Chapter Eight Short Answer (Answers Below)

1. What factors account for the emergence of asymmetrical federalism?
2. What factors can contribute to a change in the federal balance of power?
3. Explain the significance of the Canada Health Act or the No Child Left Behind Act.
4. Explain the significance of the “Peace, Order, and Good Government” clause.
5. Explain the difference between autonomy and devolution in a federal system.

Answers

1. Asymmetrical federalism is one by-product of the tendency for federal countries to develop and change over time. As the jurisdictional boundaries between levels of government blur, intergovernmental relations, and the ongoing negotiations they require, can result in different relationships between the national government and each of the sub-units. Depending on the political priorities of the sub-units, and their revenue-generating capacity, this can mean that different regional governments have a disproportionate need of national resources, and a disproportionate ability to “opt-out” of federally coordinated programs. This, in turn, can lead to the proliferation of side deals between individual regional governments and the federal authority, rather than a single, coherent set of policies or regulation. Because “the rules” for some regional governments are different than for others, this situation is called “asymmetric federalism.”
2. There are three basic “unknowns” that can affect the balance of powers in a federal system, as intended by the initial designers. The first unknown is unintended consequences. Powers initially assigned to central or regional authorities can become more or less significant due to the consequences of social and technological change. Unanticipated developments can also be a factor, in that new areas of activity can arise that require government action. The distribution of authority over such “emergent” policy areas can impact the balance of power within a federal system. Finally, unanticipated interpretation (or reinterpretation) of disputes over authority can affect the balance as well. In other words, the balance of power in a federal system can be changed by relative shifts in the importance of issues, by the emergence of new issues, and by changes in critical actors’ attitudes toward issues.
3. Both pieces of legislation are examples of how national governments can capitalize on a vertical fiscal imbalance to gain influence in an area of regional authority. In both examples, while the issue under question (health provision, education) falls under the authority of regional governments, they typically lack the revenue resources necessary to properly implement programs. The national government, in both cases, agrees to provide supplementary funds to the regional governments, with the provision that the regional governments will meet the program standards, guidelines, or requirements of the national government.
4. The POGG clause begins the section that sets out the division of powers in the Canadian constitution. While it explicitly states that all powers not specific to the provinces belong to the federal government, the clause is confusing in that it provides itemized lists of powers for both the national and regional governments, a break with typical practice. The ambiguity this introduces was compounded historically by the inclusion of control over property and civil rights under provincial jurisdiction. As this is potentially quite a broad area of authority (there’s not much that can’t be grouped under the heading), the net effect has been a tendency for the judiciary to favour provincial authority in constitutional disputes, leading to a shift in the relative balance of power between parts of government over time.
5. Autonomy is the principle whereby the different levels of government in a federal arrangement are free from jurisdictional interference. For example, while in Canada the federal government has exploited the vertical fiscal imbalance to engage in intergovernmental relations, in order to influence the development of health policy, the provinces themselves retain formal autonomy over the portfolio. Provided it is willing to forgo federal health funding, a province may pass legislation in the area of health care without consulting (i.e., without the permission of) the federal government. Devolution involves creating a semi-autonomous “pocket” within an otherwise unitary state, typically to recognize a regionally located ethnic or linguistic minority. Regional governments in Great Britain, and to some extent Spain, exemplify the process, having their own institutions of government (legislature and executive) with circumscribed powers. Devolved authorities differ from autonomous regional governments in a federal system in that their jurisdictions are not provided for in the constitution, and their degree of autonomy is determined by the national authority.