

Judging the Judiciary as Federalism's Umpire - Conflicting Visions of Canadian Federalism and the Ideal Role of the Judiciary Surrounding Bennett's New Deal

Nathan Fung

DOI: <https://doi.org/10.29173/psur31>

ABSTRACT

When an attempt to shift the responsibility for unemployment insurance from the provinces to the federal government in response to the Great Depression was halted in 1937 after having been deemed unconstitutional by the judicial committee of the Privy Council, it provoked angry responses from contemporary legal scholars. Some questioned the wisdom of British Judges making rulings of social importance over Canadian affairs. However, newer analysis of the Court's decision, as well as a breakdown of some of the criticisms of the past shows that many of the arguments levied against the JCPC were misguided and that the JCPC, like the modern Supreme Court that replaced it, effectively played the role of an umpire in setting disputes between the two levels of government in a democratic fashion, as well as in a manner that conforms to Canada's multinational character.



UNIVERSITY OF ALBERTA POLITICAL SCIENCE UNDERGRADUATE ASSOCIATION

VOLUME 2, ISSUE 2

Luke Jansen
PSUA President

Ben Thronson
VP Finance

Navneet Gidda
VP External

Christian Dy
VP Internal

Micah Leonida
VP Events

Duncan McCrostie
VP Communications

Jakub Romanek
VP Events

Cole Goshulak
VP Academic / Managing Editor

Alexandria Hammond
Submissions Editor

Shane Scott
Submissions Editor


Rihannon Howell-Matwichuk
Submissions Editor

Ara Hamor
Submissions Editor

Heather Taskey
Compilation Coordinator

HOW TO CITE

Fung, N. (2017). Judging the Judiciary as Federalism's Umpire - Conflicting Visions of Canadian Federalism and the Ideal Role of the Judiciary Surrounding Bennett's New Deal. *Political Science Undergraduate Review*, 2(2), 14-19. <https://doi.org/10.29173/psur31>

More Citation Formats 

ISSUE

[Vol. 2 No. 2 \(2017\): Political Science Undergraduate Review: Vol 2, Issue 2](#)

SECTION

Articles

LICENSE

Authors retain copyright and grant the journal right of first publication.

Authors are able to enter into separate, additional contractual arrangements for the non-exclusive distribution of the journal's published version of the work with an acknowledgement of its initial publication to this journal.

[MAKE A SUBMISSION](#)

INFORMATION

[For Readers](#)

[For Authors](#)

[For Librarians](#)

Political Science Undergraduate Review | ISSN 2562-1289

[Contact](#) | [Privacy Policy](#)

University of Alberta 116 St. and 85 Ave., Edmonton, AB, Canada T6G 2R3 .



UNIVERSITY OF ALBERTA
LIBRARY

