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In the thirteenth edition of Federalism-e our mandate was to produce an annual volume of undergraduate papers related to various issues within the study of federalism such as political theory, multi-level governance, and intergovernmental relations. It is important to highlight the fact that this journal exists solely for undergraduate students submissions. Federalism-e provides a forum encouraging research and scholarly debate amongst undergraduates which will hopefully germinate further interest in this field of study.

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Dans la treizième édition de ce journal, le mandat était de produire un recueil annuel des textes du premier cycle, et qui traitent de différents sujets, comme la théorie politique, le partage des pouvoirs et les relations intergouvernementales. Il est important de réitérer que ce recueil est mis de l'avant exclusivement pour les étudiants du premier cycle. Federalism-e a créé un forum promouvant la recherche et les débats académiques parmi la communauté du premier cycle, faisant grandir l'intérêt dans ce champ d'étude.

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Canadian Federal Spending Powers: The Impact on Health Care Delivery

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Introduction

National public health care has increasingly become a politically contentious concern for Canadian citizens since its establishment. The role of Canadian federalism and intergovernmental relations has been a major contributor to the controversy surrounding the funding, the development, and the outcome of health care policy. While federalism has been attributed to the expansion of health care in Canada, it has also been criticized for lacking efficiency and harbouring intergovernmental power struggles. Although the Constitution Act of 1867 outlines that provinces are responsible for health care in their jurisdiction, in practice there is actually an unclear division of powers between the two levels of government (Maioni 2002). Health care is an industry that is constantly transforming, but the framework of Canadian federalism is not proficient enough to keep up with these much needed changes. As a result, citizens may not be receiving the best health care available, and are caught in the tug of war between the provinces and the federal government.

In this paper, I argue that federal spending powers are intervening in provincial jurisdictions, through policies like the Canada Health Act (CHA) and the Established Programs Financing Act (EPF), and limiting provincial experimentation for innovative health care delivery. The federal framework is hindering interprovincial diversity and the provincial autonomy that essentially founded Canadian public health care. In the following sections, I will focus on Canadian intergovernmental relations and its effect on Medicare in terms of fiscal federalism, efficiency of policymaking, and the impact on citizens. Moreover, I will also address the future of health care in Canada with respect to federalism.

Origin of Public Health Care in Canada

The prevalence for national health insurance system and government intervention did not arise until the Second World War and the Great Depression, when Canadian citizens were severely devastated by social and economic fragility

(Bakvis, Baier and Brown 2009). Since the Second World War, the federal government played a more expansive role to develop social welfare. During the late 1940s, the province of Saskatchewan was able to successfully introduce the first model of public healthcare to its citizens through the Saskatchewan Hospitalization Act, a hospital insurance program (Wong 2005). Subsequently, this inspired the diffusion of public healthcare to other provinces in which the federal government played a key role as “a catalyst, convener and negotiator in federal-provincial cooperative efforts in health care”, according to Maioni (2002). Accordingly, the federal government introduced the Hospital Insurance and Diagnostic Services Act (HIDS) in 1957, and the Medical Care Insurance Act (Medicare) in 1966. These laws mandated that the federal government would subsidize 50% of provincial health expenditures through direct cash transfers, and that each province must adopt a health insurance policy by 1971 (Bakvis and Skogstad 2008, Wong 2005). The decentralized federal state encouraged the national expansion of health care, since provinces could experiment with policies while receiving federal support. This period of Canadian federalism has been called “Co-Operative Federalism”, as it is comprised of harmonious intergovernmental relationships, shared-cost federalism and flexible federal spending powers (Maioni 2002, Wong 2005).

Federal and Provincial Roles in Health Care

Canada is a relatively decentralized federal state that grants sovereignty to both orders of government within their respective jurisdictions. According to the Constitutional Act of 1867 (CA 1867), subsection 92(7) states that provinces are primarily responsible for health care and obtain the authorization to legislate in regards to the “Establishment, maintenance and management of hospitals, asylums and charities [excluding marine hospitals]”. Moreover, section 92(16) also grants the provincial government jurisdiction over “Generally all matters of a merely local or private nature in the province” (Bakvis and Skogstad 2008, Rocher and Smith 2002). While the federal government does not have a direct role in the matters of health care, they do have constitutional responsibilities outlined in Section 91(1) in regards to public health and the general welfare of people in the territories and under special classes. Moreover, Section 91(3) states that the federal government obtains the ability to “[raise] money by any mode or system of taxation”. Consequently, Ottawa has increasingly taken advantage of this by using its federal spending powers to gain political leverage, thus shaping policies in the realm of health care (Wong 2005).

In actuality, the provinces and territories are so politically, sociologically, and geographically diverse that Canada does not have a true national public health care system. Instead, Medicare is comprised of an amalgamation of 13 unique models of provincial and territorial health policies that are unified by overarching federal principles of Canadian health standards formed by the federal government (Wong 2005). Given the realities of the complexity of health care, the division of powers outlined in the CA 1867 are still ambiguous; and there will certainly be many federal-provincial jurisdictional overlaps. It is these unassigned, fluid responsibilities, that have been arenas of major political contestation and power struggles. Moreover, the unclear lines of responsibility lower the efficiency and promptness of health care provision to citizens.

Fiscal Federalism

The funding for Canadian health care is overseen by the two primary levels of government, federal and provincial, in a relationship called fiscal federalism. Fiscal federalism in health policy refers to the intergovernmental processes of taxation and expenditures that allow the provinces to adequately fulfill their constitutional requirement of health care delivery. This process is mainly carried out through the allocation of funds via federal spending powers, which is generally the national government's principal method of health care involvement. Federal spending powers include two kinds of payment schemes: cash payments (typically shared cost programs and block grants) and tax points (Maioni 2002).

Federal Spending Powers

During the establishment of health care, the federal spending powers were predominantly presented through 50:50 shared cost programs of the 1958 HIDS Act and the 1967 Medical Care Insurance Act. However, the federal government was not able to control their expenditures through the cost-sharing formula and, in turn, replaced that scheme with the EPF Act in 1977. The EPF Act reduced Ottawa's commitment to match provincial health expenditures, implementing block grants and permanent transfers of tax points; thus, allowing provinces to directly collect a percentage of federal tax revenues. Initially, the provinces saw this act as a means of increasing political autonomy and acquiring financial independence through greater taxation powers, as well as reducing federal oversight on health policies. Unfortunately, the EPF short-changed the provinces and there were major disparities in health care funding. Health care costs were rising above the rate of inflation and

GDP growth, which placed immense fiscal pressures on the provincial governments (Jordan 2009, Wong 2005). As a result, many provinces resorted to charging user fees and increased privatization which, as Jordan (2009) states, "was a move that threatened the integrity of Medicare".

The federal government was, indeed, losing grip over the health system and implemented the Canada Health Act (CHA) in 1984 to counteract the balance of powers. Essentially, the CHA re-established the federal role in health care and asserted five national standards from the Medical Care: universality, accessibility, comprehensiveness, portability, and public administration (Maioni 2002). The key aspects of the CHA are the financial penalties incurred on provinces that failed to meet the CHA requirements, and the guise that provinces would have more independence to make health care decisions (Johnson Redden 2002, Jordan 2009, Wong 2005). While the CHA strives to improve health care delivery through national norms like portability of health care and the prohibition of user-fees, the act actually undermines provincially policymaking (Fierlbeck 2002). The provinces are bound to national health care standards and are forced to expend resources on federal laws, thus taking away their liberty to allot those funds to innovative provincial health policies. Wong (2005) states that the CHA is "a straightjacket on provincial and territorial health policymakers" as the financial sanctions go against the principles of the Constitution. The CHA insists on the maintenance of national standards, but provides less funding than ever before. If similar levels of service were required across Canada, it would be necessary for the federal government to pay for it. To make matters worse, in 1989-1990 the EPF funds were scaled back and frozen, leaving provinces with less federal financial support (Maioni 2002). The CHA and lack of EPF funds caused extreme intergovernmental tensions, as the provinces were required to meet CHA standards with meagre financial resources.

During the mid-1990s, it was evident that poor fiscal relations and national debt were affecting citizens' abilities to receive health care. Extreme cuts in a number of provincial budgets were leading to major shortcomings in health care delivery such as hospital closures, bed shortages, increased waiting times, reductions in services, and salary caps for specialist physicians (Maioni 2002). Furthermore, Ottawa introduced the Canada Health and Social Transfer (CHST) scheme in 1995, a system that combined cash transfer for social assistance, health, and post-secondary education into a single block fund (Wong 2005). The CHST ultimately replaced the EPF Fund, and obligated the provinces to prioritize funding between other social programs.

Intergovernmental relationships in regards to health care funding have been characterized by power struggles and assertions of political autonomy. The federal government has assumed entitlement to use its spending powers by setting federally construed health standards over provinces, which have raised numerous political and constitutional concerns (Rocher and Smith 2002). Since the 1977 EPF Act, the federal government has drastically decreased funding for health programs. Cash payments and tax points from the federal government totalled 27.5% of total provincial health spending in 2001-2, which is a significant reduction from the initial 50% in the postwar era (Wong 2005). The various changes made to the transfer payment system offer uncertainty to the provincial governments, and hinder their ability to make important long term health care plans. Since long term planning is an essential strategy for optimal health care delivery, citizens may be receiving the short end of the stick due to fluctuating intergovernmental relationships.

Fiscal Imbalance

Additionally, the existence of vertical and horizontal fiscal imbalance (VFI and HFI, respectively) has spurred health care debates nationwide. Contrary to the opinion of the national government, it is alleged that the federal retrenchment period during the 1990s is the main cause for the VFI. Since then, the provinces have struggled to meet the expenditure requirements, and claim that Ottawa has not fully restored this imbalance. On the other hand, the federal government has been working to address the HFI through equalization payments, in order for the “have-not” provinces to provide reasonable and comparable public health services (Bakvis, Baier and Brown 2009, Lazar 2004).

Though the federal and provincial government have both assumed roles for health care provision, both orders simply have conflicting views of fiscal responsibility. Johnson Redden (2002) clearly summarizes this intergovernmental clash as she states that the provinces focus on autonomy in policymaking and securing funding to adequately provide health care, whereas the federal government are concerned with controlling costs and enforcing national standards. The story of fiscal federalism narrates strained intergovernmental interactions that are mainly correlated with funding concerns. Consequently, the early harmonious relationship of “cooperative federalism” seen in the early postwar period eventually subsided in the 1990s to a more antagonistic mode of intergovernmental relationships between Ottawa and the provincial governments (Johnson Redden 2002, Wong 2005).

Process versus Outcome

Although federalism has significantly contributed to the creation of Canadian health care, there have been claims that it can ultimately be ineffective for the system. Are institutional structures preventing Canadian citizens from receiving the finest health care? Johnson Redden (2002) argues that even though federalism has established a set of stable and efficient arrangements, it doesn't contribute to the development of an effective system and may instead undermine its overall effectiveness. She also states that the current intergovernmental framework of Canadian health care is too narrow, as it concentrates on the process of policymaking more than on the policy outcome itself (Johnson & Redden 2002). Thus, intergovernmental struggles for stability may actually be counterproductive to the foundation of the health system. As a result, federalism imposes limitations to policy flexibility and adaptability, while possibly deterring necessary adjustments to the system. Health care is an ever-changing field that requires constant policy change and innovation. Slow policy updates may be detrimental to the provision of health care to citizens. Moreover, it is possible that intergovernmental concerns have taken priority over health care related issue, which means that proposals for health reforms, improvements, and experimentation may not be receiving sufficient deliberation.

Accountability and Veto Players

The existence of veto players in the institutional properties of federalism tends to produce difficulties when trying to assert accountability. Alas, Canadians could not identify the order of government that was responsible for the cuts in health spending. Jordan (2009) states that by the year 2000 the decline in health spending became a severe concern, but the complexity of the intergovernmental system and the provincial-federal internal strife rendered it challenging to assess blame and accountability. The inability to hold political actors responsible may possibly lead to a policymaking stalemate, thus slowing down the progression of health care and hindering service delivery to citizens. Likewise, conflicts in the intergovernmental system are detrimental as citizens may ultimately lose faith in the health care system because they do not know to whom they should assess blame. Moreover, Maioni (2002) states that the lack of accountability may lead to a lack of public support, which is damaging to the federation, but also harmful to the quality of citizens' life.

On the other hand, Rocher and Smith (2002) argue that multiple veto points may provide numerous accessible opportunities for policy change, especially for social forces who seek to influence health policy. At the same time, one must consider all other institutional factors present in Canadian federalism as dynamics like executive federalism may not even be swayed by interest groups. Thus, institutional structures play an important role in policy making and have a noteworthy impact on citizens and their health care system.

The Future of Medicare in Canada

As we have seen, Canadian federalism brought positive and negative effects to the health care system. While the decentralized federal framework embraced interprovincial diversity to establish health care, it also set limitations on provincial autonomy through national standards of the CHA. How can Canadian federalism contribute to the progression of the health system and move forward from past setbacks to provide excellent care for citizens?

The intergovernmental tensions that have arisen from fiscal disagreements are evidence that there is a need for mechanisms to mediate intergovernmental conflicts. In 1999, the federal and provincial governments (with the exception of Quebec) introduced the Social Union Framework Agreement (SUFA), which acknowledges the requirement for more transparency and consultation in intergovernmental policymaking to eliminate federal-provincial disparities (Bakvis, Baier and Brown 2009, Fierlbeck 2002, Maioni 2002).

In 2002, a report from the Commission on the Future of Health Care in Canada, known as the Romanow Report, suggested numerous changes, such as a \$15 billion dollar injection, in order to sustain the Medicare in Canada. It was uncertain if the report would have any policy impact, but the federal government immediately responded with the commitment of \$30 billion towards health care for the next ten years (Wong 2005). This is quite a sizeable contribution as Wong (2005) affirms that “the total public health spending in 2001-2 amounted to \$74.6 billion”. Accordingly, the quick federal response to the Romanow Report indicates an effort towards recovery from ongoing intergovernmental tensions, but also a promising outlook for the future health of Canadian citizens.

Conclusion

In the past decade, Canadian federalism has made positive and negative contributions to public health care. The decentralized federal framework allowed for provincial policy experimentation, while intergovernmental relationships supported policy expansion. In contrast, the complexity of intergovernmental relationships and the unclear delineation between the roles for both orders of government have caused considerable delays in health care delivery. The controversies of fiscal federalism and fiscal imbalances continue to pose questions about the need for more transparency and accountability within the federation. Furthermore, federal spending powers and their interference in provincial jurisdictions have been a hotly contested issue. Policies like the EPF and the CHA interfere with provincial jurisdictions, and prevent policy experimentation that may lead to revolutionary ideas like the establishment of health care. Though it is important to note that by being an enabler rather than an enforcer, the holistic perspective of the national government can be highly beneficial when envisioning long-term goals. Nevertheless, the current path of health care is heading towards an era of complementary intergovernmental interactions as a result of documents like the Romanow Report. As a result, Canadians should look forward to the development of a more efficient, innovative and reliable public health care system in the near future.

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Institutional Barriers to Increasing Representation of Women in Canadian Government

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An important function of Canadian political institutions is the task of representation. Ideally, the different arenas of a democratic government which make important policy decisions regarding the population should mirror its constituents. Yet, women, who comprise half of Canada's population, are far outnumbered by men in important policy sectors such as the House of Commons and Cabinet. This "democratic deficit" of underrepresentation will be the focus of this paper (Trimble & Arscott 2008, 3). This paper will investigate how women are underrepresented in terms of employment in Canadian government. Specifically, this paper will argue that Canadian institutions are constrained in their effort to represent women and require the implementation of institutional reform. This paper will define greater representation of women as greater employment in government and the formal decision-making process. This paper will explain constraints of institutions by examining efforts and their inability to enforce employment and pay equity for women in order to encourage their involvement in government. These past efforts, this paper argues, faced fundamental institutional barriers of party pressures, lack of specificity, and difficulties in passing legislation which limited their potential success. Institutional reform in the form of lessening such internal constraints is needed to help pass legislation to increase representation of women and decrease the democratic deficit on a larger scale.

This paper will begin by indicating the lack of women in higher levels of government. It will expand on the barriers they face to demonstrate the need for greater representation. It will then give a brief overview of two strategies aimed at increasing representation: pay and employment equity measures employed by institutions in the past. Instead of focusing on the social movements and cultural shifts towards the employment of women, this paper will focus primarily on these direct initiatives of Canadian institutions. These strategies and their failure to increase women in government to mirror population demographics will be analyzed. This paper will then demonstrate that a broader institutional problem is at fault for the relative unsuccessfulness of these policies. This paper will argue that this larger issue urges the need for institutional reform.

To understand the need for investigating the underrepresentation of women in Canadian government, it is necessary to examine certain pertinent facts. Women constitute nearly 52 percent of the Canadian population and about as much of the electorate (Brooks 2009, 424). Though women slightly outnumber men in the population, they continue to be a minority in the government. Few women have held the highest positions in provincial and federal governments; the number of which can be counted on the fingers of two hands (Brooks 2009, 424). Women constitute 20 percent of members in the House of Commons ("Women: Federal Political Representation" 2010, para. 1). The House, representing the bulk of Canadian Parliament, is recognized as housing the dominant legislative chamber in the federal government and is expected to represent different ridings, and thus constituents, across the provinces ("Women: Federal Political Representation" 2010, para. 1). Low levels of women are particularly apparent in high levels of government. This observation is what Bashevkin terms, the "higher the fewer" (Bashevkin 2009, 4). By this, Bashevkin means that the higher one goes in the levels of government, the fewer women one sees. This demonstrates that a fundamental crisis is apparent in Canadian government. Little more than half the population of a democratically governed society is disproportionately represented by a small minority employed in the main decision making office. Legitimacy and representational functions of government institutions appear unfulfilled and a shortage in Canadian democracy thus becomes apparent.

While women are generally underrepresented in Canadian government, major strides have been made by political decisions to increase women's political employment in the past. From the 1970s to the year 2007, the number of women in Ontario legislatures peaked in the 1990s (Bashevkin 2009, 95). This marked a high point in the representation of women in government likely due to a combination of feminist social movements and political decisions. The latter consisted of policies passed by the Ontario New Democratic Party (NDP). Affirmative action legislation, requiring the improvement in the representation of women in internal party bodies, was enacted in 1982 (Bashevkin 2009, 94). The party also demanded a focus on the nomination of candidates from minority target groups which included women. As a result, the NDP nominated a record number of women candidates in 1990 (Bashevkin 2009, 95). Other awareness activities about the need to employ more women in political bodies were conducted and various provisions, such as child care expenses, were provided by the NDP to further encourage women to become politically active (Bashevkin 2009, 95). When the NDP gained power in 1990, it brought a striking number of women into Parliament (Bashevkin 2009, 96). It is not

surprising that just a few years later these successes resulted in the election of the first female Prime Minister, Kim Campbell and an unprecedented amount of women in the House of Commons (Tremblay & Andrew 1998, 221). These strides justify the need for political decision making bodies to actively introduce political measures enforcing greater representation of women.

These measures, however, did not succeed in eliminating all systemic barriers to women's political employment in Canada. Bashevkin recognizes that certain "stage" barriers to women's involvement in political office still exist (Bashevkin 2009, 108). These barriers take the form of the actual political environment or structural barriers in government which hurt democratic representation. The stage of politics in Canada is one in which certain electoral rules, policies, and party conditions make it difficult for women to become active in political office. From this, it can be interpreted that the current stage or rules of the game of Canadian politics inhibit representation of women. This points to a larger systemic problem of Canadian institutions which fail to fulfill their democratic role of representation. These rules or conventions include that fact that parties in power are less likely to recruit women, or that women do better in political environments of less competition (Bashevkin 2009, 109). The rules or measures which Bashevkin calls for to alleviate the hostility towards women in the political environment consist of a non-adversarial political stage in which egalitarian, left-wing parties who have good relations with feminist groups are in power (Ibid, 109). These conditions create the ideal environment for women to strive in politics. With the opposite of these conditions currently in effect, women face structural stage barriers to political employment. By this scenario, the capacity for representation of women depends on a change in the rules of the game, that is, in the current rules and conventions of Canadian political institutions. The rules of current game of Canadian politics are unfair and undemocratic (Paxton & Hughes 2007, 8). This necessitates a change or reform in the rules of the game, or in the running of Canadian institutions.

Clement addresses specific institutional political decisions which have further entrenched a hostile political environment for women in Canada. While Canadian efforts to increase representation of women in the decision making process appeared to peak just before the 1990s, these initiatives saw a decline from then on. Clement argues this shift in focus from the issue of women's representation was issuing from a shift in policy (Clement 2008, 107). A dramatic change in Canada's party ordering system saw the Conservatives gaining power in Parliament in the 1990s (Tremblay & Andrew 1998, 222). Once in power, they eliminated funding to

women's organizations such as the National Action Committee on the Status of Women which advocated increased involvement in public life (Clement 2008, 108). Additionally, a \$5 billion daycare program was rejected by legislation (Clement 2008, 108). A new stage was set, empowering a right-wing party with evidently no interest in maintaining good relations with feminist organizations or their cause. It seemed the rules of the game were being tweaked, though not in favour of women. As Clement argues, this shift proved the claim that barriers to women's employment in Canadian government stemmed from systemic problems (Ibid, 107).

In the past twenty years, Canadian political institutions have devised various policies to increase the number of women in government. These employment strategies were meant to enforce greater gender equality and thus representation in government. Of these strategies, pay and employment equity measures in particular have an ability to promote greater representation in political office by increasing the quality of work for women (Tremblay & Andrew 1998, 85). In terms of pay equity, legislation for equal pay of equal value was passed federally and provincially in the 1950s and included in the 1971 Canada Labour Code (Tremblay & Andrew 1998, 91). However, the legislation passed was innately flawed by vagueness surrounding the definition of equal value which made complaints difficult to file as few ever were (Tremblay & Andrew 1998, 92). Yet, this vagueness was fundamental to its passing as catering to many interests, provincial and federal, inherently reduces the complexity of most issues targeted by legislation until only a bare bones of the intended policy is left. That seems the only way to get such a, at the time, radical policy passed in a federalist system which requires agreements of many different governments. Employment equity for women was targeted by the Canadian Human Rights Act in 1977 and the Charter in 1982 meant to eliminate discrimination in recruitment based on identity (Tremblay & Andrew 1998, 92). Like the pay equity legislation, these all-encompassing measures lacked a clear mandate and proved logistically impossible to enforce (Tremblay & Andrew 1998, 93). Other measures, such as childcare and maternity leave may also facilitate employment of women, though these have difficulty passing through legislation due to party pressures, budget issues, and other institutional constraints. For example, as mentioned before, childcare plans were rejected by the Conservative government during the 1990s likely due to pressures from party leaders adamant on keeping with the original party stance against such costly pro-women's employment measures. Though these measures appeared forward-thinking on the issue of women's employment, they stand as examples of how institutional constraints can reduce the actual success of these well-meaning efforts.

Although these measures appeared to be initially successful, women continue to constitute only 20 percent of members of the House of Commons (“Women: Federal Political Representation” 2010, para. 1). Even though formal legislation for equal employment has passed, “veiled discrimination” in recruiting women still exists (Paxton & Hughes 2007, 3). The reason for the apparent stagnation in success of these policies can be linked to broader institutional issues and constraints. As mentioned before, this paper believes it is these constraints which perpetuate this “democratic deficit” in Canada. This deficit is defined by this paper to be in part due to the underrepresentation of women in government. As such, democracy, though notoriously hard to define, is taken to be largely a measure of how well political decision making bodies represent or mirror their constituents. In such a government, there is a greater diversity of values and ideas essential to unbiased democratic decision making (Paxton & Hughes 2007, 14). Naturally, it is expected that half of the population of a country not be underrepresented in a democratic government. Some may argue that even the election or employment of women may not increase the number of politicians striving for and supporting women’s issues. However, it would still increase the diversity of ideas and policies debated by governmental institutions, thus enhancing democracy. Though measures to eliminate this deficit, such as the 1982 Charter of Rights and 1971 Labour Code have been implemented, there continues to be a discrepancy or “glass ceiling” between their intended effects and real world potential of achieving those (Trimble & Arscott, 2008 3). Sometimes, it seems, these measures themselves stagnate efforts to increase representation. This may be due to the institutions designing and implementing as well as their sheer vagueness and indirectness in addressing issues. This is why this paper argues for broader institutional reform or lessening of constraints on institutions to more effectively pass legislation targeting the underrepresentation of women.

Institutional reform can consist of simply less constraints on institutions, such as the courts or legislature, when they attempt to pass bills or policies that will help solve widely agreed upon challenges to democracy in Canada. In this sense, it is not a complete restructuring of the political system or even radically different employment policies which must be adopted to increase representation of women. Instead, this paper recognizes the potential of past policies in attempting to bridge the gap between numbers of men and women in government. It argues that these policies had some impact, but were restrained in their effectiveness because of the way institutions were required to design them. Legislation and reports tackling the issue of underrepresentation of women are often made to be a small part of larger, and thus

vaguer, bills meant to solve too many ills in one time. This may be because other similar anti-discrimination efforts are often combined with women’s legislation in, for example, the Charter and Labour Code. Passing separate, more clarified and in depth legislation for each cause seems too difficult and vulnerable to opposition. It is for these reasons that this paper argues for less constraints on institutions when passing legislation for pro-democratic efforts, such as those to increase the representation and employment of women in government.

In conclusion, the current situation in Canadian political institutions is one which contributes to a discrepancy in democratic government. This discrepancy is the continued underrepresentation, in the form of employment, of women in government. The current rules of the game, it appears, perpetuate this inequality between men and women. Though strategies to increase female employment such as pay and employment equity have made some impact, they appear to have stagnated in their success in recent years. This is proven by the continued low numbers of women in government. This persistence points to a larger systemic problem in Canadian government, recognized by this paper as the constraints around decision making institutions. Policies to fight discrimination are often vague and indirect when passed and remain difficult to enforce as a result. This indicates that there is a need for institutional reform in Canadian government, specifically, a lessening of internal constraints.

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A Tocquevillian Examination of Individualism in Early American Federalism

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“From the dawn of the colonial era, long before they even had a national identity, Americans have always felt they had a special role in the world...”(Rosenberg, 2011)

Many pundits commenting on early American affairs, such as Alexis de Tocqueville, believed that the United States of America benefitted from a unique societal and geographic context which would ultimately drive the narrative behind what is now being called American exceptionalism. This unique experience has permeated almost all facets of its state-centric federal system. The maximization of individual liberty was a driving factor in the American Revolution and it continued to drive a unique sense of nationalism which was later evoked on a continental basis. The American Revolution gave rise to a national emancipation movement driven by the revisionist values of liberty, egalitarianism, individualism and populism. The American Revolution held these values highly and attempted to redress longstanding grievances with an oppressive colonial master. Despite the appeal that liberty and egalitarianism had to the American individual, the United States had not completely broken away from European history, as it had retained class inequities, imperialism and war. The inescapable influences and pervasions of the old world would invariably conflict with the nationalistically driven ideals of emancipation, where the maximization of individual freedom, through the nation is seen as the true definition of freedom.

In early post-revolutionary America, the United States was a loosely organized coalition of states which coordinated their actions through a centralized government, and where the individual states would reluctantly concede their powers to the central through a constitutional agreement. Evidently, the United States of America may have started out as a confederation which had shared powers and responsibilities between its constituents, however, the fact that the American state construct degenerated into a federation (where the powers of the state are highly concentrated in a central authority) speaks to Tocqueville’s main point of criticism: that the inherent tyranny of the majority will eventually erode the democratic foundations of the American state concentrating true political power in the hands of

few selected elites. In this case, the tyranny of the majority means that decisions are made by a majority inherently will cater to its interests so far above those of an individual or minority group as to constitute active oppression (Mill & Currin 1996, 7)

In 1831, Alexis de Tocqueville went to America under the pretext of studying their prison system, but as a French aristocrat his implicit intent was to observe the inner workings of those equalitarian democratic doctrines that must ultimately become France’s destiny as they were in America. He focused on how America’s institutions, mores and society have been shaped and directed to mitigate the inherent tyranny of a majority, as it is often associated with democratically governed states. But how does this exactly relate to nationalism? Well, as a brief overview of how the logical argumentation in this paper is to develop, it begins with a Tocquevillian understanding of the tyranny of the majority; the majority in this case happens to be a nation in its own right, and the tyranny it imposes, by way of the government, ultimately delineates the role of the individual in society. This paper’s analysis will take a rather holistic approach in examining each level of the American federal state apparatus, which invariably includes the American people and ultimately the singular individual, in order to demonstrate the following thesis: the role of an individual in a federal system, within the established framework of nationalism, is that of subordination. This thesis will be developed by first examining individualism within the American nationalist ideology. This concept of the individual will be compared to the American societal framework of democratic despotism, and finally the role of an individual will be explained in relation to the federal construct of democratic despotism.

American Individualism in Nationalism

Alexis de Tocqueville, being the first to critically examine the American state construct, believed that it was not only the emancipation from British rule that drove this nationalistic movement, but rather *“a thousand special causes ... have singularly concurred to fix the mind of the American upon purely practical objects”* (Rosenberg, 2011). In Tocqueville’s examination of post-revolutionary America, he believed that an individual’s loyalty was based on proximity, where an inherent hierarchy of loyalties developed from the citizen himself to his family, to his community, to his state, and finally to the whole of the union. This bottom up system of loyalty can, and did in the American Civil war, conflict with the top-down approach of subordination found in most federal arrangements. Although

Democratic Despotism

confederations may skew the conceptual framework of a federal system, this is only a slight deviance from the core argument that the individual is ultimately subjugated to the will of his nation. As Tocqueville has noted in his work *Democracy in America*, this sort of hierarchy of loyalties eventually culminates into the tyrannical rule of the majority, and given the top down structure of the American federal system, the individual's role is that of subordination to his family, to his community, to his state and finally to his nation.

Of course, one of the first problems we face in attempting to demonstrate the role of the individual within nationalism is that almost no one has explicitly written on this subject. However, those who had done so, would not expand upon the exiting ideological framework of nationalism far enough as to include a conceptual role of the individual. For example, Vincent has been reluctant to assign a role to the individual within nationalism due to its constantly changing and easily mutable nature instead opting for Ernst Renan's simplistic spiritual principle (Vincent 2009, 234). Despite this, he does reluctantly admit the possibility that the role of the individual can be understood through his community, and ultimately his nation (Vincent 2009, 240). However Vincent is not alone in adopting a rather holistic approach in order to understand the role of the individual within a nationalistic society. Both Johann Gottfried Herder and Johann Gottlieb Fichte had understood the role of the individual through a common humanity (*Humanität*) devoid of immediate local and intrusive ideological pervasions (Ball 2006, 172). That said, one must invariably examine the relationship of the individual to society, as opposed to the individual himself, if one wants to develop a legitimate conception of the individual within a nationalistic society. One of the problems with nationalism is that it is often understood in terms of localism and particularity of one nation (Vincent 2009, 228). More often than not, the role of the individual in these particular cases is often based on other ideological pervasions, which are not at all exclusive to the ideology of nationalism. Another fundamental assumption that must be made here is that nationalism can produce a standalone ideological framework upon which societies can be socially constructed. Unfortunately, if this paper seeks to establish a cross cutting concept of human nature, particularly the role of the individual in nationalism, it will have to examine aspects of nationalistic locality and particularity. In examining the American nation, the aspects of locality and particularity will draw upon the findings of Alexis de Tocqueville, as they were written in his exploratory work *Democracy in America*.

The inherent tyranny of the majority was a fearful concept born out of Tocqueville's aristocratic analysis of the French revolution and its subsequent democratic principles. Democracy, as it is understood in the context of the American nation, was a deliberate attempt to reconcile liberty and equality. From the township, to the whole of the American nation, each different level of government was built upon the democratic foundations and practices of its smaller constituencies. Tocqueville warned that the democratic principles in place might eventually degenerate into despotism, which invariably would culminate into an illegitimate, absolute political leadership (Marchall & Drescher 1968, 512-532). This particular type democratic despotism implies that the tyrannical rule of the majority is absolute at all levels of government, because the American people have the ability to democratically select their municipal, state, federal and the executive leadership. Once selected through popular consensus these individuals elect rule with the power of the people, which is itself the ultimate source of authority according to the American constitutional arrangement. The tyrannical rule of the majority is absolute at all levels of government, because it derives its power from an absolute source according to the American constitution, namely the American people.

Tocqueville believed that unless adequate safeguards were established against the inherent tyranny of the majority, degeneration into democratic despotism would be inevitable. Tocqueville found that America was far from a democracy, but rather it appeared to function as a republic with democratic elements. One of these democratic elements was the election of leaders at various levels of government through popular consensus; leaders who, once elected, would be free to determine policy without public consent, at least until the next election. The equalitarian values of the American Revolution were repetitively restrained and perpetuated by means of an electoral system, which in itself reinforced the logistical need for a despotic class of rulers to make policy decisions on an almost daily basis. The very fact that it is not people themselves who determine policy on a daily basis, but rather submit themselves to the will of a democratically elected system of despots is itself the epitome of democratic despotism. Government officials, who make the bulk of American policy decisions, are mostly democratically elected by the will of the American majority. In this case, the will of the American majority has been pervaded by the equalitarian values of religion as well as a sense of continental patriotism, which was then later strengthened through the American Revolution. It was through

the American Revolution that the true characteristics of American Nationalism would be born out of, and ultimately helped define the American nation.

It is in his early observations that Tocqueville vaguely outlines what is the American nation, which of course completely excludes both the Native Americans and the African Americans. As to why the omission of these two groups (were somewhat excluded in) from his analysis of the American nation might simply be just a question of practicality; as no noble French man would have seen the use in conversing with such people, but at the same time, it allows for a more homogenous concept of the American nation-state: *“The term nation usually denotes a group of people who have some common ancestry, history culture and language, which figure as a focus of symbolic loyalty and affection”* (Vincent 2009, 227). How this applies to the American nation is quite evident, as America was founded by puritanical pilgrims who sought to create a society which truly represented their religious belief system. These very same pilgrims did not experience any significant hardship in their mother country, as they were usually well educated and wealthy. However, they came to America so that they might live their lives in a somewhat puritanical Christian fashion. In doing so, they came to America essentially under the same socio-economic conditions and given their common origin, this invariably enabled a sort of common ancestry, history, culture and language. From the arrival of the first pilgrims, to when Tocqueville actually set foot in America, there must have been some reasons as to why these national bonds remained unchanged throughout what was to become the common history of the American nation. The unclaimed vastness of the American landscape provided opportunities that were uncommon everywhere else around the globe, and in this case appeared to be virtually endless. Whereas most of the European nations at the time had already expanded to the inherent limits of their territory, the Americans were continually expanding and continued to do so at an alarming rate (Tocqueville 1957, 142). In turn, this continual expansion allowed the American Nation to expand its language, culture, religion and other such national characteristics largely because they were left unhindered by the pervasive influences of other nations as it was the case in Europe.

Territorial considerations alone would not be sufficient in maintaining this American national homogeneity, as culture would have an even greater impact on not just the nation, but the individuals within a nation. In America, individuals who differed slightly from the majority in any fashion would invariably be conditioned by American laws to adopt a similar lifestyle, and thus began the “forceful” creation of a largely homogenous Anglo American society, or better yet, a true nation-state.

Since its inception, the America Nation has raised formidable barriers around the liberty of opinion, where one is generally shunned for adopting ideas, or a lifestyle, that differs from that of the majority. In fact, Tocqueville believes that it is not a freedom of speech that is absent in America, but rather a freedom of opinion. (Tocqueville 1957, 114) This coercive aspect of American society served to encourage an equally insidious form of tyranny which made governmental participation unnecessary (Horowitz 1996, 297). In the American context, the majority not only regulated the actions of men by virtue of a numerical superiority, but it also manipulated their political will as to suit the interests of the majority (Horowitz 1996, 301). Any amendment to the American constitutional arrangement, which ultimately defines the American nation as well as its federal structure, requires the support of two thirds of the state legislatures. The majority alone has the power to modify this constitutional arrangement, which serves to regulate the actions of men and ultimately to define the American nation. The link between the American nation and the majority is apparent in light of the requirements for constitutional amendments. Tocqueville appears to be absolutely correct in his belief that despotism had arrived at a new stage of perfection, since those who were oppressed glorified their oppression and honoured their oppressor (Horowitz 1966, 303). Although, one must understand that such vindication, took place under the veil of patriotism and nationalism.

Federal Construct of Democratic Despotism

Now why would individuals willingly support strong nationalist movements which would ultimately seek to subordinate these very same individuals by means of a democratic despotism? From the individual’s standpoint, it seems almost counter intuitive to willingly give up your own freedoms in a nationalistic fervour, yet this is exactly what happened to the puritanical pilgrims who founded the American nation. The majority of the actions undertaken by the American state were accomplished by society for society, as every individual had both a share and a vested interest in the powers of statecraft. *“The nation participates in the making of its laws by the choice of its legislature and in the execution of them by the choice of the agents of the executive government; it may almost govern itself executors, so feeble and so restricted is the share left to the administration, so little do the authorities forget their popular origin and the power from which they emanate”* (Tocqueville 1957, 56-57). As legislation in America was usually voted in by popular consensus, this empowered the individual with enormous political clout. However, the political power of popular consensus would be heavily restrained in its application, as no

individual would dare use it against his national community. In terms of the formulation of legislation, it appears that America has no real way to escape the tyrannical rule imposed upon it by way of democratic despotism. Despite this, the individual still believes that nationalism simply provides a strong vehicle, through which his or her interest may be pursued. Personal interests will rarely triumph in issues considered to be of national interest, as the nation invariably has more power than the individual just on the fact that majority, which is embodied by the nation, is far stronger than its constituents. Given the popularized forms of patriotism, nationalism in itself is often seen as a form of emancipation, but in reality it continues to subordinate the individual to the federal state.

The American federal state is crafted in such a fashion, as to perpetuate the democratic despotism that Tocqueville was so fearful of into every facet of the American government. The consensual democratically inclined decision making model implemented at each level of government reinforces the tyranny of the majority. Each level of government is a majority in its own right; however its interaction with other “majority” governments makes it a minority in its own right. Quite simply for an individual to be elected in the American system one must win the majority of votes, then policy decisions at the state and federal levels are determined by the majority of these elected officials. The compounded effect of succeeding levels of tyrannical majorities eventually leads to the creation of democratically despotic federal state. The individual freedoms enjoyed by the average American citizen were no different in pre-revolutionary America because back then “*colonists were [also] subject to multiple ascending layers of political authority (i.e., colonial legislature, royal governor, Parliament, Privy Council), [and] only a minor conceptual adjustment was needed following independence to establish the Constitution’s two-level federal structure of state and national authority*” (Lacroix 2010, 453).

Given that America had been founded by thirteen separate colonies that were once united against a common enemy, it should be of no surprise that certain vestiges of these colonies remain within the current constitutional arrangement. This is in part reflected in the sovereignty that is allocated to each of these different states within the union. However, it was foreseen that eventually questions of authority would arise to which no ordinary court would be fit to arbitrate such matters. “*Thus, a high federal Court was created; one of whose duties was to maintain the balance of power between the two rival governments, as it had been established by the constitution.*” (Tocqueville 1957, 79) This constitutional court appeared in a sense to

provide a genuine safeguard against the supposed tyranny of the majority, and its adjudication would greatly expand the powers and responsibilities of the federal government. In fact, “*the national authority is more centralized there than it was in most of the absolute monarchies of Europe...*” (Tocqueville 1957, 80). The independence of a strong judiciary could essentially disintegrate the very core of the democratically despotic federal system, which was dependent on imposing the will of a majority upon minorities at various levels of government. By creating this powerful and independent institution, which would be able to mediate between state and general governments, “they gave their institutional choice of a judicial approach a normative edge. The Revolutionary belief in multiplicity thus melded with a new structural commitment to a judicial solution. The result was both ideology and institution, and it was called federalism” (Lacroix 2010, 458). Although federalism itself was an ingenious construct, it still had to contend with mores and beliefs of local institutions which strengthened the resolve of each township which still carried on the values of independence from the revolutionary war.

The laws that governed these societies, or townships as this was the exact entity that Tocqueville referred to, were almost always implemented by popular consensus. It would be through the voice of the majority that the particular moral codes which governed these townships would be forged. For example, “*they continually exercised the rights of sovereignty; they named their magistrates, concluded peace or declared war, made police regulations and enacted laws, as if their allegiance was only due to God*” (Tocqueville 1957, 44). In these American townships, it would seem that both democracy and religion had been mutually supportive elements, which acted as the very foundations of American nation. The pressure to conform into a homogenous nation is incredibly strong in America, as well there appears to be very few limitations on how society may exert these conforming pressures where even the constitution, the laws, and the government at all levels are bound to obey the will of the majority. The American nation, in both its culture and its institutions of government, subordinates the individual to the nation as a whole...Tocqueville seems to indicate just that, in reference to democracy; “*I have already observed that the advantage of democracy is not, as has been sometimes asserted, that it protects the interests of all, but simply that it protects those of the majority. In the United States, where the poor rule, the rich have always something to fear from the abuse of their power.*” (Tocqueville 1957, 108)

The judicial system in America was indeed quite unique, but at the same time it functioned much like its European counterparts. For example, much like the

French judiciary, an *“American judge can only pronounce a decision when litigation has arisen, he is conversant only with special cases, and he cannot act until the cause has been duly brought before the court”* (Tocqueville 1957, 75). Given that this is very much the same function that any European magistrate would fulfill, how is it that the American is so different that Tocqueville finds it absolutely necessary to devote a significant portion of his first book on this very issue? *“[Tocqueville] did not concern himself with the efficacy of the jury system in administering justice. Rather, he applauded the opportunity that the jury trial gave to judges and lawyers, men of learning and respectable position in society, to instruct the populace at large about the virtues of order, precedent, and tradition”* (Marchall and Drescher 1968, 528). One of the, if not the most important, difference between the American and the European judiciary is that *“the Americans have acknowledge the right of judges to found their decisions on the constitution rather than on the laws”* (Tocqueville 1957, 74). This in turn enables judges routinely, if they so please it, to nullify certain laws that originated from the respective legislative bodies of the state. This could lead to legislative bodies being easily dismissed by the whims of judges. In turn, this greatly increases the political power of said judges. In France judges are obliged to render verdict upon established laws, but in America judges are free to speculate on the constitutional validity of these laws and as such they may be omitted from judicial proceeding altogether. As to why the American have entrusted their judges with such powers is something that baffles Tocqueville, yet he does acknowledge that this is a good thing for America, assuming of course that judges are chosen based on their professional capabilities as opposed to simple popularity. Tocqueville believes that *“the power vested in the American courts of justice, of pronouncing a statute to be unconstitutional, forms one of the most powerful barriers which has ever been devised against the tyranny of political assemblies.”* (Tocqueville 1957, 79) However, this does not imply that judges may be able to overturn the will of the majority, as the very constitution that judge can use to nullify certain state-based laws is in itself an embodiment of America’s democratic despotism.

The constitution is the origin of all authority and the sole vehicle of predominant force, and in America it is essentially the law of laws. The constitution in America is unique, in so far as it is bound to the will of the people, where amending it requires referendums based on a popular consensus; *“...the constitutional mechanisms created by the U.S. framers –the whole “Madisonian” system of checks and balances – are insufficient to stop, and may even encourage the pressures of democratic sovereignty and majority tyranny”* (Kraynak 1987, 1187). It would seem that the constitution in itself is an embodiment of the supposed tyranny

of the majority, and encourages the creation of a democratically despotic regime within a federal framework. Despite being considered the “supreme” law of the United States of America, the constitution itself can easily be amended at the whim of the current tyrannical majority. Amendments to the constitution, require a national super majority of 67% in Congress, both House (people) and Senate (states) and then a super-super 75% majority of the states ratifying, which represents a majority of the people in the states ratifying (Lutz 1994). These “majority-rule” safeguards to the constitutional order were introduced into the constitutional arrangement at the expense of the individual who must submit himself to compounded levels of despotic majorities, who themselves are unable to encroach upon other legislative bodies, but may freely subjugated minorities in their respective constituents. The inclusion of an American Bill of Rights may have seems to be a safeguard against the tyrannical rule of the majority, as it required jury trials and a fundamental right to bear arms. However, one must understand that in jury trials, the American individual is still tried by a “tyrannical majority,” because the jury itself offers a final verdict of guilt or innocence based on the consensus of its members. Furthermore, members of a jury itself are legally bound to render judgement on the actions of the individual against the backdrop of laws that were themselves product of a tyrannical majority. Understandably, Tocqueville makes an important distinction between both the social mores of the American people and their legal system; in so far that he isolates the constitutional system from whole social order. The use of juries in the American context reinforces Tocqueville’s point that it is not the freedom of speech that is absent in America, but rather the freedom of opinion and this argument extends to the creation of legislation and ultimately the constitutional arrangement itself.

Given that the Americans have founded a democratic republic, there is no real mechanism in place to stop the supposed tyranny of the majority, which would then be free to change the constitution if it does not in fact reflect the will of the democratically governed despotic order. According to Toqueville’s observations, the democratic despotic order in the United States had not yet been carried to dangerous excesses, but it would inevitably do so according to President Madison. That being said, the central government believed it necessary to limit these tyrannical state-based majorities by the imposition of a veto power in the federal government (Lacroix 2011, 42-45). This re-asserts this paper’s belief that the American federal system is a series of despotic majorities compounded upon each other in a series of ascending layers of government to which the individual is ultimately subordinated to the tyranny of such a “majority”; *“The effect of incorporating the federal negative into the amended charter, [Madison] wrote, would be “not only to guard the*

national rights and interests against invasion, but also to restrain the States from thwarting and molesting each other, and even from oppressing the minority within themselves by paper money and other unrighteous measures which favour the interest of the majority.”(Lacroix 2010, 463) Unfortunately, Madison did not win this debate and the so called “federal negative” was shelved, perhaps due to the remorseful feelings of a previous imperial government. That being said, the tyranny of the majority was free to exert its perverted influences on the American judicial system and further enshrined the system of democratic despotism through the existing constitutional arrangement.

Conclusion

In conclusion, there is in fact a nationalist conception for the individual within federalism; the role of the individual will always be one of subordination to the national interest of his or her respective nation. As Tocqueville understood it, the American nation exerted considerable controls over the individuals in its society. Despite possible feelings of emancipation and empowerment in the American political system, individuals are unable to really do anything if it is deemed to be against the interests of their nation. The internal pressures of the American community have eroded the real political powers of the individual in favour of a more homogenous society, which furthers its interest by pressuring individuals into a collective mindset. Given the Tocquevillian understanding of the tyranny of the majority (the majority in this case happened to be a nation in its own right and the tyranny it imposed, by way of the federal government, delineated the subordinate role of the individual in society). Within the American federal system, nationalism has not entirely emancipated the individual, but rather has subjugated him to the will of the nation, or the federation. The real test for this particular conception of the individual in federalism would rest in its applicability to what history has labelled “federalist states”. If this can be done legitimately, then there is no doubt that this particular nationalistic conception of the individual in a federal system holds true and as such it will most likely further knowledge in this field. What this paper has done is lay the down framework for such a conception; however it does not prove very much on its own... unless the breath of cases is expanded and the inherent anachronistic arguments presented by Tocqueville are substantiated by modern sources.

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The Call for Senate Reform: An Implausible Demand

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From shortly before Confederation in 1871, to the present day, the western population of Canada has felt isolated. The western Canadians feel as though the power holders in Ottawa have too much control. A phenomenon which has led to this feeling of alienation is an Upper House staffed with federal government appointees. When constitutional negotiations were occurring in 1980, the premiers and Prime Minister were discussing what kind of changes should be made to the Constitution. At the time, the premier of Alberta brought up what is now one of, if not the, major issue in the West: Senate reform. This issue has led the West to view Ottawa as having too much power. Furthermore, it has led to the feeling of alienation. This paper will discuss why Senate reform is desirable, but not possible.

To begin, the current division of the Senate will be given, as well as a description of how Alberta ended up with fewer seats. By describing how the Senate is currently divided, one is able to see the significant power and influence that Ontario and Quebec hold over the other provinces in the Upper House. The Senate is divided as such: twenty-four seats for Ontario, twenty-four seats for Quebec, twenty-four seats for western Canada (six seats for Saskatchewan, six for Manitoba, six for Alberta, and six for British Columbia), ten seats for Nova Scotia, ten seats for New Brunswick, four seats for Prince Edward Island, and six seats for Newfoundland and Labrador. In addition, each territory has one seat.

Essentially, Alberta ended up with fewer seats in the Senate due to the fact that it joined thirty-eight years after the conception of the Confederation. More specifically, Alberta joined the Canadian Confederation in 1905. Alberta's physical distance from Ottawa was a major concern of its citizens. Historically, "when one turn[ed] west to the open prairies, the cities and towns fade[d] into the background and life concern[ed] itself with the fortunes of the elements... [Alberta's] greatness rest[ed] on wheat and cattle and all that [was] involved in raising these" (Watson 1965, 28). Although its physical distance from Ottawa has not changed, Alberta is now much more of an asset to the Canadian economy. This province is now counted on for much more than wheat and meat. The biggest item in this case would be Alberta's oil. Alberta's "Oil Sands are the third-largest proven crude oil reserve in the world, next to Saudi Arabia and Venezuela" (Government of Alberta, "Energy: Oil Sands"). Not only does this make Alberta a major contributor economically in Vol. 13 Federalism-E

Canada, but now Alberta has the possibility of becoming a major energy contributor globally. China, in particular, is a major energy consumer who has already showed interest in the Oil Sands.

In 2002, "Alberta [was a] 'have' province... being [one] of the three Canadian provinces whose economic position is sufficiently favourable that [it] does not receive equalization payments from the federal government" (Boychuk & Vannijnatten 2002, 9). That being said, should Alberta not have a greater voice in the Senate? Ontario, with four times the amount of say in the senate as Alberta, is currently a "have-not" province. Essentially, a poorer province is being given more power at the federal level. Overall, Alberta was late to join the Canada Confederation. As such, its particular influence, or political power, within Canada as a whole is less than Albertans would like. However, Alberta is gaining more influence now than it had in the past (i.e. the beginning of the twentieth century) due to its economic dominance.

In addition to economic dominance, Alberta also wants to dominant more politically. An obvious way to accomplish this would be through Senate reform. Currently, "the Canadian Senate is such a clear exception among federal systems across the world; no other democratic federal state has an upper house staffed by federal government appointees – actually prime ministerial appointees – with no input from the governments or citizens of the provinces they are deemed to represent. (Senators are appointed by the prime minister of the day and serve until age 75)" (Gibbins & Berdahl, 2003, 191). Evidently, those in the Senate lack much in the way of public credibility. The "Triple E model" dominates Senate reform discussions in the West. The three "E"s in this case stand for: a Senate based on direct popular election, equality of representation for the provinces, and a Senate to exercise effective powers (referring to the fact that the House of Commons is able to override Senate-made decisions) (Gibbins & Berdahl 2003, 193). Another point in favour of Senate reform would be that it "would provide a check on the power of the Prime Minister and cabinet" (Gibbins & Berdahl 2003, 193). However, "western Canadian discontent is not sufficient to ignite or drive constitutional change" (Gibbins & Berdahl 2003, 193) at this point in time.

Furthermore, the "Triple E is all about the foreground; there is no depth to the proposal because there is no depth to the analysis" (Smith 2003, 5). The analysis part that is referred to here is the "theory of practice" should a reform take place. Like many other ideas, they look better on paper than they do in practice. It would be

really hard to introduce the Triple E format. For example, an elected Senate: Canadians of all levels of society go to the polls rather frequently, whether it is for a municipal, provincial, or federal election. Even so, the voter turnout is never overly impressive. It would be difficult to get Canadian citizens to come out to another “kind” of election. People do not always tend to educate themselves on what the election is for and who to vote for. When helping out with the Kingston municipal elections in 2010, I was asked on numerous occasions by voters: “Who should I vote for?” People are ignorant, so why should they be trusted with such an important vote?

The next issue is equality. It has been many years since Confederation and equal representation should, theoretically, be a common trend nowadays. However, the government is still run by human beings. As a species, we are prone to seek whatever will benefit us the most, even if it means that someone around us suffers in comparison. Central Canada was the most powerful at Confederation, so why would it want to be any less powerful today?

The last issue is that regarding an effective Senate. Currently, the Senate does not possess much in the way of power as the House of Commons has the ability to overrule any decision. If this “veto” power were to be taken away, there would obviously be the chance of stalemates occurring. In order to avoid and/or get past this, someone would need to have the last say. But who would get such a say? The Governor General perhaps? Who then, would decide the individual who gets the final say? As author William Thorsell argues, “the next great Canadian cause should be reform of our electoral and parliamentary systems to require much more negotiation among political persuasions and regions through the life of any parliament. Our zero-sum democracy needs to move to a 60-40 democracy, where majorities prevail only after having to respond to other interests and opinions” (Gibbins & Berdahl 2003, 194). It should also be mentioned that the “Triple E proposal may not be forgotten but interest in it is at best episodic” (Gibbins & Berdahl 2003, 194). The interests and major concerns of citizens change rather frequently. If Senate reform is to be taken seriously, then the issue has to be the number one concern over a long period of time.

It has already been mentioned that one of the three “E”s stand for the effectiveness of the Senate. It should be pointed out that “until there is agreement on what the Senate is supposed to do, there will be no agreement on its modification” (Smith 2003, 6). The Senate would have to have the same responsibilities as it does

now concerning legislation, but be without the worry of its decisions being overruled by the House of Commons. Those within the Senate realize that they do not have the legitimacy that is required to refuse the passage of legislation. If senators were to be elected, then this would not be an issue. If this were not an issue, then it would take even longer to pass pieces of legislation. With respect to the Senate, how much power is too much?

Additionally, more seats for each of the provinces in the West would mean fewer seats, and therefore less power and influence, for the provinces of Ontario and Quebec. Seeing as “Quebec rather than the West drives the process” (Smith 2003, 6) of constitutional change, there is no wonder why Senate reform has yet to occur. Why would Quebec agree to Senate reform? That would mean giving up influence and power within the Senate. The fact that central Canadian provinces have more power than any province in the West further reinforces the West’s feelings of alienation and isolation.

Even so, the West has yet to give up on its hope for Senate reform. Not only has “such reform been accomplished by other countries,” (Gibbins & Berdahl 2003, 195) it is also believed that there are a number of factors that could lead to the rise of this issue again at the federal level. These factors include: the possibility of the independence movement rising again in Quebec, continental integration, democratic crisis in the Senate, developments with respect to Aboriginal self-government (and territory request for provincial recognition), etc. (Gibbins & Berdahl 2003, 195).

It is believed by separatists that a separation is needed should Quebec wish to gain full control over the French language and Quebecois culture. The belief that Quebec needs a “third opportunity” is held by many who wish to see an independent Quebec state. Well, what if the population of Quebec says “no” a third time? Are separatist political parties going to want to give Quebec citizens a fourth opportunity? Or possibly a fifth? Let’s be realistic here. The reason why the Bloc Quebecois (BQ) was so popular in the federal elections of 2004, 2006, and 2008 is due to the involvement of the Liberal Party of Canada (LPC – Quebec sector) in the Sponsorship Scandal. In 2000, the LPC held 172 seats in the House of Commons. In the 2004, 2006, 2008, and 2011 federal elections, the LPC seat count was 135, 103, seventy-seven, and thirty-four respectively state-wide (Simon Fraser University, “Canadian Election Results” 2000, 2004, 2006, 2008, and 2011). In Quebec, the LPC held thirty-six seats in 2000. In the 2004, 2006, 2008, and 2011 federal elections, the LPC seat count was twenty-one, thirteen, fourteen, and seven respectively (Simon

Fraser University, "Canadian Election Results" 2000, 2004, 2006, 2008, and 2011). Specifically after the 2004 federal elections (i.e. the height of the Sponsorship Scandal), the BQ recorded a high of fifty-four seats in the province of Quebec. This is the highest number of seats the BQ ever held. (This amount of seats was also seen in 1993).

As these figures demonstrate, support for a separatist political party only went up after the misfortune of another party. Once enough time passes, people will start to forget about the Sponsorship Scandal and people will once again start to support political parties other than the separatist parties. This was seen in the 2011 federal elections. As it has already been mentioned, the BQ only obtained seven seats in the last election. Clearly, citizens of Quebec do not merely vote for a separatist party because they want to separate. Quebecers will vote for whichever party they hate the least.

Yet another way to put Senate reform back on the agenda was discussed in the famous Alberta "firewall" letter, written in 2001 by Stephen Harper, Tom Flanagan, Ted Morton, Rainer Knopff, Andrew Cooks, and Ken Boessenkool. This includes the use of "section 88 of the Supreme Court's decision in the Quebec Secession Reference" (Harper & al. 2001, 1). This dictates that a "clear majority on a clear question" (Harper & al. 2001, 1) must be achieved in order to successfully attain a constitutional change. It will be hard to achieve "a clear majority on a clear question," however, seeing as people do not generally like change. A major contributor to this would be the fact that the Canadian public does not possess the knowledge required to fully understand the meaning of "Senate reform." The average citizen today probably could not even describe what the Senate does within the Canadian government and how individuals are selected to be senators. The public does not trust the government, or the politicians within. Many people believe that all politicians "lie, cheat, and steal."

Another way for Senate reform to become a reality would be via a national vote. This implies that the notion of Senate reform would have to be supported by people from across the country. What would be the benefit for citizens in Ontario and Quebec to vote for Senate reform? It is true that all senators would be considered "legitimate," but how could one convince Ontarians and Quebecers that the West gaining more power and influence within the Senate is beneficial for them?

Additionally, the West's feelings of alienation and isolation were not addressed in the Meech Lake Accord in 1987. The "accord's omission of Senate reform represented a major concession by Alberta's premier, Don Getty, who had publicly pledged to make Senate reform a condition for accepting Quebec's conditions" (Russell 2004, 137). It is important to note that the Meech Lake Accord did include "an interim amendment that until such time as Senate reform was accomplished, the federal government would appoint senators from lists submitted by the premiers" (Russell 2004, 137). This was added by Prime Minister Brian Mulroney in order to win over Alberta's premier, Getty. Overall, the accord was more aimed towards Quebec-based interests and not western Canadian-based interests. I am referring here to the "distinct society" clause of the Meech Lake Accord. Seeing as this particular accord was defeated in the end, it is evident that the West's concerns were not mended. As such, its feelings of alienation and isolation did not disappear. We would see a similar effect when the Charlottetown Accord in 1992 came and died in a similar fashion. Canadians, specifically western Canadians in this case, are not going to vote in favour of an accord which does not benefit them. Why would the non-Quebec residents vote for an accord which was to benefit Quebec more than them? Why would non-Western Canadian residents vote for an accord that was to benefit the West over them? And why would Western Canadians vote in favour of an accord which did not include the full idea of Senate reform? Answer: they would not.

In addition, numerous meetings have taken place between Ontario and the western provinces. The "main dialectic in these meetings was....a strong desire to curb central Canada's power in Ottawa" (Russell 2004, 196). As can be seen, it is the provinces with the most seats in the Senate which hold the most power in Canada: Ontario and Quebec. Senate reform is of symbolic significance. For the political elites in western Canada, Senate reform stands "for a restructuring of the federation to overcome the perceived domination of national affairs by central Canada" (Russell 2004, 205). Western Canada may want to take some of the power that central Canada currently holds, but central Canada is not going to give up even a fraction of its power and influence without a fight.

Other reasons which support why Senate reform is simply not possible include: (a) reforms can have contradicting effects depending on which role is being evaluated, (b) the current amending formula which requires a majority of the population and a majority of the provinces to amend the Senate's powers and the method of selection of its members, (c) the restrictive influence of the House of

Commons (Smith 2003, 4). With regards to the first argument (reforms can have contradicting effects depending on which role is being evaluated), it should be noted that western Canadians are concerned with the role of representation. Currently, the West is significantly outnumbered by central Canada with respect to population size. A reform, should one ever occur, would have to proceed with this in mind. But how would the West convince the rest of Canada that a reorganization of the Senate was desirable?

Concerning the second argument (the current amending formula which requires a majority of the population and a majority of the provinces to amend the Senate's powers and the method of selection of its members), this is referring to the need for a "clear majority on a clear question." The question is: "Should the Senate represent the provinces proportionally with regards to population and geographic size?" A clear majority would be hard to obtain considering that western Canadians are virtually the only ones interested in obtaining more seats in the Senate. One could consider the Territories, which are in search of provincial status, as being interested in Senate reform as well. But what about the rest of Canada? Are the Maritimes interested in Senate reform? Seeing as the Eastern provinces currently have thirty seats in the Senate (compared to the twenty-four West seats), it is doubtful that they would want the West to gain just as much, if not more, power than themselves.

Regarding the third reason (the restrictive influence of the House of Commons), how would proper representation benefit the country if the Senate still had little power over the Lower House? The power, or lack thereof, possessed by the Senate is an issue. As of now it seems as though it has none. Its powers need to be increased to a point where it has some kind of "real" authority. But what if the Senate were to obtain this "real" authority and have more power over the Lower House? This power in conjunction with legitimacy (from being elected) could lead to an Upper House with far too much control in relation to the Lower House.

There is a way, however, by which Senate reform could be slowly introduced. As it was pointed out earlier, current Prime Minister Stephen Harper was a co-author of the famous Alberta "firewall" letter. This dictates that Harper, from a Calgary (i.e. western Canadian) constituency, is a strong advocate of Senate reform. In June 2011, the Harper government induced the *Senate Reform Act* with the purpose of making "the Senate more democratic, accountable, and representative of Canadians" (Government of Canada: Democratic Reform, "Harper Government Introduces the Senate Reform Act"). The *Senate Reform Act*, introduced by the House of Commons, "provides a voluntary framework for provinces to implement a democratic process

that enables voters to select nominees for the Senate. The Prime Minister will be required to consider the names of Senate nominees when making recommendations on appointments to the Senate" (Government of Canada: Democratic Reform, "Harper Government Introduces the Senate Reform Act"). Although this initiative was a positive step in the direction of Senate reform, it is not binding. One should take note of words like "voluntary" and "consider." This Act provides that provinces should implement a process by which to nominate individuals to be senators. Furthermore, this Act requires that the Prime Minister needs to consider the names of Senate nominees, but not necessarily choose a particular individual from this list.

Many scholars believe "there is a practical need to do something in order to enhance the upper house and thereby make it a constructive element of Parliament within current constitutional arrangements" (Smith 2003, 4). As this paper is arguing, Senate reform is desirable, but not possible within the foreseeable future. Senate reform is desirable as elected senators would be considered more legitimate, equal representation would mean fairness for all provinces, and an effective Senate would be more beneficial with regards to the legitimacy of the Government of Canada. It is clear that something must be done to extinguish the feeling of alienation in western Canada, or it is possible that we will end up with the same separatist feelings that are still present in Quebec. But Senate reform is not possible for the moment seeing as all citizens across the country would have to be in accordance. What is the benefit for those in Central Canada to have fewer seats in the Senate? How would one convince the ill-informed Canadian public that this change would be a good idea? Would a vote for Senate reform spur another vote for Quebec sovereignty? These are just a few of the reasons why Senate reform is not going to occur any time soon via a popular vote (i.e. a referendum).

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Two Birds with One Stone: The political and environmental motives of Quebec's climate change policy

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La mise en œuvre de toute convention internationale relève de la responsabilité du Québec en ce qui a trait à ses domaines de responsabilités. Et à cet égard, en rapport avec les engagements pris par le Québec vis-à-vis de la Convention cadre des Nations Unies sur les changements climatiques et éventuellement du Protocole de Kyoto, ce sera avant tout par l'entremise du Plan d'action québécois sur les changements climatiques 2000-2002 que le Québec entend les réaliser et ce, dans un esprit de développement durable. (Drouin, 2000a)

-Energy Minister Jacques Brassard

In 2000 Quebec was about to host its provincial counterparts for that year's Joint Meeting of Ministers of the Environment and Energy in an effort to work in unison for the benefit of all Canadians and the environment. Quebec's Ministers were clear about their position on climate change policy. In their province, Quebec's policy will prevail. Federalism lies at the heart of the political dispute between Quebec and the federal government over the implementation of the Kyoto Protocol. Quebec has pressured the federal government to maintain its commitments to the international community, and has been critical of its approach to meeting them. It has seriously considered the commitments Canada has made, and in the process, diverged from federal climate change policy by taking a more global perspective. This has enabled the province to generate greater provincial powers within Canada, in line with the Quebec Liberal Party's concept of federalism. This essay will investigate climate change policy in Quebec after the Quiet Revolution, focusing on the differences between this province and the federal government's approach to international climate change agreements—specifically the Kyoto Protocol. Quebec has developed firmer climate change policy than the federal government. While this is possible because of Quebec's energy industry and the fact that it does not have to compromise with other jurisdictions in the federation, it has provided an additional outlet for the Quebecois sense of distinctiveness in Canada. This essay will argue that Quebec pursues a more ambitious climate change policy than the federal government in order to increase its provincial powers within the Canadian federation.

This paper will begin with an exposition of how Garth Stevenson describes Quebec's notion of federalism, which will be followed by an explanation of climate

change. It will then proceed with an overview of the international climate change policy regime. An outline of Judith McKenzie's three environmental policy eras in Canada: 1968 to 1972, mid-1980s to mid-1990s, and mid-1990s to present will follow. A more detailed account of the third era will be given, as policy began to address climate change specifically. The constitutional division of powers makes implementing international agreements difficult because federal and provincial governments are both responsible for environmental policy (McKenzie 2002, 107). The federal government's jurisdiction over criminal law, seacoast and inland fisheries, navigation and shipping, taxation, census, foreign relations, and works aimed at Canada's national interest, permits the development of environmental legislation at the national level (MacKay 2004-2005, 26). Provinces, however, have become the primary vehicles for strong policy in this field. The Constitution allocates authority to the provinces over local works and undertakings, municipalities, provincial public lands, matters of a local or private nature, enforcement of provincial law, property and civil law, and the development and management of non-renewable resources, forestry, and electrical energy (MacKay 2005-2005, 27). Pollution has been mostly considered a civil, rather than criminal, offense giving provinces control over water, land, and stationary air pollution regulation (McKenzie 2002, 115).

Federalism: Quebec

Stevenson offers a useful description of American and European federalism. Understanding this difference partly explains why Quebec has been protective of its provincial powers. American federalism seeks to manage a large territory effectively while protecting individual freedom (Stevenson 2011, 49). The European style aims to “allow distinct nations or cultural communities occupying different neighboring geographical spaces to preserve their identities...” (Stevenson 2011, 49). Stevenson says Quebecois are more emotionally connected to their province than other Canadians and therefore see the division of powers as ideological (Stevenson 2011, 49). Some Quebecois do not feel the constitution allows them to preserve their identity, which is a notion Quebec's separatist party, the Parti Quebecois (PQ), is sympathetic to (Stevenson 2011, 59). Others identify more with Quebec than Canada, but wish to remain in the federation to benefit their province (Stevenson 2011, 50). These views are expressed through the rhetoric and policies of the Quebec Liberal Party (QLP). They seek to protect provincial influence, and justify these beliefs because they feel Quebec is the homeland of a distinct people—a nation (Stevenson 2011, 50).

Climate Change

Climate change results from human development. In their First Assessment Report, released in 1990, the Intergovernmental Panel on Climate Change (IPCC)—which is an international scientific research body—explained the phenomenon. They say human activities result in the increased atmospheric concentrations of greenhouse gas (GHG) emissions, which cause the earth to warm beyond what it would otherwise (IPCC 1990b, 52). While water vapor and ozone are most responsible for the greenhouse effect—i.e., the natural warming of the earth’s surface due to its absorption of certain gases—policy makers target other emissions because they are human induced (IPCC 1990a, XV). The gradual warming of the earth, and the aggregate nature of GHGs in the atmosphere, will have unpredictable and uneven effects on climate patterns (IPCC 1990b, 53). These changes will affect global ecosystems that humans depend on to survive.

International Institutions: Climate Change

International institutions form the framework within which climate change policy in Canada is made. These institutions, such as the IPCC, set global standards, which governments (if signatory) are expected to implement through domestic regulation. The 1972 UN Conference on the Human Environment in Stockholm was the first international conference to address the environment broadly (McKenzie 2002, 243). It brought the world’s attention to environmental problems caused by industrial development. Subsequently, the IPCC’s work helped create the United Nations Framework Convention on Climate Change (UNFCCC) and the adoption of the 1997 Kyoto Protocol. The UNFCCC is an international treaty to stabilize GHG emissions and was established at the 1992 Earth Summit in Rio de Janeiro (UNFCCC 2012a). The first Conference of the Parties (COP1)—i.e., the first meeting between the 195 countries that ratified the Convention—was held three years afterwards (UNFCCC 2012a). The Kyoto Protocol was later adopted at COP3 in 1997. It committed industrialized countries to the formation of emission reductions targets and the creation of a global carbon market to mitigate climate change (UNFCCC 2012b). Those countries that ratified the protocol (including Canada, which was committed to a 6 per cent reduction in GHG emissions below 1990 levels by 2012) were expected to draft domestic regulations to meet their targets (CBCnews 2007).

McKenzie divided Canadian environmental policy into three eras. During the first era, 1968-1972, state-centered Quebec nationalism emerged (Stevenson 2011, 52). Prime Minister Pierre Trudeau had a pan-Canadian view of national identity. Quebecois did not share his point of view, but were internally divided. Some wanted to promote their interests by leaving Canada (Stevenson 2011, 52). Others believed Quebec could gain more powers in the federation to accomplish this task (Stevenson 2011, 52). Each of these visions has affected federal-provincial relations because parties representing them have gained power in Quebec since the Quiet Revolution. These competing political forces have affected climate change policy in Quebec because the file is inter-jurisdictional.

Governments adopted a “command and control” regulatory approach—i.e. penalties for non-compliance—to environmental policy making in the first era (McKenzie 2002, 108-109). Canada’s welfare state was expanding—Trudeau created the Ministry of Environment as well as enacted nine environmental statutes at this time (McKenzie 2002, 108). Environmental policy-making was decentralized and provinces were mostly responsible for regulating air and water pollution (McKenzie 2002, 110). Much of the framework for federal and provincial climate change policy was created in this first era.

However, Quebec was not focused on climate change policy at this time. It was mostly concerned with water pollution (Cantin 2012). Premier Jean Lesage encouraged interprovincial and federal cooperation to expand the scope of Quebec’s jurisdiction to create opportunities for Quebecois professionals (Lachapelle 1993, 40). As such, private electricity companies were nationalized in 1963 (Dickinson and Young 2003, 313). Quebec’s environmental policy infrastructure was also emerging. The environment was recognized for the first time in Quebec legislation in the Protective Services for the Environment Act (SPE) in 1972 and the Environmental Quality Act, which was passed that year as well (Cantin 2012; Lachapelle 1993, 369). Moreover, the province’s Ministry of Environment (MENVIQ) was created in 1979 (Cantin, 2012). The PQ gained power in 1976, challenging the durability of Canada’s federation (Lachapelle 1993, 44). Their demand for policy autonomy would be apparent in the province’s environmental policy regime in the era to come.

In the second era, from the mid 1980s to mid 1990s, the government was more open to the influence of interest groups (McKenzie 2002, 110). Environmental

groups started using the courts, which forced the federal government to conduct environmental assessments (McKenzie 2002, 110). Quebec protested because it wanted full control over the development of the James Bay hydroelectricity project (Macdonald 1991, 17). The Federal environment minister could not defend Quebec's position on this matter because he was under pressure from western Canada to oppose an environmental project in Saskatchewan (Macdonald 1991, 18). Quebec's Environmental Assessment process—BAPE—had already been established in 1978 (Lachapelle 1993, 371). Nevertheless, its environmental policy continued to lean heavily towards water pollution. In 1993 about 75 per cent of the environmental department's expenses went towards this issue (Lachapelle 1993, 369). Climate change policy was not an explicit concern for Quebec at this time, yet the federal government's involvement became important as jurisdictional boundaries overlapped.

The third era, from the mid 1990s until the present, is characterized by de-regulation (McKenzie 2002, 111). A weakened economy led governments to loosen restrictions on business (McKenzie 2002, 111). Ideas about free-markets, neoclassical economics and individualism led to the belief that government is inefficient (McKenzie 2002, 112). As a result, by the mid 2000s, after the Kyoto Protocol was ratified, Canadians were wondering, "what it means to be committed to the protocol but not its targets" (Staff 2006). As the federal government and Quebec's climate change policy evolved, their different approaches became obvious.

After two failed attempts at constitutional reform under the Liberal government, the PQs under Jacques Parizeau came into power in 1994. However, Jean Charest's Liberals and Stephen Harper's Conservatives have been in power since 2003 and 2006 respectively. Quebec has increasingly asserted its leadership over this file in the last decade. A 2012 Leger poll found that 80 per cent of Quebecois felt Quebec should aim to be a world climate policy leader (Leger Marketing 2012, 10). Their top three motivations were the potential of renewable energy (51 percent), the visibility of certain climate change effects (49 percent), and the position of the Canadian government (48 percent) (Leger Marketing 2012, 10). This view is in line with the QLP's vision of federalism, which advocates more power for the province.

Since 2002, when the Kyoto Protocol was ratified in Canada, the federal government consistently reiterated its intention to stay committed, with little tangible results. At the beginning of his mandate, Harper promised he would not implement it

(Kent 2012). This generated mixed support from Canadians. An Environics poll found that in 2003, 40.7 percent of Canadians strongly supported its implementation, however by 2006, that percentage dropped by 39.3 per cent (Canadian Opinion Research Archive). More recently, a 2011 Environics poll found that most Canadians support Harper's climate change action plan. It found those strongly in favor of robust climate change policy fell to 26 percent from 38 percent in one year (McCarthy 2011). Harper's climate change policy has been weak. The Conservatives introduced their "botched" Clean Air Act in 2006, and its Turning The Corner: An Action Plan to Reduce Green house Gases and Air Pollution of 2008 was also unconvincing (Ibbitson 2006; Drexhage and Murphy 2010, 14).

Finally, at COP17 in Johannesburg, Federal Minister of Environment Peter Kent announced Canada's intention to withdraw from the Protocol (Economist Intelligence Unit 2012). For many it was not a surprise, yet unacceptable. Former PQ MNA and Bloc MP, Daniel Turp, called on Canadians to take legal action. He claimed the federal government was breaking its commitments under the 2007 Kyoto Implementation Act (The Canadian Press, 2012). Not all Canadians agreed with him. Canada's economy depends on the development of Alberta's oil sands—a massive carbon emitter. Since withdrawing, Harper has championed this energy source in both the United States and China. His recent talks with Chinese leaders over the Northern Gateway pipeline to transport oil to China are just one example (Ljunggren 2012). Development of this resource has made meeting Kyoto objectives difficult.

Quebec, on the other hand, has been aware of its capacity to make strong climate change policy due to the low emission intensity of hydroelectricity (Ministry of Sustainable Development, Environment and Parks 2002, 26). In 2000, the Quebec Action Plan on Climate Change 2000-2002 (PAQCC) was announced and Minister of Environment Paul Bégin championed the CICC—a climate change committee to coordinate 14 government bodies—at the Joint Meeting of Ministers of the Environment and Energy, as an example of Quebec's leadership (Ministry of Sustainable Development, Environment and Parks 2002, 26; Drouin and Barrette 2000). However, he was disappointed after returning from Vancouver that year for two reasons (Drouin 2000b). Firstly, the federal government had not begun to discuss how efforts to implement Kyoto would be fairly distributed (Drouin 2000b). Secondly, the federal government refused to recognize emission reduction measures already undertaken in Quebec, nor the use of hydroelectricity as a means to meet Kyoto objectives (Drouin 2000b). Minister Bégin stressed the importance of

Quebec's actions within the international framework, and reiterated his desire for climate change policy to be a provincial matter.

Following Kyoto's ratification in Canada, Quebec struggled for increased authority over climate change policy. Environment and Water Minister, Jean-François Simard, and his delegation attended the 2002 World Summit on Sustainable Development in Johannesburg (Roy and Charland 2002). Quebec's Minister of International Relations, Louise Beaudoin, said it was important to cultivate foreign alliances to increase both national and international influence (Roy and Charland 2002). Following the summit, the ratification of Kyoto was received with caution in Quebec. Prior to Prime Minister Jean Chrétien's announcement, Environment Minister André Boisclair rallied citizens along with representatives from business, industry, and environmental groups to support the Declaration of Quebec (Laplante and Laveau 2002). The Declaration called for compliance with the constitution, and opposed the federal proposal for the allocation of emission rights (Laplante and Laveau 2002). They believed Quebec's manufacturing sector was unfairly burdened and demanded reductions achieved since 1990 be recognized through a bilateral agreement (Laplante and Laveau 2002). The PQ was still in power and the government fought for a unique implementation strategy, separate from other provinces, to assert their autonomy.

Minister Boisclair called for a bilateral agreement between Quebec and the federal government (Laplante 2002). He, and the National Assembly wanted Quebec to have its own strategy to implement Kyoto (Laplante 2002). With support from the Aluminum Association of Canada (AAC), which Quebec signed its first industry agreement for the voluntary reduction of GHGs with in 2002, the Quebec government called for a federal government negotiator to develop the agreement (Laplante and Noël de Tilly 2003; Ministry of Sustainable Development, Environment and Parks 2002, 28). Minister Boisclair said, "Seul un canal unique et officiel entre le Québec et le gouvernement fédéral nous permettra d'atteindre cet objectif." (Laplante and Noël de Tilly 2003). In June 2006, Quebec's 2006-2012 Quebec And Climate Change, A Challenge For The Future was announced (D'Astous and D'Amours 2006). By then, Al Gore had championed Quebec as "the conscience of Canada on the environment" (Lalonde 2007). The province had gained significant authority over the file and left the federal government behind.

Quebec had demonstrated its ambition by fostering interprovincial and international ties. In 2008, Quebec's carbon market—the Montreal Climate

Exchange—was established and the province joined the North American "antithesis" (Brethour 2009) to the Kyoto Protocol—The Western Climate Initiative (WCI) (D'Amours and Cannon 2008; Cannon 2008). The initiative is intended to be a "blueprint" for national governments once they decide to take action on climate change (Brethour 2009). The province also joined the International Carbon Action Partnership (ICAP) in 2008—an international partnership for a global carbon market (Cannon and Trudel 2008). Furthermore, in 2010, Quebec was the first North American government to join the Network of Regional Government for Sustainable Development (nrg4SD) (Leclerc 2010). In anticipation, Minister for Sustainable Development, Environment and Parks (MDDEP), Line Beauchamp, said "La très grande majorité des mesures sont mises en œuvre par les États et les gouvernements régionaux; il est donc logique que nous ayons voix au chapitre" (Leclerc 2009).

Internationally, both governments have advocated different agendas, giving Quebec the opportunity to highlight differences in their climate change policy objectives. In 2007 Minister Beauchamp attended COP13 where she reiterated Quebec's commitment to Kyoto (D'Amours and Cannon 2007). The federal government, however, strongly criticized the demands of the international community. Federal Environment Minister John Baird warned that stricter targets were unrealistic (Editorial 2007). Later at the 2009 COP15 conference, Minister Beauchamp, along with Ontario's representative, lobbied the federal government—which had not yet made any concrete climate change policy commitments—to be more ambitious (McCarthy 2009). Quebec and its provincial allies wanted to ensure Ottawa's initiatives did not represent all of Canada (McCarthy 2009). Quebec thus championed its efforts globally.

Federal government inaction was more pronounced in comparison to Quebec's global and domestic efforts as the first decade of the twenty-first century came to a close. By 2010, their divide over climate change policy was escalating into a "word war" (Ibbitson and Seguin 2010). Quebec hosted nrg4SD in 2011, the year the federal government left Kyoto. The province promoted its projects including the Action Plan on Climate Change, the Northern Plan, the Plan of Action on Electric Vehicles, and the adoption of the regulations to enter the WCI (Shirley 2011a; Shirley 2011b). In reaction to Quebec's adoption of these measures, a federal official told the *Globe and Mail* they thought Quebec was "placing its self dangerously outside a continental consensus..." (Ibbitson and Seguin 2010).

While Quebec has been actively engaged in a global conversation about climate change policy, the Conservatives have largely been absent. DDEP Minister Pierre Arcand is currently developing the province's next action plan (2012-2020) on Climate Change, aiming to reduce emissions by 20% below 1990 levels by 2020 (Shirley 2012). In contrast, Ottawa's goal is to reduce Canada's emissions by only 17% below 2005 levels by 2020 (Kent, 2012). The Quebec government has promoted its emission reduction measures by forming alliances. Harper's strategy for climate change policy, as characterized by *The Globe and Mail*, is "tuning out" of the discussion (Editorial 2011). For the federal government, "...domestic politics trumped real opportunities for Canadian leadership—so that our domestic policies and stance have helped to marginalize Canada on the world stage" (Editorial 2011). In February 2012, the federal government decided to take part in another effort to mitigate climate change, which was backed by the US (Goodman 2012). Harper's climate change policy is largely dependent on the United States and China. His policies suggest the preservation of Canada's resource economy is more important than building both an environmentally and economically sustainable society for the future. Some Canadians may share this view, but it is not Quebec's.

Conclusions

Consistent with Stevenson's description of Quebecois federalists, Quebec has pursued more ambitious climate change policy than the federal government in the 2000s. It has spearheaded this policy, both domestically and internationally, allowing it to gain more power over this file. Quebec's efforts to form interprovincial alliances, which have challenged federal climate change policy, have strained the province's relationship with Ottawa.

The 1992 Earth Summit was important for putting climate change on many governments' agendas, but the Kyoto Protocol demanded specific objectives. In Quebec, environmental policy institutions established prior to the Kyoto Protocol, and its 2002 ratification in Canada, provided the precedence for future climate change policy. Early climate change institutions were followed by membership in international organizations, which later encouraged more stringent provincial climate change policy in Quebec.

While Quebec's climate change policy has evolved substantially in the past decade, its motivations have remained the same. In contrast, the ideas driving climate change policy in Ottawa have changed. In other words, the policies adopted in

Quebec have remained ambitious, but the federal government's have become weaker. Though the PQ was replaced by the QLP, both parties sought to strengthen Quebec's climate change policy, as well as gain more provincial power. The interests of Quebec's manufacturing sector, and the province's politicians, aligned to push for stronger climate change policy. For example, the PQ supported the Declaration of Quebec, and a minister from the QLP at COP15 lobbied the federal environment minister. While in 2002 the federal Liberals promised to meet Kyoto's objectives, the Conservatives withdrew from it in 2011. Quebec has been dedicated to the Protocol objectives consistently and has, since Harper has become Prime Minister, gone beyond the federal government to achieve them.

The federal government has been constrained by its need to accommodate other provinces to maintain the economic health of the country. It cannot accommodate one province at the expense of another. However, the Quebecois homeland was endowed with the resources to develop ambitious climate change policy. Quebec went from hosting its fellow provinces to hosting representatives from around the world to lead global efforts in finding solutions to climate change. Nevertheless, from Bégin to Arcand the message has remained the same. To preserve its identity by generating more power within Canada, Quebec has pursued its own policy with *and* without the federal government.

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