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## Identity Politics Conservative Style

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## Concluding Commentaries

### *Identity Politics: Conservative Style*

**Avigail Eisenberg**

STEPHEN HARPER IS NOT THE FIRST, and he will not be the last prime minister to manipulate the symbols of Canadian history and alter political institutions in order to reshape Canadian political identity. Chrétien was accused of just such a manipulation during the sponsorship scandal of the 1990s and, before Chrétien, Trudeau fundamentally altered our institutions and identities through the Constitution Act and the Charter of Rights and Freedoms. After 1982, gone were historic pillars of Canadian political identity such as the supremacy of parliament and British-style “implicit” rights protections. Canadians became the bearers of codified individual rights, and provinces, including Québec, became bound by the policy-based decisions of a philosophically-minded Supreme Court. So profound were the changes brought about by Trudeau’s efforts that subsequent attempts to alter his constitutional reforms by reclaiming some of the provincial powers lost in 1982 failed, perhaps less because of the substance than the style of the revisions proposed in the Meech Lake and Charlottetown Accords. Canadians became attached to “their” constitution and cynical about their political élites. Their new political identity became a juggernaut which no political party or leader has dared to challenge since.

Whereas there is nothing new about prime ministers or, for that matter, premiers, attempting to redefine and reorient Canadian identity to reflect their vision of the country, Harper’s efforts over the past decade are different from those of past prime ministers, not because of the extent of this reshaping, nor because he shapes us from a Conservative rather than Liberal direction, but because, as several commentators have suggested, he shapes us without a vision of Canada or an ideal of citizenship worthy of allegiance at all. On some accounts, changes to Canada’s symbolic identity – reflected in the images found in our new passports, in recent attempts to insert the monarchy back into our military and to use military heroism to punctuate our historical narrative – portray Canada nostalgically, simplified and united around images and events that speak more clearly to the roles of men than women, and to the roles of the dominant white settlers and explorers rather than the struggles of Indigenous people or ethnocultural minority immigrants. As Yasmeen Abu-Laban points out, the reality of Canadian diversity, represented so well by Bill Reid’s famous sculpture, *Spirit of Haida Gwaii*, which graced our now-retired \$20 bill, is flattened and rendered homogenous. And, with respect to Québec, Harper’s seemingly contradictory policies, as described by Reg Whitaker,

have consistency perhaps only when viewed as strategies meant to isolate the French fact of Canada from the whole, thereby leaving to Québec the task of sorting out its place in Canada unimpeded by concerns Ottawa once had for national unity.

Some commentators suspect that the only vision informing Harper's legacy is one meant to make Canadians and Canadian institutions easier to govern by the PMO. In this regard, three key changes introduced by the Harper government to the way in which Canadians are governed seem designed to silence dissent. First, by eliminating the long-form census, the Conservatives have weakened the capacity of public interest organizations to defend the interests of vulnerable and marginalized people. Second, by de-funding and under-utilizing scholarly expertise, the project of governance is disconnected from the requirement that public decision-making be based on good evidence and argument rather than party ideology or current prejudice. And, third, by manipulating the rules and conventions of parliamentary governance, the government undermines democratic norms of transparency and accountability, furthering weakening the voice of opposition and the norms of accountability in Parliament.

Perhaps the clearest message emerging from these commentaries is that Canadians are increasingly powerless in the face of these recent changes. But are these changes any more fundamental than those made by previous governments? I think they are not and that it's worth considering the ways in which Canadian governance is not monolithic or so easily manipulated. External sources of power and influence such as the judiciary, provincial governments, the international community, and even the Senate, have the capacities to "push back," to provide an alternative vision of the country and to remind Canadians of the democratic values being crowded out.

Consider, in this regard, the power of the international community. Though international actors are sometimes accused of being insensitive to local realities, they also have the power to challenge local myths and parochial debates while publicizing the failures of local actors before an international community. This happened in October 2013, when James Anaya, the UN Special Rapporteur on the Rights of Indigenous Peoples, delivered a blistering critique of the conditions of Indigenous people in Canada and, despite the lukewarm reception he received from the Harper government, drew national and international attention to Canada's policy failures with respect to Indigenous education and the vulnerability of Indigenous women.

Consider also the power of the judiciary. Whereas courts are often wedded to the conservative values and principles entrenched in existing law, they can also be leaders of social change and amplifiers of democratic values. In this way, the 2012 *Insite* decision about safe injection sites in Vancouver's lower east side was significant not only because the Supreme Court of Canada overturned efforts of the federal government to shut down the *Insite* program, but also because the court publicized the federal government's disregard of

evidence-based decision making and warned the government that programs which protect vulnerable and marginalized groups can be cut only on the basis of reasons supported by good evidence and argument and not where reasons are arbitrary, moralistic, and ideological.

These are just two examples of alternative voices and sources of symbolism with power to mobilize dissent and opposition in Canada. We might discover additional examples by tracking the efforts of the Harper administration to reform public institutions such as the Senate and the Supreme Court of Canada. For instance, the recent Senate scandal arose because the PMO lacked the power to control the Senate, a fact highlighted from the start by Harper's Chief of Staff, Nigel Wright, who criticized Senate House Leader, Marjory LeBreton, for her failure to control the Conservative senators, and then tried to control the Senators himself (with the help of the PM) by using extraordinary and, some suspect, illegal tactics. Whether one likes the Senate or not, the scandal showed the Senate to be an institution difficult to control even for a powerful PMO. The same is perhaps true of the Supreme Court of Canada, a suspicion illuminated by the recent controversial appointment by Harper of Marc Nadon whose Québec credentials are questioned by the Québec government. As in the case of the Senate, the government lacks control and so, attempts to amend the rules – in one case, by orchestrating a national debate on Senate reform and, in the other case, by amending the Supreme Court Act – for the purpose of ensuring the PMO greater control over these institutions.

There is no doubt that Harper's lasting imprint is on Canadian politics, but are the changes he has made to our national institutions, policies, and identity more sweeping than those made by previous governments? I think not and neither do I think that Canadian governing structures are so easily manipulated. The complexity of these institutions and the cross cutting motivations of those who work as judges, activists, bureaucrats, curators, and (even) senators, offer up counter-narratives and alternative sources of empowerment. And yet, over the past decade, the Conservatives have tried to change Canada's historical narrative, manipulate symbols of nationhood, and marginalize dissenting voices in order to unify the country around a simple story. Their aim is not only, or even primarily, to advance an alternative "Conservative" vision of the nation, but instead to secure their own power as our political élites. It is less the extent than the substance of change that is objectionable and, with respect to the substance, it is worth noting that the Harper government has been remarkably successful at fortifying some of the least democratic features of Canadian politics.