

symmetrical federalism

A model of federalism in which provincial governments are entitled to equal powers.

asymmetrical federalism

A model of federalism in which jurisdictional powers are distributed unequally among provinces.

treaty federalism A model of federalism recognizing the equal-order relationship between First Nations and the Crown.



Treaty federalism is discussed in detail on pages 532–6 of Chapter 13, on diversity and representation.

among the members of Confederation. We spoke earlier about centralized versus decentralized forms of federalism, which depend on which order of government (federal or provincial) holds sway. Another viewpoint considers the balance of power among the provinces themselves. In this vein, some observers see Canada's federation as consisting of a compact of 10 equal units. All came together as equal partners to form a common union; therefore, each province is deserving of the same powers and authorities under the constitution. This sets up a form of **symmetrical federalism**, wherein the powers granted to one province must be available to all provinces. This perspective treats all provinces as equals, irrespective of their geographic size, population, economic capacity, history, or political identity.

Others view Canada from a two-nations perspective (also known as the concept of *deux nations*). This view considers Confederation as an agreement between French Canada (represented by Quebec) and English Canada (represented by Ottawa and/or all other provinces). Accordingly, two-nations proponents view Quebec as possessing a unique constitutional status among all provinces, requiring an **asymmetrical** distribution of powers that favours *La Belle Province*. Typically, then, an asymmetrical style of federalism refers to Canada treating Quebec as a founding partner, rather than just one of 10 equal provinces. More broadly, this approach to federalism posits that some provinces in some situations deserve unique treatment or status. Indeed, provinces other than Quebec have at times argued that their own situation is unique and that a particular policy matter warrants special treatment. This produces a competitive dynamic and inevitable conflict as other provinces jostle for more power and resources.¹³

Others reject both the symmetrical and two-nations views, preferring to recognize the sovereignty of Aboriginal peoples. Known as **treaty federalism**, this model treats Aboriginal sovereignty on par with the Canadian Crown, such that there are not simply two orders of government in Canada (federal and provincial), but three.

As we observed in Chapter 2, the ambiguities of the constitution allow all of these views to co-exist in Canada. Indeed, somewhat ironically, the strength of the federal culture in Canada may actually contribute to the development of these diverging perspectives.

Assessing Fairness in Canadian Federalism

In his seminal book *The Federal Condition* (1987), Canadian political scientist Donald Smiley demonstrated just how closely one's own interests are tied to one's perceptions of fairness in federal systems like Canada. Smiley challenged readers to imagine a series of situations in which an electorate was asked to decide upon matters of local and country-wide importance. The outcome of these hypothetical decisions depends upon whether the system is unitary or federal, and the fairness of the result hinges on the vantage point of the observer. Drawing on Smiley's examples, consider the following hypothetical scenarios in which voters are asked to weigh in on the decriminalization of marijuana.

In the first scenario, there are 500,000 total voters in our fictional country. All five of the constituent units (regions A to E) are the same size (100,000 voters). All voters were asked if they favoured the decriminalization of personal marijuana use ("for") or opposed it ("against"). The results are summarized in Table 3.3. If the decision were

TABLE 3.3 | Referendum Scenario 1: Changing Policy in a Unitary System and a Decentralized Federalist System

Region	Total Voters	Votes For New Policy	Votes Against New Policy	Result	
				Unitary System	Decentralized Federalism
A	100,000	60,000	40,000	No policy change	New policy
B	100,000	30,000	70,000	No policy change	No policy change
C	100,000	80,000	20,000	No policy change	New policy
D	100,000	65,000	35,000	No policy change	New policy
E	100,000	10,000	90,000	No policy change	No policy change
Total	500,000	245,000	255,000		

being made on a nationwide basis using the rules of a unitary system, the likely outcome would be “against” decriminalization (255,000 to 245,000). Provided the government abided by the results of the referendum, there would be no change to the existing policy: the personal use of marijuana would remain a criminal activity. This outcome would be welcomed in two of the five regions (regions B and E), but would be unpopular in the other three. Place yourself in the shoes of folks in these various regions.

Now imagine the same scenario in a state with a *decentralized* federal system, where criminal law powers belonged to the regional (or provincial) governments and not the federal government. In that event, decriminalization would be implemented in regions A, C, and D, but not in regions B and E. While voters in regions B and E may be upset about the policy developments in other parts of the country, they would have the freedom to make their own policy, and would therefore not be subject to the same reforms. This leads us to ask: which outcome is more desirable in Scenario 1: the one governed by unitary system rules that ensures conformity across the country, or the one governed by decentralized federalism that allows regional variances?

Now consider the second scenario (see Table 3.4). Once again, under a unitary system, the outcome would still preclude the decriminalization of marijuana use. And again, were the decision left up to individual regions under a federal system of government, the same provinces would move toward decriminalization. In this scenario,

TABLE 3.4 | Referendum Scenario 2: Changing Policy in a Unitary System and a Centralized Federalist System

Region	Total Voters	Votes For New Policy	Votes Against New Policy	Result	
				Unitary System	Centralized Federalism
A	250,000	165,000	85,000	No policy change	No policy change
B	125,000	25,000	100,000	No policy change	No policy change
C	75,000	40,000	35,000	No policy change	No policy change
D	25,000	13,000	12,000	No policy change	No policy change
E	25,000	2,000	23,000	No policy change	No policy change
Total	500,000	245,000	255,000		

however, imagine that a system of *centralized* federalism were in place, and that the federation's central government were empowered to legislate on criminal matters. Also imagine that, in contrast to our first example, the constituent units in Scenario 2 are not the same size. Region A makes up half the country: it has twice the population of the next largest region (region B) and 10 times the population of each of regions D and E. If the central government were to follow the will of the nationwide majority, it would not decriminalize marijuana use. This decision would likely upset a sizeable majority in the largest region (Region A), however, which would set up a dilemma should the national governing party wish to maintain popularity in that area of the country.

The dilemma of balancing the national interest against regional preferences is exacerbated in the third scenario (see Table 3.5). In this case, voters in four of the five regions were overwhelmingly opposed to decriminalizing marijuana use, but the most populous region was in favour. As before, in a unitary system and in a system of centralized federalism, the national government would follow the will of the overall majority, and it would therefore not change the status quo. But it would do so against the overwhelming majority of voters in the country's largest province, who would be outraged. Conversely, if the central government were to move forward with reform, the smaller regions would clamour that this would be tantamount to allowing the will of one province to trump the interests of all others. This is a scenario where decentralized federalism could broker regional tensions. If the regions, and not the central government, had the authority to decide, then the government of region A would change the policy, whereas the governments of regions B, C, D, and E would not. This flexibility solves a predicament. However, over time, this elasticity creates a culture of regional governments cultivating local identities, possibly inhibiting national unity and even provoking political fissures (see Chapter 2).

These three scenarios may be hypothetical, but they have real-life application and illustrate the types of tensions that exist across Canada. Federal governments are challenged to choose between policies or programs that have broad, country-wide appeal but cause deep resentment in certain parts of the country. For instance, the long-gun registry was a national program that required gun owners to register their firearms with the federal government. The policy was popular in many urban parts of Ontario and Quebec, but it was intensely unpopular in western Canada and ultimately disbanded by the Harper Conservative government. By the same token, provincial governments may be pressured, even induced, to adopt policies or programs with broad country-wide

TABLE 3.5 | Referendum Scenario 3: Changing Policy in a Unitary System and Federalist Systems

Region	Total Voters	Votes For	Votes Against	Result		
				Unitary System	Centralized Federalism	Decentralized Federalism
A	250,000	225,000	25,000	No policy change	No policy change	New policy
B	125,000	5,000	120,000	No policy change	No policy change	No policy change
C	75,000	5,000	70,000	No policy change	No policy change	No policy change
D	25,000	3,000	22,000	No policy change	No policy change	No policy change
E	25,000	2,000	23,000	No policy change	No policy change	No policy change
<i>Total</i>	<i>500,000</i>	<i>245,000</i>	<i>255,000</i>			



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Canada already had a system of universal, publicly funded hospital care in July 1962, when the government of Saskatchewan extended health coverage to primary physician care. The move sparked province-wide protests—led by the province's college of physicians and surgeons—and a national debate on the merits of universal healthcare. The federal government, under Liberal prime minister Lester Pearson, followed Saskatchewan's lead in 1966, when it established the modern system of medicare via the Medical Care Act.

appeal despite any misalignment with their own interests and objectives. Manitoba and Alberta were longstanding holdouts from Canada's national system of hospital insurance and medicare, for instance. Those provincial governments eventually yielded to popular pressure from within their borders amid sizeable federal funding promises. Again, the adage applies: where you stand on Canadian federalism depends on where you sit on the issues at hand, and in your region of the country.

VOX POP

To what degree does Canada's brand of decentralized federalism represent the interests of all Canadians? In what areas is it most successful? In what areas is it not? Consider such topics as healthcare, education, criminal justice, environmental protection, and the management of natural resources, like minerals.

The Politics of Fiscal Federalism

The regional tensions mentioned in the last section are no more acute than when it comes to money and social programs. Over time, the importance that the general public has attached to social welfare programs has meant that provincial governments have become more powerful than the Fathers of Confederation anticipated. This growth is largely attributable to the lead role provincial governments play in maintaining Canada's **social safety net**. The term *social safety net* suggests that the

social safety net

Government-funded social welfare programs designed to assist citizens in their time of need.