

22 August 2013

Canadian Politics Major Field Examination

Milan Ilnyckyj

**Part A:** *You are designing an upper-year course on Canadian politics, one section of which focuses on four books in Canadian political science that have made influential and lasting contributions to the field. Which books do you put on the course and why?*

Two considerations would drive my selection of four books for an upper-year Canadian politics course: exposure of students to the most important areas of discussion within the field, and exposing them to works that will be likely to challenge their existing understanding of Canadian politics. To that end, I would select four texts that each sit at the centre of important Canadian scholarly debates and methodological traditions: Harold Innis' 1930 *The Fur Trade in Canada*, Kenneth McRoberts' 1997 *Misconceiving Canada: The Struggle for National Unity*, Donald Savoie's 1999 *Governing from the Centre: The Concentration of Power in Canadian Politics*, and Peter Russell's 2004 (3<sup>rd</sup> edition) *Constitutional Odyssey: Can Canadians Become a Sovereign People?* Ideally, each book will be sufficiently thought-provoking to encourage students to venture more widely into the associated literature: the political economy tradition and evolving staples thesis, in the case of Innis; the controversies around Trudeau, Quebec, and patriation in the case of McRoberts; the literature on the structure of government and the organization of power in Canada in the case of Savoie; and Canada's constitutional history in the case of Russell. Clearly, a course focused on these four texts would leave out large areas of Canadian scholarly inquiry – notably, the analysis of voting behaviour (such as Peter Loewen's interesting 2010 article "Affinity, Antipathy, and Political Participation" which provides a partial explanation to the 'paradox of participation'), parties, political culture (including Neil Nevitte's important 1996 *The Decline of Deference*), and some of the more scholarly and theoretical analyses of federalism. Nonetheless, these texts would hopefully provide new information and perspectives that would prompt a deepened appreciation and interest in the particularities of Canadian politics and its academic study.

No doubt, some students would take exception to being assigned a thick book from 1930 containing detailed information about the economics of the fur trade. It may not be immediately evident what ramifications the establishment of the Hudson's Bay Company in 1670 or the forced merger of the Hudson's Bay and Northwest companies have for contemporary Canadian politics. Nonetheless, Innis has an ability to speak across Canadian history: highlighting the ways in which Canada's natural resources and their exploitation has shaped its colonial development, internal economic and political evolution, and relations with other states. The basic staples hypothesis – that the special characteristics of primary resources being extracted affects both the economic and political development of states – has enduring importance in a Canada where the present federal government sees expanding oil and gas exports as a critical national project. Innis' argument that the corporate structure of the Northwest Company comprised Canada's first confederation – and that the supply lines of the fur trade did much to establish Canada's political boundaries – certainly provides an interesting alternative analysis of Canada's political origins.

Innis' political economy analysis has been richly extended in subsequent academic work. Indeed, it was only in 1983 that political science and economics parted ways administratively at the University of

Toronto. Subsequent scholars who have drawn on political-economic explanations to explain political developments include S.M. Lipset in his analysis of the emergence of the Canadian Commonwealth Federation (CCF) in *Agrarian Socialism*, as well as the work of Donald Paterson at the University of British Columbia. Lipset highlights how the peculiar characteristics of a province dominated by wheat-growing supported the emergence of socialism in Saskatchewan, but not in Alberta or North Dakota. These characteristics include price and yield volatility, the need to ship the crop before spoilage, and the power of railroad and silo operators. Generally speaking, the idea that the dominant industries of a region must be considered in order to obtain a fulsome and instructive understanding of the region's politics is convincing: whether the industry in question is the early cod industry off Atlantic Canada's grand bank, or the modern British Columbia timber industry. Innis' analysis also sheds light on early patterns of immigration and colonization in Canada, for instance when empty timber-bearing ships proved an efficient and cost-effective mechanism for transporting large numbers of European immigrants.

Kenneth McRoberts' *Misconceiving Canada* provides a compelling response to the Trudeau legacy, which has itself done more than nearly anything else to shape contemporary Canadian politics. Assigning Pierre Elliott Trudeau's 1968 *Federalism and the French Canadians* would draw attention to some similar issues – such as the character and history of the Quiet Revolution, Trudeau's perspective on asymmetrical federalism, and the role of institutions like Cité Libre in the evolution of recent Quebecois political thought – but the McRoberts text has the benefit of additional historical information, following as it does closely behind the 1995 Quebec sovereignty referendum. Indeed, its historical position makes it easy to place alongside other important scholarly works, including Joseph Carens' 1995 collection of essays *Is Quebec Nationalism Just? Perspectives from Anglophone Canada* (finalized before the referendum) and Samuel LaSelva's 1996 *The Moral Foundations of Canadian Federalism* (which includes an important counterbalancing of John A. Macdonald's perspective on Confederation with the arguably more ethical and enduring perspective of George-Etienne Cartier). McRoberts' work emerged at a critical junction-point in recent Canadian history, and provides an eloquent and convincing analysis of many of the most important trends in the previous three decades. Another natural outgrowth of studying McRoberts would be reading the more critical assessments of the *Charter of Rights and Freedoms*, such as the essays in Banting and Simeon's *And No One Cheered*.

McRoberts' central claims may well be unfamiliar to undergraduate students of political science: for instance, the idea that English Canada accepted the idea that Trudeau represented 'what Quebec wanted', and that it bought into his pan-Canadian rejection of asymmetrical federalism while Quebec did not. This thesis provides a compelling explanation for the subsequent history of Quebecois secessionism and Canadian constitutional wrangling, in which a Quebecois polity that was still largely implicitly accepting of Henri Bourassa's 'double compact' notion of the nature of confederation was confronted with a doctrine of equal rights for the provinces and an unwillingness to empower the government of Quebec as the guardian of French-Canadian language and culture. McRoberts is also a gateway into understanding Trudeau's role in Canada's recent constitutional evolution, from the Supreme Court's patriation reference through the Night of the Long Knives to patriation, and from there to Trudeau's subsequent resistance to the Meech Lake and Charlottetown Accords (partly because of how they clashed with his opposition to asymmetrical federalism and recognition of Quebec's distinct society) to the role he played in the Quebec secession referendums of 1980 and 1995.

Understanding Canada's political life is aided considerably through an understanding of the structures of government at the federal level, a task aided to a unique degree by Savoie's comprehensive 1999 text. Savoie focuses on 'the centre' of the Canadian government – comprising the Privy Council

Office, Department of Finance, Treasury Board Secretariat, Public Service Commission, and Intergovernmental Affairs Commission – but he also considers the structural features affecting the work of line departments, deputy ministers, members of cabinet, and others. Having personally spent five years working for the Canadian federal government – including two line departments, the Legislation and House Planning group at the Privy Council Office, the Department of Finance, and the Treasury Board Secretariat – I can anecdotally confirm that Savoie’s analysis captures a great deal of Ottawa’s policy-making system and political climate. The civil service is largely a creature that feeds the centre, which serves as the nervous system and executive core of the whole public administration entity. The Department of Finance dominates the budget process and jealously guards its territory in terms of economic policy. The Treasury Board Secretariat manages the Treasury Board Submission Process and the implementation of many of the federal government’s internal policies (not least, those pertaining to the development and maintenance of bilingualism – another Trudeau legacy). Meanwhile, the Privy Council Office plays a powerful role in managing cabinet, including the memorandum to cabinet process, mandate letters to ministers, and the organization of cabinet committees. Students wishing to understand the operation of Canadian decision-making will likely find Savoie’s descriptions highly useful.

Students who find Savoie’s focus on institutions to be a convincing mechanism for explaining and understanding politics will have a rich literature to expand into. C.E.S. Franks’ *The Parliament of Canada* provides a detailed breakdown of the functioning of parliament, as does Audrey O’Brien and Marc Bosc’s *House of Commons Procedures and Practices*: an essential reference text widely quoted in rulings of the speaker of the house, including in recent matters like finding the government in contempt of parliament on the basis of a refusal to provide requested documents, an unprecedented development in a Westminster-style political system. One interesting affirmation of Savoie’s central thesis can be found in a January 2<sup>nd</sup>, 2009 cable from the American embassy in Ottawa, which was taken by Bradley Manning and released by Wikileaks. In it, American diplomats describe how Stephen Harper can centralized decision-making to an unprecedented degree, concentrating power with a very small trusted group of advisors within the Prime Minister’s Office. It also confirms the role of relentless media management in the operation of Canada’s current federal government.

Methodologically, Peter Russell is at odds with the recent comparative and quantitative ‘turns’ in Canadian politics. His books are unlikely to contain statistics, and certain not to contain sophisticated statistical analysis. They do, however, provide critical historical context that allows the issues of the present-day to be appreciated in light of Canada’s history. The resolution of the Seven Years War, Royal Proclamation of 1763, Quebec Act of 1774, and Canada’s responses to the American Revolution all have important implications that continue to reverberate. These range from impacts on political culture, as examined in the Hartz-Horowitz analysis of how the United Empire Loyalists influenced the political culture of Upper Canada (later elaborated upon by Nelson Wiseman) to the rational basis for key Supreme Court of Canada decisions relating to first nations, including *Delgamuuk*, *Sparrow*, *Calder*, and the *Van der Peet* trilogy. Russell’s book provides important insights into the ‘flavour’ of political decision-making at different eras, from the earliest period of colonization to more recent deliberations about the *Charter* and federal-provincial relations. Russell also provides important information and insight into the development of the Supreme Court itself (elaborated in his book about the judiciary as the third branch of government),

including its establishment in 1975, the elimination of appeals to the Judicial Committee of the Privy Council in 1949<sup>1</sup>, and the court's growing ability to control its own docket in the subsequent decades.<sup>2</sup>

Peter Russell's provocative argument that Canadians have never "constituted themselves as a sovereign people" in the Lockean sense calls attention to the many opportunities for doing so, and the particularities by which each was not fully realized, ranging from how the Night of the Long Knives produced patriation without Quebec to the failures of Meech Lake and Charlottetown, as well as the Quebec sovereignty referenda of 1980 and 1995. Russell's perspective is richly historically informed and connects back to an earlier era of the study of Canadian politics, in which the British (an Oxford) traditions of historical analysis of politics were dominant. This approach counterbalances the more ahistorical and statistical methods to which students of Canadian politics will be increasingly exposed, particularly in work published in academic journals.

This selection excludes some of the most recent important work that has been done bringing together Canadian politics, comparative politics, and political theory. For instance, in his summary of seven decades of scholarly engagement on federalism, Richard Simeon identifies how work by scholars like Will Kylicka, James Tully, Charles Taylor, and Joseph Carens has been linking these fields together. Arguably, what this selection of text misses out on most is the 'inside baseball' of historiography and methodological progression within the discipline of Canadian political science. None of these texts will grapple with the challenge of behaviourism and quantitative methods which have gained such prominence in the United States (For that, see, for example, Alan Cairns' 1975 article on the 'Americanization' issue in Canadian political science, Smiley's 1974 objection to Canadian political science being a "Miniature Replica" of that in the United States, Eric Monpetit's quantitative analysis of the 'Comparative Turn' in Linda White et al eds. *The Comparative Turn in Canadian Political Science*. 1998, or the Vipond introduction and Cairns conclusion to that volume). Similarly, primarily historiographical works like Richard Simeon's book on "seven decades of scholarly engagement" on federalism are excluded. These omissions are justifiable on a number of fronts. Relative newcomers to the field are likely to lack a sufficient grounding in its scholarly evolution to derive much value from texts focused on the development of methods or theoretical perspectives. For those at an intermediate stage of developing knowledge of Canadian politics, concrete information about Canada's economic and political history, as well as its present functioning, may be more likely to illuminate (and be remembered) than those which are primarily theoretical. Finally, since each of these books represents an important claim within one or more active areas of scholarly inquiry, engagement with and appreciation of them is likely to lead to the branching-out of scholarly inquiry which is at the heart of personal intellectual progression and the development of scholarship.

---

<sup>1</sup> In his book on the judiciary, Peter Russell argues that the federal government supported this reform based on the hope that the Supreme Court of Canada would support a stronger federal government, relative to the provinces, but that the reform was 'sold' publicly based on the claim that it was an example of Canada maturing and gaining control of its own institutions.

<sup>2</sup> Another important area of consideration is the judicial interpretation of the *Charter* by the courts. For instance, the elaboration of how to interpret section 1 (concerning "reasonable limits proscribed by law such as can be demonstrably justified in a free and democratic society) provided in *R. v. Oakes*, which concerned the presumption of innocence and criminal law on drug trafficking.

**Part B:** *What are the strengths and weaknesses of federations, especially the Canadian one, in addressing long-term policy challenges like climate change or pension funding?*

Some of the most influential recent analyses of the functioning of federalist democracies have highlighted the increasingly frantic pace at which governance must take place. In his highly influential 1999 *Governing from the Centre: The Concentration of Power in Canadian Politics*, Donald Savoie highlights how a more intrusive and less deferential media, in combination with access to information legislation and other windows into the previously obscure world of policy-making, have pushed bureaucrats and politicians into a position of constant vigilance and wariness which is probably least conducive to effective action in response to long-term problems. It is hard to think about the state of ice-sheets in 2100 when you are obsessed with 24-hour news cycles. This new media culture is linked to the post-materialist values and ‘decline of deference’ that Neil Nevitte identifies as a feature of post-industrial societies around the world. Other recent developments also affect the functioning and capabilities of federalist states to address long-term issues, such as the increasing embodiment of globalization in terms of both supranational legislation and decision-making and in terms of transnational economic structures that individual states may not be able to control.

In order to assess the strengths and weaknesses of federations like Canada in the face of long-term problems, several features of such federations bear special consideration. These include the tendency toward centralization that has been observed particularly in Westminster-style parliamentary democracies, the question of the division of powers, and the role of the judiciary. It is also illuminating to consider the special case of the American federation, as well as some particularities that distinguish Canada from related federations such as Australia. While the special characteristics of federations certainly colour and shape the policy-making process in states like Canada, the main features that make long-term policy-making challenging are largely present in all democracies and have to do with the incentive structures presented to both voters and elected officials.

While some scholars – such as Patrice Dutil – highlight how centralization in Canadian politics dates back to John A. Macdonald and Confederation, there is a great deal of recent work that highlights its importance in Canada, the United Kingdom, and other federations. Along with Savoie’s 1999 text and his subsequent *Court Government and the Collapse of Accountability in Canada and the United Kingdom*, there are Graham White’s *Cabinets and First Ministers* (which looks beyond the federal level to consider provincial first ministers) and his 2008 article “The ‘Centre’ of the Democratic Deficit”. Canada’s centralization is a long-standing feature of Canadian political and economic life. John Porter’s 1965 *The Vertical Mosaic* highlights the key role played by the (largely separate) elites in French and English Canada, and many scholars discuss the role of elites and executive federalism in the management of federal-provincial relations. Arguably, centralization could actually make it easier to address long-term problems like pension reform. White highlights some of its positive features, such as how it allows voters to hold a clear set of elected representatives to account for decisions. This may help to lessen the severity of joint decision traps and similar structural barriers to long-term planning. The extensive power of the prime minister to select his own advisors and structure them within the Privy Council Office and Prime Minister’s Office arguably permits the long-term consideration of major issues and the quiet development of policy away from the noisiness and urgency of Parliamentary question time.

The division of powers is probably the defining feature of federalism, and in many ways forms an obstacle to the appropriate management of long-term issues. Sections 91 and 92 of the British North

America Act were drafted at a time when issues of economic globalization or worldwide environmental damage could not have been anticipated. Provinces are in control of critical 'levers' that affect economic and environmental policy, but may not be inclined to collaborate with the federal government for their effective use. As highlighted by Kathryn Harrison and others, there is a persistent danger of joint decision traps or a "race to the bottom". Environmental concern in the general population has a tendency to arrive in waves which are quick to crest and dissipate; by the time governments have finished setting up institutional and legal structures to respond to these concerns, the attention of the population has shifted back to economic issues, so strong environmental control are not implemented. At the same time, one virtue of federalism is the ability of sub-national units like Canada's provinces to serve as policy laboratories. Canada's national healthcare system emerged from Saskatchewan's experiment under Tommy Douglas, and the provinces perpetually provide a natural object of study for the federal government, when considering various policy approaches. Canada's history also illustrates that it is possible for accommodations to be reached even in circumstances where a conflict of jurisdictions arises between the federal and provincial governments: witness the parallel creation of Canadian and Quebecois pension systems in Canada. Another relatively encouraging example was the willingness of the provinces to cede control over income security to the federal government, showing how policy-making in new areas of endeavour need not produce inescapable conflict or immobility.

The political cultures within federal systems also bear consideration, when evaluating their ability to sort out long-term problems. One notable feature of federal political cultures like that of Canada is the degree to which the process of getting into parliament, and then getting into power, socializes individuals and parties and generally moderates their demands. This trend is discussed at length in C.B. Macpherson's *Democracy in Alberta*, where he highlights how the "cherished" delegated democracy ideals of Social Credit (along with some of their more unconventional policy proposals) were sharply moderated and curtailed when participation in legislatures made party unity important and drove centralization. Something similar is described in relation to Reform members of parliament in David Docherty's *Mr. Smith Goes to Ottawa*. Quite possibly, these dynamics are cause for concern when it comes to new problems like climate change. Even in cases where new parliamentarians arrive fired-up with ideas about reform, they are likely to find themselves sidelined by party loyalty, the cabinet system, socialization, and institutional momentum. Docherty counsels that parliamentarians may derive the most satisfaction from focusing their attention on local constituency matters, but such an approach to political participation seems ill-matched to addressing complex long-term problems that affect the entire polity.

Within federal states, the judicial branch is another critical institution with a capacity to affect the process of long-term policy-making. Peter Russell's 1987 book *The Judiciary in Canada: The Third Branch of Government* highlights the importance of 'adjudication' by judges in the politics of federal states. Judges must go beyond the mechanistic application of legislation to situations and become arbiters between competing legal claims. Some hugely important examples in Canada include the 1981 patriation reference, and the subsequent Quebec secession reference. This adjudicatory role is likely to be increasingly important in areas of long-term policy-making, including climate change and pensions. In particular, this is because of how the court system allows the assertion of claims that have moral and legal strength, but where the people making them lack large numbers and thus electoral power.<sup>3</sup> Courts must sometimes make choices that are at odds with public opinion and the short-term preferences of a country's political leadership. Some scholars certainly object to the degree of power that has been accorded to judges. For instance, Michael Mandel's

---

<sup>3</sup> Courts have also made notable regressive decisions, as in *Klippert v. The Queen*, in which the Supreme Court of Canada decided that a man who had engaged only on consensual homosexual sexual relations with other adults could be held in preventative detention as a 'dangerous sexual offender'.

1989 *The Charter of Rights and the Legalization of Politics in Canada* makes a number of important criticisms.<sup>4</sup> These include the assertion that sovereignty vested in parliament has largely served to defend those with property, that the *Charter* unduly empowers the legal profession to dominate Canadian public life, that those with wealth and power will be able to exploit the new system to their advantage, and that it has failed to address inequality. Nonetheless, there is at least some scope for hoping that judges will be able to isolate themselves more effectively from the cacophony of media criticism and public opinion, give serious consideration to the rights and interests associated with various points of law, and render decisions that will help with the effective management of long-term problems.

Particularly between democracies with legal systems based on the British common law tradition, there is an increasing tendency to look to one another's precedents to track the development of law. This is especially visible in the case of indigenous law. Canada's recent precedents in the area have been acutely observed by jurists in the United Kingdom, Australia, and New Zealand; meanwhile, foreign precedents like the *Mabo* case influence domestic thinking on indigenous rights. In a way, having a federal political tradition is good preparation for the modern world, in which supranational forms of governance are increasingly prominent. These include the formal supranational arrangement of the European Union, but also the growing interlocking network of legal embodiments of globalization, such as the North American Free Trade Agreement and World Trade Organization. The willingness of courts to draw from one another's precedents could be a mechanism for success spreading from one jurisdiction to another. While the full legal effects are far from clear, the U.S. Supreme Court's decision in *Massachusetts v. Environmental Protection Agency* that the EPA was obligated to regulate greenhouse gases may ultimately be useful. (Kathryn Harrison discusses the somewhat similar *Oldman Dam* case, in which Canada's Supreme Court determined that the federal government was obligated by its own regulation to conduct an environmental assessment, despite how it did not wish to do so.)

When it comes to environmental policy, there is a highly interesting intersection between the constitutional responsibility of the federal government toward aboriginals and the role of the courts in interpreting its meaning. Indeed, one of the most plausible routes through which Canada's implicit policy of never-ending fossil fuel production may be challenged is through the successful assertion by indigenous groups that this threatens their rights. Such a development would not be unprecedented; consider the success of the James Bay Cree in blocking the second phase "Great Whale" hydroelectric project in 1994. At the same time, global environmental problems create a challenge for the conception of aboriginal self-government advanced by Alfred and others. The concept of a 'two-row wampum' in which indigenous and non-indigenous societies are parallel and non-interfering becomes problematic when each society must inevitably make choices that will affect the other, as well as everyone else around the world.<sup>5</sup>

All federal systems possess a number of important similarities – most critically, some sort of division of power between various levels of government – while clearly also maintaining national particularities. Comparative work in the field has become more intensive in recent decades (Ron Watts' early comparative work is informative, as is the *Small Worlds* collection of essays edited by Elkins and Simeon), but is nonetheless visible earlier in Canadian scholarship. For instance, Alan Cairns' 1975 essay identifies a number of ways in which Canada is similar to other states, ranging from being large and

---

<sup>4</sup> See also: Morton and Knopff on the *Charter* and the "court party"

<sup>5</sup> This is a subset within broader capacity issues relating to self-government. In his 2000 book *Citizens Plus*, Alan Cairns points out how numerous and low in population Canada's First Nations groups are for the most part, prompting questions about the degree to which they would be able to cope with all the complex policy-making that must occur in a world characterized by globalization and planetary interconnectedness.

sparsely-populated like Australia to containing substantial cultural minorities like Belgium and Switzerland. While the academic understanding of federalism is somewhat divorced from its practical operation, there are nonetheless ways in which the development of a body of scholarly literature on federalism may help federalist governments to make progress in the face of challenges. Notably, a comparative literature on federalism can illuminate successful and unsuccessful efforts in other jurisdictions – an undertaking that can plausibly have value when charting a course toward a sustainable pension system, as well as a sustainable energy system. (One practical example of the latter is how Ontario’s feed-in tariff system for encouraging the deployment of renewable energy was modeled on a similar system in Germany, or how California’s energy efficiency standards have been copied in many other U.S. states and countries around the world.)

Pierre Trudeau famously described Canada’s position beside the United States as akin to “sleeping with an elephant” and, in many ways, the comparison and contrast between Canada and the United States has been central to the self-identity of Canadians and the analysis of scholars of Canadian politics. George Grant’s 1965 *Lament for a Nation* was largely concerned with the inevitable dominance of American-style individualistic capitalist liberalism over the alternative political culture that had prevailed in Canada and which may have found its last defender in John Diefenbaker. The American federation is different in many ways from Canada’s. Russell argues that the U.S. Revolutionary War provided a sense of unity and cohesion that contributed to America’s Lockean sovereignty. Institutionally, American states are in many ways less powerful than Canadian provinces and, while the possibility of secession remains real but suppressed in Canada, Americans largely consider it settled by their civil war. America’s federation is also strongly distinguished from Canada’s by the much stronger legislative branch and its separation from the executive. America’s president is constantly checked by congress in a way that is inconceivable for parliament and Canada’s prime minister. At first blush, it is not clear whether these differences favour one system or the other when it comes to long-term problems. In terms of pension planning, Canada is probably doing better than the United States, with substantially less of an underfunding problem at least at the moment. On climate change, neither has been especially active, and Canada has frequently been keen to use U.S. inaction as justification for inaction at home (motivated in part, perhaps, by the reality that the politically-influential oil and gas sector has the most to lose from any serious controls on greenhouse gas pollution).

Keith Banting’s 1987 book *Canadian Federalism and the Welfare State* highlights how Canada made the transition from industrialization to a welfare state remarkably quickly, for instance, when compared with the United Kingdom. The history of Canada’s welfare state has been complex and categorized by disagreements between different levels of government about what sort of social safety net should be provided and how. These deliberations have often coloured federal-provincial diplomacy, for instance in the negotiations leading to the Social Union Framework Agreement. Nonetheless, there are some important aspects of the system that have been generally accepted to a remarkable degree. The system of equalization proposed by the Rowell-Sirois Report of 1940, which is meant to maintain reasonably comparable public services across the country at reasonably similar levels of taxation, has been quite robust, despite the criticism that has sometimes arisen from provinces that perceive themselves to be unfairly subsidizing other parts of the federation. Several scholars identify how this willingness to redistribute wealth inter-provincially is rooted in a shared conception of citizenship and the fellow-feeling that accompanies it. Arguably, the persistence of this institution provides some evidence that long-term cooperation can be established and maintained, at least when it comes to economic aspects of Canada’s federation.

In her 1999 book *Passing the Buck: Federalism and Environmental Policy*, Kathryn Harrison draws on rational choice and public choice models to explain the recent history of environmental policy in Canada. Drawing on Mancur Olson’s 1965 *The Logic of Collective Action*, Harrison highlights how the costs of



environmental damage are generally diffuse (everyone in a large region suffering slightly worse health impacts from air pollution, for instance) while the costs of environmental regulation are generally concentrated (a requirement to install costly scrubbers on a coal-fired power plant, for instance). While those who would benefit from stronger environmental policies tend to be poorly informed and coordinated, those who wish to maintain a *status quo* in which unlimited pollution is permitted have much at stake, as well as the means to organize themselves and influence the political system actively. Among other strategies, they can exploit competition between jurisdictions, both sub-nationally and internationally. In various texts, Harrison highlights the danger of a “race to the bottom” – in which jurisdictions which are keen to maintain or attract job- and tax-revenue-producing industries are willing to compromise environmental or other forms of regulation, and in which firms in regulated industries exploit this willingness to drive down regulation everywhere.

These problems are even more acute when it comes to inter-generational issues. A member of parliament who expects at most a few decades in office has virtually no incentive to consider the interests of people living a century or more in the future. And yet, policy-making in some areas increasingly demands that the interests of these people not be wholly discounted. This is most dramatic in the case of climate change. The greenhouse gasses we emit today will largely remain in the atmosphere for thousands of years, and some of the changes resulting from anthropogenic climate change – such as melting ice caps and rising sea levels – will be effectively permanent. Global decisions made in the next couple of decades will do much to determine how much of Bangladesh, the Netherlands, Florida, and coastal China remains above sea level in a century. The welfare and prosperity of thousands of generations may depend on the energy choices made during the next few decades, and yet there is little motivation for elected officials to take them into account. These dynamics make it profoundly challenging to implement policies that treat future generations fairly, as demonstrated by the electoral evisceration of Stephane Dion, the hostility among all parties now toward carbon taxes, and the enthusiasm for continuing oil sands development among the national leaders of all major parties.

Ultimately, then, while the processes and outcomes of long-term policy-making are certainly influenced by the structures of federalist states including Canada, the main barriers to effective policy-making in areas like pensions and climate change are not bound up in those structures. Rather, they mostly have to do with the incentive structures presented to individuals, including the ability to unilaterally inflict harm on future generation for present profit (or to avoid uncomfortable short-term economic adjustment) and the unpromising balance between risk and reward for politicians that make bold policy suggestions in this area. (Dion’s ‘Green Shift’ is a prime example of a very defensible policy that was effectively demonized by a coalition of politicians and media personalities.) As yet, no country in the world has implemented a climate change policy with the necessary scale or urgency to prevent the 2°C+ ‘dangerous’ scenarios that countries including Canada have pledged to avoid. Whether such policies will ever emerge, and whether they will arise in federal or unitary states, remains to be seen.

**Part C:** Will Kymlicka argue that Canada must manage different dimensions of diversity: Aboriginal / non-Aboriginal, French/English, and multicultural. To what extent do responses to these three require different policies and political practices? Might there be a more global approach to reconciling them?

More than any other single figure, Pierre Elliott Trudeau was able to impose his intellectual vision upon Canadian politics: a vision deeply predicated on a highly individualistic notion of liberalism, in which the rights of the individual and equal treatment are the key normative components. Arguably, it has been the inappropriateness of this conception that has been the largest source of strife in Canadian politics over the past fifty years. Whether it was the 1969 white paper on indigenous peoples, Trudeau's systematic rejection of asymmetrical federalism and the double compact theory of Canada's fundamental nature, or the roundabout response to the Commission on Bilingualism and Biculturalism in the form of official bilingualism and multiculturalism, each large-scale application of universalism to the management of diversity in Canada has produced backlash and confrontation. While this criticism may be more pointed and universal within academic circles than within Canadian society at large, there are nonetheless good reasons for questioning the suitability of a 'global approach' for managing Canada's diversity. Rather, there is a strong case to be made that the successful management of diversity comes through a willingness to embrace particularism – a perspective well-represented in Samuel LaSelva's 1996 *The Moral Foundations of Canadian Federalism* and his examination of the political thinking of George-Etienne Cartier.

The history of Canada's indigenous groups has been interpreted through a broad and important subset of the Canadian political science literature. This includes more historical accounts like those of Patrick Macklem, as well as more methodologically unusual (or innovative) efforts like Taiaiake Alfred's 1999 *Peace, Power, and Righteousness: An Indigenous Manifesto* and the work on indigenous law by John Borrows between 2000 and 2010, including *Seven Generations, Seven Lessons: Ending the Indian Act* and *Recovering Canada: The Resurgence of Indigenous Law*. Common areas of agreement can be found between these works, as well as in those such as Alan Cairns' 2000 *Citizens Plus*<sup>6</sup> and Peter Russell's 2004 book: notably, a recognition of how Canada's settler colonial history has involved many injustices perpetuated toward Canada's First Nations, Metis, and Inuit. These include the long-history of attempts at assimilation, including the residential school system. They also include the disenfranchisement of status Indians (along with the history of voluntary and involuntary enfranchisement through the abandonment of Indian status) and the discriminatory treatment of aboriginal veterans. Canada's policy toward aboriginals has largely been assimilationist from the outset, with John A. Macdonald explicitly endorsing the view that it should take place as quickly as possible. Particularly once First Nations groups ceased to be important military allies (the British may well have lost the War of 1812-15 without Tecumseh and other Indian allies), Canada's focus came to rest on acquiring land cheaply through treaties that were often printed in full before they were 'negotiated' and which scholars have subsequently termed "duplicious". The analysis and many recommendations of the Royal Commission of Aboriginal Peoples further illuminates this history and ongoing issues, though the general exclusion of consideration for urban aboriginals is an important criticism of this work.

While recognition of past injustice is widespread, prescriptions for managing Canada's indigenous diversity now are much more varied. Perhaps the most robust and forceful response to Kymlicka's *Finding Our Way* would come from scholars like Alfred and Borrows who question many of the assumptions upon

---

<sup>6</sup> The notion of aboriginals as 'citizens plus' originates with the Hawthorn Commission, and was later used by aboriginal groups in their response to the 1969 Trudeau white paper.

which the legitimacy of Canada's present government rests. Alfred convincingly asserts that the validity of the modern land claims process that has followed the *Calder* decision is based on the assumption that "Canada owns the land it is situated on", but that this claim is based on the racist assumptions of past centuries. Borrows is also critical of the establishment of Nunavut, which Peter Russell describes as one positive example of how post-patriation relations between aboriginals and the Canadian state have become less colonial) by highlighting how the territory is largely administered by "white southerners".

In their 1969 white paper, the Trudeau government sought to move beyond wardship and apply a strongly individualist reworking of aboriginal relations in Canada: eliminating official Indian status, the Indian Act (first passed, without consultation with Canada's indigenous population in 1876), and eliminating the federal Indian affairs department. Rather than embracing this as an opportunity to cast off the imperialist, settler-colonial past, the move was largely interpreted by Canada's aboriginal groups as an attempt to strip them of their identity and rights. In the face of this criticism, the policy was abandoned. This was reminiscent of the effort made by aboriginal groups to petition the British parliament not to patriate the Canadian constitution without their consent, based on the doctrine that they enjoyed a nation-to-nation relationship with the British crown predicated on the Royal Proclamation of 1763 and the Treaty of Fort Niagara. In fact, the consideration of Canadian constitutional patriation in the United Kingdom was dominated by discussion of "Indian" issues in both the House of Commons and the House of Lords, and the controversy prompted Margaret Thatcher to delay the enabling legislation. In the end, Lord Denning concluded that responsibility for aboriginal matters had already passed to the Canadian government, and therefore there was no obstacle to the UK acceding to Canadian demands for constitutional patriation. That effort may have been unsuccessful, but Russell argues that efforts to engage with Canada's constitutional debate surrounding patriation helped to bring aboriginal groups from across Canada together as a force that would later have important legal and political power.

A further complication when it comes to managing diversity is the conflicts that can arise between groups with competing claims. An important example is aboriginal women. In 1985, Canadian Indian bands were given the power to establish their own membership codes. Some adopted sexist codes in which status Indian women who married non-status men lost their status, but status Indian men who did likewise did not. When it was still federal policy, this approach was challenged by indigenous women's groups through the 1960 *Canadian Bill of Rights*. An enduring concern when it comes to aboriginal self-government is the danger that this new 'third order of government' will apply policies that infringe on the rights of some members. While many indigenous women's groups have strongly asserted that the *Charter of Rights and Freedoms* ought to apply to indigenous governments, others have asserted that this approach would be inappropriate and colonialist.

The British conquest of New France during the Seven Years' War is the first of two "incomplete conquests" that are central to Canadian history, and which will be examined in a forthcoming book by Peter Russell. The history is in many regards a remarkable one, as described in his 2004 book. There is the Peace of Paris, with the terms according to which the French colony was originally taken over, followed by the Royal Proclamation of 1763 which established a nation-to-nation relationship with First Nations groups and endorsed the assimilation of French Canadians. A further exhortation to assimilation came with Lord Durham's report, after the Upper and Lower Canadian uprisings. Despite these efforts, Canadian culture has endured. One important explanatory factor is the Quebec Act of 1774, which effected the re-institution of civil law in Quebec, the seigniorial system, and restored the privileges of the Catholic Church, including the power to tithe. The alliance which emerged between British colonial administrators, a largely Anglophone managerial class within Canadian business, and the French Catholic Church in Quebec helps

explain otherwise surprising outcomes: such as the presence of thousands of habitant volunteers who helped fight off American forces at a second Battle of the Plains of Abraham outside Quebec City, following the American Declaration of Independence and the American occupation of Montreal.

In much more contemporary terms, managing French-English diversity in Canada now largely means responding to the fallout of the Quiet Revolution: the period of economic, cultural, and political change that began with the election of a Liberal government in 1960 and arguably ended with the FLQ crisis of 1970. The corrupt Duplessis regime was swept away, Quebec experienced economic modernization, an indigenous elite of university-educated Francophones emerged, the power of the church was questioned, and Quebec society opened up. This process involves a significant paradox. Modernization was accompanied by growing nationalism and a sense of pride about Quebecois society. At the same time, many of the factors that had been 'holding Quebec society back' were integral to its history and traditions – perhaps most notably the dominance of the church. Another irony is how the Quebec nationalist project focused on economic modernization (to the point where national pride projects like the James Bay hydroelectric project were permitted to brush aside very reasonable objections from the indigenous James Bay Cree – see: Boyce Richardson's 1974 *Strangers Devour the Land*) and yet economic uncertainty about the prospect of Quebecois secession drove many large firms to relocate their head offices to Toronto. In seeking to become economically modern, Quebec produced sufficient economic uncertainty to threaten its own project.

While it is not an especially strong work analytically, the 1971 book that Front du Liberation du Quebec (FLQ) activist Pierre Vallieres wrote in prison in New York – *White Niggers of America* – provides insight into the feelings of exploitation and disempowerment that have been at the core of the most militant assertions of Quebecois nationalism. Vallieres views the economic history of Quebec as one of being exploited by Anglophone Canada and, increasingly, the United States. The extent of the threat posed by French-English conflict to Canadian national unity is indirectly demonstrated by Smiley's 1976 *Canada in Question*: a book which he paused twice from writing because he was unsure if he would be able to finish it while Canada remained intact. Ironically, Trudeau's efforts to bring all Canadians together into a common bilingual future led to a new arrangement in which Quebecois resentment about mistreatment, and the province's desire for powers commensurate with its role as the principal home of French-Canadian culture, could be less easily comprehended and accommodated by English Canadians who had bought into Trudeau's doctrine of provincial equality.

The Trudeau government's 1971 multiculturalism policy can be interpreted as a somewhat surprising response to the analysis and recommendations of the Commission on Bilingualism and Biculturalism, convened by the previous government of Lester Pearson. Rather than follow the traditional path and assert Canada's dualistic French-English character, Trudeau's enduring focus was on the rights and identity of the individual, rather than those of groups, and functioned largely based on a principle of equal treatment.<sup>7</sup> That approach and legacy has been variously assessed by Canadian scholars of multiculturalism, including Kymlicka himself, Yasmeen Abu-Laban, and Neil Bissoondath. Bissoondath's criticism in *Selling Illusions: The Cult of Multiculturalism in Canada* is that Canada is unduly deferential toward the cultures of immigrants and unwilling to impose a culture of its own or cultivate a sense of unity among Canadians. Bissoondath argues that this produces a deficit of loyalty among Canadians.

---

<sup>7</sup> One interesting side-note on Trudeau's quest to produce a *Charter of Rights and Freedoms* comes from Peter Russell's "The Political Purposes of the Charter of Rights and Freedoms", in which he argues that the purpose served in the eyes of Canada's elite differed markedly from that served for the population at large. Russell argues that the political elite saw the *Charter* as a way to bolster national unity, but successfully sold it to the public as a way to bolster individual rights.

Another important dimension of managing difference in Canada pertains to the role of women in Canadian political life. Sylvia Bashevkin's 2002 *Welfare Hot Buttons* highlights how some policy areas (notably child care) have special importance to women, including in terms of their ability to engage in the economy and political system. Bashevkin also highlights how ideological development has impacted women, with neoconservative governments in Canada, the United States, and the United Kingdom introducing derogatory descriptions of those reliant on income security into the popular political discourse, and strongly privileging paid work over other important societal contributions (linguistic and ideological trends sustained in the Clinton, Chretien, and Blair governments that followed Reagan, Mulroney, and Thatcher). Alexandra Dobrowsky's *The Politics of Pragmatism* describes the various strategies employed by women's groups during the constitutional negotiations surrounding Meech Lake and Charlottetown, while Bashevkin's 2006 *Tales of Two Cities* illustrates how the local political context strongly influenced patterns of female participation in the relative processes of municipal amalgamation in Toronto and London.<sup>8</sup>

In a way, the intellectual progression of feminism speaks to the overall question of universalism versus particularity in accommodating difference. While first wave feminism focused on women's suffrage (granted late in Canada – 1917 for some women, with property restrictions removed in 1920 and status Indian women only granted the vote by John Diefenbaker in 1960), second wave feminism focused on employment equity and sexual liberation. Arguably, the first wave was largely a universalist normative assertion that women bear equal political rights to men and are equally entitled to participation in the political process. The second wave was arguably more particularist, focusing on issues that are of special concern to women. Third wave feminism, with its postmodern emphasis on identity, may represent both a synthesis of these views and a progression beyond them, as fundamental categories related to sex and gender are questioned. These progressions have been taking place alongside other shifts in political culture: namely, the emergence of post-materialist values in which financial security is accorded less importance and matters of identity more, alongside declining confidence in government and non-governmental institutions and a growing hostility to authoritarianism in the family, workplace, and society as a whole.

Trudeau's focus on individual liberalism has not vanished from Canadian public life. Notably, Michael Ignatieff's 1993 *The Warrior's Honour* and 1998 *Blood and Belonging* express similar views about the dangerousness and moral bankruptcy of ethnic nationalism and the degree to which civic nationalism is preferred. At the same time, the echoes from Trudeau's attempts at managing French-Canadian, aboriginal, and multicultural diversity continue to reverberate in Canada, generating an ominous tone for those who might seek to implement such sweeping and universalist solutions again. Perhaps the best guidance in this area comes from Peter Russell's assessment of Canadian history and constitutionalism as fundamentally Burkean and organic, not Lockean and embodied in specific documents and moments. The modernization of Quebec through the Quiet Revolution was a key prompt to the five rounds of "mega-constitutional politics" he describes, and those rounds left the country more divided and resentful. In particular, they sapped the willingness for further grand efforts at constitutional reconstruction.

Arguably, the key diversity-related tasks in Canada today are much more practical: addressing the persistent economic deprivation and discrimination experienced by indigenous people while continuing with an organic and gradual process of decolonization, maintaining a pluralistic understanding between French and English Canada in the George-Etienne Cartier tradition, and persisting with the pro-immigration multiculturalism that Kymlicka praises, while continuing to engage in a pluralistic and sympathetic way with the practical and theoretical issues that accompany it.

---

<sup>8</sup> Marc Levine's book on the language politics of Montreal is another illustration of how issues of diversity have manifested themselves in interesting ways in Canada's municipal politics.