

Athabasca University

POLI 390: Canadian Federalism (rev C6)

Detailed Syllabus

Welcome to Political Science 390: Canadian Federalism. This course aims to introduce the study of Canadian federalism and explain the relationship between the federal and provincial governments.

Course Learning Outcomes

Upon the completion of POLI 390, you should be able to

- identify and explain the distinctive social, legal, and institutional features of Canadian federalism;
- account for the historical evolution of the Canadian federal system from 1867 until the present;
- analyze the consequences of the long-term attenuation of federal power and an increase in the power and influence of the provinces;
- evaluate the ability of the Canadian federal system to manage conflict and promote effective intergovernmental policy-making procedures; and
- assess the workability of the Canadian federal system, and evaluate the prospects for future changes to Canada's constitutional regime.

Course Outline

Unit 1: Introduction: The Study of Federalism

After completing Unit 1 you should be able to

- distinguish among federal, unitary, and confederal systems of government;
- outline the defining characteristics of federalism as a form of government;

- describe the interrelationships among government, society, and politics in a federal state;
- describe how power is divided in a federal system and how judicial review has differed in Canada and the United States;
- identify the factors—political, social, economic, and military—that cause nations to adopt a federal system of government; and
- discuss the difference between the institutional and the sociological dimensions of federalism.

Readings

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Introduction, pp. xi–xix
- Chapter 1: Understanding Federalism and Intergovernmental Relations, pp. 1–26

From *Comparing Federal Systems*, 3rd edition, by Watts:

- Section 1.4: Definition of Terms and of Principles of Federalism, pp. 8–18
- Section 1.7: Issues in the Design and Operation of Federations, pp. 23–24
- Section 1.8: Federations Considered in This Study, pp. 24–27
- Section 13.3: The Special Problem of Two-Unit Federations, pp. 184–185
- Section 13.4: Processes and Consequences of Disintegration, pp. 185–187

From the DRR:

- Livingston, W. S. (1952). A note on the nature of federalism. *Political Science Quarterly*, 67(1), 81–95.
- Cairns, A. C. (1977). The governments and societies of Canadian federalism. *Canadian Journal of Political Science*, 10(4), 695–725.

Unit 2: The Origins of Canadian Federalism—Part 2.1: Confederation

When you have completed Unit 2.1, you should be able to

- identify the key actors responsible for Confederation in 1867;
- identify the factors—political, social, economic, and military—that caused Canada to adopt a federal system of government;
- describe the pressure for a more centralized federation and those pressures that existed ;
- Identify the voices that were ignored or marginalized in the Confederation settlement.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 2: The Economic, Social and Institutional Bases of Canadian Federalism, pp. 27–44

From the DRR:

- Stevenson, G. (2009). Chapter 2: Origins and objectives of Canadian confederation. In *Unfulfilled union* (5th ed.) (pp. 20–42). Kingston: McGill-Queen’s University Press.

Unit 2: The Origins of Canadian Federalism—Part 2.2: The Constitution and the Game of Politics

When you have completed Unit 2.2, you should be able to

- identify the key provisions of the BNA Act 1867 (later renamed the Constitution Act, 1867);
- analyze some of the rationales for allotting certain powers to the federal government and other powers to the provincial government;
- describe the most centralist features of the Constitution Act, 1867;
- describe the most decentralist features of the Constitution Act, 1867.

Unit 3: Regionalism and Province Building

When you have completed Unit 3, you should be able to

- identify and discuss distinct periods of centralization and decentralization in Canadian history;
- discuss how Canada's political evolution differs from that of most other federal states;
- identify and critique the various theories that have been put forth to explain the economic underdevelopment of the Atlantic region;
- discuss how understandings of regions and regionalism depend upon the observer's units of analysis and levels of analysis;
- discuss the meaning and merits of a social psychological definition of regionalism;
- describe how the parliamentary system of government constrains the expression of regional differences and regional discontent;
- describe how the failure of intrastate federal institutions to provide adequate representation to regional interests led to the growing emphasis on interstate federalism;
- discuss how and why Canadian regional development policies evolved the way they did; and.
- describe how globalization will affect the political economy of Canada's regions.

Reading Assignment

From the DRR:

- Stevenson, G. (2012). Chapter 2: The political economy of regionalism and federalism. In H. Bakvis & G. Skogstad (Eds.), *Canadian federalism: Performance, effectiveness, and legitimacy* (3rd ed.) (pp. 20–35). Don Mills, ON: Oxford University Press.
- Cochrane, C., & Perrella, A. (2012). Regions, regionalism and regional differences in Canada. *Canadian Journal of Political Science*, 45(4), 829–853.
- Young, R. A., Faucher, P., & Blais, A. (1984). The concept of province-building: A critique. *Canadian Journal of Political Science*, 17(4), 783–818.

Unit 4: The Drive for Self-Determination: Quebec Nationalism

When you have completed Unit 4, you should be able to

- identify the ways that Quebec has acted as guardian of provincial rights, and specify how this role has impacted the evolution of Canadian federalism;
- describe how the Canadian state has attempted to accommodate cultural differences, including the different ways these attempts have been perceived within Quebec and outside Quebec;
- differentiate between the concepts of dualism and multiculturalism, and explain why these two concepts are in tension within the Canadian system;
- explain the balance that the Tremblay Commission on Constitutional Problems in 1956 was trying to achieve and why it was criticized;
- list the social, economic, and political changes that are identified as reasons why the Quiet Revolution is considered to be a watershed in the history of Quebec;
- identify the two main alternative strategies used by federal political leaders in their responses to Quebec nationalism post-1960;
- explain the relationship between the quest for recognition and federalism, and describe the different ways in which diverse social groups may build a collective identity;
- identify the origins of the Quebec separatist movement, and trace and explain the major points in the evolution of this movement from Duplessis to the present; and
- list the ways that Quebec's role in Canadian federalism has changed since the referenda on sovereignty and the repeated attempts at constitutional change shook the country in the 1980s and 1990s.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 12: Quebec and the Future of Canadian Federalism, pp. 251–270

From the DRR:

- Brady, A. (1959). Quebec and Canadian federalism. *Canadian Journal of Economics and Political Science*, 25(3), 259–270.

- McRoberts, K. (1997). Chapter 7: The failure of the Trudeau strategy. In *Misconceiving Canada: The struggle for national unity* (pp. 176–188). Toronto: Oxford University Press.
- Cameron, D. (2012). The return of normal politics; conclusion. In H. Bakvis & G. Skogstad (Eds.), *Canadian federalism: Performance, effectiveness, and legitimacy* (3rd ed.) (pp. 53–58). Don Mills, ON: Oxford University Press.

Unit 5: The Drive for Self-Determination: Indigenous Self-Government

When you have completed Unit 5, you should be able to

- describe why Indigenous governments are increasingly considered to be partners in Canadian federalism;
- describe how Indigenous views about the nature and scope of Indigenous sovereignty have differed from those of Canadian federal governments;
- identify the potential benefits and the possible challenges that are associated with a transfer of responsibilities for service delivery from existing governments to Indigenous governments;
- explain why progress toward self-government has been slow in the past and what reasons there are to be more optimistic about greater progress in the future; and
- explain what John Borrows means by “mutual respect” and how that has been evidenced (or not evidenced) in the practice of Canadian federalism.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 11: Indigenous Peoples and Federalism, pp. 236–250

From the DRR:

- Poelzer, G., & Coates, K. S. (2015). Chapter 2: Treaty federalism. In *From treaty peoples to treaty nation: A road map for all Canadians* (pp. 46–58). Vancouver: UBC Press.

- Poelzer, G., & Coates, K. S. (2015). Chapter 3: Bridging the solitudes. In *From treaty peoples to treaty nation: A road map for all Canadians* (pp. 59–75). Vancouver: UBC Press. [read pp. 59–62]
- Borrows, J. (2010). A caution about section 35(1); and Indigenous law harmonization acts. In *Canada's Indigenous constitution* (pp. 198–206). Toronto: University of Toronto Press.
- Flanagan, T. (2008). Chapter 10: This octagon is a stop sign. In *First nations? Second thoughts* (2nd ed.) (pp. 192–198). Montreal: McGill-Queen's University Press.
- Cairns, A. (2000). Chapter 5: The choice revisited. In *Citizens plus: Aboriginal peoples and the Canadian state* (pp. 161–213) Vancouver: UBC Press.

Unit 6: Canada's Constitutional Odyssey: Patriation and After

When you have completed Unit 6, you should be able to

- list the main attempts to formally change the Constitution since 1967, and distinguish the main occasions when formal changes were achieved;
- explain why amending the Constitution has so often proven to be difficult;
- explain what changes were brought about by the patriation of the Constitution and the enactment of the Canada Act of 1982;
- identify the issues that remained on the constitutional agenda after 1982;
- describe and distinguish the two main efforts to engage in constitutional change after 1982: the Meech Lake Accord of 1987 and the Charlottetown Accord and Referendum of 1992;
- explain what unresolved issues remain on the constitutional reform agenda; and
- appraise Canada's Constitution as a framework (1) for recognizing important communities and identities within Canadian federalism and (2) for resolving intergovernmental conflict.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 3: The Constitution and Constitutional Change, pp. 45–66

Unit 7: The Courts and Judicial Review

When you have completed Unit 7, you should be able to

- describe what judicial review involves, and give reasons why it is necessary in a federal system of government;
- identify the major constitutional rulings of the judicial committee of the Privy Council, and discuss the significance of these rulings;
- evaluate the charge that the Supreme Court of Canada is biased toward the federal government in its interpretation of the Constitution;
- evaluate the judicial role in managing conflict and promoting effective intergovernmental policy making;
- describe the political purposes of the Charter of Rights and the charter's impact upon national unity; and
- discuss the discretionary role the court has in interpreting the Constitution.

Reading Assignment

From *Comparing Federal Systems*, 3rd edition, by Watts:

- Chapter 11: Constitutional Supremacy in Federations, pp. 157–170

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 4: Judicial Review and Dispute Resolution, pp. 67–86

From the DRR:

- Knopff, R., & Morton, F. L. (1992). Chapter 13: A note on the charter and national integration. In *Charter politics* (pp. 374–384). Scarborough: Nelson.

Unit 8: Executive Federalism

When you have completed Unit 8, you should be able to

- identify the causes of ongoing political conflict between the federal government and the provinces;
- distinguish between the concepts of interstate federalism and intrastate federalism;
- analyze how the weakness of intrastate federalism in Canada has contributed to the importance of interstate (executive) federalism;
- evaluate the adverse effects of Canada's reliance on the institutions and processes of executive federalism;
- evaluate the impacts of increased expertise and intergovernmental affairs agencies (IGAs); and
- describe how the institutions and processes of executive federalism have evolved over time, especially with respect to the Harper and Justin Trudeau governments.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 5: Executive Federalism: Back to the Future?," pp. 87–115

From the DRR:

- Papillon, M., & Simeon, R. (2004). The weakest link? First ministers' conferences in Canadian intergovernmental relations. In J. P. Meekison, H. Telford, & H. Lazar (Eds.), *Canada: The state of the federation 2002: Reconsidering the institutions of Canadian federalism*. Montreal: McGill-Queen's University Press.
- Smiley, D. (1998). An outsider's observations of federal-provincial relations among consenting adults. In R. Olling & M. Westmacott (Eds.), *Perspectives on Canadian federalism* (pp. 279–284). Scarborough: Prentice-Hall Canada, Inc.

Unit 9: Fiscal Federalism—Part 9.1: Revenue Sharing/Tax Collection

When you have completed Unit 9.1, you should be able to

- describe how the Constitution allots taxing powers between the federal government and the provinces;
- discuss the implications of the vertical revenue gap (or vertical fiscal imbalance) between the federal and provincial governments;
- explain why federal-provincial tax harmonization is essential in the Canadian federal system;
- describe the ways in which the federal government and the provinces have attempted to harmonize their tax systems;
- analyze the extent of fiscal decentralization in postwar Canada and discuss the implications of this trend; and
- discuss the relative advantages and disadvantages of the current federal-provincial tax collection agreement.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 6: Fiscal Relations: Basic Principles and Current Issues, pp. 116–134

Unit 9: Fiscal Federalism—Part 9.2: Equalization

When you have completed Unit 9.2, you should be able to

- discuss the rationale for fiscal equalization and describe the manner in which equalization payments are determined;
- evaluate the political and economic effects of fiscal equalization;
- list the three main transfer programs and describe the differences and similarities in their functions;

- describe the effects of the 2007 reforms of the CST and the 2014 CHT reforms on the vertical fiscal gap;
- describe the effects of the 2007 reforms of the CST and the 2014 CHT reforms on the horizontal fiscal gap; and
- list what kinds of reforms to Canada’s transfer system would serve the policy objectives of reducing the vertical fiscal gap and maintaining “comparable public services.”

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 6: Fiscal Relations: Basic Principles, pp. 135–145

From *Fiscal Federalism and Equalization Policy in Canada: Political and Economic Dimensions* by Béland, Lecours, Marchildon, Mou, and Olfert:

- Chapter 1: Equalization in Comparative and Historical Perspective, pp. 7–28
- Chapter 2: The Politics of Equalization, pp. 31–50
- Chapter 4: Equalization and the Federal Transfer System, pp. 87–100

Unit 10: Federalism and the Welfare State: Health Care and the Social Union

When you have completed Unit 10, you should be able to

- list the major policy areas that comprise the social union, and explain the basis in the Constitution for each one;
- explain what the federal spending power is and why it has proven to be very controversial in Canadian history;
- describe the three major transfer programs, the changes made to them in recent years, and how the three programs are related;
- describe the Canada Health Act’s provisions and its impact upon the social union;
- describe the main innovations of the Stephen Harper Conservative and the Justin Trudeau Liberal governments in terms of health and social policy; and

- describe and evaluate the main policy alternatives to having the federal government simply expand its transfer system indefinitely in order to enable provincial health and social policy.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 10: The Social Union, pp. 146–170

From *Fiscal Federalism and Equalization Policy in Canada: Political and Economic Dimensions* by Béland, Lecours, Marchildon, Mou, and Olfert:

- Chapter 4: Equalization and the Federal Transfer System, pp.100–108

From the DRR:

- Deber, R. B. (2018). How does Canada do it? In *Treating health care: How the Canadian system works and how it could work better* (pp. 49–79). Toronto: University of Toronto Press.
- Boessenkool, K. (2013). Chapter 8: The future of the provincial role in Canadian health care federalism. In K. Fierlbeck & W. Lahey (Eds.), *Health care federalism in Canada: Critical junctures and critical perspectives* (pp. 159–176). Montreal: McGill-Queen's University Press.
- Marchildon, G. (2013). Chapter 9: The future of the federal role in Canadian health care federalism. In K. Fierlbeck & W. Lahey (Eds.), *Health care federalism in Canada: Critical junctures and critical perspectives* (pp. 177–191). Montreal: McGill-Queen's University Press.

Unit 11: Federalism and Economic Policy

When you have completed Unit 11, you should be able to

- explain why federal-provincial conflict frequently occurs over issues of economic and industrial policy;
- identify and discuss the major economic issues of concern to the federal government and the provinces;
- evaluate the overall effect of federalism on Canadian economic and industrial policy;
- discuss how continental free trade has affected the operation of the Canadian federal system;
- discuss the key policy implications of globalization and competitiveness, and explain how this has affected the discourse and the practice of Canadian constitutionalism and federalism; and
- evaluate different policy approaches to labour market adjustment and economic development.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Chapter 11: The Economic Union and Economic Policy, pp. 171–196

From the DRR:

- Skogstad, G. (2012). Chapter 11: International trade policy and the evolution of Canadian federalism. In H. Bakvis & G. Skogstad (Eds.), *Canadian federalism: Performance, effectiveness, and legitimacy* (3rd ed.) (pp. 203–222). Don Mills, ON: Oxford University Press.
- Haddow, R. (2012). Chapter 12: Federalism and economic adjustment: Skills and economic development in the face of globalization and crisis. In H. Bakvis & G. Skogstad (Eds.), *Canadian federalism: Performance, effectiveness, and legitimacy* (3rd ed.) (pp. 223–240). Don Mills, ON: Oxford University Press.

Unit 12: The Evolution of Canadian Federalism: The Presence of the Past and the Prospects for the Future

When you have completed Unit 12, you should be able to

- identify the basic continuities in (1) the institutions, (2) the actors, and (3) the strategies of Canadian federalism over the past four decades;
- identify the major changes in Canadian federalism in terms of the three following areas: 1) the number and kind of actors participating in the intergovernmental agenda; (2) the issue agenda and associated intergovernmental mechanisms; and (3) the shifting tone or style of federalism dictated by the federal leaders and parties in power;
- discuss the issues that will challenge Canadian federalism in coming years; and
- explain and assess the likelihood of either decentralization or centralization over the next decade.

Reading Assignment

From *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*, 2nd edition, by Brown, Bakvis, and Baier:

- Conclusion: Ambivalent Federalism, pp. 271–287

From the DRR:

- Dunn, C. (2016). Harper without jeers, Trudeau without cheers: Assessing 10 years of intergovernmental relations. *Institute for Research on Public Policy*.