S. LaSelva, *The Moral Foundations of Canadian Federalism: Paradoxes, Achievements and the Tragedies of Nationhood* (MQUP: 1996) [read chapters 1 and 10]

Chapter 1: Federalism as a way of life

* Argues that to understand Canadian federalism, it is necessary to explore its moral foundations and to think of federalism as a way of life. Argues that understood this way, federalism “ceases to be a political or economic expedient and becomes a fundamental moral value”
* The article links back strongly to issues emerging from the “Canadian constitutional experiment” – which appears to be caught between universalism and particularism
* The crisis of Cdn fed-ism comes from the fact that Cdn fed-ism is no longer an affair of governments – it now extends to include citizens and groups who acquired new constitutional statues through the Charter, introducing new actors and transforming the language of constitutional discourse
  + Constitutional discourse…is increasingly becoming a branch of moral philosophy
  + Charter has brought about the demise of executive federalism, at least with respect to constitutional matters
* Main thrust of the chapter: the current crisis in Cdn fed-ism is not simply a political and constitutional one – it is also a moral crisis
* Crisis emerges from:
  + Instances when (moral) universalism and (moral) particularlism that have dominated an epoch set themselves against each other
  + Discourse has changed – citizens have multiple identities (and thus multiple loyalties)
* “Federalism is predicated on the existence of multiple loyalties”
* Emphasis on George-Etienne Cartier – talks of “fraternity” as a goal of confederation
  + “Nationalists want to confine fraternity; federalists want to expand it” – fraternity extends two ways, creating community for those who share a way of life and looking to those who have adopted a different way of life
* Federalists are not universalists – because they value local communities and local cultures.
* Federalists are not particularists – the imaginative feat of federalism is that it uses the complex concept of fraternity to accommodate both the universal and particular in the same state
* Fraternity is the ideal – ***not*** been realized. Not only has it failed to materialize at times between French/English, but certainly with respect to Aboriginals, who have been treated paternalistically

Chapter 10: Recovering the Moral Foundations of Canadian Federalism

* LaSelva argues neglecting moral foundations of fed-ism is unproblematic provided the practice of fed-ism is accepted – this has not been the case (esp. by Quebecois and Aboriginal nationalists)
* Introduces multiple theories of federalism:
  + MacDonald’s quasi-federalism– places federal government at the top – provinces below
  + Compact theory – insists on the essential sovereignty of the provinces, regarding the central government as their creature (justifies province-building)
  + Classical federalism – ascribes sovereignty to both levels of gov’t when they act within their spheres, with the corollary that neither level of gov’t is subordinate to the other
  + Cooperative/Administrative/Executive federalism – marked by close contact between ministers/civil service of both levels of government, with joint decision-making at times
    - Others – Simeon and Cairns included – have suggested that this new arrangement is in fact characterized by conflict rather than cooperation
  + Cairns’s “Political Federalism” – centres around institutional conflict
  + Consociational democracy – focuses not on conflict but rather on its management, so as to discover the conditions of political stability in divided societies. The essential characteristic of consociational democracy is the deliberate efforts by elites to stabilize the system – government by elite cartel.
* Contemporary challenges – new versus old nationalism

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