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Canada and Constitutions

In March, Dr. Andrew den Otter presented a lecture on the changing constitutional structure of Canada. Dr. den Otter was a member of Dordt's first four-year graduating class. From the University of Alberta, he received his M.A. and Ph.D. degrees in history, concentrating on Canadian history. He has been teaching at the Memorial University of Newfoundland, St. John's, Newfoundland, since 1972.

Den Otter traced the history and rationale of the British North America Act (BNA) of 1867, the legislation through which the nation of Canada came into being. The BNA united the maritime provinces, French or Lower Canada, English or Upper Canada, British Columbia and the western provinces, into a single federated unit. The primary motive for federation, according to den Otter, was survival. Canadians, isolated from Britain, feared the growing power of the United States. The theory was that the only way for Canada to survive would be for the provinces to unite into a strong nation-state able to take advantage of growing industry and technology to meet the threat of United States' physical and economic expansion.

Although the motive for federation was survival, difficulty occurred over the type of political union this should be. The problem centered on the question of whether power should devolve to a strong central government at the expense of provincial governments or whether power should be decentralized with some authority resting with the provinces. In the end Canada adopted the British parliamentary system which called for centralized power with relatively little power given to the provinces. However,

French-speaking Quebec, which wanted to preserve its own unique heritage and lifestyle, resisted the centralizing effect of the BNA. In order to overcome the separatist tendencies of Quebec and to preserve traditional English culture and society, English Canada believed it was necessary to establish a strong central government.

As den Otter pointed out, the Canadian attempt to place a rapidly changing industrial and technological society upon a traditional and conservative political base created an impossible situation. As the provinces began to develop and to modernize, they began to demand more and more authority to work out their respective destinies. As the Province of Alberta began to industrialize, for example, it began to demand that the profits of such industrialization remain in Alberta rather than be shared with Ontario. Thus a new theory is currently being advanced, namely, that Canada can best survive as a nation if each province is free from federal control. In other words, there is a growing desire to move away from the concept of a strong central government to the notion of decentralization. The new Canada Act departs from the assumptions of the BNA. According to the new act, Canada is considered an association of states, and parliamentary sovereignty can in fact be divided.

It is too soon, den Otter said, to measure the impact of the move away from federalism to decentralization. There will probably be a lot of court action, however, as people seek to determine the limitations of the Canada Act.

Louis Y. Van Dyke