Federalism writ large:

**Bakvis and Skogstad (2008):** Cdn Federalism – Performance, Effectiveness, Legitimacy

* Argue that the Canadian federal system is embedded in a broader social, economic, institutional, and political context. The institutions and processes of federalism both respond to an shape:
  + Structural cleavages in Cdn society, of which the most important historically have been ethno-linguistic and territorial differences in identities, values, and material/economic base;
  + The interest and ideas of authoritative political leaders in provincial and national capitals; and
  + Extra-federal institutions including the Constitution and the parliamentary system

Critiques of the study of Federalism

**Cairns** **(1995):** The Embedded State

* Cairns argues that Cdn political scientists still think about Cdn government, and particularly Cdn federalism, as if it were 1867. In the contemporary world, the distinction between state and society which is no longer useful (as it was in 1867). What we have today is a complicated and tangled web of relationships between state and society, one in which the actions of the state in the past have lead the state to become “embedded” within society, and have led society to become increasingly politicized in its relations to the state.

**Cameron and Kirkorian (2002):** Study of Federalism 1960-1999

* A number of observers have suggested that there is a decline in the level of “traditional” federalism research in Canada – with a shift away from such areas as fiscal federalism and the division of powers to newer areas of study such as social movements, identity politics, and citizenship.
* Through an interdisciplinary review, they find that studies in traditional federalism are not in decline and continue to dominate the field (in English-Cdn scholarship)
* Issues with the literature:
  + Though Francophone federalism scholars engage with the English-language literature, the reverse is not true
  + Underrepresentation of women in the field
  + No decline in effort devoted to the study of federalism
* Not really a normative argument (is this good or bad), more a review of what’s going on

**Simeon (2002):** 7 Decades of Scholarly Engagement

* The study of federalism has been more defined by events than by theory, thus making it difficult to apply Canadian federalism more broadly
* Canadians need to be more comparativist

**Rocher and Fafard (2009):** Evolution of Federalism Studies in Canada – Centre to Periphery

* The study of classic issues of Canadian federalism have moved from the centre of scholarly preoccupations to the periphery, as scholarly interest in federalism has shifted to considering the impact of federalism on various aspects of Canadian political life, especially public policy
* Federalism is often used as an independent variable, rather than as a true dependent variable – where federalism is the object and focal point of the research
* Moreover, there are potentially two Cdn scholarly traditions on federalism, one written in French, the other in English – and the too rarely meet

Federalism as it relates to Regionalism:

**D. Smith (1991):** Crown, Empire, and Cdn Federalism

* Canada’s imperial legacy prevented the development of a centralized federation by equipping the provinces with the powers of the Crown and allowing the continuation of pre-existing provincial societies
* Can be linked to P. Russell’s “Incomplete Conquest” argument

**Gibbins (1997):** Federalism and Regional Alienation

* Canadian political institutions do a reasonable job of maintaining the federal balance between the protection of regional interests and the promotion of national integration
* Regionalism led to the adoption of federalism in the first place – they provided the societal foundations for federalism and for the provincial governments, which now in turn protect and promote regional communities in the face of homogenizing pressures from the national community

**McRoberts (2001):** Canada and the Multinational State

* Globalization/regional integration may have contributed to the acceleration of latent nationalisms, providing minority nations with new opportunities and reducing the powers of established states in favour of regional organizations and international capital that have together served to reveal the force of nations within
* Globalization increases the relative importance and power of internal nations

**Simeon (2002):** 7 Decades of Scholarly Engagement

* In English-Canada, federalism is seen as being a double-edged sword – on the one hand it is a condition of unity, given the obvious inability of a unitary government to reflect Canada’s diversity; on the other hand, federalism contributes to disunity by institutionalizing and reinforcing territorially-defined cleavages

**C. Taylor (1993):** Shared and Divergent Values

* Truly, there is little in the way of divergences of values between different regions in Canada.
* There appears to be remarkable similarity throughout the country and across the French-English difference when it comes to things in life that are important

---- SEE Inter- vs Intra-State federalism for more.

Federalism as it relates to Provinces (Federal/Provincial relations):

**Smiley (1964):** Public Admin in Cdn Federalism

* IGR is important for three reasons:
  + Inflexibility in the system regarding periodic redistribution of powers and responsibilities of govt by constitutional amendments, judicial review, or delegation
  + Increasing pressure for federal action to equalize the range and quality of public services available to citizens throughout Canada
  + The will and ability of the executives at the two levels of government to devise and implement collaboration arrangements
* Already pointing to some trends in executive federalism

**Cairns (1979):** Other Crisis in Cdn Federalism

* Far from existing in “splendid policy-making isolation from each other,” federal and provincial governments jostle and compete in an ever-more destructive struggle that reduces the beneficial public impact of the massive public sector produced by their conflicting, overlapping, and discordant ambitions. Federalism is not the only cause of these problems – is assisted by self-interested political and bureaucratic actors looking for power and prestige.

**McRoberts (1985):** Unilateralism, Bilateralism, Multilateralism – Approaches to Cdn Fed-ism

* Thesis: over the past view decades, Canadian federalism has undergone a profound transformation that has placed a premium on federal-provincial collaboration and imposed new costs on unilateralism – such that ‘classical federalism’ doesn’t really exist anymore
* Three models of federal-provincial relations:
  + Unilateralism – belongs almost exclusively to one government (federal) due to clear mandate or unreadiness/unwillingness of province to engage in that policy area (monetary policy, defence, external tariffs)
  + Bilateralism – Ottawa enters into agreement with one province, or enters into parallel agreements with most/all of the provinces
  + Multilateralism – agreement between Ottawa and at least two provinces

**Smiley and Watts (1985):** Intrastate Dimension of Federalism

* There are two contradictory forces at work in the structure and operations of the federal executive: technocracy and regionalism do not fit easily together.
* MPs and Cabinet ministers have the incentives for political visibility and political positioning in their areas and the regions from which they come
* Having direct link with regional offices encourages federal ministers to act with regional ministers, and thus offers a counterweight to central interests

**S. Dupre (1988):** The Workability of Executive Federalism

* Things are unbalanced in executive federalism
* In the move away from more classical federalism – departmentalized cabinets, department ministers with greater final oversight – towards executive federalism, has shifted how federal-provincial relations work
* Things have become unbalanced, more asymmetrical, as the move to executive federalism has privileged the formation and maintenance of relationships/networks/trust ties between appointed officials at the two levels of govt working together

**D. Smith (1991):** Empire, Crown and Cdn Federalism

* Provinces are the true beneficiaries of imperialism – though the federal government was a new institution, provincial governments continued from old colonial governments (though with fewer powers)
* JCPC in particular shaped the practice of Canadian federalism by limiting the federal government – it *enabled* the autonomist desires of the provinces, it *did not* create them

**R.L. Watts (1999):** Spending Power in Federal Systems

* Federal spending power and its use has been an important and controversial element in the operation of the Cdn federation
* Attempted to address the issue in two rounds of mega-constitutional reform but it has remained unresolved
* Canada stands out among federal nations in the recognition of provincial autonomy through the relatively low degree of conditionality attached to most federal transfers to provinces

**A. Eisenberg (1999):** Two Pluralisms in Canada

* Federalism was historically instituted to limit the authority of the central state and in doing so, sustain provincial communities
* Thesis: the more federalism succeeds at enhancing the group life of provincial communities the more it erects obstacles for social equality

**Simeon (2005):** Plus Ca Change – IGR Then and Now

* The shape and discussion of federal-provincial relations in 2005 bears more than just a passing resemblance to the development of IGR in the 1960s.
* The current discussions regarding asymmetrical federalism, the debate over shared-cost programs, and the constitutional issues raised by the federal spending power in provincial jurisdictions are not new events in the life of the federation
* Today’s story seems very much the same as yesterday’s – greater funding assures Ottawa’s place in leading areas, but it has no right to tell the provinces what to do, at least not without the political and fiscal levers they used to have

Federalism and Quebec

**Cairns (1979):** The Other Crisis in Cdn Federalism

* Concerned that the role and efficiency of government has been sidetracked for nearly two decades by the overwhelming application of limited political energies to the task of either keeping Quebec in confederation, or getting it out.

**Pepin-Robarts Report (1979)**

* Report was to publicize and encourage non-governmental organizations to promote Canadian unity and to advise government on the unity issue.
* Cairns argues that the basic constitutional philosophy of the report is a modern version of the compact theory, in which Ottawa exists on sufferance and the federal government is the child or the creature of the provinces

**Rocher and Gagnon (1992):** The Multilateral Agreement – Betrayal of Federal Spirit

* The repatriation of the Constitution undermined the principles of federalism, as it was a unilateral act by the federal government (did not include co-decision making of the provinces)
* The Constitution is a clear betrayal of federal spirit – as there are no longer watertight powers of federalism; regionalism displaces Quebec as a spokesperson of a nation; the principle of equality of the provinces weakens the idea that Quebec has a particular role in Canada; and the Charter is based on a principle of uniformity
* Quebecers are in fact the true federalists – as they do not recognize supremacy of one government over others
* Quebecois have not rejected federalism, but they have rejected the interpretation of federalism in “Canada outside Quebec”

**C. Taylor (1993):** Shared and Divergent Values

* 5 ways in which Cdns are distinct (from Americans): (1) law and order; (2) collective provision; (3) equalization of life conditions and life chances between regions; (4) multiculturalism; (5) Charter of Rights and Freedoms
* Quebec sees much of (1) – (5) as good things – however, most problematic are:
  + (4) Multiculturalism – as federal policy, this is sometimes seen as a device to deny French-speaking minorities their full recognition and reduce French Cdns to being an “outsized ethnic minority”
  + (5) The Charter was viewed favourably until it became perceived as an instrument for the advancement of the uniformity of language regimes across the country
* Road to uniformity must be based on the acceptance of the principles of “deep diversity” – in which a plurality of ways of would be acknowledged or accepted

**Courchene (1997):** Celebrating Flexibility

* If Quebecers insists on enshrining their “distinct society” in the constitution, they may have to wait a bit
* However, the good news is that if Quebecers can be content with a *de facto* distinct society – defined as the ability to influence how they work and play – then their hour is at hand

**McRoberts (2001):** Canada and the Multinational State

* Canada has historically privileged notion of dualism – but this conception of Canada is being replaced (by greater recognition of Aboriginal nations within Canada) and by multiculturalism
* Canada multinational in composition – Quebec Francophones, Acadians and Aboriginal nations make up 23% of the population

Federalism as it relates to multinationalism/multiculturalism:

**C. Taylor (1993):** Shared and Divergent Values

* Diversity of immigrants to Canada that of “first-level diversity” – what is at stake here is the accommodation of cultural, ethnic, and religious pluralism within a single political community
* Meanwhile, for aboriginal and Quebecois, they experience “deep diversity” (a second-level diversity) – where what is at stake is not the integration of members of ethno-cultural groups to a single political community, but rather the accommodation of certain groups whose members conceive of themselves as forming a distinct community and who share a desire to control their destiny together and act collectively as a political actor, as a people, free from external rule

**S. LaSelva (1996):** Moral Foundations of Cdn Federalism

* Argues that it is necessary to explore the moral foundations of federalism – and that in this light “federalism ceases to be a political or economic expedient and becomes a fundamental moral value”
* In this light – federalists are not universalists “because they value local communities and local cultures” *and* federalists are not particularists, as the imaginative feat of federalism is that is uses the complex concept of fraternity to accommodate both the universal and the particular in the same state
  + HWR, fraternity is the *ideal* and has not been realized – it has failed to materialize at times between the French/English divide, and is certainly lacking with respect to Aboriginals who have been treated paternalistically

**Eisenberg (1999):** Two Pluralisms in Canada

* Multiculturalism is meant to advance the social equality of cultural groups and, to this end, it has required more state involvement.
* Thesis: federalism’s success at ensuring that cultural minorities have access to the same resources as the majority undermines the ability of these groups to enjoy the autonomous group life extolled by the first kind of pluralism (see below). Multiculturalism is about integration, not about autonomous group life.
* Two types of pluralist strategies:
  + Pluralism to limit state sovereignty – (1) divides resources between groups to limit the power that any one group can have/exert over other groups and (2) sustains group life
  + Pluralism to enhance cultural equality – pluralist theories that aim at distributing resources to cultural groups so that individuals can enjoy similar resources regardless of cultural group

**McRoberts (2001):** Canada and the Multinational State

* Thesis: Though Canada has historically been privileged the notion of dualism, this conception is increasingly being replaced by state nationalism that has entrenched a purely territorial rationale for federalism and made multiculturalism the only legitimate basis for accommodating cultural diversity.
  + In addition to mainstream conception of nation-state, there are “internal nations” within states – and several exist within Canada (French nation, Aboriginal nations)
* Canada is undeniably multinational in composition – Quebec Francophones, Acadians and Aboriginal nations make up 23% of the population – with ‘internal nations’ more mobilized than ever – yet Cdn institutions show no evidence of themselves being multinational

Globalization and Federalism

**Courchene (1997):** Celebrating Flexibility

* Canada’s federal system is sufficiently flexible and adaptable to accommodate pervasive global forces of change along
* The sweeping and complex nature of this evolution *cannot* be strategically planned for or managed through formal changes to the distribution of power
* With the decentralization of key aspects of the social envelope and with the provinces increasingly moving in the direction of becoming “economic nations” – English-speaking Canadians may have to rethink their vision of the federal government as embodying both “state” and “nation”

**McRoberts (2001):** Canada and the Multinational State

* Globalization/regional integration may have contributed to the acceleration of latent nationalisms, providing minority nations with new opportunities and reducing the powers of established states in favour of regional organizations and international capital that have together served to reveal the force of nations within
* Globalization increases the relative importance and power of internal nations

Federalism through the lens of Political Economy

**Stevenson (1977):** Federalism and the PE of the Cdn State

* Analyses of the state from a Marxist perspective have given little attention to federalism
* BNA Act gave resources to the provinces (at the time it did not seem to be important – mining was almost non-existent at the time)
  + Those resources acquired significant economic/political importance before turn of the century, and were integral in building up strength of provinces in the post-war period.
* Institutions and structures overhauled in post-war period, reflecting increasing importance of their functions – legislatures were redistributed to benefit the urban bourgeoisie, merit principle in provincial administrations came in, state ownership of utility companies expanded. These changes had 3 effects:
  + Modernized provincial state was a far more effective instrument for the promotion of bourgeois interests
  + Ties between the provincial state and the bourgeois were strengthened, particularly by the merit system which in a capitalist economy almost ensures the circulation of elites between the corporations and the state
  + A vast number of state functionaries emerged at the provincial level
* In addition to these changes – provincial expenditures increased resulting in (1) conflict between the provinces and Ottawa; and (2) provinces dove into debt.

**Simeon (2002):** Study of Federalism in Canada – 7 Decades of Engagement

* Political economy approach stresses the material basis of conflict, and the extent to which both regional and ethnic conflicts are about the distribution and location of economic benefits (institutions = independent variables)
  + Confederation seen through the lens of commercial interests of central Canada
* Federalism in the 1930s-1950s: fundamental conflicts in federalism were not between governments, but rather were between various economic interest groups – all of whom strive to use the political machinery of provincial and federal governments
* Country-building vs. Province-building (1960s-1980s): PE concepts such as regional dependency, centre-periphery, metropolis-hinterland, and internal colonialism

Concepts of Federalism

**Smiley and Watts (1985):** Intrastate Dimension of Federalism

* Dicey-Wheare Definition of federalism: stresses the independence of governments, doesn’t stand in front of the modern practice of federalism. The definition ignores the mutual interdependence of governments (executive federalism). Has three characteristics:
  + Supremacy of the Constitution
  + Distribution among bodies with limited and coordinate authority of different powers of government
  + Authority of the courts to act as interpreters of the Constitution
* Thesis: The founding and subsequent experience of federations is characterized by complex relations between inter- and intra-state elements (which are both complimentary and contradictory)
  + *Inter*state federalism: includes the distribution of powers and financial resources between the federal and provincial governments as well as the relations between those two orders of government
  + *Intra*state federalism: the arrangements by which the interests of regional units – either the governments or individuals within these units – are channeled through and protected by the structures and operations of the central government
* Effective intrastate federalism will ultimately depend on the degree to which the cabinet is able to embody and express intrastate federalism in its composition, its decision making processes, and its political and administrative roles

**Gibbins (1997):** Federalism and Regional Alienation

* Canadian political institutions do a reasonable job of maintaining the federal balance between the protection of regional interests and the promotion of national integration
  + *Inter*state federalism has two forms of protection for regions: (1) division of powers between federal and provincial governments; and (2) participation of provincial governments in national politics (executive federalism/intergovernmental relations such as FMCs)
  + *Intra*state federalism is found within the institutions of national government – particularly in parliament: (1) representative performance of MPs and Senators (though strict party control has weakened this aspect); and (2) Cabinet to consider regional representation (though not all ministers created equal, and cabinet deliberations are secret, and therefore impossible to know the effectiveness)

Evolution of Federalism:

**Smiley (1964):** Public Admin and Cdn Federalism

* 2 Types of IGR: (1) Joint Federalism, and (2) Consultative Federalism
  + Joint federalism beginning to come under stress because provincial administrations becoming administratively mature; provinces making more effective challenges to federal involvement/influence; aggressive and power-seeking provincialism; high levels of unemployment and unsatisfactory economic growth increased necessity of federal-provincial activities (especially fiscal policy)

**Robinson and Simeon (1990):** State, Society, and Development of Cdn Federalism

* Society-centric explanation of the evolution of federalism in Canada – looks less at how federalism “creates” regionalism, and rather consider how elites reproduce salient cleavage for their own sake
* Colonial federalism: 1867-1896 – example: power of disallowance
* Classical federalism: 1896-1945 – pendulum swinging to the provinces (JCPC decentralization, swelling provincial revenues)
* Cooperative federalism: 1945-1960 – shared-cost programs (huge expansion of welfare system)
* Competitive federalism: 1960-1980 – escalation of interregional and intergovernmental conflict (example – NEP)
* Constitutional federalism: 1980-1993 – self-explanatory
* Collaborative/Executive federalism: 1980+ a process by which national goals are achieved not by the federal government acting alone, or even shaping provincial behaviour through exercising its spending power – but rather by some/all provinces acting collectively

**Lazar (2006):** Intergovernmental Dimension of SUFA

* Four types of federalism:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Hierarchical | |  |
| Interdependent | Unilateral federalism | Beggar-thy-partner federalism | Independent |
| Collaborative federalism | Classical federalism |
|  | Non-Hierarchical | |  |

* There is no one type of intergovernmental regime that is dominant in the social union, though classical and collaborative models are widespread (more common than the other two)
* Thus, there is no single theory of federalism guiding the management of the social union

**LaSelva (1996):** Moral Foundations of Cdn Federalism

* Evolution of federalism:
  + Compact Theory – insists on the essential sovereignty of the provinces regarding the central government as the creature of the provinces
  + Classical federalism – ascribes sovereignty to both levels of government when they act within their own spheres, neither level is subordinate to the other
  + Cooperative/Administrative/Executive federalism – marked by close contact between ministers/civil servants of both levels of government

**Cameron and Simeon (2002):** IGR in Canada – Emergence of Collaborative Federalism

* Argue in favour of collaborative federalism, suggest that strong forces are pushing for the further elaboration of this model:
  + Relatively even balance of federal and provincial power and statute;
  + High degree of interdependence among govts;
  + Desire for administrative efficiency and clarity; and
  + Interests of citizens in collective ability of govts to meet goals
* Yet much of the logic of Cdn federalism stands in the way – including the lack of a unifying national party system, lack of mobility of officials and politicians between the two levels, competition to gain credit and avoid blame, importance of regional and ideological division between govts, inequality in wealth distribution among provinces – ALL push towards adversarial relationships