

Constructing Federalism —The EU and US Models in Comparison*

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Abstract

The EU has been taking a steady path toward closer integration, and its member states have delegated some of their sovereignty to the EU institutions. On the other side of the Atlantic Ocean, the US represents a successful model of federalism that recognizes dual sovereignty. What are the relevant legal, political, economic, and cultural foundations for constructing federalism? What are the similarities and differences between the EU and the US in their arrangements of the center-periphery relationship?

To examine this comparative issue, this paper adopts a functional understanding of federalism in analyzing power distribution between a center and periphery. Through this approach, the EU is judged to be in the process of constructing supranational federalism. This article examines the EU and US respectively in their path, organizing

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principle, enforcing mechanism, organizational focus, and process of constructing federalism. It finds that their patterns have been quite different. In spite of the differences, however, both the EU and the US present successful models of federalist construction. This paper concludes that the pattern of constructing federalism is flexible. With treaties or constitutions, with an economic focus or an even broader one, constructing federalism is possible.

Key Words: regulatory federalism, process federalism, supranational federalism, dual sovereignty, principle of subsidiarity