Federal Political Culture in Canada

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In the field of federalism studies, there is an often-made distinction between federation and federalism. For scholars such as Ronald Watts (1999), if a 'federation' is a state where sovereignty is divided through a constitutional division of powers, 'federalism' is an idea, a principle of government. Hence, not all federations are necessarily federal in the ideational sense, just like federalism can be found in states that are not federations. Understanding fully federations and other decentralized states shaped by federalism therefore requires an assessment of an ideational component. The concept of federal political culture speaks to this component insofar as it "can be understood as the extent to which the political attitudes and beliefs of a population reflect attachment to key values associated with federalism" (Brown, 2013: 297).

The values associated with federalism are many, and can be very broad. For example, federalism has long been associated with peace, democracy, and liberalism (Elazar, 1994). However, the literature remarks most strongly on two main values. The first is diversity. From a federal perspective, diversity is positive and can be reconciled within unity (Moreno and Colino, 2010). Indeed, federalism involves an acceptance of diversity, even and a rejection of the need for homogeneity to achieve political unity. The second is autonomy. Federalism involves combining self-rule with shared rule. It features the notion of political communities living together yet apart, being independent yet interdependent, and the state being a community of communities.

This short paper examines federal political culture in Canada. It begins by discussing research conducted on federal political culture from a sociological perspective, and assessing the verdicts it offers on Canada. Then, the paper designs an

analytical framework for assessing federal political culture from an institutional perspective, and it uses it to examine Canada.

Federal Political Culture: The Sociological View

One way to assess a state's federal political culture is to examine what citizens think. From such a sociological perspective, federal political culture refers to values and attitudes held by citizens. The difficulty lies in identifying these values. For Rocher and Fafard (2013), autonomy, dual identification, cooperation, asymmetry all correspond to federalism whereas subordination, single loyalty, unilateralism, and symmetry do not. Hence, a citizenry embracing the first four values would be deemed to possess a strong federal political culture whereas one preferring the last four would be assessed as having a weak political culture. In a survey conducted in 2007, Rocher and Fafard asked Canadians various proxy questions to uncover their position on these various values (for example, should the federal government have an oversight on the provinces, which speaks to the values of autonomy/subordination) (2013). Fafard, Rocher and Côté (2010) also sought to evaluate federal political culture by evaluating the knowledge of citizens about what level of government performs what role. For these two researchers, poor knowledge of constitutionally-specified roles indicates weak federal political culture. Moreover, Rocher and Fafard also see a weak federal political culture when a citizenry prioritizes considerations of efficiency over formal constitutional rules in assigning roles to levels of government.

Kincaid and his colleagues took slightly different approaches in their research on federal political culture. They looked to measure, amongst the citizenry of Canada, the United States and Mexico, the level of support for a federal form of government where there is a constitutional division of powers, and also to assess trust in the various levels

of government (Cole, Kincaid, and Rodriguez 2004, 201; Kincaid and Cole 2010, 72). Brown (2013: 56) also used questions on support for federalism, for example by asking Australians if they felt the following were good thing: having power divided up between different levels of government, allowing different laws in response to varying needs and conditions in different parts of the country, and being able to elect different political parties at different levels of government.

So how does Canada come out in this sociological, survey-based research on federal political culture? It all depends on the questions asked. Rocher and Fafard found that most Canadians do not know what the federal and provincial governments respectively do. On this basis, and also because most Canadians prioritize efficiency over constitutional roles when choosing what level of government should formulate policy in a specific field, these researchers suggest that Canada has a fairly weak federal political culture. From this perspective, federal political culture is strongest in Québec, as Quebeckers value more than other Canadians each government doing what they are constitutionally supposed to do. The research led by Rocher and Fafard is not comparative, so we do not know how Canada would compare to other federations on the questions they asked. It is entirely possible that citizens in other federations would be similarly ignorant on the constitutional roles of government as well as favour considerations of efficiency. The research by Kincaid and his colleagues, involving a comparison of Canada, the United States and Mexico, finds that Canada has the strongest federal political culture of the three states. Indeed, on questions related to support for a federal form of government, among other things, Canadians show the highest results.

In short, from a survey-based sociological perspective, it is difficult to pass judgement on the strength of a federal political culture in a state. A complementary analysis could be found by examining political institutions.

Federal Political Culture: An Institutional Perspective.

While virtually all the work on federal political culture has been conducted from a sociological perspective using survey-based research, it is also possible to evaluate the extent to which the values of diversity and autonomy are present within the institutional architecture of a state.

In this context, two sets of institutions can be analyzed. The first is the federal arrangement. Autonomy as a value is reflected by the level of decentralization of a federal system. Of course, decentralization is notoriously difficult to measure, which represents a significant challenge in assessing federal political culture within a system of territorial division of power. Diversity as a value is reflected in a federal arrangement when it is constitutionally or politically recognized and/or when the workings of the system take into account the existence of a distinct political community through, for example, asymmetry.

The second set of institutions that can be used to assess federal political culture is the branches of the state: the executive, the legislative, the judiciary, and the bureaucracy. In these branches, the value of diversity (though not autonomy) can potentially be detected. Here, the question is the extent to which diversity structures these institutions. In other words, how do government, parliament, courts, and the public service take into account the existence of a distinct political community?

<u>Federal Political Culture in Canada: An Institutional Analysis.</u>

Provincial autonomy is perhaps the foremost structuring idea of the Canadian federation (Béland and Lecours, 2011). It has often been said that Canada is one of the most decentralized federations in the world (Stevenson, 2009) and some recent comparative analysis confirms this verdict. For example, Dardanelli and his colleagues (forthcoming) have compared the historical trajectory of six federations (Canada, Australia, India, the United States, Germany and Switzerland) and found that only Canada had (slightly) decentralized since its creation. Recent research on de/centralization in Canada shows that the contemporary Canadian federation affords its provinces considerable autonomy in several key policy areas (Lecours, 2017). For example, education is an exclusive provincial power (Canada is the only liberal-democratic advanced industrialized federation not to have a federal department of education). So is civil law. Natural resources belong to the provinces, which have exclusive constitutional responsibility for their exploitation and development and which receive all direct revenues stemming from these resources. Provincial governments also have almost exclusive jurisdiction over health care, employment/labour relations, and law enforcement. From a fiscal perspective, Canadian provinces have significant own-source revenues (80% of their revenues are own-source). Transfers from the federal government are mostly unconditional, and when there are conditions, they are typically not very stringent.

The importance of diversity as a value on the workings of Canadian federalism is subject to much debate. For many Québec scholars, the fact that there is no constitutional recognition of Québec as a distinct political community is a sure sign that Canadian federalism is anathema to diversity (Gagnon and Iacovino, 2007). Yet, in 2006, the House of Commons adopted a motion that recognized that "the Québécois

form a nation within a united Canada," although federal politicians never use the concept of nation in referring to Québec. Moreover, there is some asymmetry in relation to Québec within Canadian federalism. For example, Québec has more power on immigration than other provinces and is the only province to manage its own pension system. As a result of its political clout, Québec has also been able to avoid some of the potential constraints attached to health care transfers from the federal government. At the same time, Québec does not have a mostly bilateral relationship with the federal government (like the Basque Country) but operates most often within the multilateral system of intergovernmental relations where, in theory, all provinces are the same. Let us also state that Canadian federalism has a very poor record with Aboriginal peoples with whom it has historically had a mostly colonial relation. Today, Aboriginal peoples still lie outside, or at least, at the margin of Canadian federalism.

The branches of the state at the federal level have been significantly structured by the diversity represented by Québec, perhaps foremost the executive. A striking feature of the position of Prime Minister of Canada is that it has very often been occupied, in the last 50 years, by a Member of Parliament from Québec. In other words, Quebeckers have often seen 'one of their own' govern Canada. This contemporary prominence of Quebeckers in the position of Prime Minister owes much to the political imperative, which developed after the Official Bilingualism Act in 1968, for federal party leaders to have fluency in French. Therefore, there is a very strong representation of diversity within the federal executive branch. In addition to Prime Ministers often hailing from Québec, key cabinet positions (Finance, Foreign Affairs, Intergovernmental Relations) as well as ambassadors posts have often been occupied by Quebeckers. Meanwhile, the position of Governor-General, representative of the Head of State, is alternatively filled by a French-speaker and an English-speaker, and always

occupied by a bilingual person. Although the function of Governor-General is mainly ceremonial, it does embody the Canadian political community and is therefore of some symbolical significance.

Diversity is somewhat less present in the legislative branch of government. In the House of Commons, representation is not territorial *per se*, although each province is allocated a specific number of seats. The smallest provinces (for example, Prince-Edward-Island) are over-represented (in terms of seats relative to population) and the largest, Ontario, is under-represented. In the last reform of the House of Commons on per-province seat distribution in 2012, the Conservative government boosted Québec's seat representation by three so that it would not suffer any under-representation as provinces with increasing populations were gaining seats. The Senate features regional representation, with Québec having 24 seats out of 105, but the appointed nature of Senators means the institution has little power in the Canadian political system.

The judiciary, most importantly the Supreme Court of Canada, has played an important role in taking into account the place of Québec in Canada. First of all, the Court reserves 3 of its 9 seats for judges hailing from Québec's civil law tradition. Second, the Supreme Court of Canada has a record of taking into consideration the various components of the Canadian federation when rendering its decisions, as opposed to adhering to a strict pan-Canadian view (Schertzer, 2016). The famous Secession Reference is an exemplar of this approach, as the Supreme Court of Canada's opinion on this question recognized that secession was a political possibility but stated that it would need to occur in the respect of some fundamental principles (democracy, the rule of law, minority rights). As such both supporters and opponents of Québec independence found their perspective on secession included to some degree in the reference.

Diversity is also strongly represented in the federal public service, whose role is to provide advice to the executive and implement policy. Until the Official Bilingualism Act of 1968, the federal public service was overwhelmingly English-speaking. Now, Francophones, aided by some bilingual requirements, are slightly over-represented in the federal public service. In addition, many Francophones have risen to the influential positions of deputy ministers, and the country's top civil servant, the Clerk of the Privy Council, has also been regularly occupied by a Francophone.

Conclusion

Assessing the strength of a state's federal political culture is not easy. For example, analyzing citizens' attitudes might lead to a certain conclusion while looking at its institutions can produce another. Perhaps most importantly, it is difficult for any state to live up to the lofty ideals of federalism when it comes to valuing diversity and providing autonomy. Indeed, states typically place limits on their representation of diversity and on the extent of autonomy they provide.

These issues render a diagnostic of Canada's federal political culture controversial. For example, from a sociological perspective Rocher and Fafard find Canada's federal political culture rather weak while Kincaid and his colleagues find it rather strong. The difference between the two evaluations is that Fafard and Rocher assess federal political culture in Canada in relation to a specific theory of federalism (where citizens of a federal state know the roles of each government and where they prioritize the constitutional division of powers over efficiency in attributing roles for each level of government) while Kincaid and his colleagues simply compared data results across three federations.

This paper has offered a framework for analyzing federal political culture from an institutional perspective and conducted the analysis in the Canadian case. Overall, this analysis suggests that Canada has a strong federal political culture. Not only do Canadian provinces enjoy extensive autonomy, but Canadian federalism features some, albeit slight, asymmetrical arrangements reflective of Québec's distinctiveness within Canada. Moreover, the branches of the state at the federal level, most importantly the executive and the judiciary, have also been structured, in the last fifty years or so, by that distinctiveness.

There is no doubt that, considered in relation to a certain ideal-type of federalism, Canada falls short. For example, Québec's nationhood is not explicitly recognized in the Constitution or in everyday politics. Some policy roles overlap, which sometimes lead to federal preeminence. However, when compared to all other federations, Canada is deeply federal.

Bibliography

Béland, Daniel and André Lecours, "The Ideational Dimension of Federalism: The "Australian Model" and the Politics of Equalization in Canada," *Australian Journal of Political Science,* 46 (2), 2011, 199-212.

Brown, A.J. "From Intuition to Reality: Measuring Federal Political Culture in Australia," *Publius: The Journal of Federalism,* 43 (2), 2013, 297-314.

Cole, Richard L., John Kincaid and Alejandro Rodriguez, "Public Opinion on Federalism and Federal Political Culture in Canada, Mexico, and the United States," *Publius: The Journal of Federalism,* 34 (3), 2004, 201-221.

Dardanelli, Paolo *et al.,* "Dynamic De/centralization in Federations: Comparative Conclusions," *Publius: The Journal of Federalism,* forthcoming.

Elazar, Daniel J., *Federalism and the Way to Peace,* Kingston, ON: Institute of Intergovernmental Relations, 1994.

Fafard, Patrick, François Rocher, and Catherine Côté, "The Presence (or Lack Thereof) of a Federal Political Culture in Canada: The Views of Canadians," *Regional and Federal Studies,* 20 (1), 2010, 19-43.

Gagnon, Alain-G and Raffaele Iacovino, *Federalism, Citizenship and Québec. Debating Multinationalism,* Toronto: University of Toronto Press, 2007.

Kincaid, John, and Richard L Cole, "Citizen attitudes toward issues of federalism in Canada, Mexico, and the United States," Publius: The Journal of Federalism 41 (1), 2010, 53–75.

Lecours, André, "Dynamic De/centralization in Canada, 1867-2010," *Publius: The Journal of Federalism,* 2017.

Moreno, Luis and César Colino (eds) (2010), *Diversity and Unity in Federal Countries,* Montreal and Kingston: McGill-Queen's University Press.

Rocher, François and Patrick Fafard, "Is There a Federal Political Culture in Canada? Chartering an Unexplored Territory," in Grace Skogstad, David Cameron, Martin Papillon and Keith Banting (eds), *The Global Promise of Federalism* (Toronto: University of Toronto Press, 2013).

Schertzer, Robert, *The Judicial Role in a Diverse Federation: Lessons from the Supreme Court of Canada* (Toronto: University of Toronto Press, 2016).

Stevenson, Garth, *Unfulfilled Union. Canadian Federalism and National Unity,* 5th edition. Montreal and Kingston: McGill-Queen's University Press, 2009.

Watts, Ronald L., *Comparing Federal Systems* (Montreal and Kingston: McGill-Queen's University Press, 3rd edition, 2008).