Explaining Intergovernmental Conflict in the COVID-19 Crisis: The United States, Canada, and Australia

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The Covid-19 pandemic produced more significant immediate intergovernmental conflict in the U.S. than in Australia and Canada. This article considers three variables for this cross-national divergence: presidentialism versus parliamentarism; vertical party integration; and strength of intergovernmental arrangements. We find that the U.S. presidential system, contrary to parliamentarism in Canada and Australia, provided an opportunity for a populist outsider skeptical of experts to win the presidency and pursue a personalized style that favored intergovernmental conflict in times of crisis. Then, the intergovernmental conflict-inducing effect of the Trump presidency during the pandemic was compounded by the vertical integration of political parties, which provided incentives for the President to criticize Democratic governors and vice-versa. Third, the virtual absence of any structure for intergovernmental relations in the United States meant that, unlike Australian states and Canadian provinces, American states struggled to get the federal government's attention and publicly deplored its lack of leadership.

"You know what I say? If they don't treat you right, I don't call" (Samuels 2020). These words from President Trump to and about the state governors illustrate the conflictual quality of relations between the federal government and the states in the United States during the first wave of the COVID-19 pandemic. They were accompanied by sharp criticism of specific (Democratic) governors, such as Washington's Jay Inslee, who the President described as a "failed presidential candidate" who is "constantly chirping," and Michigan's Gretchen Whitmer, someone "who has no idea what's going on" (Samuels 2020). Certainly, the acute

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emergency context triggered by the spread of COVID-19 could be expected to strain intergovernmental relations in federations (Schertzer and Paquet 2020), especially because these relations are typically not constitutionalized and therefore subject to the vagaries of politics. Yet, in contrast to the United States, intergovernmental relations in the Canadian and Australian federations were in general harmonious during the first wave of the pandemic. In Canada, where federal-provincial relations are often acrimonious (Stevenson 2009), governments generally refrained from criticizing each other as they managed the pandemic sometimes even complimenting each other's performance and praising intergovernmental collaboration (Grenier 2020). In Australia, intergovernmental relations during the pandemic, although not entirely devoid of tensions, were also collaborative (Fenna 2021). In short, during the first wave of the pandemic, intergovernmental conflict, understood as public criticism of one government of the federation by another and accompanying actions, was much more significant in the United States than in Canada and Australia. Conflict will typically be most evident at the rhetorical level, but for our purposes it must also have a material dimension: refusal to participate in collaborative or coordinating arrangements; withholding of funding or other assistance; implementation of contrary policies.

This article advances three complementary explanations for this cross-national divergence in the degree of intergovernmental conflict during the first COVID-19 wave: presidentialism versus parliamentarism; degree of vertical party integration; and strength of intergovernmental arrangements. We are not seeking to formulate generalizations on intergovernmental conflict during a pandemic, although providing an explanation for our empirical puzzle will yield propositions that could be tested using other cases. First, we argue that the U.S. presidential system provides an opportunity for a populist outsider skeptical of experts to win the presidency and pursue a personalized style of politics that fractionalizes the federal government in its dealings with states. Facing coming set-date elections that are inherent to the presidential system, President Trump engaged in blame-shifting toward governors when his management of the pandemic was questioned (Weaver 2018). In Canada and Australia, by contrast, parliamentarism yielded mainstream prime ministers leading cohesive governments not facing imminent fixed-date elections.

Our second explanation focuses on vertical party integration. While on its own such explanation would hold less weight than the previous one, our argument here is that, in the United States, the intergovernmental conflict-inducing effect of the Trump presidency during the pandemic was *compounded* by the vertical integration of political parties, which provided incentives for the President to criticize Democratic governors and vice-versa. The most significant contrast here is with Canada, where there is no integration between federal and provincial conservative parties. As a result, Conservative Party premiers were freed from needing to oppose

the Liberal Party government in Ottawa. In Australia, a vertically integrated party system but functioning following a different logic from its American counterpart was to mitigate intergovernmental tensions in the crisis.

Finally, we also argue that the virtual absence of any venue for intergovernmental relations in the United States meant that states had to struggle to get the federal government's attention (often attempting to do so through public criticism) and deplored its lack of leadership if they failed to get the desired response. In Canada and Australia, structures and practices of intergovernmental relations developed over decades ensured that provinces/states could easily maintain an effective working relationship with the federal government. In the Australian case, this included a very smooth conversion from the Council of Australian Governments (COAG) to "National Cabinet," which served as the primary mechanism for political coordination during the pandemic.

In the small world of federations, selecting Canada, Australia and the United States offers the closest approximation to a "most similar systems design," which helps isolate the causal factors explaining a divergence in outcome—here the degree of intergovernmental conflict (Fenna 2019b). These causal factors work together to produce specific degrees of intergovernmental conflict. As such, the explanations we develop are complementary. They individually do not have the same importance. The different degrees of intergovernmental conflict during the pandemic between, on the one hand, the United States and, on the other hand, Canada and Australia, originate in the system of government (parliamentary versus presidential). The vertical integration of party systems in the United States aggravates the potential for intergovernmental conflict while the absence of any formal structures for, and regular practice of, intergovernmental relations allows for the materialization of such conflict.

Sketching a Theoretical Framework

Presidentialism and Parliamentarism

As the literature has emphasized the effect of institutional diversity on intergovernmental relations in federations (Le Roy and Saunders 2006), a good starting point for explaining U.S. divergence is the American presidential form of government. This operates in a fundamentally different way from parliamentarism in the "Westminster" federations of Canada and Australia.

Among the many "perils" Juan Linz (1990) identified in presidentialism was the rigidity induced by fixed-term elections and a personalization of politics. First, fixed-term elections in a time of crisis means electoral considerations may be particularly important drivers of decision-making, including in the conduct of intergovernmental relations. Second, presidentialism "could make it possible for

inexperienced outsiders to rise to the top" (Fukuyama, Dressel and Chang 2005). Then, the exercise of executive power in a presidential system tends to produce a "style" (Linz 1990, 60) conducive to the type of populist partisanship that can aggravate intergovernmental conflict in times of crisis. For Linz (1990, 61):

the plebiscitarian component implicit in the president's authority is likely to make the obstacles and opposition he encounters seem particularly annoying. In his frustration he may be tempted to define his policies as reflections of the popular will and those of his opponents as the selfish designs of narrow interests. This identification of leader with people fosters a certain populism that may be a source of strength. It may also, however, bring on a refusal to acknowledge the limits of the mandate that even a majority-to say nothing of a mere plurality-can claim as democratic justification for the enactment of its agenda.

Populist politics is not limited to presidentialism, but presidential systems facilitate populists' access to executive power and aggravate the consequences of this style of politics. In federations, the scapegoating element intrinsic to populism (Wojczewski 2020) presents strong potential for intergovernmental conflict because a populist president presenting himself as the "true representative of the people" can designate executive leaders of constituent units as enemies of such a people.

Not all presidential or parliamentary systems are alike, ¹ especially when it comes to their consequences for public policy (Shugart and Carey 1992). Yet, and despite increasingly centralized power in the executive (Savoie 1999), the Westminster parliamentary system is anchored in a cabinet (Lijphart 2012, 10), which is, at least in design, a collective decision-making body. Members of the cabinet, typically representing in federations the territorial diversity of the country, bear a collective responsibility to parliament. Ministers in a parliamentary system are elected representatives with their own individual democratic legitimacy, which means they are more difficult to control or ignore than their counterparts in a presidential system. As a consequence, the type of personalization of politics corresponding to populism is less likely in a mature parliamentary system like Canada and Australia than in an established presidential system like the United States. In turn, the less personalized style of politics in parliamentary systems reduces the potential for inter-personal conflict to poison intergovernmental relations. In addition, the mechanism of confidence of parliamentarism means there is flexibility on the timing of elections, which can serve to moderate partisanship in intergovernmental relations during a crisis.

Party Structure

Potentially compounding the detrimental effects of presidentialism on intergovernmental relations during a crisis may be the vertical integration of political parties. Riker (1964, 101, passim) argued that their internal structure was the key determinant for the degree of centralization of a federation (Volden 2004). Others have similarly regarded party structure as important to the analysis of federal systems (Benz and Broschek 2013, 4; Filippov, Ordeshook, and Shvetsova 2004, 187–206), though not necessarily in the same way. Some have argued that parties are merely an intervening variable and that indeed causality may operate in the reverse direction with their structure the effect of the federal system and not vice versa (e.g., Chhibber and Kollman 2004, 227).

There are significant differences between federations in the territorial organization of political parties. Since "the level of territorial conflict in the federal systems is mediated by party politics" (Detterbeck 2012, 29), the degree of vertical integration of political parties might be expected to have an impact on dynamics in intergovernmental relations, especially during a time of crisis. Specifically, a high degree of vertical integration in a federation should favour greater intergovernmental conflict when a significant number of constituent unit governments are controlled by a party other than the one governing at the federal level. A low degree of vertical integration means a less rigid territorial partisan politics alignment that offers greater potential for cooperation.

Amongst our three cases, the divergence in this regard is between, on the one hand, Canada and, on the other hand, the United States and Australia (Thorlakson 2009). The United States has a very high degree of vertical integration in its party system; in fact, the "nationalization" of party politics was first studied in relation to the American party system (Detterbeck 2012, 8; Schattschneider 1960). Australia also has a vertically integrated party system. There are, however, significant organizational differences across the party systems of these two federations. The Australian Labour and Liberal Parties grew from pre-federation party groupings; they retained federal structures based on semi-autonomous state-based organizations and, while national authority has increased, state divisions remain independent, "with little tolerance for unsolicited intervention in their internal affairs" (Miragliotta and Sharman 2012, 579). In Canada, the overall degree of integration of the two traditional governing parties is low: the Liberal Party is integrated only in five provinces (but not strongly) while the Conservatives are not integrated at all (Thorlakson 2009, 167-68). The combination of presidentialism and strong vertical party integration in the United States would seem to favor intergovernmental conflict in a time of crisis.

The Structure of Intergovernmental Relations

A third factor potentially contributing to the greater level of intergovernmental conflict in the United States than in Canada or Australia is the relationship between the central government and the constituent units. In normal times,

intergovernmental relations in the United States "do not constitute as important part of the politics of federalism as is the case elsewhere" (Hueglin and Fenna 2015, 242). The strong "intra-state" dimension of American federalism, where the upper house (the U.S. Senate) is central to federal law-making, reduces incentives to involve governors in any systematic way in relations between the federal government and the states. Thus, in American federalism,

no constitutional or statutory fora exist to facilitate communication or policy coordination between the federal and state governments. State and local officials interact with the federal government in the creation and coordination of national policy much as any other interest group, thus competing with forprofit and non-profit organizations (Smith 2016, 518).

This stands in sharp contrast to both Canada and Australia, where intra-state federalism is minimal. The "inter-state" dimension is hegemonic in Canada insofar as vertical intergovernmental relations occur through a dense arrangement of bureaucratic and political networks (Inwood et al. 2011). In Australia, there is similarly a dense network of intergovernmental relations between the Commonwealth and the states, at the apex of which for the last three decades has been a first ministers' meeting officially titled the Council of Australian Governments (COAG). Thus, the structure of intergovernmental relations in Canada and Australia would seem to provide a much firmer foundation for collaborative action in a time of crisis.

The United States

In the catalogue of coordination problems, pandemic response in the American federal system is surely among the most complicated, a fact that became especially apparent as, in less than a year, the United States surpassed 400,000 confirmed deaths from COVID-19 and 26 million confirmed cases of the virus. On the one hand, authority over public health is highly decentralized and the role of state and local officials is primary (Cole 2014). The federal government plays a crucial financial role in supporting state and local public health capacity, but state decisions concerning how to deploy their authority receive a high level of deference from federal authorities. On the other hand, state and local officials make decisions about public health in a political context that is highly nationalized, with strong partisan currents that can promote intergovernmental conflict. Intergovernmental polarization also impinges on the ability of the executive branch to play a coordinating role. Finally, legislative polarization hampers state and local officials' ability to make claims on the federal government, which is the key source of fiscal capacity during public health emergencies.

Presidential Politics and Intergovernmental Friction

The Covid-19 pandemic emerged as President Donald Trump was preparing his reelection bid for later in the year. Trump's presidency had been defined by repeated norm violations and executive branch mismanagement and had exacerbated already high levels of conflictual partisanship (Callen and Rocco 2020). This was not a context likely to lead to a wider collaborative institutional environment between different levels of government, especially when the United States lacks formal executive federalism arrangements of the sort that exist in Canada and Australia. With the rise of the administrative presidency, federal agencies have gained extensive leverage to adapt programs to emergent or expected state needs, even in the absence of congressional action. Yet, as Thompson (2013) points out, this phenomenon is in fact highly variable across policy arenas and presidential administrations. Moreover, presidential leadership does not necessarily lead to harmonious intergovernmental relations. When the president lacks the resources or capacity to persuade governors with divergent preferences to follow his lead, the result may be conflict between states and the federal government (Béland, Rocco and Waddan 2016). As Hudak (2014) shows, presidents also distribute federal resources in ways that advance their re-election interests rather than the needs or demands of governors or mayors. Here too, presidential control may result in conflict rather than cooperation between levels of government.

Both of these dynamics were in play during the Covid-19 pandemic. When it came to the direct public health response to the pandemic, the Trump administration made little effort to assist state governments. Instead, Trump engaged in what Bowling et al. (2020) refer to as "transactional federalism," providing rewards to state officials who complied with Trump's personal desires and punishments to those who did not. These measures included threatening legal action against states who pursued overly aggressive stay-at-home orders and denying material support to states in the form of testing supplies and ventilators. Beyond this, Trump repeatedly refused to grant the requests of state and local governments for general-purpose federal aid to stabilize revenues, referring to them as "blue state bailouts" (Wilkie 2020). Beginning in March 2020, Trump invoked the Defense Production Act (DPA)—which grants the president broad authority to coordinate the production of personal protective equipment and ventilators—yet he did not use the full extent of his powers under the law. Instead, he directed the Secretary of Health and Human Services to sign contracts with major corporations to deliver ventilators by the end of 2020. Congress took action through the Coronavirus Aid, Relief, and Economic Security Act to provide \$16 billion for the purchase of medical supplies, \$100 billion in direct provider payments, as well as \$1 billion in purchases under the DPA. Nevertheless, inadequate federal

coordination ultimately left states to do the brunt of the work in addressing shortages of testing kits, PPE, and ventilators (Devaiah et al. 2020).

The Trump administration did use executive authority to assist states in other ways that did not apparently conflict with his political objectives. For example, the U.S. Food and Drug Administration (FDA) issued guidance that affirmed governors' ability to authorize academic and private laboratories to supplement public health agency efforts in testing for Covid-19. The FDA also approved additional types of testing media and swabs to assist in the expansion of state testing capacity (McBride 2020). Nevertheless, the administration clashed with states on issues where their political objectives diverged. For example, when the state of Washington requested flexibility to temporarily expand the Medicaid program to cover a greater number of low-income uninsured residents, the administration flatly rejected the request (Hinton et al. 2020). In short, the increasingly personalized politics of the U.S. presidency lent themselves to repeated instances of conflict between the federal government and the states.

Nationalized Parties in a Decentralized System

While public health authority remains highly decentralized in the United States, the political variables that shape its use have become highly nationalized in recent years. Due to a combination of nomination process reforms and shifts in fundraising patterns, state and local party apparatuses have been hollowed out and substituted by national networks of ideological actors (Hertel-Fernandez 2019; Schlozman and Rosenfeld 2019). In turn, patterns of gubernatorial and presidential voting have become nearly identical, sparking a greater level of intergovernmental conflict (Hopkins 2018).

Partisan division between the White House and a state's governor can be overcome in a time of crisis. In 2012, in the week before the presidential election, Republican New Jersey Governor Chris Christie famously hugged President Obama to thank him for the federal government's help in responding to Hurricane Sandy (Barbaro 2012). There was, however, an immediate and lasting backlash against Christie for doing so and the wider pattern has seen the nationalization of political parties driving partisan polarization concerning states' policy choices, even technical matters (Rocco et al. 2018). This was certainly true when states moved swiftly to enact social distancing measures in response to Covid-19. In late February and early March 2020, the Trump administration engaged in numerous efforts to downplay the pandemic, which were echoed by national Republican Party leaders as well as conservative media outlets. Republican governors had fewer political incentives to respond with social distancing measures and may have faced political reprisals—from both voters and the President himself—for doing so. Even when controlling for other relevant factors, Republican governors were significantly

less likely to mandate social distancing measures than their Democratic peers (Adolph et al. 2021).

Highly nationalized partisan politics also stoked conflict in the arena of emergency relief for state and local governments. Early in the pandemic, President Trump blamed "blue states" for the United States high rate of mortality from Covid-19, suggesting that if you "take the blue states out" of the tabulations, the United States would begin to resemble other countries (Fritze and Jackson 2020). Similarly, Republicans repeatedly pointed to the irresponsible fiscal management of "blue states" as a reason for not passing a significant package of intergovernmental aid (Rocco, Béland, and Waddan 2020). Thus, while states governed by Republicans were at no less risk from a fiscal crisis, nationalized partisan politics continued to create friction in intergovernmental relations during the pandemic.

Unsystematic Intergovernmental Relations

A defining feature of American federalism is the absence of venues for the coordination of policy responses across levels of government. In the absence of any such venue, it has been extraordinarily difficult for states to secure their policy demands related to Covid-19. In Congress, state and local officials have become just one set of special interests among others. Intergovernmental lobbying has become even more difficult in the context of an intensely polarized politics and a crowded interest-group system (Leckrone 2019). Prior to the Covid-19 pandemic, intergovernmental relations in the Trump administration had been minimal and informal at best. In 2017, Trump set up a Republican-dominated "Council of Governors" (White House 2017). Yet, with little formal organization, the Council was by no means a venue for formal intergovernmental coordination when the first Covid-19 outbreaks began to occur. Instead, governors were forced to deal individually with the White House when making requests for testing supplies, supplies of personal protective equipment, and ventilators. Further, while Trump did use the Stafford Act to provide states with disaster relief funds, he did not take executive action to waive the substantial 25 percent cost-sharing requirement. Instead, he responded to governors' requests by suggesting that they could use a portion of their federal CARES Act funding to make up the difference (National Governors Association 2020). Several months later, the administration released guidance stating that Personal Protective Equipment and disinfectants were no longer reimbursable under the Stafford Act (National Governors Association et al. 2020).

Unlike countries with a pre-existing structure for intergovernmental coordination, state and local officials had to depend on the actions of a highly unpredictable presidential administration (Downey and Myers 2020). As the President openly sparred with Democratic governors (and some Republicans), he

delegated the Vice President to field concerns from the states. Without a formal arrangement, though, the Vice President lacked authority to act on governors' requests for resources, telling them instead that he would "look into it" (Diamond and Cancryn 2020).

Canada

In Canada, where, by the end of 2020, more than half a million cases of COVID-19 had been detected, and the estimated number of dead surpassed 14,000 (CBC News 2020), both levels of governments develop public health policies and standards. Despite this jurisdictional complexity, intergovernmental conflict was very low during the response to Covid-19. This was surprising considering the general state of intergovernmental relations before the pandemic. In early 2020, the Canadian federation was experiencing significant intergovernmental conflicts. Conservative premiers of Alberta, Saskatchewan, and Ontario publicly allied against Prime minister Justin Trudeau to combat his carbon tax and pipeline policies. The Quebec premier was publicly battling with Trudeau over the province's secularism legislation only one month before the pandemic. Yet, during the first wave of the Covid-19 crisis, these premiers, like the others, refrained from open displays of hostility toward the federal government, even praising its positive role and highlighting collaboration between Canada's governments. The Alberta and Ontario premiers thanked the Trudeau government for its aid packages during the crisis (Harris 2020; Village Media 2020). Overall, the Prime minister and the premiers saw in the pandemic incentives to reduce intergovernmental conflict, a reading made possible by the specific features of the Canadian system in the categories previously identified.

The Impact of Parliamentarism: Minority and Cabinet Government Dynamics

The pandemic coincided with a relatively rare occurrence in Canadian parliamentarism: minority government. The 2019 federal elections resulted in no party holding a majority of seats in Parliament, but with the Liberal Party winning the most seats and choosing—as is virtually always the case in Canada in these instances—to govern alone rather than forming a coalition government. The minority situation meant the federal Liberal government had special incentives to minimize conflict in intergovernmental relations during the pandemic. It was not so much that the Liberals had to worry about losing the confidence of the House of Commons (technically possible but politically unlikely during the pandemic), but rather that the COVID-19 crisis offered them an opportunity to prolong the life of their minority government (notoriously short in Canada) and set the party up to win a majority of seats at the next federal election. For the Liberals, who traditionally do not fare well in Western Canada, a majority government required

stronger results in Ontario and, especially, in Québec, where the nationalist, Québec-only party, *Bloc Québecois* (BQ), made a strong comeback in 2019. Showing positive and productive relations with the governments of Québec, and of Ontario, represented a politically promising approach for the Trudeau minority government.

As it was the province hardest-hit by COVID-19, Québec was where the Trudeau government could have the greatest political impact. The federal government's contribution in securing medical equipment for the province and its decision to respond favorably to a request for military personnel to assist in the province's old-age homes went in that direction. Moreover, its emergency incomesupport measures were supported in the House of Commons by the BQ, and the Québec government itself welcomed them. From a political communication perspective, Prime minister Trudeau, a polarizing figure in his native province, typically referred to the "federal government" or the "Government of Canada" rather than to himself when speaking of supporting Québec and other provinces.² During his daily press briefings, he often stressed the collaborative nature of his government's relationship with the Québec and other provincial governments.³

The Trudeau minority government also sought to avoid conflict with the government of the country's most populous province, Ontario. It responded positively to the Ontario government's request for military personnel to be deployed in some of its old-age homes. Moreover, as the Prime minister had been regularly attacked before the pandemic by the Ontario premier, he used the tools of cabinet government to manage the relationship, tasking a powerful minister from that province to assume primary responsibility for relations with Ontario. This was well-received by the premier (Delacourt 2020).

Weak Vertical Party Integration: Reduced Incentives for Conservative Premiers to Oppose the Federal Liberal Government

At the broadest level, the absence of organizational ties between most federal and provincial parties means that provincial and federal politics in Canada are clearly separated. The level of vertical integration varies across parties (Esselment 2010, 872; Stewart, Sayers, and Carty 2016). The Conservatives have no vertical integration, as none of the ten provincial parties are formally tied to the Conservative Party of Canada (CPC). Some provinces are governed by conservative parties that bear completely different names and are also unaffiliated with the CPC, like Saskatchewan (Saskatchewan Party) and Québec (Coalition Avenir Québec, CAQ).

The absence of vertical integration in the federal and provincial Conservative parties meant that provincial conservative governments were not structurally driven to oppose the federal Liberal government during the pandemic. Opportunities for intergovernmental collaboration that maximized the political

interests of some premiers could be taken up without being curtailed by the constraints of partisanship. This is most striking in the case of the Ontario premier who was struggling in the polls before the pandemic but enjoyed a major rise in his approval rating during the first wave of the pandemic as he took a collaborative approach with the federal government—a choice made easier, if not altogether possible, by the absence of vertical party integration. Even the Québec premier was much less critical of the Trudeau government during the first months of the crisis than before, as his province particularly needed help from the federal government. Although the Québec premier was sometimes openly critical of Ottawa during the first wave of the pandemic—for instance when he criticized the new federal Canada Emergency Student Benefit (CESB) as a work disincentive in the agricultural sector (Marquis and Bellavance 2020)—he avoided, like the Conservative premiers elsewhere, attacking the Trudeau government. Free of the constraints of vertical party integration, the premiers did not have to score partisan points to help the federal Conservative party.

Executive Federalism and Intergovernmental Capacity: Provinces Being Heard

Intergovernmental conflict during the pandemic was also limited by the practice of executive federalism and existing experiences with multilateral collaboration. Canadian intergovernmental relations function in the absence of formal venues for vertical intergovernmental coordination. The dominance of executive-to-executive relations is reinforced by parliamentarism and strong party discipline that concentrate power with the prime minister (as well as provincial premiers) and the cabinet more broadly. Together, these institutional features dramatically reduce the ability of actors outside the executive to participate in intergovernmental relations or influence them directly. Moreover, in past crisis situations, executive federalism has been shown to provide the federal government with the capacity to ensure that governing functions demanding intergovernmental cooperation continue to operate effectively (Paquet and Schertzer 2020). These features provided the Trudeau government with considerable flexibility to make ad hoc decisions responding to individual provincial requests in a timely manner. This flexibility limited the potential for conflict between the federal government and the provinces, at least in the short term (Schertzer and Paquet 2020). Ottawa's capacity to consult informally with provincial premiers allowed the provinces to be heard and the federal government to be proactive in the face of the pandemic without facing joint decision-making traps.

This capacity was rendered possible because of the flexibility of the long-standing practice of executive federalism, which involves solid administrative intergovernmental relations networks and norms of multilateralism. These networks coupled with existing public health intergovernmental networks, offered

a basic infrastructure for information sharing and a venue for discussion on policy coordination. Executive relations during the first wave of the pandemic were also successful and relatively harmonious because they rested on structures and emerging norms associated with multilateralism (Schertzer, McDougall, and Skogstad 2018). Through vertical intergovernmental mechanisms such as the First Ministers' Meetings and venues of horizontal collaboration such as the Council of the Federation or the Western Premier's Conference (Berdahl 2011; Simmons 2017), federal and provincial governments have become accustomed to working, albeit with varying degrees of cooperation, on complex issues. These foundations contributed to a general "buy-in" on *ad hoc* intergovernmental relations practices and agreements, at least in the short term. In response to the pandemic, the federal government led the creation of channels for executive consensus-building with provinces. Weekly multilateral phone conferences between federal and provincial cabinets took place, in addition to increased bilateral communications between political executives (Lessard 2020).

Executive federalism allowed the Prime Minister and Premiers to make the most out of the freedom associated with weak party integration. Because they are not public or transparent, decisions made through executive channels have allowed every government to engage in credit-claiming with their constituents.

Australia

With only 1,132 cases per million inhabitants in 2020, compared with 21,435 in Canada and 81,593 in the United States, Australia avoided the worst of the pandemic. Of the 907 deaths, 820 were in a single state, Victoria (Roser et al. 2020). The Commonwealth government's authority in regard to emergency management and public health derives from its enumerated power over 'quarantine' (s. 51ix). Using that and other provisions, the *Biosecurity Act 2015* "purport[s] to give" the Commonwealth sweeping control powers (Lee et al. 2018). However—and this has been crucial to the dynamics in the Australian case—those are sweeping powers to close things down, not to open things back up. Moreover, it is the states that operate the public hospitals; the government school systems; and the police and emergency services agencies; regulate and licence business; and control the criminal and civil law. While Australia's high level of vertical fiscal imbalance generally gives the Commonwealth enormous influence over the states via the spending power, that has not been a particularly relevant instrument in this crisis.

Greater use of the Commonwealth's emergency powers was mooted by the prime minister following the disastrous bushfire season of 2019–2020, when Australia's federal arrangements did not win plaudits. During the Covid-19 crisis immediately following, however, Australia demonstrated globally what was initially

considered to be one of the best coordinated responses. However, intergovernmental tensions emerged during the pandemic in three key issue areas: the closing and re-opening of schools; management of aged-care facilities; and state border closures. Additionally, unforeseen contingencies—in particular Victoria's mismanagement of the second wave clusters in June, and NSW's handling of the Ruby Princess Cruise Ship Docking in March—created political opportunities for intergovernmental blame shifting.

Parliamentary Majority Government

Australia's parliamentary system provides less scope for the kind of rogue leadership evident in the U.S. case. In contrast with Canada, the governing party at the federal level held a majority in parliament. Australia retains the practice of party-room election (and "spill") of leaders. On both sides of politics, parties have shown they are quite willing to change leaders mid-stream, and thus Australian Prime ministers are always on notice to maintain their popularity. The incumbent Prime minister had himself come to office via a leadership spill only 18 months previously. This conceivably worked to encourage more cooperative behavior from the Commonwealth, equivalent to the effect of minority government in Canada.

Party Politics and Frictions during the Pandemic

Australia has a highly uniform and unified party system dominated by the Australian Labor Party (ALP) on the Left and the Liberal–National Party coalition (the Coalition) on the right. Although Australia exhibits high levels of vertical party integration, premiers do not rely on their federal counterparts for electoral success and the states remain key forums for political debate and party competition (Miragliotta and Sharman 2012). In 2020, the Coalition governed in Canberra and in New South Wales and South Australia but faced Labor governments in Victoria, Queensland, and Western Australia.

During the pandemic, premiers were faced with intense state-level policy priorities. In the newly formed "National Cabinet" designed to manage the pandemic, during stage one of COVID-19, it was the states that collectively pushed for stronger measures to contain the spread of the virus. Then, once it became apparent that the measures were succeeding, the Commonwealth made clear its desire to see the lockdown measures relaxed and normality return, but again the states were cautious. The resumption of face-to-face classroom teaching in schools was a particularly contentious point. While National Cabinet agreed to a "three-step framework" for winding back the restrictions, implementation occurred to the extent that each state judged it appropriate to their specific circumstances. In this example, although evoking mild frustration with the Prime minister who pushed for schools to remain open in March 2020, and then re-open in June, states

behaved autonomously toward the federal government regardless of shared partisanship. This was consistent with the protocols laid down in various intergovernmental agreements and documents, such as the National Security Health Agreement (2008), which recognizes that the states and territories have responsibility for responding to significant public health events within their jurisdictions. Premiers maintained the locus of critical decisions in their states, decision for which they alone will be punished at the next election if the electorate does not approve of their performance.

States were also loath to relax border controls. The Commonwealth Constitution stipulates that "trade, commerce, and intercourse among the States ... shall be absolutely free" and this triggered a High Court challenge against opposition-led WA and Queensland. The Commonwealth initially supported these challenges, but withdrew when the closures were subsequently vindicated by the resurgence of infection in Victoria in late June 2020. By late July, all states, regardless of partisanship, and despite the fact that the Prime minister "repeatedly and vociferously championed keeping state borders open" (Grattan 2020), continued to make independent decisions over interstate border closures and their re-opening. In a departure from the normal state of affairs in Australia, the states prevailed in these contests with the Commonwealth.

Australian Federalism: Managing Intergovernmental Capacities in Crisis

Australia has a relatively high density of intergovernmental relations of the classic "executive federalism" type, but a low level of institutionalisation (Phillimore and Fenna 2017). The high density reflects the extent of overlap and *de facto* concurrency resulting from the continuous process of centralisation that has occurred since Federation (Fenna 2019a), entailing ongoing intergovernmental coordination. The lack of institutionalisation reflects in large part the dominance of the Commonwealth, which has no interest in tying its hands. The Council of Australian Governments (COAG), which sat at the apex of intergovernmental relations, was an occasional and brief summit meeting of first ministers, held at the Commonwealth's pleasure.

COVID-19, however, triggered an intricate web of pre-existing intergovernmental plans and agreements for emergency management. On 13 March 2020 at a COAG meeting, Morrison and all eight premiers and chief ministers signed the *National Partnership on COVID-19 Response*. Acting as an intergovernmental coordinative mechanism, this provided for an immediate "upfront advance payment" divided among the constituent units based on population share basis, and a guarantee that the Commonwealth provide a 50 percent contribution for all costs incurred by states for testing and treatment of COVID-19 cases. Immediately after the meeting, the Prime minister announced that COAG would be replaced by

"National Cabinet," a less formal and more collegial meeting of first ministers (PM 2020).

The states accepted national leadership. This was for three reasons: first, the premiers had substantial input into collective decision-making within National Cabinet; second, most of the decisions of National Cabinet had to be managed and implemented by the states and the states had substantial leeway in how they did that; and, third, the Commonwealth was providing additional financial support. It was a form of "loose coordination" (Fenna 2021).

During the pandemic, the two premiers that were the key force in marshalling the other state leaders in a "semi-cohesive force" (Towell 2020) were those of NSW and Victoria. As the two hardest-hit states by COVID-19, the Prime minister had a political incentive to cooperate with both premiers of rival parties. The states in Australia commonly engage in interstate consultation over common problems, and in particular NSW and Victoria did so during the bushfire crisis, when Victoria first evoked its "state of disaster emergency powers act." The Commonwealth's activation of these pre-existing but seldom used Emergency Powers during COVID-19, extended this interstate consultation to include the Commonwealth to a greater degree than during the previous Bushfire Crisis. The National Cabinet, therefore, formalized what was otherwise informal communication between state executives.

In sum, in Australia's COVID-19 response, the states and territories played an important role in the political and policy process. This has been publicly accentuated through the role of the National Cabinet and of the premiers steering trough decisions within their own jurisdictions. When the Commonwealth did encroach on state jurisdictions, premiers gently pushed back through formalized institutional channels. When they did assert their authority, the Prime minister acquiesced and kept partisan criticism to a minimum. Specific events, in particular Victoria's second wave, were politicized in the mainstream media and by certain premiers and federal members. The complex intergovernmental web of bureaucratic and ministerial interactions characteristic of Australian federalism, however, ensured Australia maintained relatively successful and non-conflictive pandemic responses.

Discussion and Conclusion

Only in the United States did the management of the pandemic during its first wave result in immediate and significant conflict between federal and constituent unit governments. What explains U.S. divergence? Some traditional explanations for intergovernmental conflict in federations do not apply. Such conflict can be expected to be greater in multinational federations, but the United States is not one (whereas Canada, where intergovernmental conflict during the pandemic was

weaker, is). Intergovernmental conflict could also be expected to be linked to the degree of centralization of a federation. However, with both the highly decentralized Canadian federation and the strongly centralized Australian federation sharing an outcome (low intergovernmental conflict during the pandemic), and the United States (somewhere in between on the de/centralization axis) diverging, such an explanation does not work. Moreover, while it is tempting to reduce the severe intergovernmental conflict of the first wave of the pandemic in the United States to the agency of President Trump, the accounts provided here suggest there is more to the story.

First of all, presidentialism in the United States made it easier for a populist outsider to gain control of the federal executive and, subsequently, to personalize intergovernmental relations. In contrast to President Trump, the Canadian and Australian Prime ministers had significant experience in party politics before becoming heads of government. During the pandemic, they led cohesive federal governments, whereas Donald Trump's highly personalized presidency generated fractures within the U.S. federal government, typically between the White House itself and public health agencies such as the Centers for Disease Control and Prevention (CDC) and the National Institute for Allergies and Infectious Diseases (NIH), and it fostered seemingly personal conflicts with several governors. Governors of states hit hard by the virus early on became targets of the president by demanding help and invoking the expert opinion of the federal public health agencies. Even if a Trump-like populist had succeeded in becoming Prime minister of Canada or Australia, management of intergovernmental relations during the first wave of the pandemic would have been constrained by Cabinet members concerned about the impact on their own individual electoral fortunes of conflict with the provinces. Moreover, in Australia, for reasons linked to candidate selection rules (see Cross and Gauja 2014), a national leader's criticism of states' pandemic management would have alienated those state electorates upon which Prime ministers rely upon to remain in power. In Canada, where there was a minority situation, Trump-like management of intergovernmental relations would likely have triggered a vote of non-confidence; in Australia, where there was a majority situation, the mechanism, driven by different institutional factors, would have triggered the same outcome. In the United States, the set election dates of the presidential system (with 2020 being a presidential election year), combined with the populist and business-oriented style of the President, generated incentives to downplay the impact of the pandemic, as the performance of the economy was to be a main argument for re-election. This dynamic placed the President on a collision course with the governors of states most affected early on; their requests and demands threatened, from the President's perspective, his re-election. In contrast, the Canadian and Australian federal governments, not facing imminent elections, could engage in a different political calculation.

Second, until the summer of 2020, when the virus spread through Florida and the South-West, most of the strongly affected states were governed by Democrats (such as New York, New Jersey, Michigan, and California). Acute partisanship—a reflection of the deep polarization between Republicans and Democrats immediately characterized intergovernmental relations in the United States. In contrast, cooperative relations prevailed in Canada. The strong integration of parties in the United States would seem to have accentuated the intergovernmental conflictual dynamic generated by the Trump presidency, while in Canada the absence of vertical party integration removed incentives for Conservative premiers and a Liberal Prime minister to adopt confrontational attitudes toward one another. Most, if not all, public criticism of governors and hostile action by the President was directed at Democrats; in turn, governors publicly critical of the President were virtually all Democrats. In a year of presidential, House, and Senate elections, Republicans everywhere in the United States, including governors, had a vested interest in standing with the President, whom they saw as commanding the loyalty of his significant base. Democrats, for their part, had a strong incentive to be critical of the President in order to boost the chances of then Democratic presidential nominee Joe Biden.

Third, the absence of any formal structures for, and regular practice of, intergovernmental relations in the United States worked together with the populist presidential approach to the pandemic and the vertical integration of parties to favor immediate conflicts between federal and state governments. In both Canada and Australia, existing structures and past practices of intergovernmental relations provided tools for effective communication and a template for the management of a complex and multidimensional problem such as the pandemic. In Canada, the long-standing practice of executive federalism meant that a dense network of intergovernmental relations could be mobilized to provide a voice for every provincial government while the practice of occasional First Minister's Meetings was transformed into weekly events. In Australia, the main intergovernmental forum, COAG, was available to be transformed into the so-called National Cabinet, which brought together all the heads of government in the federation working as a team. In both Canada and Australia, constituent units working closely together and with the federal government offered opportunities for communication, brainstorming, learning, and, more generally, teamwork, that helped keep intergovernmental conflict low. In the United States, in contrast, states were, during the pandemic, atomized actors competing with multiple others (including the private sector) to get the attention of the federal government, leading to public criticism of the federal government's lack of leadership and organization.

If considered individually, the first and third explanations are supported by the evidence while the second explanation less so. On its own, while the third explanation is supported by the comparison, it cannot answer the question of why

intergovernmental relations in Australia and Canada were unusually amicable by their own standards. The case summaries suggest that understanding levels of conflict of intergovernmental relations in the three federations during the first wave of the pandemic involves a consideration of how the three variables (system of government, vertical integration of political parties, and structures and practices of intergovernmental relations) worked together. These variables are complementary. In the United States, the *combination* of presidentialism, vertical party integration, and weak and unsystematic intergovernmental relations opened the way for serious intergovernmental conflict during the first wave of the pandemic. Because the "universe of federal systems is not rich enough in sufficiently similar cases" (Fenna 2019b, 84), which left the United States as the only presidential system in the sample, those are, and can only be, *prima facie* conclusions contributing to further research.

Notes

- 1. For example, bicameralism is much stronger in Australia than in Canada, as the appointed nature of Canada's Senate robs it of most of its democratic legitimacy and, therefore, of its de facto legislative power.
- 2. This quote from Prime Minister Trudeau s COVID-19 press conference of 26 May 2020 is representative of his discourse during the crisis: "The federal government is there to help. We have stepped up with members of the Canadian Armed Forces in a number of long term care facilities across the province, and indeed across Ontario and Quebec."
- 3. For example, in his COVID-19 press conference of 15 April 2020, Prime Minister Trudeau stated: "... as any more requests come in and we will look to support Quebec or other provinces who are asking for help from the federal government. Regardless of what that help looks like and what they're asking us, we will be there to help out as provinces need help."

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