Capital cities of federations. On the way to analysing the normative base of their asymmetrical status

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Abstract:

Federal Capitals often have special statutes. Compared with member states, they often enjoy a lower degree of self-government and a lesser share in the governing of the federation. Why do actors choose such devices, and how can they be justified in a liberal democracy? Surprisingly, the burgeoning literature on asymmetric federalism (to which our research group has contributed significantly) has overlooked this important feature of a \textit{de iure} asymmetry, perhaps because political theory up to now has concentrated on cases of multicultural and plurinational federations. However, comparative literature is also rare. This paper is the first step to filling in this gap by comparing some federal capitals. The Federal District model (Washington) is compared to capitals organized as member-states (Berlin and Brussels), and capitals that are cities belonging to a single member state (Ottawa in Ontario). The different features of \textit{de iure} asymmetry will thereby be highlighted. Some light will be shed on the possible motives, reasons and justifications for the choice of each respective status. The paper opens the door to further research on such status questions by analysing public and parliamentary debates, for example. It paves the way for more thorough research. Since the author has been awarded a grant by the \textit{Institut d'Estudis Autonòmics}, this research will be carried out soon.\footnote{Title of the project: “Ciutats capitals de federacions. Les bases normatives del seu estatus asimètric”, project conceded 13 de september 2011. A longer version of this paper has been published in German under the following title: "Der Status der Bundeshauptstädte: Plädoyer für eine vergleichende Hauptstadtforschung", Europäisches Zentrum für Föderalismus-Forschung Tübingen (ed.): Jahrbuch des Föderalismus 2011. Föderalismus, Subsidiarität und Regionen in Europa, Baden-Baden: Nomos Verlagsgesellschaft 2011, p. 57-66.}
Introduction:

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Why analyse the status of capital cities?

“Taxation without representation”. Cars registered in Washington DC display this protest slogan on their number plates. While the inhabitants of the federal capital pay taxes like other US citizens, they are not allowed to elect a senator and their representative in the House can

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only vote in Committee sessions. This case is an exception, but only to a certain degree. In many federations, capitals are treated asymmetrically. They do not enjoy the status of a state and their rights to have a “share” in federal government are sometimes curtailed. In many cases their self-government rights are also restricted. However, other federations grant their capital the status of a member-state. And there are even some countries where the federal capital is just another city within the boundaries of one of the member states. What are the normative foundations for each arrangement? Why were these different models initially chosen? Is there a comparatively more successful model? Are there any trends pointing towards a move away from one model towards the establishment of another one? And in particular: Can the asymmetric treatment of capitals be normatively justified? How? Particularly bearing in mind that in cases where federal capitals have asymmetrical status in the shared government of the federation, this is not compensated with a higher degree of self government!

Curiously, federal arguments on stability and in favour of a stronger union seem to justify, at least to most actors, asymmetrical arrangements that often seem to contradict democratic and liberal norms, and that are usually not tolerated in the case of minority nations. In cases of minority nations, as our own research has established, asymmetric arrangements often face claims for re-symmetrization. This does not seem to be the case when we deal with federal districts.

The state of the art

Political theory has not yet tackled this important question. Indeed the comparison of federal capitals itself remains clearly under-researched. Works on asymmetric federalism (Agranoff 1999, Watts 2006, Requejo 2001, 2004, 2005, Requejo/Fossas 1999) have usually analysed differences between member-states or between member-states on one hand and territories or associated states on the other. They have highlighted questions of self-government, and sometimes, of shared government. Important contributions have covered asymmetric
accommodation in multinational democracies, where some of the units—but not all—are nations or at least culturally differentiated communities. It has been portrayed as a way of providing recognition and thereby improving the stability of the federation and fostering respect for double identities. We have ourselves contributed to this literature (Nagel/Requejo 2009a and 2009b, 2010). But surprisingly, this burgeoning literature has, up to now, not included the case of the clearly asymmetric treatment federal capitals enjoy or suffer. This holds true in spite of the fact that asymmetric treatment of federal capitals (lesser share in central government, or none at all) is not compensated by more self-rule, but often runs hand-in-hand with less self-rule.

We are confident that due to our previous research experience we are able to fill this gap with this project. The consequences of asymmetrical arrangements, for example on equality of individual citizens in the federal “demos”, equality of member units and equal representation in central state institutions (the so-called *West Lothian Question*), have already been the object of research by other authors. Ways in which to respond to such challenges have also been provided, for example, by compensating a higher degree of self-government with a lower degree in shared government, and so on. The problems such measures may bring for parliamentary democracy (changing majorities depending on the issue) have also been analysed. There is even a growing literature on re-symmetrizing tendencies, its reasons and its support, as well as its absence in some cases. We have addressed some of these problems ourselves (Nagel/Requejo 2009a and b and 2010).

Luckily, to assert the facts of asymmetric government in federal capitals, we can rely on some, albeit not many, case studies and (very few) comparisons. Works on capital cities such as that presented by John Taylor et al. (1993) or David Gordon (2006) include some federal capitals. However, they usually centre on planning issues or, like Boyd/Fauntroy (2002), on financial aspects. Donald Rowat’s classical study on the government of federal capitals highlights the tension between the interest of federal government to develop its capital and its
national role, and the local interests of its inhabitants. It remains an important piece of work, but it dates from 1973 and is centred on questions of governance. The brand-new book by Slack/Chattopadhyay (2009) concentrates on questions of funding and finance of federal capitals, transfers and taxes. It analyses their income as well as their spending autonomy and needs. Although it does not address our question, it includes important information on the case studies included. It covers not only accountability, but also basic data on representation in shared government, eventual restrictions to self-government, and the issue of compensating autonomy with money. The study also includes some information on the initial setting and some data on tendencies over time. However such information is only available for some of the capital cities. Hoff/Krüger (2004) had already presented a less ambitious study, also concentrating on financial aspects, but only on a small number of capitals. Van Wynsberghe has made some very important contributions (2002, 2003, 2005, 2007, 2009). She has updated Rowat (1968, 1973, 1993), and ordered no less than 17 capitals by degree of predominance of federal/national interests or local interests with regards to self-government and finance. She is also the author of very important studies comparing Brussels and Ottawa, and of in-depth articles on the case of Brussels. Indeed the Belgian capital is without doubt the best studied case (Poirier 2007, Nihoul 1993, Lagasse 1999, Dumont/van Drooghenbroeck 2007, Alen et al. 1999, Robert 1997, Swenden 2002), followed by Washington (Wolman 2006, O’Claireacain 1997, Diner 1992, Bowling/Gerhard 2007, Boyd/Fauntroy 2002, Fauntroy 2003, Harris 1995 and 1997, Gandhi et al. 2009), where the town administration has presented some important documents and studies. To a degree, such individual and institutional studies also exist in other cases like Berlin (Baesecke/Maier 1981, Biedenkopf 2003, Pommerin 1989, Craig 1998, Hoff/Krüger 2004, Färber 2003, Salz 2006, Zimmermann 2009). For future comparisons with other cities, we also point to the literature on Bern (Bundeskanzlei 2004, Küber 2009, Küber/Scheuss 2005), Canberra (Wright 1998, Sansom
From the existing literature, the following typology can be taken as our point of departure:

**Table 1:**

<table>
<thead>
<tr>
<th>FEDERAL DISTRICT</th>
<th>MEMBER-STATE</th>
<th>CITIES IN MEMBER-STATES</th>
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<tr>
<td>Abuja, Addis Ababa, Brasilia, Buenos Aires, Canberra, Caracas, Islamabad, Kuala Lumpur, Mexico City, New Delhi, Washington DC.</td>
<td>Berlin, Brussels, Moscow, Vienna. We might also include Madrid as the capital of a strongly decentralised state.</td>
<td>Bern, Ottawa, Pretoria/Cape Town. Formerly, also Bonn, Belgrade (Yugoslavia) and Moscow (USSR).</td>
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<tr>
<td>Capitals that have a legal status that differs from that of the states that surround them.</td>
<td>The capital is both a city and a state. In some cases the capital does not enjoy full parity with other states of the federation. Brussels is also the capital of Flanders (and Europe). The Autonomous Community of Madrid also includes other municipalities, but so does Brussels Region. Often, the capital state has some asymmetric arrangement (this is very clear in the case of Brussels, but much less in the cases of Vienna and Berlin). In the case of Brussels, this city is also the capital of Flanders, and in this regard, Brussels is also to be compared to category III.</td>
<td>The capital is a simple municipality within a member-state, falling under its jurisdiction. However, in some cases, the capital may benefit from special funding arrangements. Capitals that are, at the same time capital of a member-state, may be considered a sub-group (Bern, formerly Belgrade and Moscow under the USSR), while Ottawa, and formerly Bonn, belong to the other sub-group. In South Africa, Pretoria would belong to the second, Cape Town to the first subgroup.</td>
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No systematic study of the motives that have driven actors to choose the type of capital city has yet been presented. The above mentioned literature permits us to distinguish between military reasons (a capital far from the frontier), geographical reasons (in the middle of the country, or at least equidistant from the most powerful member-states), development strategies (to help underdeveloped zones), and national reasons (to foster cohesion, to represent the diversity of the federation). Federal arguments, it seems, can go different ways. In the German discussion on changing the capital (and its model) from Bonn to Berlin, both sides used federal arguments.

All American cases (but one, Ottawa) and all Asian cases, but no European case are found in group one. In group two, only European capitals can be found. Most of the cases in group three are European, too. Cities in group two are large population centres within their respective federations, while most cities in group one are small cities (some clear exceptions exist, most notably Mexico and Buenos Aires). Planned capitals are only to found in group one. How can such differences be explained? Is deep cultural diversity a relevant factor? At the end of the study we will be able to provide a final answer. However, according to a first reading of the existing literature, the “district” model seems to have a better chance of reflecting the diversity of the federation. It may avoid conflict between competing powerful member states; it may “neutralise” the capital, making its choice acceptable for all member-states. However, it might be the population of the capital city who pays the price for this. How did the actors justify their positions and claims when the model was set-up, changed, or defended against attempts to change it?
The “member-state” model is the main alternative to the asymmetrical district model. It remains to be seen whether its choice is motivated by the strength of the capital city. A capital city may be too strong to be passed over. The model avoids the general problems of asymmetrical treatment. However, it seems to give the capital a double role on both levels: federation, and member states.

The “city-in-a-member-state” model tries to see the capital as a simple municipality. But it might give an unfair advantage to the state where the capital is situated. In addition, on the one hand the member-state may act as a barrier between the federation and the municipal government of the capital. On the other hand, the city government itself may seek direct contacts with the federal administration and hence overstep the member-state. This model may also fail to reflect the diversity of the federation (Ottawa is an English speaking capital in a bilingual federation).

Our study will have to tackle the aforementioned questions. However, given the usual limitations of time and financial resources, we will start by comparing four cases, two European and two American. They are cases of special interest since they will inform us on existing tendencies towards the convergence of types. According to some authors there is a tendency to give “federal districts” more autonomy (van Wynsbergh 2005: 20), bringing them closer to the “member-state” model. Conflicts like the one mentioned at the beginning (taxation without representation in Washington) will have to be analysed – is it leading to the end of the district model and moving towards a member-state model as propagated by some actors? Abuja and Mexico (after a long process in the latter case) have already acquired some characteristics of the “capital-as-member-state” type. On the other hand, should Ottawa not be a Federal District made up of territory carved out from the provinces of Ontario (the city of Ottawa) and Québec (French speaking Gatineau) to form a bilingual Federal District? What were the normative arguments in Germany to change the capital city from a state model (Bonn) to a model of a (real?) symmetric member state (Berlin)? We will also consider the
possible existence of deviations from the “pure” types. “In-between” cases (Brussels region is a member state, but “not quite”) are of special interest.

Up to know, not many research groups have tried to compare federal capitals and none (to our knowledge) with a background in Political Theory. The Fourth International Conference on Federalism in New Delhi (2007) initiated some research on metropolitan regions, and the recently published aforementioned book by Slack and Chattopadhyay (2009) is a result of this. There are some groups comparing metropolitan regions in general, of course (for example, the International Metropolitan Observatory –IMO- at Stuttgart University, active since 2002), but as they are often fixed on planning, they are not of much use for our study. In Ottawa the Canadian High Commission offers a National Capital Research Scholarship and there is a Canadian Centre for the Study of Capitals, however, it too is concentrated on planning. Brussels is the most important exception in this respect. The Institut d’encouragement de la recherche scientifique et de l’innovation and the Université Catholique de Louvain funded, from 2001 to 2005, the Projet la Région de Bruxelles-capitale, which included a comparison with Berlin and Ottawa, and made reference to other cases. Since then, the review Brussels Studies has become one of the most interesting journals for our purpose.

How to proceed:

Our project will assess basic data for understanding de iure asymmetries (or their absence). We will start by answering simple questions and assess basic data such as the population share of the capital with regards to the overall population, compare it to other cities in demographic terms and income. We will also assess whether it is a major economic and financial centre, and how its population fares with regards to the general GDP per capita. However, much more emphasis will be placed on assessing eventual asymmetries in self-government and in shared government. Are all three powers of the federal government concentrated in the capital? Are the asymmetries anchored in the constitution?
With regards to finances (including autonomy on rules, administration, spending and compensation payments for performing the functions of a capital), we will rely on the works already cited. For example, published research has already established that the district model does not necessarily mean more federal money, thereby less self government and/or share in federal governance is not “compensated” with more money.

In our case studies we will insist on investigating the reasons for the initial choice of status for the capital, as reflected in acts of parliament, and/or in public debates like the Berlin-Bonn discussion in Germany. We will assess what kind of actors preferred what type of capital, and what kind of arguments (individual rights, democracy, equality, nationalism…) they brought forward. We will dedicate additional space to conflicts that have appeared after the initial choice was established. In the cases where there has been a change of capital city, we will also assess how conflicts with the former capital were solved. We will also assess whether there are or have been tendencies (successful or otherwise) to bring the status of the capital nearer to one of the other type.

We consider this project relevant and innovative in the context of political theory and comparative politics, as explained before. It will analyse a very important feature of de iure asymmetry which has not studied before, and thereby shed new light on the reasons and justifications for asymmetry and its limits. Our knowledge on the different types of federal capital will also be enhanced.
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