

Dividing Power Territorially

Law

How power is split between central and regional government.

Federal

- Division set out in the constitution
- Regional powers entrenched
- Disputes resolved by a constitutional court
- Central government cannot simply reclaim powers
- US, Germany, Australia, India

Devolved

- Powers granted by ordinary legislation
- Central legislature retains sovereignty
- Convention may restrain interference
- Reversible in strict legal theory
- Asymmetric arrangements common

THE DIFFERENCE THAT MATTERS

The practical difference is entrenchment: whether the centre can lawfully take back what it has granted.

Educational reference. Many systems are hybrids, and constitutional practice often differs from strict legal theory.