

Introduction

It sometimes seems as if life would be much simpler without the restrictions placed on us daily by government regulations. Yet, if you were free to run all aspects of your own life, how would you provide health care for yourself? Or organize a method of trading with foreign countries? Or protect yourself from acts of aggression by others? Or obtain the skills and training necessary to enter a career of your choice? Expecting each individual to handle all these aspects of life alone would be unrealistic. Therefore, our nation, like other societies, has created a formal system of decision making to assist us. This decision-making system is called *government*.

Our government acts, for the most part, according to established rules and procedures, which over time become *traditions*. The bodies or groups responsible for carrying out specific aspects of the government's work are called *institutions*, such as the military, the post office, police forces, and schools. Each of these institutions provides services that address the needs of Canadians. Institutions also help to unify people—to promote what is common to all people of the nation.

In this chapter, you will learn about the main features of Canada's federal and representative system of government. We will look at the origins of our system, and at how it works today. We will also look at some of the more controversial aspects of government, such as the campaign to reform the Senate.

Foundations of Our Government

Before the appearance of Europeans, Aboriginal peoples used many methods of decision making and power sharing. Each First Nation had its own system of governance. Some relied upon hereditary leaders whose positions were handed down through a clan or family; others chose leaders based on their wisdom, strength, and other abilities. Still others made decisions in open community discussions. All these methods of decision making relied on participation by members of the community and were carried on from one generation to the next. These traditions were not formally recorded or written into documents. Rather,



Figure 9-1 Members of the Canadian Forces make sandbags in the town of St. Germain, Manitoba, south of Winnipeg, in 1997. The Red River flooded during the spring thaw, threatening to swamp many communities.

Gathering information The military is one example of a government institution. What other institutions can you think of?

they were a part of the oral (spoken) traditions of Canada's First Nations.

Our formal methods of decision making, including written laws and institutions such as elections, have their roots in the traditions of the nation states of Europe. European colonists brought their forms of government with them to North America. In Canada, the British parliamentary tradition became the basis for our national and provincial governments. The principal features of this tradition are representative democracy and constitutional monarchy.

Representative Democracy

Canada operates on democratic principles. **Democracy**, which means “rule by the people,” was first practised by the ancient Greeks. In the Greek city states, every eligible citizen participated directly by voting in all the decisions that affected society. This was called **direct democracy**. In modern societies, our large populations make this much involvement by each individual impractical. Instead, citizens in **representative**

democracies such as Canada allow elected representatives to make decisions on their behalf.

Constitutional Monarchy

Canada has strong historical ties to Great Britain, and has adopted many British political institutions and traditions. One of these is **constitutional monarchy**—the recognition of a monarch (king or queen) as head of state. The current monarch of Canada is Queen Elizabeth II, who is also the monarch of the United Kingdom and sixteen other nations that have some form of British political tradition. In Canada, the monarch is represented by the governor general.

Queen Elizabeth does not actually rule Canada—or any other nation—alone. She is not involved in the everyday affairs of governing the nation. For example, although royal assent is necessary before a proposed law is passed, this assent is rarely, if ever, withheld.

However, the presence of the monarch represents a crucial safeguard for our democracy. This is because she holds the powers of the

Figure 9-2 Democracy was established in Athens around 500 BCE. Citizens were guaranteed the right to membership in the Assembly, freedom of speech, and equality before the law. The Greek concept of “citizen” was limited to free men (not slaves or women) who owned property.

Thinking critically

What qualifications do you think should be required for a person to be considered a “citizen”?

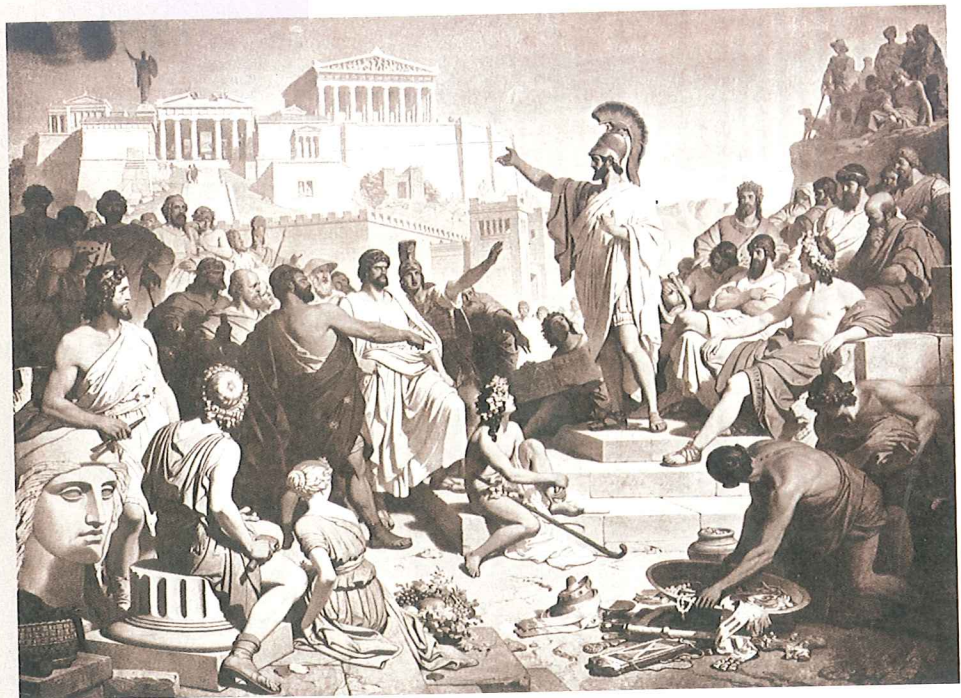




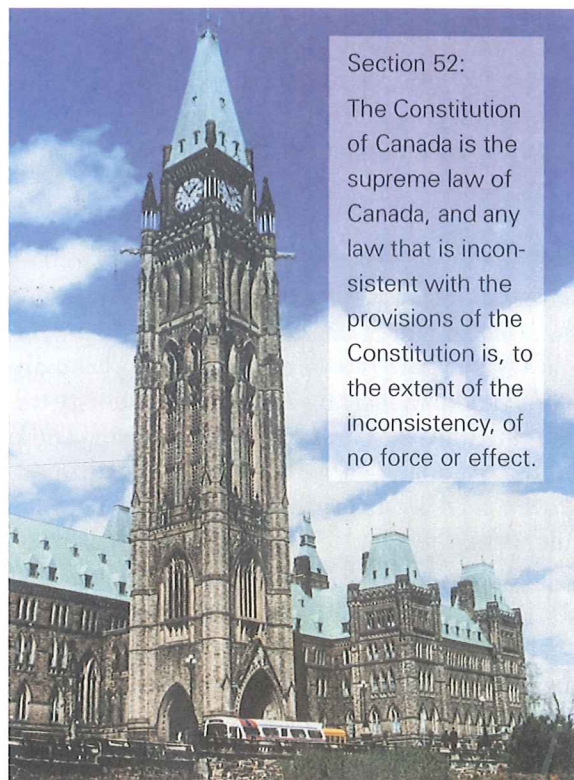
Figure 9-3 Queen Elizabeth signs Canada's constitutional proclamation in Ottawa on April 17, 1982, as Prime Minister Pierre Trudeau looks on.

Thinking critically Some people think we should cut our ties to the British monarchy. How would this change the structure of our government? Do you think this is a good idea? Why or why not?

Crown. The Crown has ultimate power, beyond that held by any particular government at any particular time. Under our current system, the powers of the Crown are vested in the queen, and in the governor general as her representative.

For example, if the prime minister were to decide not to call an election within five years as required by law, the governor general could order him or her to do so—in the name of the Crown. If the prime minister refused, the governor general could call on the army to force the election. This ultimate authority ensures that no one, not even the leader of the nation, can ignore the law. This is the power of the Crown.

The powers and responsibilities of the monarch and the governor general, as well as those of citizens, elected representatives, and others who make up our government, have developed over time. The specific details are set out in the Canadian Constitution, a legal document that outlines who should have the power to make various decisions. Our Constitution is the supreme law of the land. It outlines the structure of our government and defines and limits the government's power. Canada is called a *constitutional monarchy* because the powers and responsibilities of the monarch are subject to the laws set forth in the Constitution. Not even the monarch is exempt from following these laws.



Section 52:
The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Figure 9-4 An excerpt from the Canadian Constitution.

Identifying viewpoint What view of power and responsibility is evident in this excerpt? What does this indicate about our system of government?

The Written Constitution

Canada has both a written and an unwritten constitution. Most of the written part, drafted in 1867 during Confederation, was originally called the British North America (BNA) Act. The powers of the representatives of the citizens, the federal and provincial governments, and the monarch were set out in this act. Since its amendment in 1982, Canada's written Constitution now has three main parts:

- a description of the powers of provincial legislatures and Parliament, as well as their parts and authority
- a Charter of Rights and Freedoms that outlines the basic rights and responsibilities that all Canadians possess
- an amending formula, which sets out ways in which the Constitution may be changed or altered. This formula requires that the federal government and seven of the ten provinces agree on the proposed amendment or change. The seven provinces must make up at least one-half of the total population of Canada.

The Unwritten Constitution

There are other rules and practices concerning the roles and functions of Parliament and provincial legislatures that are unwritten. These are based on the thousand years of parliamentary tradition that we have inherited from Britain. These traditions, along with the written Constitution, provide the basis for the sharing of power between rulers and the people.

Numerous customs, laws, and statutes that are a part of the British tradition make up the unwritten part of our Constitution. For example, there is no mention of political parties in the Constitution Act, yet they are an important part of how we govern ourselves (see Chapter 10).

The Federal System

At the time of Confederation, the colonies of Canada East and Canada West (which became Quebec and Ontario, respectively), New Brunswick, and Nova Scotia were united to form

the nation of Canada. Unity would allow the once-separate colonies to pool their resources for defence, trade, and other common goals. However, none were willing to give up their autonomy completely to a central government. As a compromise, the Fathers of Confederation chose to unite these provinces under a *federal system*—an organization of regional governments (provinces), each acting on behalf of its own residents, with a central government in Ottawa responsible for matters vital to the nation as a whole. This system is sometimes referred to as *federalism*.

Areas that require a consistent national policy such as defence, currency, and the postal system were made a federal (or central) responsibility. The provincial governments were given jurisdiction over areas “best handled locally,” such as education. There are also areas of shared powers: for example, both the federal and provincial governments can create laws regarding agriculture, immigration, and the environment.

The Fathers of Confederation assigned all new areas of decision making that did not yet exist or were not listed in 1867 to the federal government as **residual** (leftover) **powers**. This is why the federal government is responsible for laws regarding telecommunications and information

Federal Responsibilities	Shared Responsibilities	Provincial Responsibilities
National Defence	Immigration	Education
Foreign Policy	Agriculture	Charities
Aboriginal Affairs	Health Care	Health Services & Hospitals
Postal Services	Natural Resources	Licences
Banking System	Environmental Issues	Highways
Marriage & Divorce Law		Provincial Court System
Criminal Law		Provincial Police & Prisons
Federal Prisons		

Figure 9-5 Some federal, provincial, and shared responsibilities.



Figure 9-6 The environment is one area of overlapping powers between the federal and provincial governments. For example, the Lakeview coal-fired power station in Ontario is a major emitter of nitrogen oxide, which pollutes the air in Canada and the United States. The federal government has the responsibility to negotiate smog reduction limits with the United States, but cannot force the Ontario government to reduce that province's emissions.

Thinking critically What are the disadvantages of shared powers with regard to the environment?

services such as cable television stations, computers, modems, and faxes. The Fathers of Confederation could not have predicted such advances in technology, yet they had the foresight to provide for the control of "unknown possibilities." Still other federal responsibilities include issues related to debt and social security reform.

Soon after Confederation, the provinces began challenging the powers of the federal government. At that time, the judicial committee of the Privy Council in Britain was the court that dealt with constitutional matters, and its decisions consistently favoured the provinces. Today, the Privy Council no longer makes these decisions for us, but the division of powers between federal and provincial governments is still a contentious issue. The separatist movement in Quebec is one example of this tension, but not the only one. Provinces in Canada's West and East feel that the policies of the federal government have always favoured the populous central provinces of Ontario and Quebec. The Reform Party started in 1987

in the western provinces as a response to this feeling of lack of power and alienation from decision making. In 2000, the Reform Party attracted disaffected members of the Progressive Conservative Party and became the Canadian Alliance Party. The Canadian Alliance was elected as the official opposition in November 2000. As we saw in Chapter 3, eastern provinces have also tried to form alliances in order to increase their power.

The Creation of Municipal Governments

The local, or *municipal*, level of government has the greatest amount of contact with individual citizens. The essential services that municipalities provide include garbage collection and disposal, sewage treatment, fire protection, water supply, and establishment of schools. However, municipal governments do not have the same level of autonomy as provincial or territorial governments. Under the Canadian Constitution, provincial governments decide what form municipal governments take, their powers, and their responsibilities.

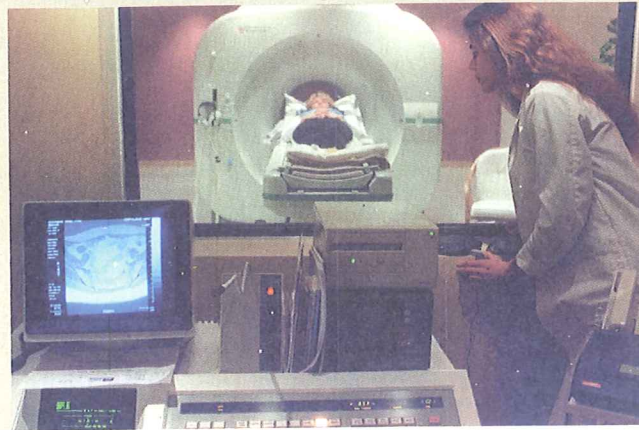


Figure 9-7 (Left, top:) Commuters in Montreal; **(left, bottom:)** a magnetic imaging clinic in Richmond, B.C.; **(below)** artist Peter Ka-Kin Poon beside his design for a new twenty-five-cent coin, one of twelve designs issued in 1999.

Using evidence Which level of government do you think is responsible for each of the activities shown in these pictures? Give reasons for your answers.



ACTIVITIES

1. Brainstorm how government has affected you since you woke up this morning.
2. Create a web diagram showing your connections to groups and organizations in Canadian society, including family, friends, institutions, and government. Explain the connections in terms of what is shared between you and others.
3. What is the difference between direct democracy and representative democracy?
4. What organizations do you belong to that have a constitution? Why is a constitution necessary in a complex organization?
5. Use a two-column chart to summarize the advantages and disadvantages of the monarchy.
6. What forces hold Canada together today? Consider interests or concerns that people across the country share. What forces are pulling us apart? Consider issues that separate provinces or regions.

The Parliamentary System

In Canada, the powers of government are divided into three branches: legislative, executive, and judicial.

The **executive power** of government is the power to make decisions and administer them (through the civil service). For example, at the municipal level, governments may inspect businesses and restaurants. At the provincial level, governments decide on the number of examinations high school students must write. At the federal level, the government may decide to purchase helicopters for national defence.

Legislative power is the power to make laws. All three levels of government—federal, provincial, and municipal—have the power to make and amend laws, many of which have a direct impact on your life. For example, the federal government in Ottawa makes laws in Parliament concerning funding for the armed forces; your provincial government establishes the taxation rate for educa-

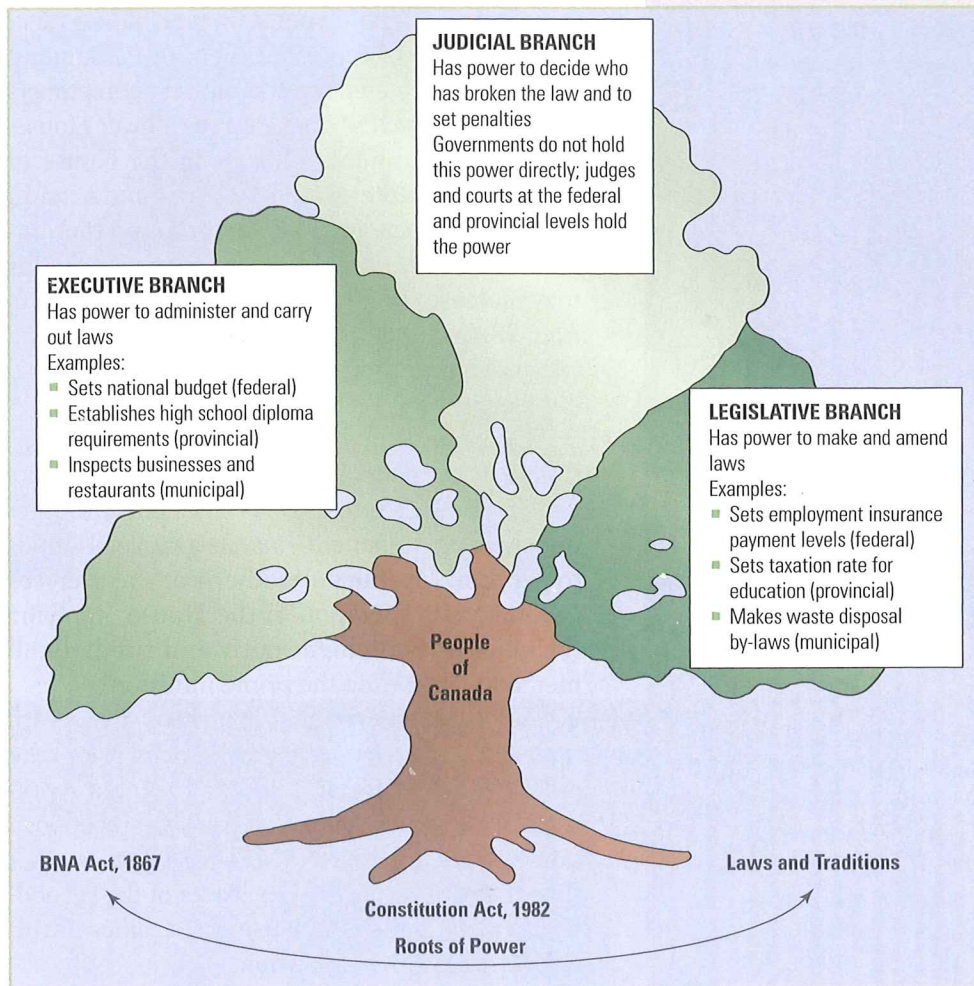


Figure 9-8 The three branches of government and the roots of power.

Developing understanding

Consider the way the federal and provincial governments are organized into three branches. What does this method of organization show about our views of leadership and decision making?

tion; and your town or city council may pass by-laws to determine how to dispose of local garbage.

Judicial power is the power to interpret and administer the law. Governments do not hold this power directly. In democracies such as Canada, the *judiciary* is separate from the other two branches of the government to ensure that the government acts within the boundaries of the Constitution and the laws of the land. Judicial power rests with the courts and judges, who act as both referees of private rights and interpreters of the Constitution. Chapter 11 looks at the justice system in more detail.

The Federal Government

The Legislative Branch

The legislative branch of the federal government is composed of the governor general, the House of Commons, and the Senate. These parts of the legislative branch make up *Parliament*.

Parliament must meet at least once a year in what is called a *session*. In each session, Parliament passes new laws, amends or repeals (removes) others, and debates issues of concern to Canadians. (The process for passing laws is described later in this chapter.) During question period, opposition parties challenge the government's actions and raise issues they feel the government needs to address. Individual members of Parliament may bring