

POL224 (Canada in Comparative Perspective)
Canadian Federalism and the Rest of the World

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How do federal systems vary? How does Canadian federalism compare with other federal regimes, and how has it evolved over time?

Federalism can be defined as a type of political organization in which government authority and responsibility is divided between a federal and a state or provincial legislature (McIntosh & Stevenson, 2006). I submit that Canada's federalist system has evolved over time to become decentralized, symmetrical, and classical; these are three independent and bilateral qualities of federalism that describe federal institutions (antitheses are centralized, asymmetrical, and coordinative respectively). This paper will overview each of these three avenues through which federal institutions vary, describe Canada's federalism in a way that pertains the three dichotomies, and compare Canadian federalism to that of other nations.

A centralized federation is one in which even if the subnational governments have sovereignty, the overall balance of authority and responsibility is heavily weighted toward the central government. Centralization is not absolute; rather, it is a spectrum. A federation may be more, or less centralized depending on its precise relationship between the federal and local governments. The opposite is true for a decentralized government – when the central government is narrower in its authority, and when more decision-making falls to the local government, the federation is closer to the decentralized end of the spectrum. There exist about six countries that fall in that range; Canada, the US, Germany, Australia, Belgium, and Switzerland. There are two key factors that motivated decentralized federalism in these countries. Firstly, clashes or disagreements between ethnic, political, or religious groups determined divided and decentralized federal systems for the purpose of community protection and liberty in pursuing individual group interests. Such was the case with Belgium's tripartite ethnic division into Dutch, French, and German ethnic groups, or with Canada's French versus British linguistic and cultural division. Secondly, the sheer size of the

country is a large predictor of decentralized federalism; in Canada, Australia, and the United States, decentralized federalism is a pragmatic solution to the vast sovereign territories of the nations and the associated logistical problems for the central authority. Though the authors of the British North America Act envisioned a dominant federal government, the gradual growth in the importance of provincial jurisdiction (e.g. in administering complex social programs), control over natural resources, and a series of court rulings resulted in a shift of authority in Canada toward the provincial governments. Today, it must be noted that the lieutenant-governor can prevent legislation from taking effect until the central government has approved it. Hence, there are limits on Canada's decentralized federalism.

Symmetry as it pertains to federalism is an equal balance of authority, jurisdiction, or rights between every sub-national body (i.e. state or province). Asymmetry is the existence of an imbalance of some degree in those qualities which makes it so that the capabilities between the bodies differ. Though asymmetry is more prevalent within decentralized federations (Fiorillo, Giuranno & Sacchi, 2020), most federations are symmetrical. Asymmetry can most commonly be identified in non-federal nations like Spain (with its Catalan or Basque regions), or the United Kingdom (with Scotland, North Ireland, and Wales). Such asymmetry most reliably occurs as a result of relative historical influence of different territories or constitutional asymmetry which formally grants them different capabilities. In Canada, though Quebec has some distinctive features it acquired in 1867, such as a civil tradition of private law or formerly a legal requirement for documentation in French, it never outgrew other provinces in its authority or in relation with the federal government. Quebec's past attempts at acquiring a "distinct society" designation have been rejected by the rest of Canada. It is important to say, however, that the number of seats

attributed to each province depends on its population – as a result, an asterisk to Canada's symmetrical federalism is that less populous provinces have less legislative power.

Classical federalism is the division of the fundamental governing duties between the levels of government, i.e. between the federal, the provincial, and the municipal – each being tasked with different responsibilities. Coordinative federalism, by contrast, is where the central government has all or most of the authority, but it might rely on the functions of and cooperation with the lower levels for the federation to function correctly. Canada's classical federalist system comprises the unique functions of the federal, provincial, and municipal levels. The federal government in Ottawa responds to issues that affect the whole country (such as international relations, immigration, or defence). Provincial governments handle issues concerning the province like education, health care, agriculture, or highways. The municipal level receives commands from the provincial government and micro-manages policies in a denser community, like the Greater Toronto Area. A coordinative federalist system, however, such as the one in Germany, might have a federal council (the *Bundesrat*) that represents the states or provinces collectively. Representatives of the German states are part of the ruling party, and as such the central government has paramount authority – though in order to pass legislation, state representatives must cooperate. Canada's adoption of classical federalism is a product of a pervasive neoliberal approach to the government and the state held by figures within both federal and provincial level. This included a fundamental distrust in the role of the state and its objective of achieving collective goals, as well as a fear of the government becoming too large and, consequently, futile.

Overall, Canada's political history has crafted a decentralized, symmetric, and classical federal system which allows the country to accommodate effective governance of such a vast territory, while accounting for cultural and political divisions.

Bibliography

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