

1

Introduction

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In the last several decades, few scholars have shaped our understanding of Canadian politics as much as Alan Cairns. On a remarkably wide range of topics – from the regional impact of Canada’s electoral system, the role of the Judicial Committee of the Privy Council, and the development of Canadian federalism to the ongoing efforts to constitutionally reshape the federation and the effects on minorities of the *Charter of Rights and Freedoms* – Cairns has initiated and shaped many of our most pivotal debates. Cairns’ scholarship continues to operate at the cutting edge of Canadian social science, as is evidenced by the widespread attention and interdisciplinary dialogue generated by his most recent book, *Citizens Plus: Aboriginal Peoples and the Canadian State*. Yet while Cairns has tackled an extraordinary number of topics, there is a strong theme – a basis of cohesion – that operates throughout his work. This theme is Cairns’ overarching and consistent focus on the *question of citizenship in a federal society*.

Certainly, Cairns has been widely recognized for his work on citizenship – we could mention the honorary doctorates, the membership as an officer in the Order of Canada, and so on – but we would be missing out on something very important and distinctive if we limited ourselves to itemizing specific contributions and honours, as remarkable as these are. This is because Cairns’ impact on the study of the Canadian federation reflects not only the quality and range of his scholarship but also owes much to the manner in which he discharges his role as a scholar. Through his dedicated service to his profession and to generations of his students, Cairns has long demonstrated the ideals of scholarly responsibility and duty. This sense of duty extends beyond the academy. For example, Cairns was a lead researcher for both the Hawthorn Report, *A Survey of the Contemporary Indians of Canada*, in the 1960s and the Macdonald Royal Commission on the Economic Union and Development Prospects for Canada in the 1980s. He is also a wonderful teacher – even if he often speaks in multipart, run-on sentences! – and a superb colleague to all who have had the good fortune to know him in that capacity.

A second common thread runs through Cairns' career: *his cultivation of a scholarly citizenship*. Something Alan Cairns once wrote about John A. Corry of Queen's University is no less true of Cairns himself: "He was an adviser to governments ... he was ever conscious of the public obligation of the scholar to educate the citizenry whose taxes supported the privileged life of thought and research from which he benefited ... He was also a devoted citizen of the academic community."¹

This volume in honour of Alan Cairns may be understood as a tribute to, and a product of, his ongoing concern with the *question of citizenship in a federal society* as well as his *cultivation of a scholarly citizenship*. We have assembled a diverse group of scholars who approach the study of politics from a wide range of methodological angles. However, while we have all been greatly influenced by Cairns – as a scholar, teacher, and mentor – the idea of producing a following of "Cairnsians" seems foreign to his scholarly sensibilities. Cairns has always encouraged students and colleagues to find and develop their own scholarly voices and styles. As he once noted, "since clones are useless colleagues, the most serious mistake is to sacrifice individuality for disciplinary conformity."²

By asking where ideas come from and how they become orthodoxies, he challenges all of us in the hope of moving the debate forward. He takes nothing for granted but is instead most concerned with that which tends to be taken for granted; indeed, he is often most concerned about what he himself has taken for granted. He evaluates the work of other scholars with a tenacious critical posture, yet he does so out of concern, respect, and responsibility for the ongoing scholarly conversation. And he is attentive to the role not only of constitutional and governmental insiders in the framing of our political discourse, but to the key role that outsiders play as well. In a reference to the sociologist Robert Merton he writes, "Merton's rationale for the outsider role is especially pertinent for societies with limited intellectual autonomy for (insider) scholars who are subject to taboos that put deeply divisive subjects or the major failures of previous generations off limits."³ As much as anyone, we all have Alan Cairns to thank for cultivating – as a citizen-scholar – a more vibrant, pluralistic, and inclusive scholarly community, one in which deeply divisive subjects can be debated with seriousness. Given this, there is no better way to honour Alan Cairns than to engage thoughtfully and critically with his ideas. This volume presents a dialogue that reflects the many worlds of Alan Cairns.

Organization of the Book

Part 1: Methods and Approaches

The book is organized into three parts, the first of which examines the methods and approaches of Cairns as scholar-citizen. In the first chapter, **John**

Meisel provides a wry and gently prodding critical analysis of Cairns' role as a public intellectual. Next, **Leslie A. Pal** addresses Cairns' institutionalism, and evoking Isaiah Berlin's metaphor of the fox and the hedgehog, echoes Cairns' original suggestion that he has been something of a "hedgfox" when it comes to staking his own intellectual position. In fact, Pal argues, there are three main intellectual features to Cairns' work: (1) the weight and impact of the state on politics and society, (2) the distinctiveness of different institutional arenas and the fragmentation of the state, and (3) the contingency and unpredictability of politics.

Later, in Chapter 21, Peter H. Russell also comments that Cairns "has maintained an independence of parties and movements that is reminiscent of Harold Innis. One has the sense that, like Innis, Cairns sees such independence as essential to the discipline of being a scholar engaged in the public life of his country. And also like Innis, more often than not Cairns' message is not a popular one. Most often it has had the quality of biblical prophecy, warning us of the unseen, unappreciated implications of where the prevailing opinion of the day may be taking us." For Cairns there is no one truth, no overtly partisan leaning, though he is in some ways representative of the English Canadian temperament; he may be likened to a kind of Canadian patriot, though he is not, thereby, a Canadian nationalist.

Part 2: Citizen-Shaping Institutions

Part 2 of the volume focuses on three key citizen-shaping institutions: the electoral system, federalism, and the *Charter of Rights and Freedoms*. In the first of two chapters that look at Cairns' seminal 1960s article on the electoral system,⁴ **Roger Gibbins** argues that Cairns was something of a prophet of the regional meltdown that befell the Canadian party system in the 1990s. Sadly, the failure of decision makers to heed Cairns' warning underlines the limits of academic analysis in changing the institutional and public policy landscape in this country. Next, **Richard Johnston** revisits Cairns' analysis of the first-past-the-post electoral system that Canada inherited from the United Kingdom. Like Gibbins, Johnston thinks that Cairns' analysis came into its own in the 1990s when the governing party itself, with a relatively weak national plurality, took on a strongly sectional character, and two strong sectional opposition parties replaced what had previously been one major national *opposition* party.

In his examination of a second citizen-shaping institution, that of federalism, constitutional scholar **Peter W. Hogg** emphasizes the continuing importance of another pivotal article by Cairns on the role of the Judicial Committee of the Privy Council.⁵ Hogg argues that with the introduction of the Charter, the Supreme Court has shown a willingness to enhance the powers of the federal government with respect to criminal law. However, the same has not been true where the peace, order, and good government

or the trade and commerce clauses of the *Constitution Act* of 1867 are concerned. In other words, the broad division between federal and provincial responsibilities that the Judicial Committee had formulated, and that Cairns had supported in his original article, has largely held true. **Fred Cutler** and **Matthew Mendelsohn** set out to examine just how well Cairns' argument about the institutional underpinnings of federal and provincial rivalry is reflected in the mirror of public opinion. Their conclusion is that public opinion may coalesce around specific provincial grievances but that, overall, Canadians outside Quebec have come to value the helping hand of the federal government. Finally, **Robert G. Finbow** compares the institutions of intrastate federalism that exist in Canada and the United States. Building on Cairns' insight that differing political institutions result in different styles of fiscal federalism, he emphasizes the strength that small states have in the American Senate, which can have the effect of making national policies more attentive to the regions. By contrast, in Canada, the populated centre of the country has a stronger presence in federal cabinets, and secures the lion's share of productive federal spending. Finbow cautions against the consequences for shared citizenship – especially where poorer regions are concerned – of any wholesale transfer of health and welfare spending from Ottawa to the provinces.

The next section examines the impact of Cairns' more recent discussion of the *Charter of Rights and Freedoms*, another citizen-shaping institution. In numerous writings, Cairns emphasized the considerable impact the Charter was likely to have on the shape of Canadian politics and coined the term "Charter Canadians" to describe the constituencies that identified with sections of the Charter dealing with nondiscrimination on the basis of ethnic origin or gender (section 15), with Aboriginal rights (section 25), or with the multicultural character of Canada (section 27). He also anticipated the tremendous popularity the Charter would come to enjoy. **Barry Cooper** leads off this section with a contrarian view of the Charter's role. He builds on an argument that Cairns developed in a paper for the Royal Commission on the Economic Union and Development Prospects for Canada regarding the embedded character of the Canadian state.⁶ He applies this to an institution like the Canadian Wheat Board, but more tellingly, to the Charter itself. For Cooper, the Charter has led to a power grab by constituencies from feminists to First Nations, who have used the powers newly embedded in the courts to enhance their relative position in Canadian society. **Robin Elliot**, in contrast, has little patience with this kind of argument. In his chapter, he takes on the proponents of what has come to be known as the "court party thesis." From his perspective, the legal analysis deployed by critics of the courts is deeply flawed and their overall interpretation of court decisions mistaken. The degree that the courts have departed from earlier positions, for example, regarding the role of outside intervenors, has flowed

from the very nature of the Charter. At the same time, the courts have been quite careful – and by no means always consistent – in charting a path to the interpretation of the Charter. **Matt James** strongly supports Cairns' idea of a citizens' constitution. He sees in the Charter a version of the symbolic capital that the French sociologist Pierre Bourdieu evoked in his writings. The Charter helped to overcome the historical exclusion of various groups from the Canadian body politic, replacing this with the politics of positive recognition. For James, this is something that Alan Cairns' work has made clear. **John E. Fossum** sets out to compare the transformations that the Canadian Charter has wrought for the notion of political community in Canada with the impact of the European Union *Charter of Fundamental Rights*. The contexts are, of course, different, with citizenship rights within Canada a good deal stronger than within the European Union. There seems to be greater awareness of diversity in the Canadian case and greater emphasis on social solidarity and protection in the European. Yet both Charters can be understood as an attempt to establish a greater congruence between the essential values of the political/legal system and of the population.

Part 3: Citizenship, Diversity, and Unity

The third part of the book focuses on the place of Quebec and Aboriginal peoples in the Canadian federation, as well as on other forms of diversity. Four chapters make up the section entitled "Quebec and Canadian Unity." In the opening chapter, **Ramsay Cook**, one of Canada's leading historians, attempts to reconstruct Alan Cairns' views on Quebec. He notes that Cairns was something of a tortoise rather than a hare in the constitutional debates of the 1970s and 1980s. Yet, in the larger debate, his was the realistic analysis of the implications of Trudeau's victory and of the impact that the Charter was fated to have. He also underlines a deeper contrast that Cairns suggests between nineteenth-century globalization, with its ethos of imperial homogeneity, and twentieth-century globalization, with its ethos of diverse identities. For Cook, the dilemma that Cairns confronts in his writings is how Canadians can live together and live apart at the same time. **Stéphane Dion**, former minister of intergovernmental affairs in the Chrétien government, environment minister in the Martin government, and a political scientist at the Université de Montréal, takes on Alan Cairns' proposal for a Plan C, that is, for beginning to think through the logic of English Canada's own survival in the event of a yes vote in a Quebec referendum on sovereignty. Dion notes that Cairns correctly underlined the complexity of English Canadian society in his writings, but failed to do the same where Quebec was concerned. The federal government asked the right questions of the Supreme Court in the secession reference case and was wise not to be guided by Cairns' concern for a hypothetical ruling by the Court on who would speak for English Canada in the event of Quebec separation. **Reg Whitaker**,

for his part, reviews the discussion of Plans A, B, and C in the run-up to and aftermath of the 1995 Quebec referendum. In the end it was the fairly tough line associated with Plan B that carried the day, as the shades of populist democracy let loose in Quebec in the 1980s took root in English Canada as well. For Whitaker, politicians like Dion and Chrétien were ultimately right in staying the course, and Cairns was mistaken in seeking to open the Pandora's box of English Canada's own fragile identity(ies), through his proposed Plan C. Finally, **Jean Laponce's** chapter, among other things, is a brilliant illustration of the uses of the footnote, something Cairns himself has been known to use at great length in several of his papers. For Laponce, Canada is a federation not only of provinces but of three nations. In his opinion, Switzerland is an alternative model worth examining when it comes to seeing how questions of language, culture, and citizenship might best be approached.

In the first of four chapters examining Aboriginal/non-Aboriginal relations, **Frances Abele** provides a valuable historical analysis of Cairns' notion of "citizens plus." Abele contends that while Cairns is attentive to the centrality of the imperial legacy of the settlers, it is necessary to delve more deeply into this legacy. Drawing from literature in the history of political thought, she suggests that a more historically and philosophically attentive approach to property relations can provide an opening for reconsidering some of the tensions inherent in the notion of "citizens plus." Also taking a critical approach, **Joyce A. Green** draws from recent scholarship in citizenship theory. She urges greater conceptual clarity in the use of terms such as citizenship, rights, and community. While citizenship has been an important tool in the pursuit of equality, Green suggests that the concept is transcended by Aboriginal rights and by other fundamental human rights. **Marc Hanvelt** and **Martin Papillon** approach the issue of "citizens plus" from a different angle, emphasizing the importance of democratic legitimacy. They suggest that Cairns places too much emphasis on unity and not enough on the sorts of conditions required to induce Aboriginal people to develop stronger forms of attachment to Canadian citizenship. By contrast, **Kathy L. Brock** is more optimistic about the potential of "citizens plus" as a framework of coexistence, especially because it emphasizes citizenship as a form of shared space. Brock examines the federal government's controversial governance initiative, suggesting that Cairns' framework of "citizens plus" can provide a basis for understanding the disagreement over the initiative, as well as a means to resolving the impasse surrounding it.

The politics of difference is well represented in this volume, although Cairns' own position leans toward some form of shared citizenship, above and beyond the differing identities that make up Canada. Is this position easily reconciled with the adherents of the politics of difference? Four chapters on the theme of diversity and social cohesion engage with this question,

beginning with that of **Brian Galligan** who provides an Australian perspective on questions central to Cairns' scholarship – specifically, questions surrounding federalism, citizenship, and globalization. Galligan notes that while Cairns has not written on Australian politics, the Australian case provides a number of insights into themes central to his work on Canada. In particular, he argues that dual citizenship is a characteristic of federal states like Canada and Australia, rooted in an earlier version of multiple identities associated with membership in the British Empire. This is now reinforced in an era where globalization is weakening some of the exclusive loyalties once associated with the nation-state, and where citizenship itself has become more complex. For **Peter H. Russell**, Cairns' chief professional contributions include his engaged scholarly style and his willingness to take risks with intellectual analysis. Yet Russell disagrees with Cairns' approach to the matter of the “ties that bind.” Where Cairns emphasizes a common civic identity, Russell favours a common space for civic participation. **Alexandra Dobrowolsky** and **Richard F. Devlin** also engage critically with Cairns' ideas, specifically his approach to collective identities. While they praise Cairns for his contribution to the study of Canadian politics and constitutional issues, they criticize what they characterize as his frequent call to “reason rather than passion,” his “need for stability, predictability and coherence” rather than acceptance of the fluidity and contingency inherent in Canadians' multiple identities. This worldview, they argue, is rooted in an understanding of politics confined to a conventional and elite political domain centred on institutions. Finally, **Caroline Andrew** makes the case for a different understanding of the politics of difference, one that emphasizes intersectionality. Taking local governance as her central case study, Andrew reflects on how re-evaluating citizenship through the work of Cairns could contribute to advancing our thinking on the ways difference(s) can be conceived in light of social justice. Focusing on the “political practices of difference” and multilayered citizenship, Andrew believes that urban spaces are pivotal, as they represent fertile ground for layered identities, not to mention border- and boundary-crossing identities.

It is not our role as editors to offer yet another set of interpretations of Alan's work. Nor could we possibly have included the work of everyone interested in contributing to this collection. A sign of Alan Cairns' importance is that when the conference from which this volume derives was first announced, we could not accommodate all of the paper proposals that were forthcoming. Nor were we able to accommodate all of the papers submitted for the volume itself. This should not really have surprised us, given Alan Cairns' wide impact. It is our strong hope that this volume will not only honour one of the preeminent scholars of Canadian politics, but take on a life of its own in undergraduate courses and graduate seminars in the years ahead. For that would surely be the greatest tribute that Canadian political

science and constitutional, citizenship, and federalism studies – worlds that count Alan Cairns as their own – could pay to the subject of this volume. It is only fitting, therefore, that the final contribution to this volume is left to **Alan Cairns** himself, whose chapter is entitled “My Academic Career: The Pleasures and Risks of Introspection.”

Notes

- 1 Alan C. Cairns, “Constitutional Minoritarianism in Canada,” in *Reconfigurations: Canadian Citizenship and Constitutional Change: Selected Essays*, Douglas E. Williams, ed. (Toronto: McClelland and Stewart, 1995), 119-20.
- 2 Cairns, “Author’s Introduction,” in *Constitution, Government, and Society in Canada: Selected Essays* (Toronto: McClelland and Stewart, 1988), 13.
- 3 Cairns, “Coming to Terms with the Past,” in *Politics and the Past*, John Torpey, ed. (Lanham: Rowman and Littlefield, 2003), 84.
- 4 Cairns, “The Electoral System and the Party System in Canada, 1921-1965,” *Canadian Journal of Political Science* 1, no. 1 (1968): 55-80.
- 5 Cairns, “The Privy Council and Its Critics,” *Canadian Journal of Political Science* 4 (1971): 301-45.
- 6 Cairns, “The Embedded State: State-Society Relations in Canada,” in *State and Society: Canada in Comparative Perspective*, Keith Banting, ed. (Toronto: University of Toronto Press in cooperation with the Royal Commission on the Economic Union and Development Prospects for Canada and the Canadian Government Publications Centre, Supply and Services Canada, 1985), 53-86.