Federalism and the Federation According to Conservatives (1957-2011)

Frédéric Boily
Associate Professor of Political Science
Director of the Canadian Studies Institute
Campus Saint-Jean, University of Alberta

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Is it possible to identify a distinctly conservative vision of federalism which runs as a common thread from one era to another? That is the question addressed by this paper. It is particularly relevant since today the predominant theme is one of discontinuity: that the current Conservative Party is simply a new body for an engine that still runs on the reformist ideas advocated in the 1990s by Preston Manning. As journalist Jeffrey Simpson\(^1\) put it: “The Reform Party is dead; long live the Reform Party.” Seen in this light, the Conservatives of Stephen Harper represent a break with the past. It is true that Stephen Harper received his political socialization in the Alberta hotbed of Calgary and that he advocates ideas in favour in the West, such as Senate reform or the pro-market approach of the Reform Party. But there are other factors that distance Harper from these Reform roots, for example: that the exercise of power demands a reasonable amount of pragmatism, or that the Conservatives achieved their majority only by courting the Ontario electorate. Consequently, the original Reform MPs may no longer form the dominant voice in the Conservative choir. Is it possible to simply postulate that the Conservatives of today are pursuing the Reform agenda of the past, without considering whether Harper is also inspired by previous Conservative leaders such as Brian Mulroney, or John Diefenbaker? At the least, this bears reflection.

To answer this question, it is necessary to step back and identify the various Conservative concepts of federalism and the federation. This detour will help us to see the continuities and the breaks with the past that they have laboured with since the 1950s. To begin our examination with Diefenbaker is justified; in part because his was the first Conservative government after 1945, and also because the Conservatives of Stephen Harper have sought to rehabilitate the image of this former Prime Minister who occupies an inglorious place in Canadian political history despite his stunning victory in 1958. In fact, the Conservatives are very concerned, if we are to believe the Minister of Foreign Affairs, John Baird, to reveal his legacy to Canadians: “Prime Minister Diefenbaker’s passion and dedication to all Canadians has helped make this country a nation we can all be very proud of […] Yesterday would have marked his 116th birthday, and this honour is a very fitting tribute to his legacy.”\(^2\) Taking John Baird at

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his word, we will explore whether we can identify a Diefenbaker legacy of Conservative concepts of federalism,. Following that, we will move to a second section that looks at the government of Brian Mulroney. After briefly noting how Robert Stanfield and Joe Clark were alienated from Diefenbaker, it will be a matter of identifying the lines of force of the practice of federalism, to borrow a term from political scientist David E. Smith, of the Conservative government of Mulroney. Practice, because Mulroney is not an intellectual with a need to express his understanding of the Canadian federal adventure (unlike Pierre Elliott Trudeau who left quite us ample material with which to analyze his thinking). In the third section, we will examine the position of Preston Manning who, as a party leader and now as a public intellectual, has made his own mark on the political evolution of recent decades, and we will consider his influence over the present-day Conservatives. In the last section, we will therefore be in a position to examine the open federalism of Stephen Harper, to evaluate to what extent it represents both continuity and a break with past approaches of the right.


John Diefenbaker is not among the Prime Ministers who have left an indelible mark on the Canadian political scene. Historian Michael Bliss has even characterized the Diefenbaker years as having a “palpable touch of madness”, an unusual characterization of the time in power of a Canadian Prime Minister. In Québec also, Diefenbaker left a bad impression, and has been described by Jean-Louis Gagnon, in the preface of a book on relations between Diefenbaker and French Canada, as a Prime Minister who would, as luck would have it, see history forget him. Nevertheless, the convincing Conservative victory in 1958 (after that of 1957) resulted from a strong vision of the country which, combined with Diefenbaker’s undeniable skills as an orator, had won the enthusiasm of Canadian voters.

In fact, while the Conservative victory arose partly from Liberal arrogance and the desire of the electorate for change (the Liberals having been in power since 1935, it also was due to the national vision put forward by the Conservatives. “In the 1957 election campaign, and much more forcefully in 1958, Diefenbaker and the Conservatives spoke of a national vision. Some of this related to social welfare measures and to the equalization of opportunity and development throughout the dominion.” One can already see that this would irritate the Alberta right, which saw a too-great importance put on the State in social programs (we will return to this later). Linked to the development of the North, this vision broke with the concept of Canada as an entity that, in the eyes of the Conservatives, had been for too long considered by the Liberals as a set of disparate ethnic islands, which fragmented the national identity. Consequently, in the 1957 election the Conservatives ran with a program calling for unity and a return to the presumed intentions of the Fathers of Confederation, as can be read in the program A New National Policy: “If this nation is to have a new birth of unity and freedom we must return to the vision of the nation-builders who made Confederation – of Macdonald – Canada’s first nation-builder – who led the way to national tolerance, dignity and unity when he joined with Cartier in brotherhood and in faith.” This return to Macdonald, a figure often invoked in the Conservative pantheon, established federalism as a unitary construction whose intention was to surmount the dilemmas of “races.” This idea would also be taken up by other political figures, notably Preston Manning.

8. Ibid., p. 200.
The positions of Diefenbaker were long-established. In his first speech in the House of Commons (1940), when he finally became an MP, he affirmed his opposition to the idea of “Hyphenated Canadianism.”10 In March 1958, when he was Prime Minister, he reiterated, this time in Maclean’s magazine, his determination to create a non-compartmented citizenship: “I am the first Prime Minister of this country of neither altogether English nor French origin. So I determined to bring about a Canadian citizenship that knows no hyphenated consideration.”11 Stated just before the federal election held in June that year, this affirmation would also develop the idea that Canada wanted to be, in his pastoral image, a great “garden”, where “flowers” from different countries were acclimatized by drawing the best from their new environment.12

However, the Canadian garden where Québec would become a flower like all the others did not sit well with the government of Maurice Duplessis, who firmly defended provincial autonomy. After having built bridges with Québec for the 1958 election, Diefenbaker’s unitary concept of Canada later found little echo there. Rejecting the notion of two founding peoples, Diefenbaker was even less hospitable to the autonomist desires of Québec that were arising with renewed vigour in the 1960s. For Diefenbaker, Québec remained an enigma, as he confided to an observer of his government: “I am not sure that he ever really understood the hopes or the aspirations of French people; in fact I am sure he did not.”13 It would not be until Brian Mulroney’s PC party won that there would again be much of a Conservative foothold in Québec.

This vision of One Canada and Canadians with “no racial origin”14 certainly arose from the personal situation of the Conservative leader. Without falling into psychologizing, it was clear that Diefenbaker remained sensitive to his origins, which probably kept him away from power for a number of years, the various plays on his name bearing witness to that inglorious era. However, it was also the Conservative idea to encourage the creation of a shared economic space that made it difficult to recognize special status for a provincial component. As he promoted a united federation around a shared definition of Canada, Diefenbaker could hardly suffer provincial or national elements with special powers or privileges compared to other elements of the country.

12. Ibid., p. 75.
In fact, his concept of Canada demanded the creation of a strong economic space. This following quote from his 1957 platform shows his insistence that unity was essential for the development of the Canadian economy. Explaining that the welfare of Canada depended on a voluntary policy that, to be sure, was opposed to a negative laissez-faire approach, it affirmed that interventionism was based on a unitary political philosophy: “That being my philosophy and since I wish to bring about the concept of One Canada with special rights and privileges to no area, I would advocate a new national development policy of resources embracing every part of this country to assure prosperity in Canada and a maximum capacity to discharge her international responsibilities.”

This extract shows the profound connection he saw between the unitary philosophy and the prospects for a robust Canadian economy. There was even a lesson from history there: “History shows that the loss of a nation’s economic destiny may lead to the same fate politically.” This was the classic position of the Conservatives which, since the time of John A. Macdonald, believed that the State must play a role to ensure the economic health of the entire country. Thus, the concept of a united federalism responded to the need for economic coordination, a concept which collided with the rise of provincial States.

16. Ibid., p. 229.
Robert Stanfield and Joe Clark: towards accommodation

After the defeat of Diefenbaker, the Conservatives undertook to change their concept of the Canadian federation, putting aside the approach of their former leader that was now considered too rigid. It was first under the leadership of Robert Stanfield that the Conservatives took a less unitary direction, integrating the recognition of national duality. Stanfield’s view was noted in a speech to the Canadian Club of Montréal in April 1964, where he rejected the proposition of a single national culture, and put an emphasis on the bicultural reality of Canada.\(^\text{17}\) It was above all at a meeting in Montmorency, in August 1967, that the Conservatives fought clear to the direction they would take. Two concepts clashed: on the one hand One Canada; on the other two founding peoples, which was translated as “deux nations”, which made waves at the time.\(^\text{18}\) The PC party thus took a different orientation under its new leader, which led the Conservatives on a path of federalism careful to recognize the duality. All the same, to his electoral unhappiness, Stanfield was faced with a Pierre Trudeau who was plugged into the media rhythm of the time – that of political personalization – while the former Premier of Nova Scotia still projected the superannuated image of a traditional politician. Beyond style, Stanfield himself recognized that his concept of federalism had omitted to take into account the rise of regionalism whose importance increased during the 1960s and 1970s; while Trudeau, whose message opposed the rise of provincialism and nationalism, even took up the idea of a united Canada during the 1974 election.\(^\text{19}\)

Subsequently, Joe Clark more or less followed the path laid out by Stanfield. When he became Conservative leader, notably because a Quebecker was not wanted as party leader,\(^\text{20}\) his vision of federalism was more vague and pragmatic, based on a concept of a “community of communities” that Trudeau derided as “shopping plaza federalism.”\(^\text{21}\) In the Kingston Declaration (September 16, 1977), Clark insisted on the need to bring together all of the parts of the Canadian family. He wrote that the Conservative Party would guide the various ethnic communities of Canada, and lead them to an egalitarian association, the same principle of union that made the blossoming of the Canadian nation possible during its first century.\(^\text{22}\) Thus, Clark gave a place to the idea of duality and, like

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Stanfield, his vision of federalism seemed less rigid than that of “One Canada”. He remained in the orbit of the conservatism of Diefenbaker, however, when he underlined the need for “a strong and effective national government”. This said, the ephemeral leader had far too little time in power for us to develop any clear idea of his practice of federalism, and it was up to Brian Mulroney to pursue the further evolution of what had begun.

**Mulroney and cooperative federalism**

The years from the election of Diefenbaker (1957) to the Liberal defeat in 1984 were characterized by the emphasis put on the defence of the national identity, certainly in a different manner from one Prime Minister to another but pointing in the direction of reinforcing the national character of Canada. When the Conservatives returned to power under the energetic leadership of Brian Mulroney, the Liberals had governed for more than fifteen years, a tumultuous period marked by a referendum, the patriation of the constitution, and of course the National Energy Program, which had so raised the ire of the Alberta political class. Confrontation had become the trademark of the Liberal government under Trudeau, particularly with the government of Québec but also with the West. The linguistic duality had become rudely contested, notably by political parties hoping to capitalize on the rancour of part of the electorate. In the shadow of the Rockies the Confederation of Regions Party of Elmer Knutson opposed bilingualism, which then was hotly debated in Manitoba. It was in this context that Brian Mulroney promised a new era of cooperation to get beyond confrontation.

Thus, during the National Newspaper Awards Dinner in Toronto (May 5, 1984), Mulroney sought, while reiterating the need for a strong federal authority, more collaboration between the various Canadian entities: “I have no doubt about the need for a strong central government. But I believe profoundly in co-operative federalism as the most politically, culturally and regionally sensitive way to operate – and as the most effective way to provide good and caring and responsive government where it really counts – on the ground, and where people live.” While Stanfield and Clark had also promised to revamp federalism with better cooperation, it was Mulroney who would try to formalize this cooperative federalism that he set up in contrast to a federalism of confrontation or competition. In this respect, the arrival of Mulroney seemed like the advent of a new departure, and a reaction to the approach taken by the government of Pierre Trudeau. The Conservative leader, for his part, proposed a model that repudiated

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23. Réjean Pelletier, *Le Québec et le fédéralisme canadien. Un regard critique*, Québec, PUL, p. 34
nearly point for point the Trudeau concept of federalism and decentralization. As political scientist Richard Simeon wrote, Mulroney took the opposite tack from that of his Liberal predecessor:

“Where Mulroney talked of regional diversity, Trudeau emphasized the primacy of the national, pan-Canadian community. Where Mulroney talked of equal orders of government, Trudeau has asserted the ultimate authority of the central government. Where Mulroney talked of respect for provincial jurisdiction, Trudeau has pushed federal authority to its limits, on the constitution, energy and health care policy. […] Where Mulroney talked of cooperation, Trudeau had derided the assumptions of cooperative federalism, arguing that it placed the interests of governments ahead of citizens, tended inevitably to ‘lowest common denominator’ solutions, and eroded the legitimacy and authority of the federal government while elevating a group of irresponsible provincial politicians to the status of national leaders.”

During its first year in power (1984-86), the Conservative government tried to put this type of federalism, which stood on two main pillars, into practice, which meant that it was necessary on the one hand to create a climate favourable to the growth of the Canadian economy, and on the other hand to bring Québec into the fold of the Canadian constitution, to use the language of the era. All told, the first two years of the Conservative were effectively marked by cooperative federalism, in various domains. The Conservative government practiced a federalism in which it behaved as a “mediator” or a “catalyst”, in the terms used by the Throne Speech of November 1984. For example, note the rapid signing of an agreement between Ottawa and Newfoundland (Atlantic Accord) regarding petroleum revenues and the end of the National Energy Program that had so exercised the Albertan political class. During a conference in Regina, the participants praised the intergovernmental collaboration which had emerged throughout the meeting. Also, in comparison with Trudeau, Mulroney dramatically increased the number of meetings of first ministers, some of them being held outside of Ottawa and dealing with provincial concerns. In this sense, Mulroney developed a practice of federalism where he showed above all the art of federal-provincial diplomacy. However, clouds were rapidly darkening this clear blue sky of cooperative federalism.

28. Ibid., pp. 207-208.
The honeymoon did not last, and the economic and political logic of each province soon made it difficult and uncertain to try to free breathing space for cooperation. When Alberta Premier Peter Lougheed promoted policies for the Alberta economy based on the export of natural resources, his Conservative colleague Frank Miller, the Premier of Ontario, for his part deployed his efforts to protect the manufacturing industry on which the economy of his province depended. In the same line, his successor, Liberal David Peterson, was for his part opposed to free trade with the United States. In short, the logic of the political economy of each province imposed inertia on the federalism of cooperation. In this regard, the free trade negotiations quickly demonstrated its limits, since although the federal government kept the provinces informed about the progress of the negotiations with the United States, it also reserved its right to act unilaterally. Thus, consultation took place when it was possible, but it was accompanied by unilateral action when this proved necessary.

The origins of Mulroney federalism

As we have seen, Diefenbaker affirmed that the goal pursued by Macdonald was that of One Canada. However, Mulroney, also claiming inspiration from Macdonald, arrived with the promise of a federalism of cooperation, an idea that essentially came down to a renewed partnership with Québec. The Progressive Conservative Prime Minister believed that the beginnings of federalism and its proper political form were precisely anchored in a policy of national reconciliation. For example, in a speech in Winnipeg in March 1984, when tensions over Manitoba’s language policy were resurfacing in the House of Commons, Mulroney said: “I firmly believe, as he did [John A. Macdonald], that true national unity cannot be attained before French Canadians living outside Québec enjoy the same rights as English Canadians in my home province. One hundred and fourteen years ago that was Macdonald’s message.

That is my message tonight…”

Taking some distance from Diefenbaker, Mulroney sent the message that, under his leadership, the Conservatives would show themselves to be open to the idea of equality between two founding groups; something that had not always been the case in the history of his political party.

The Mulroney speech delivered in the House of Commons in September 1991, Shaping Canada’s Future Together which contained proposals that launched what was called the “Canada Round”, reaffirmed the position of the

Conservatives regarding the origins of Canada and of federalism. It is true that at that time the document could have been considered described as not very respectful of the Québec reality, that it considered Québec as “a province just like the others.” Or even that it represented it a “pastiche of constitutional reforms” in the line of the Meech Lake Accord. However, in relation to the Conservative positions of the past, this document that sought to get past the constitutional impasse nevertheless revealed a concept where the distinctiveness of Québec would be recognized:

“All constitutional reform must affirm the distinct character of Québec society, and we intend to do this. Ninety three years before Confederation, the Parliament of Great Britain already recognized the distinct character of Québec. In the Quebec Act of 1774, Quebecers were assured of the right to their language, religion and distinct system of law, which effectively ensured the survival of their language and culture. These rights were continued exactly 200 years ago in the Constitution Act of 1791, and elaborated again in the British North America Act of 1867, which unequivocally broke with the efforts that had been made in 1840 to drown this right in a unitary regime, and contained other dispositions that expressed the distinct character of Québec.”

Beyond the political debates that so polarized opinions at the time, this speech showed a concept of federalism that was quite removed from the Conservative principles of the 1950s and 1960s. It is hard to imagine, for example, this speech being delivered by Diefenbaker, who would have strongly repudiated the Mulroney approach as simply not true to the Conservative principle of the unity of the country. This speech also brought forward a federal approach that was “equalizing” since it also discussed a strong political and economic union.

Economically, the Conservatives often preferred an approach to federalism that leaned to the side of centralization, so even here the opinions diverged. In every aspect of national recognition, Mulroney moved against the current of his party. However, as we will now see, Preston Manning and the Reform Party presented a way of understanding the Canadian federation different from that of Mulroney, which did not align with the federal spirit of Shaping Canada’s Future Together.

36. Michael D. Behiels, “Mulroney and a Nationalist Québec: Key to Political Realignment in Canada?”, Transforming the Nation. Canada and Brian Mulroney, op. cit, p. 278.
38. Guy Laforest, Pour la liberté d’une société distincte, op. cit., p. 45.
40. For example, Guy Laforest saw this document as the fourth National Policy since John A. Macdonald, Guy Laforest, op. cit., p. 7. On the other hand, there are those who think that the proposals advanced were quite modest. Gordon DiGiacomo, “Ottawa’s Deferential Approach to Intergovernmental Relations”, The Case for Centralized Federalism, edited by Gordon DiGiacomo and Maryantonett Flumian, Ottawa, University of Ottawa Press, 2010, p. 43.
In his work quoted above, historian Michael Bliss suggested that John Diefenbaker was a forerunner of leaders like Pierre Trudeau and Preston Manning. It is difficult to know exactly what the historian had in mind; however the comment astonished Trudeau supporters as well as observers of the Reform movement who noted that the Conservative Prime Minister has often been the object of severe criticism by Alberta intellectuals close to Reform ideas.

In fact, many of them saw the Diefenbaker program as the first step towards a Statism that, in their view, continued to deepen under the Liberals, who had only one objective: to appease Québec. This is read in the critical writing of two Alberta intellectuals, David Bercuson and Barry Cooper, for whom the origin of bad governments in Canada started with the arrival of the Diefenbaker Conservatives in Ottawa, as explained in their book Derailed. Recognizing that the Diefenbaker government had not introduced many new spending programs, they insisted however that policies like equalization had in effect deregulated Canada: “Diefenbaker expanded equalization payments and turned the nation into a crazy patchwork of special social and economic subsidies.” In their eyes, the Conservative leader had a vision of the Canadian State that was too interventionist, because he was not content to simply defend Canadian interests; he wanted to say what those interests should be instead of being content with simply what they were. In doing so, he gave an outsize role to the federal government, threatening the balance of powers within the federation in favour of the federal government and to the detriment of the provinces or even the regions. Evidently, the Liberals had greatly accentuated this tendency. This is why the Reform project consisted of returning to a prudent defence of Canadian interests that took into account the entire country.

However, some of Diefenbaker’s ideas do appear to have presaged those later taken up by the Reform Party, and this is where the comment by Bliss mentioned above appears to make sense. Like the former Prime Minister, the Alberta leader did not believe in the notion of two founding peoples. This was part of his message in his book The New Canada, published in the early 1990s. He explained that before 1867, Canadian parliamentarians had

tried the solution of accommodation. But it was unsuccessful because the two groups were so different from each other. Thus, for the Reform leader, the point of departure of the Canadian federal adventure was not in the theory of a founding pact but rather in the exact opposite. “It is sometimes said that the concept of Canada as an equal partnership between two founding nations is embedded in Confederation and the British North America Act of 1867. The very opposite is true. Confederation came about largely because of the failure of the ‘two nations’ concept.” However, it was precisely due to this failure that, Manning believed, the Fathers of Confederation, led by John A. Macdonald, wanted to go beyond the notion of two founding peoples to create a “new nation” that would transcend the particularist vision that had dominated before 1867:

“Macdonald and his associates clearly wanted to end the “two nations” problem, not by the political and constitutional integration of French and English institutions, but by the creation of a new nation from sea to sea which itself would be part of yet a larger, the British Empire. The only “special status” granted to Quebec was that of a province free to preserve its language and culture with the provincial powers allotted to it. It was left to the government of Quebec to deal with the “two nations” problem at the provincial level.”

As clear as this was, this concept had everything to displease Québec, both the federalists and the sovereignists. There may have been a sort of electoral fatalism on Manning’s part to explain this “hard line” position: knowing that he would never become Prime Minister of Canada with the support of the Québec voters, it did not matter to him whether Québec left Canada. However, this would also minimize the feeling of regional alienation which runs through Albertan history and which pushes for a symmetrical concept of federalism and equal status between the provinces.

45. “The Canadian Parliament from 1840 to 1866 thus represented an attempt to accommodate two nations warring within the bosom of a single state by creating an equal partnership between two unequal groups, deliberately designed to favor the minority group.” Preston Manning, The New Canada, Toronto, MacMillan Canada, 1992, p. 301.
46. Ibid., p. 302.
47. Ibid., p. 302.
48. This was said by Jean Chrétien. Quoted by Bob Plamondon, op. cit., p. 365.
This vision articulated by Preston Manning can be found in the program *(Blue Book)* that the Reform Party campaigned on in the 1997 federal election. The first principle of their election platform had a Diefenbaker style: “We affirm our commitment to Canada as one nation, indivisible, and to our vision of Canada as a balanced federation of equal provinces and citizens.”\(^49\) Evidently, this fundamental declaration was written in the context of the 1995 Québec referendum and the question of indivisibility was basically intended to respond to the “separatist threat” (and this is why it might be said that the Reform Party influenced the Clarity Act of 1998). However, beyond the political context, the declaration also addressed the Alberta political tradition, wherein, no less than in Québec, there were strong forces opposing any centralizing tendencies of the government in Ottawa. In the West (particularly Alberta) the resistance took the form of advocating a Triple E Senate (elected, effective, and equal).

In this architecture of egalitarian federalism, the Senate was seen as a key place to defend the four regions (Québec, Ontario, the Atlantic provinces and the Western provinces). Manning deplored that the Senate had not been filling this role to date. This was why fundamental reform of the Upper Chamber was sought, rather than simply abolishing it, a position which he reiterated in an open letter following the scandals of Winter 2013 which shook the pillars of the Senatorial temple.\(^50\) If there was a particular element which distinguished Reformism from traditional Conservatism, it was this insistence on the Senate, a kind of “Holy Grail” (Roger Gibbins) an institution which assumed more importance than it was given in other provinces to ensure the balance of the federal apparatus.\(^51\) It was seen as an element acting for the regions as a counterweight to the tendency toward centralizing power.


\(^{50}\) Preston Manning, “Ye are grown intolerably odious to the whole Nation”, *National Post*, June 18 2013, p. A10.

\(^{51}\) Bruce Cheadle, “Roger Gibbins, Canada West Foundation President Joins Senate Reform Skeptics”, *Huffington Post*, May 13, 2012.
Also, the importance placed on decentralization and the equality of the provinces harmonized with an economic objective, since the federal State would also have to retain its interventionism and its fiscal appetites. This was the meaning of a “more balanced federation”: “The Reform Party supports equality for all provinces, special status for none, and a strong continuing role for the Federal Government to maintain a common economic space, eliminate internal trade barriers, and represent Canada effectively international trade negotiations.” In the Reform Party’s plans, the role of the central government thus consisted of seeing to the prosperity of the economic space by setting up conditions to allow the market to achieve its full potential. According to Reform, the Liberals had lost sight of this goal because they also tried to reinvent a Canadian cultural space. This helps to understand why Manning, like Diefenbaker before him, too often deplored the accent put on that which distinguished Canadians from each other rather than emphasizing the things that united them: “It has led to a hyphenated Canadianism that emphasizes our differences and downplays our common ground, by labelling us English-Canadians, French-Canadians, aboriginal-Canadians, or ethnic-Canadians – but never Canadians, period. This showed that the Reform Party was above all a regional movement and a backlash against actions by the central government judged inconsiderate towards the West, Alberta in particular. Manning’s thought remained unitary in other aspects of its concept of the federation. In summary, federalism became, in the Reform view, an enterprise intended to create a shared economic space where the federal State must show particular concern not to intervene in the provincial fields of jurisdiction. Did this view of the Canadian federation nourish that of the Harper Conservatives?


4 The Open Federalism of Stephen Harper

In 2005, it was thought that a new form of federalism was appearing, when the present Prime Minister delivered a much-commented upon election speech that was seen as a crucial element for a Conservative breakthrough in Québec. Today, as before, there are questions about this type of federalism, notably about its extent and its tangible impacts and to what extent it represents something really new. Political scientist James Bickerton noted that “federalism watchers” like to closely monitor the least frisson of change indicating a new form of federalism or federal governance, to be added to the many variations already extant. But what it really is, and how this concept of open federalism departs or not from conservative ideas of the past remains an open question.

From provincialism to open federalism

The Conservative government of Brian Mulroney, as we have seen, showed a great spirit of cooperation with its provincial counterparts, one of close collaboration between the two orders of government during the first two years. However, this was not the case with the government of Stephen Harper, who was uninterested, and remains so today, in meeting with his provincial counterparts. Another difference between the two Conservative Prime Ministers, perhaps quite revelatory, is that the second, unlike the first, had gone through a period of provincialism, rooted in the profound contempt that the Alberta political class had for the Mulroney Conservative government.

Disillusioned by the direction taken by the federal government at the turn of the century, Harper and other Alberta intellectuals wanted to turn their backs on the federal government to get to the job of transforming the Alberta provincial State. This provincialist vision was expressed in the “Firewall Letter”. This letter, published in January 2001 in the National Post by Stephen Harper and certain Alberta intellectuals (Tom Flanagan, Rainer Knopff, Ted Morton, Andrew Crooks and Ken Boessenkool) asked Premier Ralph Klein to take the future of the province in hand. It called for no less than a sort of Albertan Quiet Revolution, based on the ideas that the provincial State should establish institutions similar to those that the Québec government had established in the 1960s and 1970s. This was a new expression of the envy that was felt towards Québec and its place in the federation. One Alberta writer even talked of “Jealousy”, to describe this spirit often found in Alberta.

Stephen Harper gradually distanced himself from his provincialist positions when he returned to federal politics at the head of the Canadian Alliance party, first, and then the Conservative Party. In a text presaging open federalism, given in autumn 2004, the future Prime Minister presented the first elements of open federalism. As noted by Adam

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55. For more details, see Frédéric Boily, La droite en Alberta. D’Ernest Manning à Stephen Harper, Québec, PUL, 2013, p. 186.
Harnes, the text set out to oppose what was perceived as encroachments by the federal government into provincial jurisdictions.57

In this sense, Harper still maintained some continuity with the Firewall Letter described above, since he was defending a strict separation of powers between the two orders of government. “As Conservatives, we must continue to defend the fundamental principles of Confederation, particularly the sharing of powers between the federal government and the provinces.”58 He also hoped for a reconciliation of the interests of the West and those of Québec. In the manner of Preston Manning before him, Harper affirmed that Alberta, like Québec wanted to change the political dynamic in terms of regional representation: “For example, in other parts of Canada – the West in particular – there have long been demands for better representation of the regions in federal decision-making. As a result, both our predecessor parties have favored an aggressive approach to Senate reform, beginning with the election of future senators.”59 The changes that should occur were still not clearly identified at that point, but Harper believed he could take inspiration from Belgium: “The Belgian model and the experience of other countries could guide us. But we need to develop our own model, adapted to our unique situation as a bilingual and multicultural federation.”60 Claiming that open federalism was beyond the old divisions like unity and separation, or centralization and decentralization,61 Harper suggested that it was not simply a question of devolution of powers to the provinces. It would also involve developing a new type of arrangement between the provincial and federal governments. Using positions of the Liberal Party of Québec for support, Harper wrote:

“For example, rather than simply devolving more authority to provinces in areas like cultural affairs and international relations, I believe the federal government, working with interested provinces, could establish francophone and anglophone community institutions to share responsibility. The Quebec Liberal Party has already proposed something along these lines for UNESCO, suggesting “a Francophone sub-commission that would act under the aegis of the Canadian Commission for UNESCO” on which “Quebec, and Canada’s Francophone and Acadian communities would be represented.” 62

59. Ibid.
60. Ibid.
62. Ibid.
Not surprisingly, choosing Belgium as a model was a bad idea — a “non-starter” — given the linguistic tensions between the Flemish and the Walloons. However, the extracts show that in that era, after the June 2004 election that was won by the Liberals, Stephen Harper was in search of his own model of federalism that he could sell to the entire Canadian electorate, and not only to his political bastion. Harper leaned to asymmetry since he said he was ready to accord certain responsibilities to the provinces or communities and to limit the federal spending power. Thus, the Conservatives and Harper himself migrated from a position of provincialism to a federal vision that opened the door to some asymmetry with the concept of open federalism.

Succinctly summarized, open federalism involved respect of the constitution, a better balance between the two orders of government, as well as a limitation on the spending power and measures to resolve the fiscal imbalance. As he said in Conservative documents in 2006, “It is time for the federal government to establish new relations with the provinces in an open federalism, while clarifying the roles of the two orders of government according to the division of powers in the Constitution.” However, after coming to power in 2006, Harper was not distinguished by any vision of federalism that was evident in federal-provincial meetings, which might be seen as the policy backbone of his government. In fact, it could be said that the absence of a formulation of federalism can be explained precisely by its very nature: since the openness in question implied leaving the provinces to evolve within their own constitutional parameters whatever the constitution allowed them to. So there was no need to waste time in discussion and meetings; each could act on its own.

**Stephen Harper and Québec**

In November 2006, the Prime Minister proposed his motion to recognize the Québécois as a nation within a united Canada. Along with according Québec a seat at UNESCO, this was seen as a proof of openness. Of course, there were tactical motives behind this political action, mainly that of putting the Bloc Québécois on the defensive. However, the motion certainly did not come from the Alberta Reformist wing and it represented a break with the approach of Preston Manning and Stockwell Day. It is hard to imagine them taking such an approach to Québec. In this regard, Harper tried with this motion, however little it may have seemed to some, to “reconcile” with Québec. Nevertheless, this question remains: to what extent did the Reform vision, based on the equality of the provinces, continue to inspire the approach of open federalism?

Open federalism as conceived by the Conservatives may not be so foreign, at first glance, from Reform ideas. For example, in the 1997 Reform program, *A Fresh Start for Canadians*, elements of open federalism can be identified, as Reformers state their disagreement with a central government that takes as its role to ensure cultural unity through a panoply of national programs and standards. Reform sought a federalism that was more attentive to the regions, even encouraging such differences. Within the Reform movement there was a decentralizing tendency that would confine government within its fields of jurisdiction. In this regard, the approach of Harper and his party maintained continuity with the Reform movement, favouring decentralization but in a framework that is, it should be noted, symmetrical. “And we envision a unified federation where regional differences are not only tolerated, but encouraged.” Here are the roots of an explanation of the misunderstandings of open federalism, notably among Quebecers.

In fact, there have been many critics, in Quebec and elsewhere, of this type of federalism. In English Canada, the notion of open federalism could be seen in the light of theories of a withdrawal of the State, to the extent that this approach to federalism means a redistribution of power between the provinces and the federal government. This theory, advanced by Brooke Jeffrey and others, makes open federalism a smokescreen behind which the Conservatives hide in order to pursue a neoliberal agenda. Others have seen it as a way to reinforce the central government, the motion being perceived as a maneuver to counter Quebec and increase the powers of the federal State:

“On the surface, Harper’s “new” Conservative Party seems more tolerant of Quebec’s specificity. In the autumn of 2006, the Harper Conservatives had a motion passed by the House of Commons: ‘That this House recognize that the Quebeccois form a nation within a united Canada.’ This policy could seem strange, when you consider that the Reform Party, originally co-founded by Harper, was totally hostile to the Meech Lake Accord, particularly the “distinct society” clause. […] The formulation of ‘Quebeccois nation’ gives a symbolic (but non-constitutional) recognition of the Quebec nation while refusing the status of nation to territory of Quebec (with its political implications), and at the same time gives considerable political power to the Canadian State.”

67. *A Fresh Start for Canadians*, p.5.
In Québec, after some enthusiasm for the notion, open federalism was more often viewed as an empty shell, with no substance other than symbolic. At best, open federalism was seen as perhaps rich in spirit but poor in solid realizations. Many observed that the motion regarding Québec, which would embody this spirit of openness, made exactly zero change to the balance of powers, as Québec was ceded no particular powers, and some even described it as having a “Trudeauist” inspiration.

In fact, if open federalism is to be interpreted as an attempt to accord powers to a federated entity that has a distinct national character, then on that basis it would be considered a failure, since Québec has not received a differentiated national treatment. Political scientist Éric Montpetit suggests that the idea had been something for the minority government, then later to be tossed away. On the contrary, if Harper’s open federalism is reintegrated into the political ethos of the Reform movement, it conforms to the idea that all of the provinces are part of the same constitutional framework, where each province is equal but free to act as it sees fit within the limits of its own constitutional jurisdiction. Perhaps one could talk of a kind of federalism of indifference in the face of individual or national demands from a federated entity, but also indifference to collaboration. However, indifference sometimes transforms to unilateralism in economic matters.

**A centralizing federalism?**

Beyond the speeches about returning to the original federalism where each of the constituent entities exercises its own powers, the Conservatives have sometimes shown a tendency towards centralization in economic matters. This tendency is not simply due to the 2008 economic crisis, since the centralized mindset was already more or less present in the political ethos. This is evident in the 2006 campaign platform, which states that the role of the federal government consists of protecting the unity of the country, which had come to harm under the Liberals: “Preserving the country’s unity is the federal government’s foremost responsibility. Yet the federal Liberals have hurt the federalist cause in Québec, launched pointless attacks on provincial premiers, and cut a series of one-on-one deals with some provinces that have left everyone dissatisfied. It’s time for the federal government to establish a new relationship of open federalism with the provinces, while clarifying the roles of both levels of government within the division of powers of the Constitution.”

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If the electoral issues of the moment (such as heaping blame on Paul Martin) are put aside, then the passage also illustrates the need for unity that accompanied the division of powers of 1867, notably in economic matters. In this regard, examples include the job training program initiated by the Conservatives to meet the needs of the Western provinces, especially Alberta and Saskatchewan. The unemployment insurance reform, announced without advising the provinces, brings up the issue of centralization again. It shows that the Conservatives put the talk of decentralization aside when they believe this is necessary for the smooth running of the whole country. One example is the securities regulator that the Conservative has sought to establish, which the Québec and Alberta governments oppose. Such initiatives show that when the question of the economic integrity of the whole country is or appears to be at issue, the Conservatives do not hesitate to use the instruments of the State to influence the development of the Canadian economy in the way they wish. In this respect, it can be argued that the Diefenbaker One Nation federalism is recreated in whole cloth in the economic approach of today’s Conservatives. The latter fear continental integration far less than during the Diefenbaker era, but there is the same will to ensure the economy-building of Canada, to use an expression that distinguished the Conservative project from that of the nation-building of the Liberals. The case of energy policy is also instructive regarding what open federalism means.

While the Conservative climate change policy in 2007 was similar to that of the Liberals, they did not develop any co-ordinated federal-provincial policy with the provinces, which would have increased the effectiveness of the efforts and the policies of all of the governments. When he was Minister of the Environment, Jim Prentice, often considered part of the moderate wing of the Conservatives, declared that the provinces were free to act as they wished. Strangely, the effort to coordinate occurred more with the United States, with which a harmonization of policies was sought. This led Prentice, in a February 2010 speech in Calgary, to criticize this time the actions of Québec minister Line Beauchamp, whose government was adopting the standards of California. The examples of energy and climate policies illustrate the important limits of open federalism, which could have been fertile field for implementing the openness to the extent that pipelines and railway cars cross provincial and national borders or even pollution mocks political boundaries. The energy issues, which are vital to the Conservatives, illustrate therefore that they act solo, with hardly any consultation with the provinces, when it comes time to determine the major policy orientations of Canadian economic policy, of which they are the managers.

78. Ibid., p. 132.
How to understand federalism remains secondary, with the Conservatives as with all federal political parties, to the question of the origins of federalism. As we have seen, the Conservatives all claim in some way or another to return to the roots of their political movement, to John A. Macdonald and George-Étienne Cartier. The problem, and it is a major one, is that the intentions of the Fathers of Confederation are subject to sometimes divergent interpretations. In this regard, political scientists note that “the persistent divergences as to the nature of Canadian federalism find their origins to a great extent in the ambiguous intentions that led to the adoption of the federal system.” Each Conservative leader can thus claim the legacy of John A. Macdonald, but in a way that suits him and the political situation of the times. Thus, the original intention of the Fathers of Confederation might be seen as a way of getting past the national quarrels with the creation of a single nation (Manning), as a pact where each federated entity keeps its specificity or a project that sought above all to create an economic space rather than a unified cultural space. In this way, the Conservatives under Brian Mulroney could emphasize the defence of the binational nature of Canada. This is why, to return to our opening question, it appears difficult to identify a distinctly conservative vision of federalism which runs as a common thread from one era to another. Certainly there is a family resemblance, but the Conservatives remain divided on the question of Québec or even on the question of whether it is necessary to have a unified vision of Canada. It is true that the Conservatives distinguish themselves from the Liberals by often putting an emphasis on decentralization, but as we have seen, they also have centralizing tendencies in economic policy. This said, the most ideological aspects of the Reform movement of the 1990s have been set aside. Finally, unlike Brian Mulroney, Conservative movement embodied by Stephen Harper remains very distant from constitutional matters.

In fact, Harper has never had any intention of seeking a great consensus on the constitution or even to return Québec to the constitutional fold. In his view, Québec has never been out of the Constitution and the debate was closed by the Clarity Act in 1999. One thing for sure, the partisans of multinational federalism have not found an ally in Harper; his open federalism is rooted in another dynamic: one where the feeling that federalism is in crisis, and that there is a problem of confidence between the constituent elements that must be overcome, simply does not exist. Perhaps we have too-hastily interpreted open federalism as an innovation: in terms of novelty, federalism remains, if we can put it in the non-partisan meaning of the word, more conservative since it is based on an unceasing interrogation of what it meant in 1867. Was the federal regime adopted to protect the distinctions between the provinces or was it put in place to ensure a unity that would overcome national differences? This perennial question of Canadian observers, which finds no answers accepted by all, has shaken and will continue to shake the Conservatives, as it does the others.