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Democracy in multi-level systems: Aspects of democratic legitimation in the EU and Canada

DAFEUS Week II in Nice 2019

**The future of the European Union.
Democracy in a multi-level and multi-national system**

Background Paper no. 2

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Abstract

The conference of the second DAFEUS Week took place at the Centre international de formation européenne (Cife) in Nice from 29 May to 1 June 2019. The event brought together young and senior researchers, practitioners and the wider public interested in the European Union to discuss on how democracy can work in federal or multi-level systems and on how the supposed democratic deficit of the EU can be overcome. In preparation to the conference, this background paper takes a closer look on the characteristics of different multi-level and multination systems as well as on the chain of democratic (input) legitimation in federal systems. By comparing the European Union (EU) to Canada, the paper concludes that although comparing federal systems can bear fruitful insights and deepen the understanding of one system, one has to be cautious when drawing conclusions, since different federal systems show varied particularities that limit any comparison.

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1. From Montréal to Nice – Building a Bridge

Since the COMOS and DAFEUS community met in Canada in November 2018 for enriching their view on the European Union (EU) by a perspective from the other side of the Atlantic, this background paper takes these findings to the 2019 conference week in Nice for setting the stage for fruitful discussions. The paper aims at deepening the knowledge on specific aspects of the event's title, namely "The future of the European Union. Democracy in a multi-level and multi-national system".

Therefore, I will compare the institutional framework of the EU and Canada with regard to the following questions focussing on the terms "multi-level" and "multinational":

1. How can the EU and Canada be characterised as multi-level systems from a federalism research perspective?
2. How can democratic legitimation in a multi-level system be created? How are chains of democratic legitimation designed with regard to the connection between executive and legislative bodies in the EU and Canada?
3. How can democratic legitimation in a multi-level and multinational system be maintained? How can the stability of such a system be ensured?

In the following paper, basic approaches for answering both aspects will be depicted. In addition, respective particularities of both multi-level systems will become clear when taking a closer look at common and different arrangements of democratic legitimation.

2. Characterisation of Multi-level and Multinational Systems from a Federalism Research Perspective

Today's research on federal systems is – especially in Europe – closely connected with research on multi-level systems and multi-level governance (Behnke 2015, p. 9). Besides, today's complexity of governance becomes part of the comparative research on federal systems, too. In the course of decentralisation, competences are transferred to regional, thus subnational levels and increase complexity as well as diversity of shapes of federalised or decentralised states (Behnke 2015, p. 10). At the same time, the transfer of competences in multinational systems comes to the fore within this field of research. In this context, the EU becomes more and more subject of interest from a federal perspective. What is more, federal dynamics,

namely the origin and development of complex federal and decentralised systems such as Canada, shift into the centre of interest (Kaiser 2012, pp. 173–175).

All approaches and interests of research struggle with the fact that due to the vast diversity and “context sensitivity” (ibid., p. 166) there is still no unified theory of federalism. Therefore, concepts that create ideal models of federal systems are often limited. Different perspectives and concepts have to be taken into consideration, as questions concerning origin, performance and maintenance of such systems vary significantly in Europe and globally.

Using a minimalist definition of federalism that William H. Riker has developed in the 1960s, federal systems can be defined by referring to the following three aspects: Federalism is a system in which “(1) two levels of government rule the same land of people, (2) each level has at least one area in which it is autonomous, (3) there is some guarantee (even though merely a statement in the constitution) of the autonomy of each government in its own sphere” (Riker 1964, p. 11). Thus, a right to decide is observable on each level of governance.

Joint Federalism and Dual Federalism

From a German perspective, a frequently used distinction between different federal systems are the characteristics of “joint” and “dual” federalism that constitute ideal types of federal states. Rainer-Olaf Schulze defines joint federalism as a model that is based on a functional distribution of tasks and interlacing of powers within a federal state (Schulze 1990, p. 480). The interlacing describes a functionalist linkage of powers between the different levels of governments within the state that does not emphasise reciprocal checks and balances (ibid., p. 481). Thus, competences are not distributed clearly. Usually, legislative power is assigned to the federal level, while administrative competences are exercised on the levels below. Though financial resources are mainly collected by the federal level, sub-federal levels have considerable impact in legislative procedures of the federal level. This leads to the necessity of cooperation between the individual sub-federal levels as well as the sub-federal levels and the federal one (Krumm 2015, p. 168). An often-observable phenomenon in joint federal states that has been described by Fritz W. Scharpf is the so-called “joint decision-making trap (“Politikverflechtungsfalle”)” (Scharpf 1988, p. 243): A higher number of actors that are involved in decision-making, viz. sub-national units in a joint federal system, increase the probability that at least one actor prefers the status quo and blocks any changes. Scharpf has

developed this concept looking at decision-taking procedures in the German federal system and the European Communities (EC, since 1992 European Union).

On the other side of the spectre, the ideal type of a dual federalism is characterised by a model of division of powers that aim at securing of independence of the sub-federal units (Krumm 2015, pp. 152–154). Thus, any tendency of centralisation is supposed to be prevented. In comparison with joint federal systems, the clear division of powers between the federal and sub-federal levels results in a high level of independence. Financial resources are collected separately on each level. There is no necessity for cooperation between different levels, but a high level of autonomy in the question whether to coordinate. Looking at the literature one is able to find such organisational distinctions of federalism also labelled as “cooperative” and “coordinate”, respectively. As already depicted above, in former systems competences are shared between different levels within this system, while in the latter one finds a division of competences with regard to the levels of government (Keating 2017, p. 622). These two models constitute ideal models, too, that allow different levels of accordance between these two poles.

A further characteristic that has been developed in recent years complements the two prior ideal types. “Competitive” federalism comprises federal systems in which units compete in innovating policies as well as in an economical sense (Keating 2017, p. 624). While Canada is traditionally by analogy with the United States considered a dual federalism system, many characteristics of competitive federalism can be found as well. Especially the non-existing fully integrated internal market and the different taxation policies in the provinces are the manifestation of economic competition between the provinces (Jahn 2019, pp. 309–310). The EU appears to be neither a perfect example of dual federalism nor of joint federalism, though it has an internal market. It is rather moving within a triangle of dual, joint and competitive federalism depending on the specific policy field.

Coming-Together and Holding-Together Federalism

A second distinction that has been developed is the pair “coming-” and “holding-together” federalism. This concept has been depicted by Alfred Stepan in the 1990s and focusses on the origin of federal systems.

In this sense, holding-together federalisms emerge from political systems with “strong unitary features” (Stepan 1999, p. 22), like Belgium and Spain. All countries that are characterised this

way developed federalism under the threat of breaking apart as their unitary units did not satisfy their multicultural polities and found federalism as a solution for “maintaining the unity” (ibid., p. 22) of their respective country.

In the contrary, Stepan defined “coming-together” federal systems as the result of “relatively autonomous units” that decide to “pool their sovereignty” and at the same time retain their “individual identities” (ibid., p. 23). For Stepan, the United States of America constitute the prototype of such a federal system that did not aim to maintain a territorial status quo but seek greater pooled power.

Regarding the EU and Canada, we find political systems that were developed in the past by separate political entities that pooled powers. Similar to the United States, Canada previously had consisted of different colonies before building the Canadian Confederacy in 1867 that would become today’s political system (Jahn 2019, pp. 294–295). In the following years, the state territory increased. However, as we will see later on, today’s challenges of holding this system together characterise this federal system as a holding-together system. The still enlarging EU can be considered a coming-together federal system, though the successful Brexit referendum in 2016 highlights a persisting threat of secession in the EU.

Symmetric and Asymmetric Federalism

Another traditional distinction between types of federalism are the categories “symmetric” and “asymmetric” federalism. Zuber stresses that asymmetric federal systems, such as Canada, are often developed in multinational states (Zuber 2011, p. 547). Such states “result from the incorporation of different nations with traditional homelands into a single state” (Kymlicka 1998, pp. 113–119; Zuber 2011, p. 547), thus the peoples’ national identity within this state differs from their identity as citizens of the federation (Fossum 2017, p. 366).

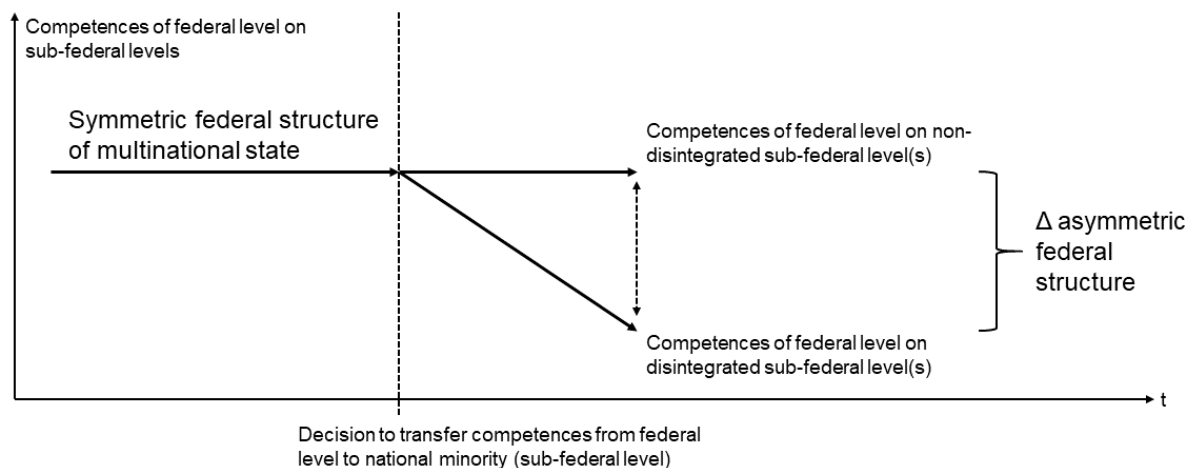
National minorities or rather minorities with a national identity within a multinational state have to be accommodated as they claim for self-determination in their respective territories where they constitute a majority (Zuber 2011, p. 547). The majority of the multinational state fears secession as the “most imminent threat to stability” (Filippov et al. 2004, p. 13) as a consequence of the minorities’ willingness to enforce own interests while “abandoning the whole given set of rules” (Zuber 2011, p. 549) that constitute the multinational state.

To protect minorities, multinational states have different options: Minorities can be either protected by a supermajority rule that reduces the risk of overruling minorities or by

“constraints on the domain of public policy such as a generality rule [that] may outlaw discriminatory distributions of services and taxes, which diminishes the risk of being in the minority coalition, at the same time that it increases the stability of majoritarian policy choices” (Congleton et al. 2003, p. 179). Another third approach that aims at the prevention of minorities being overruled creates a link to asymmetric federalism: “The menu approach to federalism reduces the ‘all or nothing’ aspect of decisions to participate in centralized policy-making, because it allows individual regional governments to independently decide which policy decisions to centralize, rather than to delegate that decision to the central authority” (ibid., p. 179). Following a menu-based (con)federalism basically creates asymmetric structures in federal systems: “Menu confederalism allows the degree of centralization to vary by service area, and consequently, implies that policy-making powers will vary among members, insofar as the various member states retain different areas of complete autonomy” (ibid., p. 179).

In figure 1 the emergence of asymmetric structures in federal multinational states is schematically illustrated.

Figure 1: Emergence of Asymmetric Structures in Federal Multinational States



Depicted by the author.

Competences of the federal level on non-disintegrated sub-federal levels remain the same over time, regardless of a symmetric or asymmetric structure of the federal multinational system. However, when the decision to transfer competences in a particular policy field from federal level to a national minority (sub-federal level) is taken at a point in time, the

competences of the federal level on the particular disintegrated sub-federal level decrease. This process results in an asymmetric federal structure that is characterised by a difference of the particular federal level's rights to decide depending on the level of autonomy of the particular sub-federal level.

By establishing such asymmetrical autonomy within the federal framework, the national minority is enabled to act in its sub-federal territory as a ruling majority (Kymlicka 1998, p. 133) and favours more probably cooperation with the national majority. As this is often considered a strategy to stabilise the federal state, scholars still try to answer the question whether a permanent stabilisation of multinational states is observable. A potentially stabilising factor that is often instanced by scholars supporting a stabilising effect of asymmetric systems is a consciously "open-ended" (Keating 2017, p. 626) left future of the federal system that allows evolution while a pluralist basis of federalism is strengthened.

What is more, permanent stability by introducing forms of asymmetry is regularly questioned due to the fact that other national minorities try to receive the same autonomy that has been granted at least one minority before (Kaiser 2012, pp. 175–177). This process between the willingness to abolish asymmetries between the national majority and a national minority as well as between various national minorities maintains conflicts (Zuber 2011, p. 548). Thus, establishing an asymmetrical system might reinforce instability. In fact, many scientists state that asymmetrical federations might produce stability in the short run, but as sub federal entities that are "based on national distinctiveness" (Keating 2017, p. 626) generate centrifugal tendencies, secessionist efforts that threaten stability are frequently strengthened.

Today's federal architectures of the EU and Canada both can be considered typical forms of asymmetric federal systems. Over the decades, competences have been transferred or remained, respectively, on the sub-federal state level. In Canada, especially the province of Québec has the right to levy taxes and shape its economy independent of the federal level (Petersohn 2013, pp. 126–130). In the EU, differentiated integration has become a frequently used model that allows various Member States to opt out from integration steps in the fields of home and external affairs as well as economic and monetary policies (Lippert 2017).

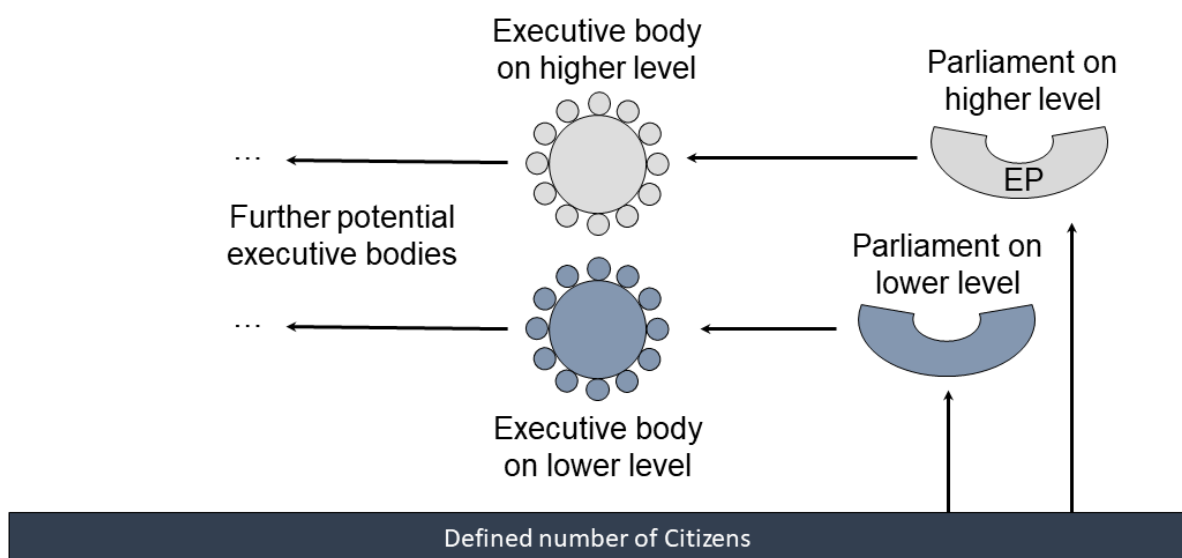
3. The Chain of Democratic Legitimation: A Concept for Analysing Input Legitimation

When looking at different forms of how to measure the particular democratic legitimation of different political systems, the concept of input, throughput and output legitimation, as it has been primarily developed by Scharpf, is often used (cf. Scharpf 2009). This approach helps estimating advantages as well as limits of different political systems. Due to the limited extent of the paper, the focus will be exclusively put on input legitimacy, as both the EU and the Canadian political system show interesting particularities regarding this aspect.

Main resource of input(-oriented) legitimacy in democracies are elections (ibid., p. 261). In representative democracies citizens possess the right to vote for their representatives in parliament. Their respective will is delegated to this constitutional body and finds expression in the legislative process in principal-agent relations (Lüddecke 2010, pp. 67–72). We can call this first-degree legitimation. In parliamentary democracies the directly elected members of parliament are the first chain link which is followed by further constitutional bodies (Scharpf 2009, p. 261). Their respective legitimacy can be traced back to the parliamentary elections. This can be considered legitimation of second degree.

Figure 2 shows basic chains of this concept.

Figure 2: Chain of Democratic (Input-)Legitimation in Parliamentary Systems



Depicted by the author.

The defined number of citizens – mostly at the minimum age of 18 – are entitled to participate in general elections. We are able to link the members of parliament to the elections results. These members elect executive bodies, such as the prime minister and/or the members of government (ibid., p. 261). In another variety of parliamentary systems, the head of government is appointed by the monarch or president as the head of state. However, in both varieties executive bodies are dependent on the groups in parliament that organise majorities for successful legislative acts. Through this dependent relationship of principals and agents, governmental legitimation is created. Following Ernst-Wolfgang Böckenförde, we can call this a chain of legitimation (cf. Böckenförde 2004). However, the longer such chains are, the more problematic legitimation gets. Second-degree principal-agent relations can already show losses within the chain of delegation (Lüddecke 2010, p. 68). Further executive bodies of third degree are usually employees in ministries. Figure 2 also shows that such chains usually exist on different state levels. Especially federally organised states – as the prior part has already shown – organise competences on a lower state level; the right to decide and to act can be found on different levels. Here, chains are organised analogously. What is more, executive bodies can be involved in the formation of an upper house that takes part in legislative procedures at the federal level as well. Thereby, both levels are interdependent (Scharpf 2009, p. 252). As we will later see, this interdependence can guarantee the representation of respective state interests on the federal level but complicates the traceability of responsibilities. Despite its little relevance for our considerations at this point, Scharpf's "Politikverflechtungsfalle" should not be left out here. The participation of different levels can lead to lock-in situations. We can also find some aspects of this difficult relationship between legitimation and complexity in Wessel's 3-K-formula, as higher levels of legitimation – especially when it comes to the need of finding consensus – can cause highly complex results of the legislative procedure (Wessels 2018, p. 28).

In presidential systems, such as the United States, citizens not only elect their members in parliament but also vote for their president that installs the government as a second-degree legitimated body (Kailitz 2008, p. 295). In semi-presidential systems, such as France, the government is not independent of the parliament but responsible to the legislature. Here, the separation between executive and legislative bodies is less strict than in a presidential system (ibid., p. 295). In fact, in parliamentary systems, these two powers are directly connected and

thereby weakening the principle of separation of powers for the sake of legitimation. We will later find such aspects.

Input Legitimation of Legislative and Executive Bodies in the EU

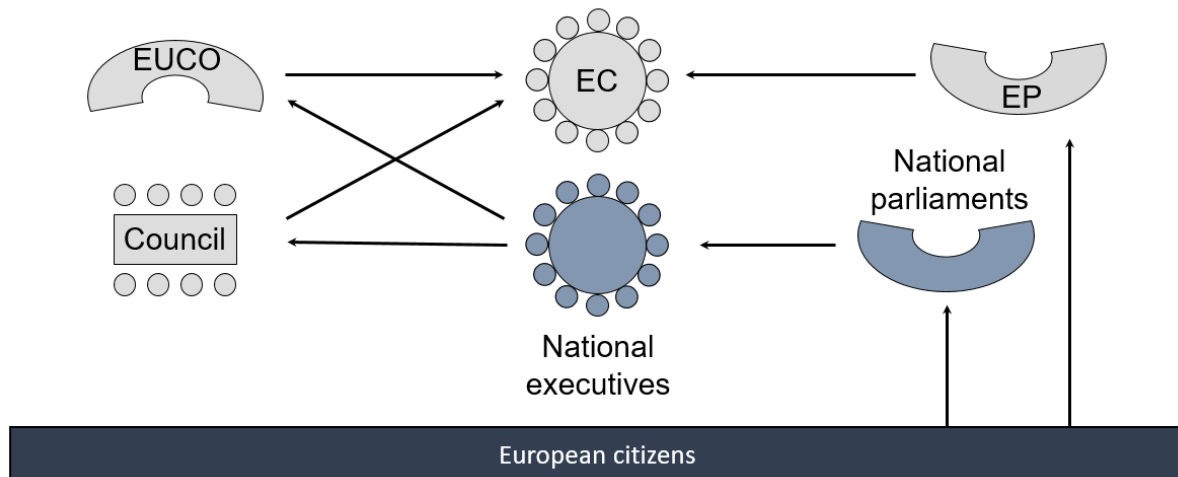
The following part will depict the means of input legitimacy in the EU as they have been codified in the Lisbon Treaty and further developed since 2009.

Main aspects of the chain of legitimacy in the EU multi-level system have been defined in the treaty. Initial point of the chain are elections that constitute the respective parliament on the nation state as well as the EU level. The respective electorate is characterised by three main aspects (Maurer 2019, pp. 398–403): First, the respective electorate is unambiguously defined by legal standards on the respective level. Second, due to central characteristics of multi-level systems the respective electorate of elections to bodies on the nation state level differs from the electorate that constitutes the EP. Third, the Lisbon treaty defines that Member States define own rules for EP elections. Thus, the electorate that elects the national parliament of a specific EU Member States can differ from the electorate in the same state that is qualified to participate in EP elections. A striking example is the voting age a Member State determines for general elections as well as EP elections. What is more, voting procedures on national and EU level can differ fundamentally (ibid., pp. 399-401). While the UK uses a majority voting system in its general elections, a proportional representation (PR) voting system has been used in EP elections. Thus, the EU wide electorate for EP elections is the sum of national electorates that are defined on the nation state level. In the following, I will refer to this electorate as “European citizens”.

The European citizens are directly linked to the EP, as Members of the EP (MEPs) are elected in direct, general, free and secret elections (Art. 14 TEU). Proportional representation cannot be guaranteed as the constitutional architects decided to implement the principle of degressive proportionality (Maurer 2020, p. 256). Thereby, MEPs of smaller Member States, such as Malta or Luxemburg, represent a smaller number of national citizens than MEPs of larger Member States; an MEP from Malta represents about 75,000 inhabitants of Malta, whereas one single German MEP represents about 850,000 inhabitants of Germany. This issue is frequently addressed when complaining of the EU’s democratic deficit (ibid., p. 256).

Analogously to figure 2, figure 3 shows basic connections in the chain of legitimacy of an EU Member State with a parliamentary system, in which the national government depends on a majority in parliament.

Figure 3: Chain of Democratic (Input-)Legitimation in the EU



Depicted by the author.

In the EU as of 2019, 22 out of 28 Member States can be assigned to this system. In this context, national executives of second-order legitimation are directly linked to the respective national parliament. In a third-order legitimation, members of the national executive bodies are sent to the Council as well as the European Council: In the different Council formations the respective specialised ministers represent their Member State, the Heads of State or Government meet in the European Council (Hopp and Wessels 2020, p. 242).

What is of special interest is the formation of the European Commission. The new wording of Art. 17(7) TEU has enabled constituting the concept of ‘Spitzenkandidaten’:

“Taking into account the elections to the European Parliament [...], the European Council [...] shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members.”

Potentials of this concept were discussed in public as well as in academia (Wolfs et al. 2020). Many observers hoped it could increase input legitimation, as the connection between the results of the EP elections and the formation of the new Commission would become more apparent. Of course, the European parties’ respective candidates for President of the Commission have to be nominated – e. g. in European party conventions – prior to the EP elections.

In the course of the 2014 EP elections – the first elections after the Lisbon Treaty came into force –, the two biggest groups in the EP agreed on voting for the Spitzenkandidat of the group that would gain most seats in parliament to become the new President of the European Commission (Müller Gómez and Wessels 2017). Thereby, the EP was able to demonstrate its power to act vis-à-vis the European Council. Following the procedural steps of Art. 17(7) TEU, the Spitzenkandidat of the European People’s Party, Jean-Claude Juncker, became the new Commission President. In 2019, the European Council in turn selected the former German defence minister, Ursula von der Leyen, who became the next Commission President. In doing so, the Heads of State or Government counteracted the Spitzenkandidat procedure (Müller Gómez and Thieme 2020, pp. 186–188). As already depicted, we can observe the result of the conflict between the search for consensus and a clear chain of legitimacy.

After the new President has been elected, the Council has to adopt the list of members of the new Commission. Subsequently, a vote of consent by the EP is needed before the new Commission is appointed by the European Council (Hofmann 2020, pp. 200–201). The Commission as a body is responsible to EP. Looking at figure 3, the complexity of this procedure becomes apparent in terms of legitimation (Maurer 2014, pp. 302–303): In Member States with parliamentary systems, the European Commission is of second-order legitimation following the EP’s supranational path and of fourth-order legitimation following the Council/European Council’s intergovernmental path. The need for including the national as well as the EU level of this multi-level system in the depicted procedure, increases complexity significantly.

Input Legitimation of Legislative and Executive Bodies in Canada

Looking at the federal system of Canada, we can find a most striking difference in the strict separation between the executives on the federal and the province levels: While executives of the provinces are legitimised in the same way as the national governments of EU Member States with a parliamentary system where the head of the highest executive body is elected by the highest legislative body, the federal executive body is legitimised less complexly (Jahn 2019, pp. 303–304). Members of the House of Commons are elected in general elections by simple plurality [Klicken oder tippen Sie hier, um Text einzugeben..](#) The Canadian Prime Minister needs the confidence of the lower house to stay in office. His or her cabinet is

responsible to the House of Commons as well. Thus, there is a direct connection between the Prime Minister and the federal parliament.

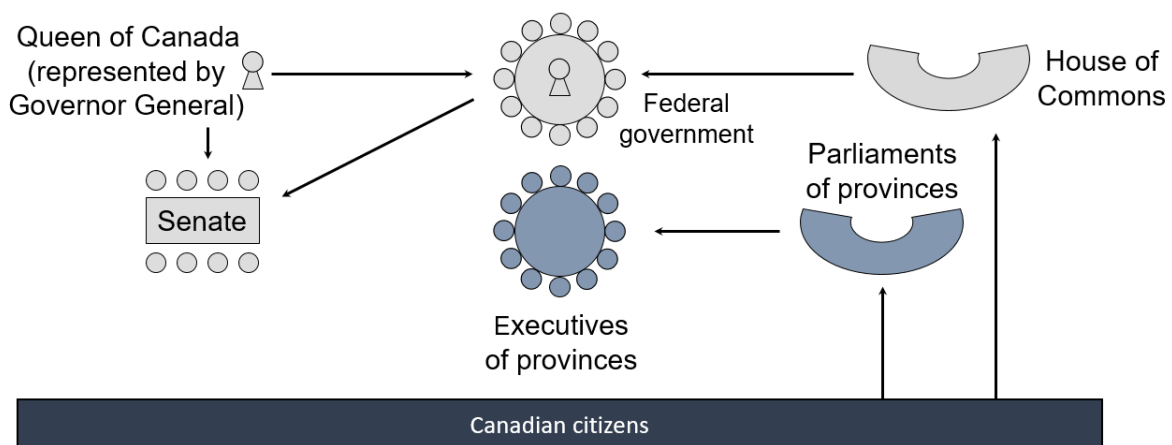
Regarding the upper house, the Senate, we can find a particularity: Senators are neither elected in separate elections, nor members of the provincial executive bodies, but are appointed by the Governor General on the suggestion of Prime Minister (ibid., pp. 303-304). The Governor General is appointed by the Canadian Head of State, the ‘Queen of Canada’, who is at the same time Queen of the United Kingdom. Before appointing the Governor General as her representative in Canada she has to consult the Canadian Prime Minister. Besides, the Queen has no power to influence Canadian constitutional bodies. In addition, her representative has only ceremonial and non-partisan competences; he or she acts on advice of the Canadian Prime Minister or a member of the Canadian cabinet. Thus, their actions are rather legitimised by the federal government than the fact that he or she is appointed in London. However, the constitution assigns major political power to the Governor General. In fact, the federal government’s constitutional right to act is based on the fact that the Queen’s representant does not wield this power. Due to customary law, today all rights to act on the federal level are located in the government and in parliament (Benz 2020, pp. 181–182).

The Governor General’s ceremonial and non-partisan character becomes clear when looking at the formation of the Canadian Senate, the Canadian upper house. While we have seen that in the EU’s ‘upper house’, the Council of the EU, members are (in)directly appointed in the EU Member States, Canadian senators are appointed by the Governor General upon the recommendation of the Prime Minister. The Governor General has no right to influence this decision. The Senate consists of 105 members. They are not elected for a limited period but are free to stay in office until the age of 75. As the number of senators per region has been determined in 1867 for the first time and ever since remained the same especially in the three founding provinces Canada (today Ontario and Québec), New Brunswick and Nova Scotia, we can today find a significant level of disproportional representation in the senate between different provinces. Distinct migration flows in a number of provinces have not been taken into account yet. What is more, today senators only take a counselling role. Thus, all power de facto is located in the House of Commons (Benz 2020, p. 181).

Hence, with regard to the illustrated legitimation chains in figure 4 and in comparison with the multi-level system of the EU, we can stress three points: First, chains of legitimation on

the federal level in Canada are shorter than in the EU. Unlike the European Commission and the Council, we can find second- respectively third-order legitimations with a clear linkage with the Canadian electorate as the federal government and the House of Commons are unambiguously interlinked in their composition. Second, as the federal level and the provincial level are strictly separated, complex legitimation structures like in the EU do not exist. Third, the second finding has to be qualified by the fact that we find complicating elements, especially regarding the role of the Queen and the Governor General as well as the disproportionality in the Senate. Problems of legitimacy with regard to questionable monarchic elements are – at least partially – solved by customary law.

Figure 4: Chain of Democratic (Input-)Legitimation in Canada



Depicted by the author.

4. Summing up Democratic Legitimacy in Multinational Systems

Challenges in multinational systems have already been described with a view to the (a)symmetry of federal systems. The asymmetry of the federal design can be considered a direct answer to matters of protecting the rights of national minorities (Congleton et al. 2003, p. 179). By granting such groups a right to decide and to act, stability is hoped to maintain.

In general, we can find two distinct major approaches that have impact on the federal design: First, unanimity rule guarantees national minorities to be involved in all decisions and to veto potential results that are not in their interest. Second, forms of flexibilization and the asymmetric allocation of the right to decide give national minorities the right to shape legislative procedures in a way that meets their particularities best.

The EU's Multinational Character

The EU's multinational character and its handling can be divided into two parts. In the beginning since the 1950s, the EC have created a symmetric federal design with strong veto power of each Member State. Consequences of this strategy became clear in the 1960s with de Gaulle's empty chair policy that locked most decisions (Loth 2020, pp. 134–138). Member States were able to derail legislative proposals in the Council in all policy fields.

The Tindemans report in 1974/75 and the Single European Act (SEA) in 1985/86 marked the beginning of a new strategy developing an asymmetric design by allowing differentiated integration (Tekin 2016, p. 189). Thereby, less integrated Member States became a weaker veto power but could shape policy in a way that met their (potential) national particularities better, especially in the fields of the later Economic and Monetary Union (EMU). Driving force of this development was the United Kingdom that expressed concerns regarding a deeper integration in its first (negative) membership referendum in 1975 (Saunders 2018, pp. 98–99). Ever since, the EU with its 28 respectively 27 Member States has become more and more differentiated. In fact, the Brexit has shown that this strategy did not prevent dissatisfaction and a British secessionism.

Canada's Multinational Character

Canada has a long history in asymmetric federal designs. The prior characterisations of this federal system have already shown great disparities between different provinces. Especially the francophone province Québec frequently stresses its particularities. Canada's character as a competitive and holding-together federal system are directly linked to its multinational character with a self-confident francophone minority and various aboriginal peoples (Benz 2020, p. 179).

There are a number of milestones in recent years that illustrate the fragility of the asymmetric federal design: The Parti Québécois initiated two referenda in 1980 and 1995 aiming at reaching Québec's independence (Jahn 2019, pp. 295–296). Though both referenda failed, the threat of secession – as it has been described before – fuelled discussions of granting Québec autonomy to a greater extent. Besides, the fact that the 1982 Constitutional Act has not been ratified by Québec yet shows the persisting uncertainty and fragility of the Canadian federal system and its missing finality (Benz 2020, pp. 191–192). Scholars have argued in the last

decades whether the undefined final state of asymmetric federalism favours or hinders stability (cf. Massicotte 2008). In fact, provinces can make use of several rights to ensure autonomy to different extents, for instance since 1954 Québec has been collecting its own income tax (Jahn 2019, p. 297). Therefore, residents of Québec have to fill in two tax declarations.

Interesting about this status quo is the fact that despite the maintaining threat of a francophone secession, secessionism has not been successful yet. In spite of the uncertain constitutional status quo with a non-ratified constitution in Québec since the 1980s, the Canadian political system has endured. Scholars debate the question whether stability has been reached by an implicit constitutional evolution (Benz 2020, p. 192). In fact, the current governing party in Québec, the Coalition Avenir Québec, favours more autonomy of the province instead of independence.

5. Concluding Considerations

The paper has shown a number of relevant characteristics when identifying, describing and analysing political systems from a federalism research perspective. The depicted categories have helped us to understand basic similarities and distinctions between the political systems of the EU and Canada:

Today, both multi-level systems can be characterised as asymmetric federal systems. Main difference is their quality as coming-together respectively holding-together federal systems and their position in the triangle of joint, dual and competitive federalism. However, as coming-together systems can become holding-together systems over time, the EU and Canada can become more similar in this aspect as well. Especially Brexit has shown that the EU has not been able to hold itself together in the past. While its number of members is still growing, shrinking has become a real scenario in the EU as well.

With regard to the described chains of input legitimation in the EU and Canada, we have seen that the joint decision making of two levels in the EU can lead to long and complex chains. These chains guarantee the representation of distinct opinions but decrease the level of input legitimation due to potential agency losses at the same time. Thus, this lack has to be counterbalanced by further forms of legitimation that have not been depicted here. In Canada, levels are strictly separated. Despite a number of (anachronistic) issues – especially regarding

the role and composition of the Senate – shorter chains of legitimation imply a lower probability of agency losses.

Finally, multi-level and multination systems can ensure their stability by the following two designs: a symmetrical as well as an asymmetrical one. In fact, once a design has been chosen, different consequences have to be faced. While the EC established a symmetric design in the 1950s and 1960s based on a strict form of consensus finding, it later changed its strategy towards the Canadian model of asymmetric federalism. The growing number of Member States and thus its more and more multi-ethnic character let a model of differentiated integration appear to guarantee more stability in the sense of a holding-together system. However, the successful Brexit referendum has shown that this approach has strict limitations. As the disintegration of Canada is also still a potential threat after more than 150 years of common history – though at the moment we find more stability than in recent years –, a silver bullet against secessionism has not yet been identified.

In a nutshell, what we should keep in mind for our conference: Comparing federal systems can bear fruitful insights and deepen our understanding of a particular federal system. At the same time, we have to be cautious when drawing conclusions since different federal systems show varied particularities that limit any comparison. With as for the EU and Canada, this paper has illustrated this fact very well.

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The DAFEUS project has four objectives. It enhances the debate on the future development of the EU, fosters public knowledge and awareness of EU politics, promotes EU studies in new research areas, and strengthens the exchange between both academics and practitioners as well as civil society and the general public.

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