), 111–120. <https://doi.org/10.5604/01.3001.0009.2966>
- Lanre, O. (2017). Federalism in Nigeria – Problems, Prospects and the Imperative of Restructuring. *International Journal Advances in Social Science and Humanities*, 5(8), 40–52.
- Lansford, T. (2010). United States Department of Homeland Security. *The Encyclopedia of Middle East Wars: The United States in the Persian Gulf, Afghanistan, and Iraq Conflicts: Volume 1-5*, 4(2018), 1364–1366.
- Lim, S., & Oh, J. (2025). Navigating Privacy: A Global Comparative Analysis of Data Protection Laws. *IET Information Security*, 2025(1). <https://doi.org/10.1049/ise2/5536763>
- Lomia, E. (2020). Political Realism in International Relations: Classical Realism, Neo-realism, and Neo-Classical Realism. *International Journal of Social, Political and Economic Research*, 7(3), 591–600. <https://doi.org/10.46291/ijospervol7iss3pp591-600>



- LUCINESCU, A. (2021). The Concept of Human Security Before the 1994 Human Development Report. Inquiry Into Its Evolution During the Cold War. *STRATEGIES XXI - Security and Defense Faculty*, 17(1), 32–36. <https://doi.org/10.53477/2668-2001-21-03>
- Luitel, P. (2024). Role of Non-State Actors in National Security. *Unity Journal*, 5(1), 57–75. <https://doi.org/10.3126/unityj.v5i1.63160>
- Lutz, J. M., & Lutz, B. J. (2013). Global terrorism Index 2024. *Global Terrorism*, 1–359. <https://doi.org/10.4324/9780203731321>
- Mamman, Emmanuel, B. (2020). *Public policy response to violence: Case study of Boko Haram insurgency in Nigeria*. 1–231. <https://scholarworks.waldenu.edu/dissertations>
- McElreath, D. H., Doss, D. A., Russo, B., Etter, G., Van Slyke, J., Skinner, J., Corey, M., Jensen, C. J., Wigginton, M., & Nations, R. (2021). Introduction to homeland security: Third edition. In *Introduction to Homeland Security: Third Edition* (Issue September). <https://doi.org/10.4324/9780429491962>
- Michael, E. (2020). *CONSTITUTIONAL DEVELOPMENT IN HISTORICAL PERSPECTIVE, 1914-1960*. 2, 242–248.
- Michaelsen, C. (2010). Reforming Australia’s National Security Legislation: The Case For A Proportionality-Based Approach. *University Of Tasmania Law Review*, 29(1), 31–48. <http://www.austlii.edu.au/cgi-bin/download.cgi/cgi-bin/download.cgi/download/au/journals/UTasLawRw/2010/2.pdf>
- Moliki, A. O., Nkwede, J. O., & Dauda, K. O. (2020). Federalism, National Security and State Policing System in Nigeria’s Fourth Republic. *Islamic University Multidisciplinary Journal IUMJ*, 7(2), 2020.
- Moss, K. (2018). Nigerian Terror: The Rise of Boko Haram. *Senior Honors Project*, 1–124. <https://commons.lib.jmu.edu/honors201019/607>
- Mrozek, J., & Gawliczek, P. (2022). The concept of national security in the light of Aristotle’s philosophy of Politics. *Journal of Scientific Papers “Social Development and Security,”* 12(6), 19–30. <https://doi.org/10.33445/sds.2022.12.6.3>
- National Commission on Terrorist Attacks Upon the United States. (2004). The 9/11 Commission Report. In *W.W. Norton & Company*. <https://doi.org/10.1097/00000446-197006000-00015>
- National Fire Academy. (2000). *Emergency response to terrorism: tactical considerations : emergency medical services : student manual. March*.
- NCSI. (2022). *The Global Terrorism Index (GTI)*. 10, 4–6.
- Ndema, S. C. (2024). *Federalism and Intergovernmental Relations : A Case for the American-Type Federal System in Nigeria*. 11(1), 259–281.
- Njie, A., & Adesopo, A. (2023). *Centralization is the system of government where there is the concentration of power at the Centre without devolution of power to the constituent units*. 3(1), 107–131. <https://doi.org/10.48028/iiprds/ijsrpaop.v3.i1.12>
- Nwankwo, U., Nwanchor, E., Chike, O., & Orji-Egwu, O. (2023). Media, Security Challenges and the Future of Nigeria: A Theoretical Overview. *African Journal of Politics and Administrative Studies*, 16(2), 313–341. <https://doi.org/10.4314/ajpas.v16i2.17>
- OAS. (2022). *Olaniyan, Azeez Omotola, Shola*. https://www.oas.org/en/topics/multidimensional_security.asp
- Obronna, W. (2022). *National security challenges and threats*. 279(2), 109–123.
- Odalonu, B. H. (2022). Worsening Insecurity in Nigeria and its Implications on Governance and National Development. *African Journal of Humanities & Contemporary Education Research*, 5(1), 31–49. www.afropolitanjournals.com
- Ogedengbe, J. A. ; O. T. A. Q. O. (2024). *STATES’ AUTONOMY IN NIGERLAN FEDERALISM: DELIGHT OR AN ABERRATION? 1*, 81–94.
- Ogunnubi, O. O. (2022). Decentralisation and local governance in Nigeria: issues, challenges and prospects. *Commonwealth Journal of Local Governance*, 27, 5–16. <https://doi.org/10.5130/cjlg.vi27.7935>
- Ogunsanya, A. O. (2021). *Adesoji Olaitan Ogunsanya*.
- Oikhala, G. I. (2022). Survival Strategies of Internal Security in Nigeria : The Amotekun Option. *Journal of Administrative Science*, 19(1), 99–135.
- Ojo, E. O. (2015). *Federalism and the search for national integration in Nigeria*. October 2009.



- Olajide, A. (2023). *A Comparative Study of Structural Federalism in Nigeria and the United States of America*. August, 0–17.
- Olaniyan, A. (2020). *Steven Pierce. Moral Economies of Corruption: State Formation and Political Culture in Nigeria*. Durham, North Carolina (Issue August). Duke University Press. <https://doi.org/10.1017/asr.2020.31>
- Olaniyan, A., & Omotola, S. (2015). Ethnic crises and national security in Nigeria. *Defense and Security Analysis*, 31(4), 303–318. <https://doi.org/10.1080/14751798.2015.1087104>
- Oliphant Chair, R. (2017). *Report of the Standing Committee on Public Safety and National Security Protecting Canadians and their Rights: A New Road Map for Canada's National Security 42 nd PARLIAMENT, 1 st SESSION*. May. <http://www.parl.gc.ca>
- Olulu, R. M., & F, S. A. (2018). *Fiscal Federalism in Nigeria : Implication to the Economy of States*. II(Xi), 99–110.
- Oluwaniyi, O. (2011). Post-Amnesty programme in the Niger Delta: Challenges and prospects. *Conflict Trends*. http://reference.sabinet.co.za/sa_epublication_article/accordc_2011_n4_a7
- OMALE, THEOPHILUS OCHOLI; SHUIBU, M. E. &, & BAYO, A. (2025). AN ASSESSMENT OF THE ROLE OF TRADITIONAL RULERS IN THE MAINTENANCE OF PEACE AND SECURITY IN KOGI EAST SENATORIAL DISTRICT. *BERKELEY JOURNAL OF Humanities and Social Science (BJHSS)*, 7(6), 85–100.
- Omilusi, M. (2016). The Multi-Dimensional Impacts of Insurgency and Armed Conflicts on Nigeria. *Asian Journal of Social Sciences, Arts and Humanities*, 4(2), 29–39. <https://socialscienceresearch.org/index.php/GJHSS/article/view/1781/1722>
- Omitola, B. (2020). *Transnational organised crimes and the challenges of security in Nigeria Scanned by CamScanner*. October.
- Pamela. (2023). THE KINGDOM OF SAUDI ARABIA'S OPPOSITION TO NORMALIZATION WITH ISRAEL. In *Security* (Issue December).
- Piate, S. M., & Ukere, E. E. (2024). Federalism, fiscal autonomy and rural development. *Journal of Political Discourse*, 2(2), 132–139.
- Pitcavage, M. (2019). *SURVEYING THE LANDSCAPE OF THE AMERICAN FAR RIGHT About the Program on Extremism*. August.
- Powell, R. (2014). *THE CONCEPT OF SECURITY*. June 2012.
- Randol, M. A. (2010). The department of homeland security intelligence enterprise: Operational overview and oversight challenges for congress. *Department of Homeland Security Intelligence Enterprise: Overview and Issues*, 1–55.
- Relations, C. for T. (2014). *Global Flow Security: A New Security Agenda for the Transatlantic Community in 2030*. Washington, DC: Center for Transatlantic Relations, 2014.
- Reynolds, J. M. (2018). Killing in the Name of Care. *Levinas Studies*, 12(18), 141–164. <https://doi.org/10.5840/levinas20197163>
- Richards, A. (2018). Defining terrorism. *Routledge Handbook of Terrorism and Counterterrorism*, 13–21. <https://doi.org/10.4324/9781315744636>
- Richman, D. C., & Seo, S. (2020). How Federalism Built the FBI, Sustained Local Police, and Left Out the States. *SSRN Electronic Journal*, 421. <https://doi.org/10.2139/ssrn.3714325>
- Rights, U. S. B. of. (1787). *Constitution of the United States*.
- Ritz, M. W., & Hensley, R. G. (2004). THE HOMELAND SECURITY PAPERS : Stemming the Tide of Terror. In *Continuum* (Issue February).
- ROK President's Office. (2018). *National Security Strategy* (Issue December).
- Rosthauser, R. C. (2010). *Terrorism Conflict: How the United States Responds To Al Qaeda Violence and Expressed Grievances*.
- Salt, A. (2018). Transformation and the War in Afghanistan. *Strategic Studies Quarterly*, 12(1), 98–126.
- Shaffer, R. (2023). Internal security management in Nigeria: perspectives, challenges and lessons. In *Intelligence and National Security* (Vol. 38, Issue 3). <https://doi.org/10.1080/02684527.2022.2090506>
- Siedschlag, A., & Jerković, A. (2022). *Empirical Study of the Evolution of Homeland Security An Empirical Study of the Evolution of Homeland Security Definitions and the Public Perception of Homeland Security*. <https://commons.erau.edu/publication>



- Siegle, & O'Mahoney. (2007). *Assessing the Merits of Decentralization*. 1–73. [papers2://publication/uuid/297E414C-2AC5-4ED8-89AB-C4C03FEF0772](https://doi.org/10.2139/ssrn.1244444)
- Simonyi, M. (2002). What Is Security? *Securing Windows NT/2000*, May 2015. <https://doi.org/10.1201/9781420031461.ch2>
- Smith, R. K. M. (2014). 4. The International Bill of Human Rights. *Textbook on International Human Rights*, 37–51. <https://doi.org/10.1093/he/9780199672813.003.0004>
- Suberu, R. T. (2008). *Nigeria*.
- Taiye Joshua, O., & Bolade Damilola, A. (2021). Incessant Insecurity in Nigeria: Has the Country Returned to the State of Nature. *International Journal of Law and Society*, 4(2), 89. <https://doi.org/10.11648/j.ijls.20210402.15>
- *The 9/11 commission report*. (2004).
- Thomas, A. N., & Aghedo, I. (2014). SECURITY ARCHITECTURE AND INSECURITY MANAGEMENT: CONTEXT CONTENT AND CHALLENGES IN NIGERIA. 4(1), 22–36.
- Thompson, O. (2021). View of Mutiny, Desertion and State Response in the Nigeria Armed Forces and its Implications. *Ife Social Sciences Review*, 29(1), 14–30. <https://issr.oauife.edu.ng/index.php/issr/article/view/119/70>
- Udeoba, C. E., & Eze, C. U. (2021). Government Strategies in Tackling Insecurity in Nigeria and the Way Forward. *NG-Journal of Social Development*, 10(1), 93–97. <https://doi.org/10.12816/0060694>
- Ummah, M. S. (2019). Review of Australia's Counter Terrorism Machinery. In *Sustainability (Switzerland)* (Vol. 11, Issue 1). http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSA_T_STRATEGI_MELESTARI
- UN. (2000). *Decentralization: Conditions for Success*. 146.
- United Nations. (2023). *Our Common Agenda Policy Brief 9: A New Agenda for Peace*. July, 4–7. <https://peacemaker.un.org/sites/default/files/document/files/2024/08/our-common-agenda-policy-brief-new-agenda-peace-en.pdf>
- UNODC. (2009). *Handbook on criminal justice responses to terrorism*.
- Wambai Aminu, A., Hayewa, U., & Mamman, T. (2023). INSECURITY AND ECONOMIC DEVELOPMENT IN NIGERIA. *Journal of Economics and Allied Research*, 8(1), 283–295.
- Wars, W., War, C., States, U., & War, C. (2003). *The terrorist attacks of September 11, 2001 in the United States A brief discussion of their political and strategic consequences for securitization*. 3–18.
- WINS. (2018). *Evolving Security Threats and Advanced Security Technologies WINS Special Report Series*. April.
- Yılmaz, H. K., & Chowdury, S. R. H. (2024). Political Realism in International Relations: Classical Realism, Neo-realism, and Neo-Classical Realism. *International Journal*, 7(2), 92–104. https://www.researchgate.net/profile/Saeed-Rashed-Chowdury/publication/382637244_Prof_Dr_Hasan_Kamil_Yilmaz_An_Outline_of_Sufism_and_Sufi_Orders_Ana_Hatlariyla_Tasavvuf_ve_Tarikatlar_29th_editionIstanbul_Ensar_Publication_2019_367p_ISBN_978-975-6794-30-2/
- Yusuf, A., & Mohd, S. (2023). Growth and Fiscal Effects of Insecurity on the Nigerian Economy. *European Journal of Development Research*, 35(4), 743–769. <https://doi.org/10.1057/s41287-022-00531-3>
- Zhang, B. (2017). Hans Morgenthau, Realist Theory of International Leadership, and the Future of Global Order. *Chinese Political Science Review*, 2(4), 512–530. <https://doi.org/10.1007/s41111-017-0080-0>



ISSN: 2036-5438

US Federalism and the North-South Conflict: From Bicomunalism to Centralization

by
Karl Kössler*

Perspectives on Federalism, Vol. 17, issue 1, 2025





Abstract

This article seeks to explore to what extent and how the North-South conflict in the United States and attempts at its resolution have interacted with the evolution of American federalism. It starts with a brief overview of how this conflict came into being and a mapping of the most relevant actors involved. The chapter then goes on to analyze how Northern and Southern views on federalism clashed at three critical junctures in US history: 1787, the antebellum period and the postbellum era. This is followed by an assessment of federalism's effects on conflict resolution since the 20th century. After an analysis of the rise of centralized federalism during the "second reconstruction", the article explores how North-South conflicts were solved in the circumstances of this specific type of federalism in both the political and judicial arenas. It ends with conclusions and reflections on the implications of the North-South conflict for American federalism today.

Keywords

United States, North-South conflict, bicomunalism, centralized federalism, intergovernmental relations



1. Introduction

“[T]he very idea of an American People, as constituting a single community, is a mere chimera” (Calhoun 1831, cited in Tarr 2013: 33).

“Providence has been pleased to give this one connected country to one united people ... and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence” (Jay 1787).

These starkly contrasting views from the early years of US federalism highlight a deep-seated conflict about the subject of the Constitution of 1787. Similar to the reference to “one people” in the Declaration of Independence, this first modern federal constitution famously speaks in its preamble of “[w]e the people of the United States”, thus picturing a monolithic community. This differs fundamentally from Canada where Lord Durham’s report in 1839 famously found “two nations warring in the bosom of a single state” and these nations – the English and the French – would then constitute according to the traditional view the two founding nations in 1867.^I The appeal of the US Constitution to “one people” was nothing to be taken for granted given the fact that the country was already at its founding much more diverse than one might assume. The first census in 1790 categorized merely 52% of the population as English and religious as well as linguistic diversity abounded too (Kincaid 2018: 282).

Despite the constitutional language referring to a single community, the United States have been characterized – at least for much of its history – by bicomunalism revolving around the issue of slavery (Kincaid 2012: 160). The American South was famously characterized as “not quite a nation within a nation, but the next thing to it” (Cash 1941: viii) and its conflict with the North has decisively shaped the federal system. Over three decades ago, research has started to unearth the particularities of such dyadic constellations and identified five possible types of relationships between the two communities (Duchacek 1988: 12-15).^{II} In the US case, the North has without doubt increasingly assumed a hegemonic position which propelled a centralization of the federal system. This process has been influenced by a long series of conflicts about distinct state, regional and US identities that are, of course, not passive attitudes but shape political action of politicians and citizens alike: “If citizens, when asked their citizen-identification, reply ‘I am an American’ ... the scene is



set for centralization. But if they reply first and foremost ‘I am a Virginian’ or ‘I am a Buckeye,’ then it is difficult to imagine much centralization occurring” (Riker 1964: 104).

With that in mind, this article seeks to explore to what extent and how the North-South conflict and attempts at its resolution have interacted with US federalism. It starts with a brief overview of how the conflict came into being (section 2) and a mapping of the most relevant actors involved (section 3). The article then goes on to analyze how Northern and Southern views on federalism clashed at three critical junctures in US history (section 4) before assessing federalism’s effects on conflict resolution since the 20th century (section 5). Section 6 concludes.

2. Origins of the North-South Conflict

The deep cleavage running through the United States is something that already the framers of the 1787 Constitution were aware of. In fact, Alexander Hamilton opined in Federalist No. 13 that the alternative in case of a failure of the Union would be two separate confederacies with the New England states, New York and New Jersey, on the one hand, and all states south of New Jersey, on the other (Hamilton 1787). The boundary between those two areas was both socio-economic and cultural with slavery as a key distinction sparking among Southern whites the construction of a culture that was in contrast to the industrial and family-farm North “ambivalent about commerce and capitalism, dismissive of Lockean liberalism” and “also imagined a northern Yankee counterculture, which they believed was dedicated to destroying the South’s way of life” (Kincaid 2010: 351). In this imaginary, “the North’s ‘Yankee race’ of Puritan Roundheads” was on one side of the conflict line and on the other the white Southern elite regarding themselves as “Cavaliers – descendants of England’s Norman conquerors” (Kincaid 2010: 360). As another observer emphasized, Southern distinctiveness has later been based on numerous elements such as the “Jim Crow laws and practices, debt peonage, convict-lease, various outbreaks of the Ku Klux Klan, ‘massive resistance’ and the White Citizens’ Councils, black codes, legal mechanisms of disfranchisement, deep and profligate anti-union animus and pro-business boosterism, the pervasiveness of conservative religiosity, manners, climate, pace of life,



college football as religion, and kneejerk militarism as a widely accepted substitute for patriotism” (Feldman 2014: 2).

At first glance, this distinct regional identity of the South seems to distinguish the United States from many other countries where the frame of reference for identity formation is a specific subnational entity. Indeed, for example, in Quebec the Quiet Revolution of the 1960s brought forth not only a new identity based on secular values and the nascent welfare state but also changed its reference frame from “French Canadian” to “Québécois” (Resnick 1994: 72). While such a dramatic shift has not occurred in the United States, it must be recognized that promoters of the South’s distinctiveness have of course acted through state institutions within that region so that regional and political identities “have overlapped and been mutually reinforcing” (Tarr 2013: 34).

The fact that bicomunalism with its focus on only two (regional) communities has endured also results from decisions not to make the rest of the country a mosaic of states designed to empower one distinct community “owning” the territory (Kössler 2015: 249-52). First, even though the denominations of some states are linked to certain groups, they do not make them – in contrast to other federal countries – particularly empowered titular nations of these territories. Secondly, state demarcation policy ensured territorial neutrality according to which an area was “a blank slate to be filled in by whoever lives on the territory” (Kincaid 2013: 133-34). Indeed, Congress deliberately rejected demands from immigrant communities to allow the purchase of contiguous areas of land which contributed to a broad distribution of these groups throughout the country despite certain territorial concentrations. As one observer put it with a counterfactual, the United States could otherwise have looked very different: “Wisconsin a German state, Minnesota a Norwegian-Swedish state, Massachusetts an Irish state, Rhode Island an Italian state, New York a Jewish state, a block of black states in the South, of Mexican-American states in the South-west, and so on” (Glazer 1977: 77). Especially during the westward expansion, Congress rejected several demands for an “own” state from groups seeking to escape persecution or marginalization like in the case of an Indian state called Sequoyah and a Mormon state called Deseret comprising beyond what is today Utah parts of six other states. As for the South, the creation of a state “for” African Americans was promoted by the American Communist Party in the 1930s and again taken up without success in the 1960s. The reservations of Indian tribes therefore remain the only territories assigned to specific communities. A third factor



militating against states “owned” by particular communities was the force of the melting pot metaphor which focused on individualism by downplaying group affiliations and, in its later powerful interpretation also on assimilation into the Anglo-Protestant culture (Kincaid 2018: 284-86). This assimilative force led to increasing homogeneity not only regarding immigrant populations but also concerning French-speakers in Louisiana and Japanese Americans in Hawaii (Glazer 1977: 73-78).

3. Actors in the North and South: Parties and Governments

Unlike other disputes, the North-South conflict has not been shaped by regional parties but by the degree to which the two dominant national parties have acted as representatives of these regions. The fact that a two-party system has prevailed in the United States over much of its history is mainly due to the zero-sum nature of plurality elections which incentivizes both voters and party sponsors to seek influence in nomination contests of either the Democratic or Republican Party. With agendas of third parties being thus co-opted by the major parties, they have been short-lived experiments (Wekkin and Howard 2015: 283). When the American Independent Party nominated the former Democratic Governor George Wallace of Alabama, an ardent segregationist, for the 1968 presidential election, he won a remarkable 46 electoral votes in the South. Nonetheless, the Republicans’ “southern strategy” prevailed and the new party soon faded into irrelevance.

Despite the lack of regional parties, regional interests were long represented in the two major parties due to their confederal organization based on county and state branches. As the US Constitution assigned considerable governing functions to the states and also made them responsible for adopting election laws (Article I, section 4), parties were established at the state and local levels to then join forces in the pursuit of power at the national level. As a result of this confederal party organization, it could still be said in the mid-1960s that “Congressmen and Senators are essentially local politicians, and those of them who forget it soon cease to be politicians at all” (Banfield and Wilson 1963: 2). Only a few years later, however, party organization became nationalized due to, among other factors, the spread of primary elections in the wake of crucial Democratic Party reforms in 1968 and later also in the Republican Party. The key role regarding candidate nominations thus shifted from local



“political machines” to Washington-based campaign committees, forcing candidates to become political entrepreneurs with a national profile who could independently attract funding and voters (Kincaid 2012: 171).

The national arena thus became the venue for Southern political activism. This coincided with a process through which the Republicans took over the South. It has been argued that by abandoning African Americans to the restoration of white supremacy after the Reconstruction era (1865-1877)ⁱⁱⁱ and by starting to champion anti-Catholic and anti-Jewish immigration laws in the 1920s, the Republican Party became the standard-bearer of a culture of “monocultural Puritanesque Protestantism” (Kincaid 2003: 87). By contrast, Democrats ended their arrangement with White supremacy in the South, which Franklin D. Roosevelt’s coalition had still relied on, and lost much of the White Southern electorate in response to the 1965 Voting Rights Act. These voters were absorbed by the Republicans through its “Southern strategy” which appealed to White supremacy by vowing to protect in this region “traditional values” and the “the silent majority” (Feldman 2014: 6). While this strategy helped the Republicans in national elections from 1968 onwards, their takeover of state-level politics only occurred much later. Until 1980, they actually never had more than three governorships in the South (Wekkin and Howard 2015: 295-97). Ironically, the gradual political realignment of voters in the region towards the Republicans meant that the party once promoting centralization against interests of the South became, at least until the mid-1980s (Kincaid 2012: 172), the new champion of the Southern cause of states’ rights.

Quite evidently, the political parties are as actors in the North-South conflict closely related to the two political branches of government. As for the legislative branch, two critical changes have had a great impact. First, the admission after the Civil War of twelve western states into the Union reduced the comparative weight of the eleven southern states which had established the Confederacy. Southerners would now merely account for 23 per cent of all US senators which forced them to build coalitions with allies in the North and West (Kincaid 2012: 165-66). Secondly, the Seventeenth Amendment of 1913 required the direct election of US senators by voters in the states instead of their election by state legislatures. By depriving the latter of the ability to control the voting of “their” people in Washington, (Southern) senators became less accountable to local and state party organizations, even if the resulting centralization effect was to some extent mitigated until the 1960s by the above-mentioned confederal party organization. Still, the net effect of the Seventeenth Amendment



was that it facilitated in subsequent decades the enactment of progressive legislation which was unpopular with Southern states (Bybee 1997: 547-69). Today, given the nationalized character of parties and of interest groups lobbying them, members of Congress are even less inclined to prioritize the representation of state and local interests and the jurisdictional impact of legislation in question (Weissert 2013: 7).

As for the executive branch of government, this shift towards interest representation in the national arena has also had important consequences. To make their voices heard in this, arena states have established Washington-based offices which are typically “agents of the governor and the state executive branch” (Bowman 2017: 633). In addition to these bilateral efforts, state executives of course also promote their agenda through multilateral professional associations such as above all the National Governors’ Association (NGA). Yet, building a united front among Southern states, a precondition for gaining influence, is often absent. The partisan polarization that has gripped US politics since the Reagan presidency gave rise to separate Democratic and Republican Governor Associations which has not only weakened the NGA but also entailed the marginalization of the oldest regional organization, the Southern Governors Association (SGA). The latter’s eventual dissolution in 2016, when 12 out of 16 members were Republicans and the remaining ones Democrats, had a very clear rationale: “[A]lthough SGA’s mission of providing a bipartisan forum for regional collaboration served Southern states well for many decades, support for our work has diminished, rendering operations unsustainable” (SGA statement 2016, cited in Bowman 2017: 637).

4. Northern and Southern Views on Federalism: Three Critical Junctures

4.1. 1787: Constitutional Accommodation regarding Federalism and Slavery

Given the profound bicomunalism already in 1787, it is striking that actors on both sides of the North-South conflict refrained at the Philadelphia Convention from translating this into the institutional framework of the federal system. This seems all the more surprising as Southerners played an outsized role during that time. In fact, Virginia was the single-most influential state at the Convention and in early US history with four out of the first five Presidents (Washington, Jefferson, Madison and Monroe) hailing from the so-called



“Virginia Dynasty” which ended only in 1825. The reason why the new Constitution does not reflect bicomunalism in institutional terms is that the South was appeased with three other concessions (Kincaid 2012: 161): meeting its demands regarding slavery; parity with the North through the US Senate; influence through the electoral college on the President and, consequently, on the US Supreme Court. Influence on the latter is reflected in the notorious judgment in 1857 upholding slavery and denying citizenship to all Black people whether enslaved or free.^{IV}

While the option of institutionally entrenching bicomunalism was discarded, the distinctiveness of the South in a way did militate against an overly centralized federal system. Indeed, “[t]he southern slavocracy was the monstrous territorial expression of multiculturalism at the time of the founding, and this expression – commonly known as the southern way of life – was politically powerful enough to compel constitutional accommodation as the price of union” (Kincaid 2003: 77). For Southerners, opposition to centralization was inherently linked to its aim of preserving slavery because they feared that a too powerful federal government would abolish it. Therefore, the above-mentioned “constitutional accommodation” is reflected in provisions of 1787 regarding both these issues.

As for anti-centralization, it is worth to mention the actually not too federal government-friendly original distribution of powers which was only a few decades later interpreted by the US Supreme Court in a more centralizing way.^V Equally relevant are in this regard the use throughout the 1787 Constitution of the plural form for the United States^{VI} and the fact that US citizenship was until the 1868 Fourteenth Amendment only awarded from state citizenship.^{VII} It is of course no coincidence that this change happened through a post-Civil War amendment which also in other respects epitomizes a shift of power towards the federal government (and the North).^{VIII}

Besides anti-centralization, the South was also able to compel constitutional accommodation regarding the institution of slavery itself. Interestingly, the 1787 Constitution nowhere mentioned slavery explicitly but instead used euphemistic terms such as “Person held to Service or Labour” (Article IV, section 2, clause 3). Several ambiguities and compromises were intended to gloss over the conflict at the Philadelphia Convention concerning this issue. The notorious Three-Fifths Clause clarified that slaves would be counted as three-fifths the value of free persons when it comes to state representation in the



US House of Representatives (Article I, section 2, clause 3) and fugitive slaves escaping to another state were to be returned to their owners (Article IV, section 2, clause 3). Moreover, the Importation Clause (Article I, section 9, clause 1) prohibited the US Congress from banning the slave trade until 1808. Even if this provision envisaged, at the insistence of Northern states, an end of the slave trade after this point in time, it implicitly still permitted the exploitation of domestically born slaves thereafter.

Among the framers of the constitution who opposed slavery there was a widespread belief in the eventual disappearance of this contested issue because they expected it to turn out to be economically unviable. Contrary to this view, however, the slavery-based economy soon started to boom, primarily as a result of Eli Whitney's consequential invention of a mechanical cotton gin in 1793 (Kincaid 2003: 78). A second reason for the continued importance of slavery was its link to the westward expansion of the United States. Southern states demanded equal representation in the US Senate by pairing the admission of free states with slave states (Kincaid 2012: 160). In 1820, Congress struck the Missouri Compromise which allowed the continuation of slavery in Southern states and disallowed its expansion into new states north of Texas. Yet, this failed to definitely end the conflict regarding slavery in the West. The 1854 Kansas-Nebraska Act abolished the compromise by enabling new states to practice slavery if approved by popular vote (Ryan 2017: 144). As slavery remained a bone of contention even after North-South constitutional accommodation in 1787, the antebellum period was marked by a fight for primacy within the federal system which occurred against the backdrop of increasing talk of disunion.

4.2. Antebellum: The South against Federal Supremacy

“The sovereignty of the United States is shared between the Union and the States, while in France it is undivided and compact” (Tocqueville 1954: 128). This famous observation of Tocqueville in 1835 demonstrates the fundamental difference between the Articles of Confederation and the new federal Constitution. While the latter did not explicitly mention the issue of sovereignty, most members of the Philadelphia Convention endorsed a conception of sovereignty as something relative and divisible. The states would relinquish parts of their sovereignty in order to give birth to a national government equally “incomplete”. The Supreme Court soon confirmed in 1793 that together with the national government the states were “the joint and equal sovereigns of this country”.^{IX} Yet, the entire



antebellum period was marked by a struggle about the concrete implications of co-sovereignty and it eventually took the Civil War to provide clarity.

Northerners adhered to a strictly individualist interpretation of the federal Constitution which inevitably conflicted with the views of Southerners. Echoing early federal ideas of Johannes Althusius, John Taylor of Caroline argued, for example, that “innate sovereignty” would lie with the states because only they were “self-constituted” (Taylor 1823: 43). In his view, the national government had been established with a reversible act of sovereignty by the states making it a merely derived and thus subordinated entity. Relying on a similar Althusian rationale, Calhoun claimed that 1787 had witnessed a “compact between the states” and not the imposition of a “constitution over them” (Calhoun 1854: 82).

With Calhoun being also a US Senator, his positions were eventually reflected in the 1830s in draft constitutional amendments. First, he derived from the states’ continued sovereignty a right to nullify federal legislation that they deemed unconstitutional. Southern states did indeed experiment during that time with acts of nullification regarding new tariffs (Ryan 2017: 144), thereby openly defying the Supremacy Clause characterizing the US Constitution, national legislation and international treaties as “the supreme Law of the Land” (Article VI, clause 2). Secondly, Calhoun proposed to make the federation formally bicomunal in institutional terms (Kincaid 2012: 161). He proposed a two-headed North-South US presidency and that national legislation be adopted by majorities of Northern and Southern members of Congress, something that would have militated against the decreasing relative weight of Southern senators following the admission of new states.^x From a comparative perspective, today’s collective three-member presidency of Bosnia and Herzegovina comes to mind (Article 5 of the Constitution), as well as the requirement in Belgium to have at least national special legislation adopted by concurrent majorities of parliament members from the Dutch and a French linguistic group (Article 4(3) of the Constitution). Moreover, Calhoun argued that the states had concluded a voluntary compact in 1787 so that they would have a right to unilateral secession. But as these views and those of the North remained diametrically opposed, no agreement on constitutional amendments was found before the Civil War which would ultimately solve all these issues militarily.



4.3. Postbellum: Paving the Way for Centralized Federalism

After the failed attempt of the Southern states to secede their relationship with the other states and the federal government was uncertain. Were they still states on an equal footing or reduced as (re)conquered territories to some kind of inferior status? It was for a landmark ruling^{XI} in 1869 to set the course for the post-war federal order. The judges held – with a quite legalistic argument – that Texas had never ceased to be a state of the Union simply because the US Constitution would not allow unilateral secession. As one observer put it succinctly, “whatever these states may have claimed, they hadn’t actually seceded – they had just very badly misbehaved. More accurately, the individuals involved had misbehaved – because the states themselves had nothing to do with it” (Ryan 2017: 148). The Court famously ruled that the “constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States”^{XII} and that secession could only occur in two exceptional cases, that is “through revolution or through consent of the States”.^{XIII} But the former would have required a successful overthrow and the latter an agreement with the North, none of which was given in the case of the Confederate States. With regard to Texas as a non-original state, the judges clarified that “[t]he act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final.”^{XIV} The strong emphasis on finality made crystal-clear that the above views of Calhoun were now definitively discarded.

The second pillar that cemented federal supremacy was the enactment of the Fourteenth Amendment of 1868. Slavery, the primary justification cited in the Southern declarations of secession, had already been abolished by the preceding amendment three years earlier so that another goal became to “complete the constitution” (Zuckert 1992: 69-91). After compromises were made in 1787 due to Southern resistance, the Fourteenth Amendment was perceived by its proponents “as ‘the new covenant’ which implicitly incorporated the Declaration [of Independence] into the federal Constitution” (Kincaid 2003: 79). Even if this amendment came about under conditions of procedural irregularities, with Congress refusing to seat the Southern delegation, it became a particularly consequential one until today. Scholars have subsequently argued that the flawed enactment was legitimized ex post by overwhelming legal, political and cultural validation (Ackerman 1998: 99-252).

As for federalism, the Fourteenth Amendment’s Citizenship Clause in combination with the Privileges or Immunities Clause secured protections of US citizens against (Southern)



state action, while the Due Process and Equal Protection Clauses would turn out to have enormous centralizing effects from the 1950s onwards.^{xv} Moreover, Congress was explicitly authorized to enforce the amendment. Interestingly, the federal government used its dominant post-war position not only for the Reconstruction of the South (1865-1877), but also for a broader campaign “to prevent any state or other legally recognized political jurisdiction from constructing a distinct cultural identity” (Kincaid 2012: 163). Such campaigns were successful against Creole cultures in Louisiana, Indian Nations and particularly the Mormons, as the Republican Party had vowed to abolish “those twin relics of barbarism – [Mormon] Polygamy and Slavery” (Kincaid 2010: 359).

Developments vis-à-vis the South were different. Ideologically, the 1870s witnessed the assertion of an American racial identity characterizing Anglo-Saxons as superior to Native Americans, African Americans and immigrants from other parts of Europe (Tarr 2018: 318). This entailed franchise restrictions in the North and in the South the restoration of white supremacy when the Reconstruction era ended in 1877. Indeed, while during this era ten southern states adopted new constitutions ensuring rights of African Americans, these would “last just as long as the bayonets which ushered them into being, shall keep them in existence”.^{xvi} Unsurprisingly, therefore, these changes were undone by constitutional conventions held in the decades following the withdrawal of federal armed forces. The reestablishment after Reconstruction of a new White supremacist identity, only this time based on disenfranchisement and Jim Crow laws enforcing racial segregation rather than slavery, was at least condoned by the national government despite its dominant position. Sometimes it was even actively facilitated like with an infamous 1896 Supreme Court judgment upholding state segregation laws under the “separate but equal” doctrine.^{xvii} Politically, this hands-off approach regarding the South was furthered by the need for electoral support from the region (Kincaid 2012: 164-65). The social reform movement of the Progressive Era (1896–1916) partnered with Southern white populists for some of its projects such as legislation regulating the economy and the Sixteenth Amendment of 1913, allowing Congress to levy an income tax without apportionment among the states. Similarly, Roosevelt’s New Deal coalition later relied on rural White Southerners and Southern Democratic organizations. As shown in this section, the Civil War and Reconstruction have put an end to conflicting views of federalism. But even if the two eras had laid the foundations for centralized federalism, the latter’s effect on North-South conflict only



became manifest belatedly during what has been called the “second reconstruction” (1945-1968) (Van Woodward 1955).

This period did not only see federal intervention to gradually abolish segregation, which had been in place in Southern states under the so-called Jim Crow laws (1865-1965), but also an anti-centralist backlash in this region. Politically speaking, this enabled the success of the above-mentioned “southern strategy” of the Republicans which re-positioned themselves on issues of race, feminism and religion and vowed to protect the distinctiveness of the region against, in their view, overly civil rights-focused Democrats (Maxwell and Shields 2019). While this backlash is typically identified as one of the reasons for the ascendance of modern conservatism in the late 20th century, there were of course others as well (e.g. economic factors such as stagflation in the 1970s). It is important to note, from a federalism perspective, that the realignment of parties in the South facilitated the success of the Republicans in federal elections so that conservatism became dominant at the center during the presidency of Ronald Reagan (1981-1989).

Legally speaking, the ideological tendency of Southern states towards conservatism has been reflected in recent decades in several high-profile victories before the US Supreme Court. Regarding the Southern core tenet of states’ rights, they achieved, for instance, an expansion of state sovereign immunity,^{xviii} often finding a receptive audience in the Rehnquist Court during the peak of conservative “New Federalism” in the 1990s. But Southern conservatism also scored significant wins in more recent years. A case in point is when the court scrapped the obligation of several Southern states or counties under the Voting Rights Act to obtain federal preclearance for changes to their voting laws or practices which had served to forestall electoral discrimination.^{xix}

Again, however, it is important to note that the link between Southern conservatism and US federalism should not be overemphasized. As to fiscal conservatism, for example, Western states appear to have played an at least equally significant role (Dinan 2012: 54-55). After all, the passage of California’s Proposition 13 in 1978 is often seen as a precursor of similar low-tax policies at the national level during the Reagan presidency. The fiscally conservative Tea Party movement of the early 2010s also had its strongholds not only in the South but also in Midwestern and Mountain West states (Skocpol and Williamson 2012). This is consistent with the overall decreasing influence of bicomunalism in the context of



largely centralized US federalism which is merely occasionally challenged, but, if so, not only from Southern states.

5. Federalism's Effects on North-South Conflicts Resolution since the 20th Century

5.1. Unlocking Centralized Federalism during the “Second Reconstruction”

While after Reconstruction the Fourteenth Amendment was largely ignored by Congress and used by the Supreme Court to protect rights of corporations, not individuals against the states, this would change after World War II. The war had been a melting-pot experience involving Americans of all ancestries and yet African Americans then “came home to severe prejudice and discrimination” (Kincaid 2018: 287). It was in this historical context that the full potential of the post-Civil War amendments concerning the North-South conflict was unlocked. First, the above-mentioned implicit incorporation of the Declaration of Independence into the Constitution became visible, as it gained the status of a morally binding guideline for constitutional interpretation and provided with the phrase that “all men are created equal” the point of reference for every civil rights movement of the 20th century (Tarr 2005: 386). Secondly, the centralized federalism ushered in by the post-Civil War amendments facilitated the national government's enforcement of individual rights against the (Southern) states. This reached a first culmination in 1954 with the US Supreme Court famously qualifying segregation in public schools as a violation of the Equal Protection Clause of the Fourteenth Amendment, as separate facilities are inherently unequal.^{xx} Resistance against the ruling in the South and the massive federal law enforcement intervention needed to break it only further delegitimized the Southern state governments.

These developments during the “second reconstruction” were thus based on centralized federalism and at the same time made it even more centralized. First, the social equality movements of the 1950s and 1960s invoked the above-mentioned equality pledge of the Declaration of Independence for “one people” throughout the country. In light of this unifying vision, change should not be blocked by state boundaries with individual rights only guaranteed in some states but not (or to a lesser degree) in others. Secondly, state governments, at least those in the South, had used their powers for oppression so that the



national government became for the social movements of the time a natural ally for change. This alliance further cemented, together with the above-mentioned nationalization of party organization around the same time,^{XXI} the focus shifted of politics to the national arena.

5.2. Conflict Resolution under Centralized Federalism: The Political and Judicial Arenas

When the North-South conflict came to a head in the 1960s, the national government could employ a wide range of political and judicial tools because cooperative federalism was slowly abandoned. During the Progressive and New Deal expansions of federal power that variety of federalism had still accommodated bicomunalism. These “cooperative” relations are epitomized, for example, by the fact that federal grants were during the 1930s still largely unconditional so that “[t]he period was a fiscal nirvana for state and local officials” (Kincaid 2012: 167). In this light, it is understandable that an interpretation of the New Deal as a Trojan horse to change the South only really took hold after World War II when segregationists fused their antistatism with resistance against the civil rights movement (Ward 2014: 102-21). Indeed, it was only in the 1960s, coinciding with the “second reconstruction”, that coercive federalism replaced its cooperative predecessor. This new variety of federalism has been defined as “at its base, the outcome of a massive campaign to liberate persons from the tyranny of places, namely, state and local jurisdictions and the marketplace” (Kincaid 2012: 169). Key among these places was the South.

Enhanced centralization under coercive federalism had incisive consequences for the Southern states, as the national government could employ in conflicts with them a set of typical political tools (Kincaid 1990: 139-52): federal pre-emption of state laws under the Supremacy Clause (Article VI, clause 2 of the Constitution); underfunded or even unfunded mandates to shift responsibilities and their costs onto states without adequate financial coverage; grants with stricter conditions attached (in stark contrast to the New Deal era) to replace local preferences with federal objectives even outside the legislative powers of Congress. Sometimes, like in the above-mentioned case of ensuring desegregation after 1954, the national government even intervened with federal law enforcement officials.

Whether court orders needed federal enforcement or were complied with in the South, the judicial arena proved as important for conflict resolution as the political arena. The fact that judicial disputes were mostly decided in favor of the national government is certainly



anything but a coincidence. It is rather a natural corollary of the appointment of federal judges by the US President with confirmation by the Senate, a scenario in which judges “face fewer political risks when they strike down state legislation” (Somin 2017: 441). Specifically regarding the Southern states, their early influence on the US Supreme Court diminished immensely since the times when infamous judgments upheld slavery and segregation in 1857 and 1896, respectively.^{XXII} Since the early 20th century the traditional North-South balance on the Court became replaced by the aim to ensure the representation of (in this order) Roman Catholics, Jews, African Americans, women and Hispanics (Kincaid 2010: 367).

The centralizing penchant in judicial conflict resolution has rested on two pillars. First, the US Supreme Court refused to police limits of Congressional legislative power. In fact, while it recognized in one single judgment that the Tenth Amendment on reserved powers of the states provides such a limit,^{XXIII} the judges quickly overruled this view^{XXIV} and failed to resuscitate it later. Based on another key provision they even significantly augmented federal legislative power. According to a broad interpretation, the Commerce Clause (Article I, section 8, clause 3 of the Constitution) was seen as enabling comprehensive social regulation regarding any activities with potential effects on interstate commerce. Between 1937 and 1995, the Court failed to strike down a single federal law as beyond the Commerce Clause authority and those invalidated since then only affected legislation of rather minor importance.^{XXV} The enforcement of individual rights against Southern states using federalism arguments to uphold segregation is also reflected in the Commerce Clause jurisprudence. It was this provision which formed the basis for the Court to ban racial discrimination in public places such as hotels and restaurants.^{XXVI}

A second pillar of jurisprudence, that is the enforcement of individual rights in the federal Constitution against the states, was at least as effective in changing the South. This was done, first, by directly applying the Fourteenth Amendment in judicial conflicts for which with the above-mentioned 1954 *Brown* judgment on desegregation in public schools is an early example. Another key moment was the invalidation in 1967 of bans on interracial marriage, which were still in place in 16 (mostly Southern) states, as violations of the Equal Protection and Due Process Clauses of the Fourteenth Amendment.^{XXVII} Importantly, the Due Process Clause was not only directly applied in judicial conflicts between the North and South but also formed the basis for the “selective incorporation” doctrine. Through this doctrine *certain* parts of the ten amendments constituting the US Bill of Rights (therefore “selective”) have



been made applicable to the states which further increased the protection of individual rights at the expense of state autonomy. It is telling that the 1960s, when the “rights revolution” was in full swing, witnessed 56% of all US Supreme Court rulings incorporating provisions of the Bill of Rights (Kincaid 2012: 170). This enabled the enforcement of the federal rights catalogue in matters under state jurisdiction regarding which Southern states held less liberal views than the North. For instance, the incorporation of the First Amendment’s ban on legislation regarding an “establishment of religion”^{xxviii} resulted in the 1960s in the invalidation of state laws on officially mandated prayer and Bible reading in public schools. Another example is the incorporation of the Eighth Amendment’s prohibition of “cruel and unusual punishment”.^{xxix} This formed the basis for numerous rulings restricting the death penalty. As executions have occurred overwhelmingly in ten Southern states (35% in Texas alone),^{xxx} this incorporation concerned almost exclusively the South. More generally, the centralizing effect of making federal rights applicable to the states evidently impacted disproportionately on this region which had an abysmal record of officially sanctioned rights violations. This also serves as a sharp reminder that federalism is something ideologically neutral that only facilitates greater congruence of policies with subnational preferences (Palermo and Kössler 2017: 319-20). It can be invoked by subnational entities against centralization to promote individual rights and liberalism or, as in the case of the US South, to oppose it.

6. Conclusions

How can two communities “inundated by hostility and mistrust in which one is simultaneously ally and enemy”^{xxxI} live together within one and the same country and how does such a peculiar conflict constellation interact with federalism? Early research on bicomunalism regarded for such ambiguous dyadic situations “a confederal framework or federalism with confederal ingredients as appropriate” (Duchacek 1988: 9) because these decentralized arrangements would have greater chances for acceptance by both communities. This article demonstrated why the US path has been different. The acceptance of the arrangement for both the North and South had only been essential until the Civil War (and triggered compromises, albeit not an institutional entrenchment of bicomunalism in the



federal system). Thereafter, the North (and the federal government) were strong enough to dominate. However, the enforcement against the South of individual rights and liberalism more broadly only occurred with the “second reconstruction” a century later. As the article has shown, conflict resolution has taken place during that time in both the political and judicial arenas in lopsided circumstances that reflected the North’s dominant status after the Civil War and Reconstruction periods. While what happened in the 1950s and 1960s can certainly be characterized as “ameliorative federal intervention” (Kincaid 2003: 76) in the South, this was linked, more generally, with a reinforcement of centralization in the form of coercive federalism. Put simply, it was bad luck for federalism in the United States that the only states defending decentralization based on a distinct identity, albeit of course much less distinct than Quebec’s or Catalonia’s, came from a reactionary region associated with “slavocracy” and Jim Crow laws. As a famous scholar of federalism put it in the 1960s, “if in the United States one disapproves of racism, one should disapprove of federalism” (Riker 1964: 155). This evolution of the North-South conflict and how it has interacted with federalism has three major implications: for the Southern states, for other states and for federalism itself.

As for the South’s relationship with the federal government today, it is important to note that the region is still distinctive in some ways. But internal differences, for example, between the Deep and the Border South, as well as peculiar state identities in places like Louisiana, South Carolina or Texas should caution against too easy generalizations (Bullock and Rozell 2007). It is perhaps doubtful whether one can still speak, as in the early 1960s, of a distinct and coherent Southern political culture of “traditionalism” (Elazar 1966: 85-141) which is aimed at preserving an idealized hierarchical agrarian society against the modern pluralism promoted by two rivalling cultures: “individualism” of the states stretching from the Great Lakes to the mid-Atlantic and “moralism” of the northernmost states. What can be said with certainty, however, is that Southern states clearly still form the politically and religiously most conservative region (Kincaid 2013: 139). In the contemporary culture wars about issues like abortion, homosexuality, the status of religion in public life and the role of the state in society it is evident to which camp they belong. Historians of the South remind us that this declared conservatism is not without paradoxes and that relations with the federal government are “complex, often hypocritical, and at times even perverse” (Feldman 2014: 2). While taking up the banner of individualism and anti-statism, no other region has benefitted more from



federal public spending and this even goes quite unacknowledged in the South (Feldman 2014: 1-2 and 13-14). A key point for federalism is that – with the upholding of segregation gone as specific territorial interest to defend against centralization – the common conservative ideological preferences are mostly expressed in a non-territorial way in the national arena (Kincaid 2013: 139-40). Thus, although Southerners are arguably more dissatisfied with today’s nationalization of party organization, they are equally forced to play in this arena. They make at best instrumental use of federalism arguments when it suits conservative preferences. Demands of state-level regulation of abortion and same-sex marriage or of more state discretion regarding large national programs like Medicaid are cases in point.

A second major implication of the North-South conflict and its handling through federalism is its impact on identity-based territorial claims from other states. It is of course understandable that such claims had not been contemplated in the first place in 1787. After all, the idea of federalism as a tool, primarily, to manage diverse societies has only come to dominate political debates in the 1990s (Palermo and Kössler 2017: 97-101). But the perennial “problem with the South” ensured that willingness to recognize identity-based territorial demands would not emerge at later stages of history. First, the North used its predominance gained with the Civil War for campaigns against other communities, especially of the Mormons. Secondly, as identity-based demands became associated with Southern agitation for upholding white supremacy, the very idea of recognizing such claims became discredited and an anathema to liberal parts of the United States. The only exception is the particular case of Indian reservations, while the recently revived statehood movement in Spanish-majority Puerto Rico might sometimes lead to another one. But unlike in the case of the South, identity-based claims concern in these cases relatively marginal territories and not a number of states of an entire region.

A third implication of the North-South conflict is related to federalism itself. As the article has shown, this conflict has been inextricably linked with the US path towards centralization. In this light, some observers have cast the very rationale for federalism’s existence into doubt. In their view, it has already been replaced by mere “managerial decentralization” (Feeley and Rubin 2008: 73) and is obsolete because US citizens demonstrate a lack of identification with their states. As the argument goes, the “vast nation displays less cultural diversity from one region to another than such small places as Belgium,



Rwanda, or Latvia” (Feeley and Rubin 2008: 120) and several states are even only “rectangular swatches of the prairie with nothing but their legal definitions to distinguish them from one another” (Rubin and Feeley 1994: 944). One may agree with the finding that state identities are weak compared to many other federations, but still refute the conclusion that this deprives federalism of its *raison d'être*. It is evident that the United States has travelled a long way from a time when Thomas Jefferson (like other founders) referred to his home state as “his country”^{xxxii} to today’s prevalence of national US identity and it is equally obvious that the North-South conflict has contributed to that in various ways. It did so not only through its link with centralized federalism which evidently had a corrosive effect on state identities. Before that, the Civil War reinforced a sense of national identity, at least among Northerners. Moreover, the above-mentioned Privileges and Immunities Clause of the Fourteenth Amendment protects citizens against discrimination by states and has thus facilitated the extraordinary mobility of US citizens between states, another reason for weak identity formation among only temporary members of state political communities. As for African Americans, the fact that the South established after Reconstruction a system of racial apartheid led six million of them to leave the region during the Great Migration (1916-1970). Thus, Southern states missed an opportunity to create an inclusive identity and African Americans, both those staying and leaving, naturally identified with the national government as their potential ally against oppression (Tarr 2013: 32-33). Yet, the weakness of state identities for all these reasons does not necessarily lead to the obsolescence of federalism. First, with the entrenchment of checks and balances US federalism has had from the outset an alternative purpose that is still valid today. Secondly, there is a lack of public support for both rolling back coercive federalism and for abolishing federalism altogether (Kincaid 2012: 178-79) so that the status quo is bound to remain. The key question is then to what extent territorial differentiation following local preferences which is at the heart of federalism shall prevail, especially in the context of the ongoing “culture war”. Remarkably, in one of the Supreme Court’s most controversial rulings, *Obergefell* in 2015,^{xxxiii} the conservative minority argued for such differentiation which was conveniently in line with their ideological preferences. Their dissenting opinion blamed the majority stopping a vibrant debate across the country that had witnessed the electorates of 11 states voting for same-sex marriage and others, especially in the South, opposing it. The majority replied that in case of violations of (federal) fundamental rights individuals cannot be left at the mercy of state legislative action.



US federalism is thus bound to face the tension between decentralization in the name of diverse ideological preferences and centralization in the name of individual rights, the very theme that shaped the conflict between North and South.

* Senior Researcher and Group Leader at the Institute for Comparative Federalism of Eurac Research Bolzano/Bozen (Italy). Email address: Karl.Koessler@eurac.edu.

^I It is only in the 20th century that aboriginal Canada started to be recognized as a third pillar (Russell 2017).

^{II} These relationships are frontal clash in various forms (e.g. civil war, genocide, mass expulsion), assimilation, hegemony of one of the two communities, a dyadic federation composed of only two subnational entities and a consociational association of the two communities.

^{III} See section 4.3 below.

^{IV} *Dred Scott v Sandford* 60 US 393 (1857).

^V See, especially, *McCulloch v Maryland* 17 US 316 (1819) regarding the Necessary and Proper Clause (Article I, section 8, clause 18) and *Gibbons v Odgen* 22 US 1 (1824) concerning the Commerce Clause (Article I, section 8, clause 3).

^{VI} See, for example, Article III, section 3: “Treason against the United States, shall consist only in levying War against them ...”.

^{VII} The Citizenship Clause introduced in 1868 reversed this relationship: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

^{VIII} See section 4.3 below.

^{IX} *Chisholm v Georgia* 2 US 419 (1793) 477.

^X See section 3 above.

^{XI} *Texas v White* 74 US 700 (1869).

^{XII} *Idem* 725.

^{XIII} *Idem* 726.

^{XIV} *Idem* 725-26.

^{XV} See section 5 below.

^{XVI} A Democratic newspaper cited in Tarr 2000, 131.

^{XVII} *Plessy v Ferguson* 163 US 537 (1896).

^{XVIII} *Seminole Tribe of Florida v Florida* 517 US 44 (1996).

^{XIX} *Shelby County v Holder* 570 US 529 (2013).

^{XX} *Brown v Board of Education of Topeka* 347 US 483 (1954).

^{XXI} See section 3 above.

^{XXII} See sections 4.1 and 4.3 above.

^{XXIII} *National League of Cities v Usery* 426 US 833 (1976).

^{XXIV} *Garcia v San Antonio Metropolitan Transit Authority* 469 US 528 (1985).

^{XXV} *United States v Lopez* 514 US 549 (1995); *United States v Morrison*, 529 US 598 (2000).

^{XXVI} *Katzenbach v McClung* 379 US 294 (1964); *Heart of Atlanta Motel, Inc. v United States* 379 US 241 (1964).

^{XXVII} *Loving v Virginia* 388 US 1 (1967).

^{XXVIII} *Everson v Board of Education* 330 US 1 (1947).

^{XXIX} *Robinson v California* 370 US 660 (1962).

^{XXX} <https://www.aclu.org/other/death-penalty-questions-and-answers>.

^{XXXI} Jean Beaufays quoted in Duchacek 1988, 9.

^{XXXII} See Jefferson’s Notes on the State of Virginia of 1785 cited in Tarr 2013, 20.

^{XXXIII} *Obergefell v Hodges* 576 US (2015). ..

References

- Ackerman Bruce, 1998, *We the People: Transformations*, Harvard University Press, Cambridge.
- Banfield Edward C., and James Q. Wilson (eds.), 1963, *City Politics*, Harvard University Press, Cambridge.



- Bowman Ann O'M, 2017, "Intergovernmental councils in the United States", *Regional & Federal Studies*, 27, no. 5 (December): 623-643.
- Bullock III, Charles S., and Mark J. Rozell (eds.), 2007, *The New Politics of the Old South*, 3rd ed., Rowman & Littlefield, Lanham.
- Bybee Jay S., 1997, "Ulysses at the Mast: Democracy, Federalism, and the Sirens' Song of the Seventeenth Amendment", *Northwestern University Law Review* 91, no. 2: 500-69.
- Calhoun John C., 2003 [1854], "A Discourse on the Constitution and Government of the United States", In *The Papers of John C. Calhoun*, vol. 28, edited by Clyde N. Wilson, and Shirley B. Cook, 267-84, University of South Carolina Press, Columbia.
- Cash Wilbur J., 1941, *The Mind of the South*, Knopf, New York.
- Dinan John J., 2012, "State Constitutions and American Political Development", In *Constitutional Dynamics in Federal Systems: Subnational Perspectives*, edited by Michael Burgess and G. Alan Tarr, 43-60, McGill-Queen's University Press, Montreal.
- Duchacek Ivo D, 1988, "Dyadic Federations and Confederations", *Publius: The Journal of Federalism* 18, no. 2 (Spring): 5-31.
- Elazar Daniel J., 1966, *American Federalism: A View from the States*, Thomas Y. Crowell, New York.
- Feeley Malcolm M., and Edward Rubin, 2008, *Federalism: Political Identity and Tragic Compromise*, University of Michigan Press, Ann Arbor.
- Feldman Glenn, 2014, "Introduction", In *Nation Within a Nation: The American South and the Federal Government*, edited by Glenn Feldman, 102-21, University Press of Florida, Gainesville.
- Glazer Nathan, 1977, "Federalism and Ethnicity: The Experience of the United States", *Publius: The Journal of Federalism* 7, no. 4 (Fall): 71-87.
- Hamilton Alexander, 1961 [1787], "Federalist No. 13." In *The Federalist Papers*, edited by Clinton Rossiter, New American Library of World Literature, New York.
- Jay John, 1961 [1787], "The Federalist No. 2." In *The Federalist Papers*, edited by Clinton Rossiter, New American Library of World Literature, New York.
- Kincaid John, 1990, "From Cooperative to Coercive Federalism", *Annals of the American Academy of Political and Social Science* 509, no. 1 (May): 139-52.
- Kincaid John, 2003, "Extinguishing the Twin Relics of Barbaric Multiculturalism – Slavery and Polygamy – From American Federalism", *Publius: The Journal of Federalism* 33, no. 1 (Winter): 75-92.
- Kincaid John, 2010, "United States of America", In *Diversity and Unity in Federal Countries*, edited by Luis Moreno, and Cesar Colino, 350-78, McGill-Queen's University Press, Montreal.
- Kincaid John, 2012, "The Rise of Coercive Federalism in the United States: Dynamic Change with Little Formal Reform", In *The Future of Australian Federalism: Comparative and Interdisciplinary Perspectives*, edited by Gabrielle Appleby, Nicholas Aroney, and Thomas John, 157-179, Cambridge University Press, Cambridge.
- Kincaid John, 2013, "Territorial Neutrality and Coercive Federalism in the United States", In *Federalism, Regionalism and Territory*, edited by Stelio Mangiameli, 133-47, Giuffrè, Milan.
- Kincaid John, 2018, "Diversity-Induced Centralization in American Federalism with Asymmetrical Accommodations of Territorial Diversity", In *Revisiting Unity and Diversity in Federal Countries*, edited by Alain-G. Gagnon, and Michael Burgess, 282-98, Brill Nijhoff, Leiden.
- Kössler Karl, 2015, "Conclusions: Beyond the Illusion of Ethno-culturally Homogenous Territory", In *Minority Accommodation through Territorial and Non-Territorial Autonomy*, edited by Tove H. Malloy, and Francesco Palermo, 245-72, Oxford University Press, Oxford.
- Maxwell Angie, and Todd Shields, 2019, *The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics*, Oxford University Press, Oxford.
- Palermo Francesco, and Karl Kössler, 2017, *Comparative Federalism: Constitutional Arrangements and Case Law*, Hart Publishing, Oxford.
- Resnick Philip, 1994, "Toward a Multinational Federalism: Asymmetrical and Confederal Alternatives", In *Seeking a New Canadian Partnership: Asymmetrical and Confederal Options*, edited by F. Leslie Seidle, 71-89, Institute for Research on Public Policy Series IRPP, Québec.
- Riker William H., 1964, *Federalism: Origin, Operation, Significance*, Little, Brown and Company, Boston.
- Rubin Edward, and Malcolm Feeley, 1994, "Federalism: Some Notes on a National Neurosis", *U.C.L.A. Law Review* 41, (April): 903-52.



-
- Russell Peter H., 2017, *Canada's Odyssey: A Country Based on Incomplete Conquests*, University of Toronto Press, Toronto.
 - Ryan Erin, 2017, "Secession and Federalism in the United States: Tools for Managing Regional Conflict in a Pluralist Society", *Oregon Law Review* 96, no. 1 (December): 123-184.
 - Skocpol Theda, and Vanessa Williamson, 2012, *The Tea Party and the Remaking of Republican Conservatism*, Oxford University Press, Oxford.
 - Somin Ilya, 2017, "The Supreme Court of the United States: Promoting Centralization More than State Autonomy", In *Courts in Federal Countries: Federalists or Unitarists?*, edited by Nicholas Aroney, and John Kincaid, 440-81, University of Toronto Press, Toronto.
 - Tarr G. Alan, 2000, *Understanding State Constitutions*, Princeton University Press, Princeton.
 - Tarr G. Alan, 2005, "The United States of America", In *Constitutional Origins, Structure and Change in Federal Countries*, edited by John Kincaid, and G. Alan Tarr, 382-408, McGill-Queen's University Press, Montreal.
 - Tarr G. Alan, 2013, "Federalism and Identity: Reflections of the American Experience", *L'Europe en Formation. Journal of Studies on European Integration and Federalism* 369, n. 3 (November): 20-38.
 - Tarr G. Alan, 2018, "Of Tribes and Territories: Asymmetry in American Federalism", In *Revisiting Unity and Diversity in Federal Countries*, edited by Alain-G. Gagnon, and Michael Burgess, 299-325, Brill Nijhoff, Leiden.
 - Taylor John, 1823, *New Views of the Constitution of the United States*, Way and Gideon, Washington DC.
 - de Tocqueville Alexis, 1954 [1835], *Democracy in America*. vol. 1, Vintage, New York
 - Ward Jason Morgan, 2014, "Negroes, the New Deal, and ... Karl Marx?: Southern Antistatism in Depression and War", In *Nation Within a Nation: The American South and the Federal Government*, edited by Glenn Feldman, 102-21, University Press of Florida, Gainesville.
 - Weissert Carol, 2013, "Intergovernmental Relations in the Architecture of Federal System: The United States", In *The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain*, edited by Alberto López – Basaguren, and Leire Escajedo San Epifanio, 3-12, Springer, Berlin-Heidelberg.
 - Weckin Gary D., and Joseph Y. Howard, 2015, "United States of America: Nationalized Politics and Centralized Federalism", In *Parties and Civil Society in Federal States*, edited by Klaus Detterbeck, Wolfgang Rensch, and John Kincaid, 279-309, Oxford University Press Canada, Don Mills.
 - Woodward Comer Vann, 1955, *The Strange Career of Jim Crow*, Oxford University Press, New York.
 - Zuckert Michael P., 1992, "Completing the Constitution: The Fourteenth Amendment and Constitutional Rights", *Publius: The Journal of Federalism* 22, no. 2 (Spring): 69–91.

PERSPECTIVES ON FEDERALISM

Fondazione CSF

Piazza Arbarello, 8

10122 Torino- Italy

Tel. +39 0116705024

Fax +39 0116705081

Mail to: castaldi@csfederalismo.it,

delledonne@csfederalismo.it

