Easing Dissatisfaction with Canadian Federalism? The Promise of Disjointed Incrementalism

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Abstract

This paper argues that the greatest threat to Canadian unity is not so much the absence of some of the characteristics that Daniel Kelemen claims are to be found in stable federations but the tendency of political leaders and parties to put forward contradicting "visions" of Canada. When such visions are used as templates for reforming the constitution, failures usually ensue. A strategy of disjointed incrementalism is a more prudent and ultimately more efficient way to proceed. It seems to be the strategy adopted by Prime Minister Harper and it could prove successful in easing some of the dissatisfactions experienced in both Quebec and western Canada.

Introduction[i]

With the election of the Conservative party in Ottawa in 2006 came the possibility that a way might be found to appease the uneasiness about Canadian federalism felt mainly in Quebec, but also in western Canada. Distancing himself from his adversaries, Prime Minister Harper promised to practice an "open federalism." It is well known that past attempts to ease dissatisfaction with the federation failed partly because Westerners and Quebecers were unable to agree on a common vision of what Canada is or should be. Will Harper succeed where past attempts to change the Canadian federation failed? This article outlines a political strategy that should prove useful to politicians who, like Harper, seek to change Canadian federalism.

It should be underlined that I come from a sub-field of political science, administration and public policy, which has devoted little attention to Canada's constitutional problems. For the most part, this topic was left to philosophers, historians and legal scholars. This situation might be part of the problem. In this article, I suggest treating constitutional problems as concrete policy problems. It might even seem strange that policy scholars have not devoted more attention to constitutions, as constitutions can be understood as fundamental policies. The constitution of a country is a policy whereby other policies are made. I argue that the strategy of

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disjointed incrementalism, inspired by a theory of administrative and policy decision, can shed new light on Canada's constitutional problems.

My contention is that changes to the federation are possible if federal policy-makers approach them through a strategy of disjointed incrementalism. This strategy prescribes small, successive and fragmented policy changes. The argument is developed in four steps. First, I examine what the literature says about the threats federations face in general. This examination provides a better understanding of the peculiar problems facing Canadian federalism. Second, I indeed argue that the threat to Canadian federalism is specific, stemming from increasingly frequent intellectual clashes over visions of what Canada should be. Third, I present disjointed incrementalism as a strategy which could help overcome the problems faced by Canadian federalism. Lastly, I examine the recent history of federal governments' attempts to change the federation. I argue that Harper's open federalism comes closest to a strategy of disjointed incrementalism and suggest that he might succeed at easing dissatisfaction with Canadian federalism -- something that past governments have failed to achieve.

The Problem with Federations

According to Daniel Kelemen (2007), federations are subject to life-threatening power games stemming from the opportunistic behaviour of the central government and federated units, each hungry for autonomy. If the central government's strategy in these power games is successful, the federation is at risk of implosion. An implosion has occurred when the central government has gained so much power that the federation becomes indistinguishable from a unitary state. If, on the other hand, the governments of the federated units are too successful in power games, the danger is one of explosion. Dissolution, secession of sub-units and a civil war are all indications of explosion. In the face of such risks, Kelemen asks, how do federations survive?

He argues that surviving federations normally possess four safeguards: structural, judicial, partisan and socio-cultural (2007, 55). A structural safeguard prevents implosion by providing federated units with representation in the institutions of the central government. Thanks to such representation, federated units can prevent the expansion of the central government's policies in areas they consider their own. Judicial safeguards normally have the opposite effect. Indeed, constitutional review by an independent judiciary is better at restraining federated units than at restraining the central government, although this does not have to be the case. Partisan safeguards, on the other hand, take the form of integrated party systems. When parties are integrated between the central and federated governments, they provide sites for negotiation of power equilibria. Lastly, sociocultural safeguards protect against explosion. With the slow construction of common cultural venues and of common mass media come shared points of reference and shared identities. All these prevent citizens in federated states from developing a taste for secession.

Striking in light of this argument is the absence or the weakness of safeguards to prevent explosion in Canada. And yet, Canada has been a federal country since 1867. In contrast to Germany, for example, federated units in Canada are not represented in the institutions of the central government. In the United States, state governments do not delegate representatives to the Senate, but that chamber nevertheless provides representation to the federated units of the country. Nothing comparable exists in Canada. Some analysts have argued that executive

federalism makes up for this absence. Executive federalism, however, is an informal post-Second World War process, which has been in a state of crisis since the failure of the Meech Lake Accord (Simeon and Cameron 2002; Brock 1995). Drawing lessons from Meech Lake, Canadian policy-makers are unlikely to resort to the process of executive federalism to resolve problems related to the Constitution in the near future. As Kelemen would have predicted, judicial review in Canada, at least since 1949, has strengthened the central government at the expense of the provinces (Brouillet 2005). Judicial review, however, has failed to contain risks of explosion, which reached a peak in 1995 when Quebec sovereignists nearly won a referendum on secession. Federal and provincial political parties in Canada are not at all integrated. And lastly, the mass media in Canada are divided between those which serve the Francophone community and those which serve the Anglophone community, as are other cultural venues. Canadians do not share a single identity to the extent that Americans, Australians or Germans do.

The survival of Canada despite the relative absence of the safeguards Kelemen identifies is puzzling. It might indicate that Kelemen's theory is wrong or that his understanding of federations misses something important and perhaps peculiar to Canada. To be sure, opportunistic behaviour to gain policy responsibilities in intergovernmental power games are common in Canada, as it is in other federal countries. Canada's most pressing problems, however, those that threaten the survival of the federation, do not stem primarily from opportunistic behaviour and related power games.

Rather, the pressing problems in Canada are ones of differences of vision; Canadians disagree about what the country is, and what it should be. This sort of problem is not unique to federations and might be experienced in "multinational democracies" (Gagnon and Tully 2001). Opportunistic behaviour is motivated by material incentives. In contrast, differences over vision are largely related to symbolic forms, such as values and beliefs (Swidler 1986). Disagreements over visions of Canada may feed into intergovernmental power struggles over policy responsibilities, but they surely cannot be treated as simple intergovernmental power struggles stemming from opportunistic behaviour.

The Problem with Canada

Canada cannot count on Kelemen's safeguards for its survival. The risk of explosion became serious in Canada in the 1960s, almost one hundred years after the founding of the country. During Canada's first century, French and English cultures were even more separated than they are today, with the Catholic Church providing a shield, albeit imperfect, from the modernist intrusions associated with Anglo-Saxon's Protestantism (Bélanger 1996). Provincial political parties, at least in Quebec, were no more integrated than they are today. Executive federalism had not really yet taken off. Prior to the 1960s, intergovernmental relations were handled mostly by bureaucrats and were not acrimonious, a sign of their limited importance in comparison to today (Dupré 1988). Curiously, and in contrast to Kelemen's prediction, judicial review acted as a safeguard against implosion, but only until 1949. After that time, the Supreme Court took over from the Judiciary Committee of the Privy Council (JCPC), whose commitment to the federal principle was reflected in its decisions regarding intergovernemental jurisdictional disputes. The Supreme Court, which is appointed by the federal government, rendered decisions far more in line with Kelemen's prediction after it became Canada's court of last instance. Court

decisions from 1949 were far more centralist than those of the JCPC, thus guarding, if anything, against explosion (Brouillet 2005).

The correlation between the relative absence or presence of Kelemen's safeguards and the threat to Canada's survival as a federation is not obvious. Much clearer is the correlation between the rise of debates over visions of Canada and the increasing danger of explosion that would result from Quebec's secession. As I argued above, the threat became serious in the 1960s and reached a peak in 1995, when nearly 50 percent of eligible voters in Quebec said yes to secession in a referendum.

A number of historians consider 1960 year one of modern Quebec. The break was perhaps not as brutal as some theoreticians of the Quiet Revolution have suggested, but the Quebec of the 1960s was ripe for political change, and debates among intellectuals emerged during this period, free of control by the Catholic Church. André J. Bélanger (1974) argues that, until the 1930s, the Church in Quebec effectively rendered illegitimate the political debate between liberal and conservative thinkers which is so common in modern societies. Thanks to its tight control over education, and to its close relationships with the nationalist elite, the Church prevented the intrusion of modernist discourses into Quebec society. The Church considered itself the depository of Quebec's identity and, consequently, defined the strict parameters within which legitimate discourse in the province was to proceed. According to Bélanger (1974), this had amounted to a depolitization of political discourse in Quebec prior to this time.

The Church's capacity to render discourse apolitical, however, eroded slowly, thanks to some of its own decisions and the role of some clergymen. The Church had founded universities at the end of the 19th Century and in these universities clergymen with moderately modern inclinations were tolerated. Père Lévesque, founder of the Faculty of Social Sciences at Université Laval, was famous among them. The Church also authorized the formation of clubs of thinkers in the 1930s, among which the Jeunesse étudiante catholique (JEC) is best known (Bélanger 1996, 59-61). In these institutions, young laymen were trained to think critically and outside of the parameters set by the Church. Several laymen pursued their training abroad and returned to Quebec in the 1950s and 1960s with modern ideas, ready to challenge conventional Catholic thinking.

Conventional Catholic thinking about Canada was simple, straightforward and frequently tacit: as long as the provincial state had exclusive responsibility over matters of cultural significance, several of which were effectively exercised by the Church, the Canadian federation was deemed unproblematic. This vision simply takes for granted that the Constitution of 1867 reflected a pact between two founding peoples, enabling them to preserve their distinctive cultural heritages. Catholic intellectuals, such as Lionnel Groulx, held this vision of Canadian federalism, and it was presented clearly in the report of the Tremblay Commission of 1956, summarized by Coleman (1984: 78) as follows:

> it suggested that the division of powers found in sections 91 and 92 of the BNA Act was a codification of the informal practices that had developed in the province of Canada between 1840 and 1867. These had reflected a tacit decision to entrust to the general government only matters of common interest to the French and English, thereby leaving the task of settling all matters particular to the way of life of a region to the respective leaders of Canada East

and Canada West. [To quote from the report] "social and cultural activity forms the very essence of that autonomy which was juridically guaranteed to the provinces by the Act of 1867.

From 1867 to the Second World War, this vision of Canada did not have to be thought through any further or debated, thanks in part to the JCPC's decisions preventing federal intrusions into the domains constitutionally attributed to the provinces. This supports Kelemen's argument regarding the judiciary's capacity to reduce some risks inherent to federations. Whereas he insists on the constraining effects of courts on the opportunistic behaviour of federated governments, the JCPC, instead, prevented excessive centralization. I would argue, however, that the main effect of the JCPC was to prevent a debate between the English Canadian intellectual elite and Quebec's catholic nationalist elite over the nature of Canada

English Canada did not have the equivalent of Quebec's Catholic Church to forge a consensus on the nature of the country. As a result, Canadian federalism was the object of intellectual debate from the very beginning. The centralist vision of John A. Macdonald was immediately contested by fervent provincialists such as Oliver Mowat. The debate, however, did not last long. Thanks, in part, to the JCPC, the provincialist vision had become prominent by the turn of the twentieth century. As Vipond (1991, 5) writes:

> It is a measure of the success of the provincial rights movement that by the turn of the century the federal veto powers over provincial legislation [inscribed in the Constitution under the influence of J.A. Macdonald] had been largely discredited; the courts had placed Macdonald's centralist reading of the BNA Act in grave doubt.

To a large extent, this provincialist English Canadian vision of the country was compatible with that of Quebec's traditional elite.

It was only in the 1930s that English Canadians revisited the question of the nature of Canadian federalism and again took to debating it with some verve. Left-leaning intellectuals, F.R. Scott and F.H. Underhill among others, defended a Canadian nationalism that pressed for independence from the British Empire (Laforest 1992, 85). Their vision was supported, in part, by the Rowell-Sirois Commission (1937-1940). This vision insisted, notably, on a role for the federal government not only in economic management but also in social affairs (Cairns 1991, 181-83). Moreover, they claimed that such a role would become possible only if Canada were to break with British imperialism, which promoted provincial autonomy, thanks to its dominant "home rule" strand (Vipond 1991, 85).

If Quebec's traditional elite did not confront Scott, Underhill and similar thinkers in the 1930s, it was in large measure because their vision appeared unrealistic. Prime Minister R.B. Bennett's also promoted a centralized Canada. Prime minister between 1930 and 1935, Bennett acted according to his preference for a strong federal government: for example, he passed eight acts through Parliament, which formed what is known as Canada's New Deal. Six of the New Deal's acts were struck down by the JCPC. The remaining two dealt with criminal law and farm credit, two areas that had little bearing on culture and which were clearly within federal jurisdiction. In this context, centralist visions of Canada provided no cause for concern.

If the JCPC helped avoid a political debate between English Canada and Quebec's elite, the Catholic orthodoxy restrained political debate inside the province. Before the Second World War, any political discourse challenging the vision of Canada held by the Catholic nationalist elite was deemed illegitimate.

The first serious challenge to the traditional elite's vision of Canada came from outside Quebec. Tired of British constitutional adjudication which pre-empted their vision of Canada, partisans of a centralized federation in English Canada, such as Scott, did not fail to complain about appeals to the JCPC. Moreover, the Second World War convinced provinces, including Quebec, to enter into tax-rental agreements with the federal government to finance the war effort. In 1945, after the war, the federal government strove to continue the rental agreements, which reduced the financial autonomy of provinces and increased the federal government's capacity to spend in the domain of the provinces. Lastly, the federal government appointed, in 1949, a Royal Commission on National Development in the Arts, Letters and Sciences, the Massey Commission, whose premises appeared at odd with the Catholic vision of Canada (Coleman 1984, 66). These events encouraged Duplessis, then Quebec's premier, to appoint a commission of his own on Canada's constitutional problems, the Tremblay Commission. The intention was clearly to reply to the external challenge to the vision of Canada, guarded by the Church and held by Quebec's traditional elite.

The mandate of the Tremblay Commission could be described as making explicit Quebec's vision of Canada, which had been expressed by the traditional elite, with the blessing of the Clergy. Until the Second World War, this vision had been taken for granted by most citizens of the province. When the report was released in 1956, several intellectuals, trained to think outside the parameters set by the Church, had emerged in Quebec (Bélanger 1996). By the 1960s, several of them had proposed visions of Canada which could only be understood as challenges to traditional catholic views, such as those exposed in the report of the Tremblay Commission. By the 1960s, Quebec's discourses on Canada had multiplied in number, sophistication and breath. The time of consensus over a single tacit Quebec vision of the country, guarded by the Church, had vanished, as cleavages began to multiply.

Trudeau's challenge to the vision of Canada held by Quebec's traditional elite is famous. A modernist, vehemently opposed to nationalism, Trudeau argued in favour of strong central institutions with a view to breaking provincial particularisms (Nemni et al. 2007). Laforest (1992) argues that Trudeau's vision of Canada was at odds with federalism, to the extent that federalism requires provincial autonomy. The respected Quebec intellectual and politician André Laurendeau, a contemporary of Trudeau's, disagreed with his vision of Canada, on the ground that it presented a risk of implosion. In a stunning article, Brigitte Faivre-Duboz (2001) contrasts Trudeau's vision with that of Hubert Aquin. Both visions reject Quebec's traditional vision – in this sense both are modern -- but each is attached to a different understanding of the relationship between the particular and the universal. The two visions have distinctive bearings on how Canada is conceptualized. In contrast to Trudeau's, Aquin's vision squarely proposed Canada's explosion. Striking in Faive-Duboz's article is the sophistication and the comprehensiveness of the visions of both Trudeau and Aquin. Éric Bédard (forthcoming) argues that in rejecting conventional understandings of the nation, held by the traditional elite and represented by Groulx, but also by sovereignists such as Fernand Dumont, Gérard Bouchard proposes a society close to that envisioned by Trudeau. As illustrated in Figure 1, Bouchard's vision widens considerably the breath of the intellectual visions posing a direct threat to

Canadian federalism. The increasing distance between all the possible visions of Canada represents, in itself, a threat for the federation.

Far away is the period when Quebec's Catholic elite was able to monopolize the vision of the country in the province, a vision largely compatible with the tradition of Imperial home rule. With the multiplication of visions in Quebec, which began around 1960, and slightly earlier elsewhere in Canada, the risk of explosion began to rise.

As illustrated in Figure 1, with the exception of that of John A. Macdonald (which had lost its appeal before the turn of the 20th century), pre-1960 visions of Canada are situated close to the centre, within the low-risk zone to Canadian federalism. In the 1960s, visions were no longer contained within this zone, thanks in part, but not exclusively, to modernists. I should underline that Figure 1 displays only some of the key Canadian intellectuals. Between 1960 and now, books and articles presenting visions of Canada, some fitting nicely in Figure 1 and others not, have multiplied. Laforest (1992), Blattberg (2003), Simeon (1972), Gagnon (2001), Seymour (2001), Kymlicka (1998) and Cairns (1991) are just a few of the intellectuals whose visions of Canada track the cleavages of Figure 1.

Figure 1: Cleavages around Visions of Canada
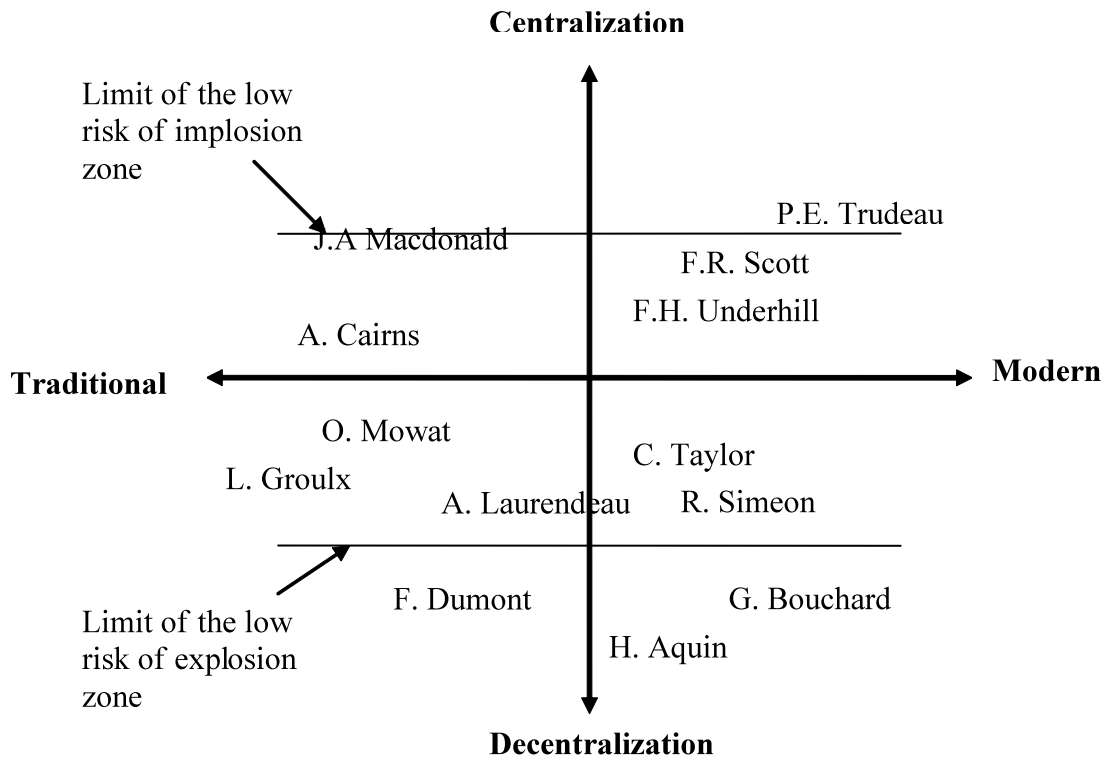
Cleavages around visions of the country would have relatively harmless effects had they failed to spill over into the political sphere. Trudeau did not wait for his ideas to be taken up and he became a politician himself. Dumont became an advisor to former Quebec premier René

Lévesque, while Laurendeau was a source of inspiration for Claude Ryan. Gérard Bouchard's brother, Lucien Bouchard, a well read politician, became premier of Quebec in 1995. Laforest became involved in the Action démocratique du Québec to help formulate the party's constitutional platform. Just as Groulx was influential among Quebec's traditional elite and politicians, today's intellectuals who think about Canada are not deprived of an impact on the country's future. And the same is true in English Canada (Cairns 1991, chap. 8)

In short, the danger of explosion, and to a lesser extent of implosion, of Canada's federal system is correlated with the multiplication of visions and their dispersion around several cleavages. These cleavages and the dispersion of visions are far more threatening to the Canadian federation than the absence of Kelemen's safeguards will ever be. Today's politicians confront each other equipped with incompatible yet sophisticated and comprehensive visions of Canada.

The Solution Provided by Disjointed Incrementalism

If the problem of Canada, as a multinational federation, is one of intellectual confrontation over what the country should be, what could be the solution? From my reading of the problem, it would be easy to advance an anti-intellectual solution and simply advise politicians, and Canadians more generally, to stop taking cues from those who think, write and speak about what Canada ought to be.

To some extent, this is Matthew Mendelsohn's (2000) suggestion. Mendelsohn argues that the solution to Canada's problem would be better handled by the public rather than by the political or intellectual elite. To put this principle in practice, he suggests inviting ordinary citizens to participate in deliberative processes, such as deliberative polls or citizens' juries. British Columbia's failure to reform its electoral system with a citizens' assembly, however, leads me to believe that such devices present little potential for reforming the Canadian federal system.

Charles Blattberg (2003) has developed a sophisticated criticism of deliberation and he suggests a "conversation" as an alternative. An exercise of deliberation, he argues, is organized at a particular moment; it is a rule-based event. What is more, participants in an exercise of deliberation are invited to participate and follow a given method. Typically, invited participants are treated as ordinary citizens, that is, as citizens who have little interest in, or even knowledge of, the policy under consideration. A conversation, on the other hand, is unorganized, continuous and every citizen is free to participate. The attitude of participants distinguishes a conversation from normal politics. Normal politics is an attempt to accommodate participants through negotiation. In normal politics, participants accept and refuse to make concessions with a view to reaching a satisfying agreement. In a conversation, participants are motivated by the search for the common good. They enter a conversation with their own conception of the common good and are willing to listen to other citizens whose conceptions might differ. Participants in a conversation should avoid attitudes of confrontation, such as questioning the credibility of interlocutors or posing ultimatums. Parties to a conversation should desire an integration of visions into an enduring one that all will cherish. Given the right attitude of participants to a conversation, Blattberg argues that a consensus around a vision for Canada is possible.

It is difficult to disagree with an idea as appealing and original as Blattberg's conversation. It is, however, harder to believe that a conversation could actually occur around a vision for Canada.

In fact, I argue that the problem with Blattberg's idea is not so much with his notion of conversation as a manner of interaction for political actors, but rather its goal of producing vision for Canada. As with most scholars working on Canadian federalism, Blattberg advances a vision-led approach. I argue that vision-led approaches, whether they are associated with normal politics or conversation, are problematic.

My source of inspiration to think through problems related to Canadian federalism is David Braybrooke & Charles Lindbom's (1970) strategy of disjointed incrementalism. This strategy is designed for use in administrative and policy decision-making rather than the preservation of a federation. However, I believe that it makes sense to consider the Constitution of a country, federal or not, as an especially important *policy*. Therefore, administrative and policy theories can, perhaps more than philosophy, contribute to the resolution of Canada's constitutional problems.

In an interview with Erhard Friedberg (2005), Lindblom explains that his idea of incrementalism came from the observation of a "bad habit of thought," common in administrative organizations. In his scholarly work, he calls this bad habit of thought the "synoptic approach" to decision-making. In a famous 1959 article, Lindblom opposed to the synoptic approach an incremental approach which he believed to be more realistic. As he said in the interview mentioned above, he believed naively that all he had to do was write this article and "all things would be cleared up"; the bad habit would go away. In fact, synoptic thinking is still with us. Synoptic thinkers believe that the "ideal way to make a decision is to choose among alternatives after careful and complete study of all possible courses of action and all their possible consequences in light of one's values." (Braybrooke & Lindblom 1970, 40). Indeed, Braybrooke & Lindblom attribute synoptic thinking to policy analysts and economists in particular, hence the propensity of synoptic thinkers to believe in scientific rationality. Unlike policy analysts and economists, however, most of the intellectuals I have associated with a vision-led approach to Canadian federalism do not place much faith in a calculus absorbed with identifying and assessing the consequences of every possible alternative, to be a suitable method to identify a solution. Nevertheless, I believe that the vision-led approach to Canada's constitutional problems displays some of the characteristics of synoptic thinking.

At least three important parallels can be drawn between synoptic thinkers and intellectuals engaged in one or other of the vision-led approaches. First, synoptic thinkers believe that values should be defined as clearly as possible before any contemplation of concrete action. As synoptic thinkers would argue, "one cannot be rational without first knowing what one wants and proceeding from there to a systemic examination of alternative means" (Braybrooke & Lindblom 1970, 41). A vision for Canada is akin to what Braybrooke & Lindblom (1970, 41) call "what one wants." The vision, its proponents would suggest, is the first step in the decision-making process. It is an attempt to "stabilize values" to allow a search for a solution (Braybrooke & Lindblom 1970, 52). Again, vision-led thinkers of Canadian federalism may not adhere to the same method as synoptic thinkers for the search of solutions, but, like synoptic thinkers, they believe that a vision, or a stabilization of values, is the first decision-making step. Blattberg's conversation aims precisely at such a stabilization of values, under his conception of the "common good."

Second, synoptic thinkers seek comprehensiveness in their treatment of values and of alternative solutions. For them, "the best way to solve a problem is to be comprehensive"

(Braybrooke & Lindblom 1970, 43). When it comes to the search for a solution, few thinkers of Canadian federalism claim to proceed from a comprehensive examination of all possible alternative actions. However, equally few would suggest that their vision of Canada is segmented, or lacks comprehensiveness. They seek to offer a complete vision of Canada. And to the extent that their complete vision of Canada departs from the status quo, they will not hesitate to suggest radical changes to the country.

Third, synoptic thinkers treat policy questions as intellectual rather than political problems. From the synoptic perspective, "one treats the policy questions as an intellectual problem; one does not look upon a policy question as calling for the exercise of something called 'political' force" (Braybrooke & Lindblom 1970, 40). Thinkers of Canadian federalism often admit that the vision they advance is a political one. However, they prefer to resolve the political debates arising from the clash of visions through intellectual engagement rather than political means. A conversation, for example, is closer to an intellectual activity than to the exercise of political power. Political power is associated with normal politics, for which Blattberg wants to substitute conversation.

Braybrooke & Lindblom (1970) contrast disjointed incrementalism to synoptic thinking. Unlike synoptic thinking, disjointed incrementalism accords greater importance to action than to vision; it is meant to be applied when values cannot be stabilized but rather clash in political conflict; disjointed incrementalism does not view fragmentation as a problem. Braybrooke & Lindblom (1970, 83-106) attach eight distinctive elements to the strategy. It will not be useful to enumerate and define each of them here. Three will suffice for the purpose of this article.

First, disjointed incrementalism is margin-dependent. Given the limited cognitive capacity of humans, the strategy assumes that policy-makers normally proceed by trial and error. Consequently, they only contemplate small changes in relation to existing policies. In contrast, the synoptic perspective assumes a clean slate, as do several thinkers of Canadian federalism. Disjointed incrementalism allows large policy changes only at the end of a sequence of small changes.

Second, disjointed incrementalism implies an adjustment of objectives to available policies. Again, synoptic thinkers demand the opposite: a stabilization of values and objectives into a vision before policy decisions can be made. In the synoptic perspective, means are adjusted to ends. Disjointed incrementalism assumes that a separation between means and ends is impossible. When policy analysts examine means, they often simultaneously reflect on ends. In other words, a vision can arise in the process of reconciling means and ends, or might even arise after the adoption of a concrete policy change. In contrast to what Blattberg suggests, conversation and consensus often occur, if they occur at all, after decisions are made, not before.

Third, the strategy of disjointed incrementalism is consistent with social fragmentation. The synoptic perspective insists on the importance of coordinating intellectual effort in view of resolving a concrete problem. Comprehensive thinking requires taking a wide perspective on a problem, accounting for every potential contributing factor and mobilizing everyone who might be part of the solution in a single coordinated effort. In contrast, the strategy proposed here is disjointed. As Braybrooke &Lindblom (1970, 105) put it,

various aspects of pubic policy and even various aspects of any one problem or problem area are analyzed at various points, with no apparent co-ordination and without the articulation of parts that ideally characterizes subdivision of topic in synoptic problem solving. Of course, analysis and evaluation are in a secondary sense also disjointed because they focus as heavily as they do on remedial policies that "happen" to be at hand rather than addressing themselves to a more comprehensive set of goals.

At first sight, the strategy might appear unsuitable to tackle any policy problems, let alone Canada's constitutional problems. Lindblom views disjointed incrementalism as a realistic strategy, not one which possesses the elegance of synoptic ideals. Moreover, synoptic approaches, Lindblom argues along with Simon (1957), simply cannot be applied given the limited cognitive capacity of humans. Therefore, synoptic approaches promise far more than they deliver. Disjointed incrementalism, by comparison to vision-led approaches to reform the Canadian federation, might appear relatively unpromising, but might deliver what it promises.

Three promises can be associated with disjointed incrementalism in the context of Canadian federalism. First, disjointed incrementalism can effectively change conceptions of federalism, but gradually and over a long period. Despite the stability of the text of the Canadian Constitution, the federation has changed gradually over the years. Court decisions, patterns of intergovernmental relations and policy decisions have brought changes to Canadian federalism since 1982. Conversely, the vision-led approaches behind the Meech Lake and Charlottetown Accords failed to deliver the promised changes. The incremental changes that have occurred since 1982, in particular those which followed the 1993 federal election, were accidental; they did not stem from a desire on the part of federal politicians to change the federation. The governing Liberals of the 1990s and early 2000s were satisfied with the 1982 constitutional order and therefore accepted changes only when pressured to do so, almost accidentally.

By contrast, when disjointed incrementalism is construed as a strategy, its goal is to bring change. In the context of Canadian federalism, there must be political actors who desire to alter the constitutional order established in 1982. Such a strategy is more likely than a vision-led approach to deliver on the promise of change, if only because incremental changes are easier to bring about. As Braybrooke & Lindblom (1970, 137) explain, incrementalism reduces the need for agreement before policy-makers proceed with a change:

> Because each analyst excludes some important values from any given analysis and because the completion of analysis depends upon social processes rather than the intellectual integration of parts, the need for social agreement is significantly altered by using the strategy.

Contemplating changes at the margin of the status quo to meet some expectations from western Canada does not require the ascent of Quebecers to the same extent that a comprehensive vision-led change would. This is even more so if Quebecers know that the changes are not irreversible and that their own preferences will be looked after at a later stage.

Second, the sequences of small changes should attend to a wider array of values than possibly could any change inspired by a single vision. As Braybrooke & Lindblom (1970, 138) suggest: "where analysis and policy-making are serial, remedial, and fragmented, political processes can

achieve consideration of a wider variety of values than can possibly be grasped and attended by any one analyst and policy maker." Thanks to the disjointed character of the strategy, some government actors can attend to values that are salient in western Canada, while other actors can attend to values that are salient in Quebec. The single successful vision-led change to Canadian federalism in recent times, the *Constitution Act, 1982*, failed to attend to values salient in Quebec. The Meech Lake Accord, which was also inspired by a comprehensive vision, was to make up for this failure, but was perceived as failing to attend to values salient in western Canada, as well as those of all kinds of groups (Cairns 1991).

Third, disjointed incrementalism should limit unavoidable political conflicts over what Canada should be, such that the risk of explosion will be reduced. The disjointed character of the strategy does not imply that Westerners are unaware of actions viewed as attending to the values of Quebecers and vice versa. Westerners might dislike the actions targeted at Quebecers, just as Quebecers might dislike those actions attending to the preferences of Westerners. However, given the priority the strategy gives to policy actions rather than to visions, political conflicts should not significantly increase the risk of explosion. As Braybrooke & Lindblom (1970, 133) write:

> The strategy leaves valuations in large part tacit and promotes agreements that are manifest in behaviour without being explicitly arranged… It seems to be a characteristic of policy discussions that value terms make the most of disagreement, while the quiet in which values are actually used indicate an important degree of agreement.

Braybrooke and Lindblom add that "disagreements on abstract values are often simply disagreements on utopias, from which policy choices are far removed" (1970, 134). Therefore, policy-makers who disagree over visions can nevertheless agree on policy, while the reverse appears more difficult. Under these circumstances, avoiding affirming principles too assertively, and advocating instead concrete changes, would speed up the process of moving toward an agreement among actors who might hold more or less incompatible visions. As Braybrooke & Lindblom (1970, 135) write, the more policy-makers "declare, the harder it is for them to change without embarrassment." It would certainly be easier for Westerners to obtain the support of central Canada for Senate reform if they were to refrain from insisting that the reform is motivated by the principle of the equality of the provinces. Likewise, support for an asymmetrical distribution of policy responsibilities would be easier to obtain if no one were to insist uncompromisingly on a bi-national vision of Canada.

All this is not to say that comprehensive visions are unimportant from the standpoint of disjointed incrementalism. Clearly they are. However, given the diversity of values which characterizes Canada, vision holders should be more modest. They should allow insights from disjointed conversations about concrete policy actions to influence their visions. Moreover, the disjointed character of the strategy should not be exaggerated. It allows for mutual adjustments among incremental decisions. Over the long term, this process can allow various conversations about concrete changes to converge, and thus the proliferation of visions of Canadian federalism will be reduced. Only if this occurs will Canada be ready for a new formal constitutional amendment. In the meantime, the courses of action leading to concrete changes should remain relatively free of disputes over contrasting visions. In the past, constitutional

reforms were too often burdened by such disputes and the result has been an increase in the risk of explosion of the Canadian federation.

Discussion

The 1982 constitutional amendment and the Meech Lake Accord departed from disjointed incrementalism on several counts. First, both reflected complex visions. The 1982 constitutional amendment was the means to realize Trudeau's vision, elaborated in the 1960s. It was far-reaching and did not inspire indifference. It was hotly contested, notably in Quebec's nationalist circles, but also in some places in English Canada where the Imperial constitutional tradition was still popular. As Braybrooke & Lindblom (1970) could have predicted, the patriation process was encumbered by severe conflicts over fundamental principles, which could not be resolved. Indeed, the Quebec government disagreed with the amendments and the National Assembly denounced it unanimously. As a result, the constitutional reforms of 1982 did not appease the problems of Canadian federalism, it made them worse.

The Meech Lake Accord was also designed after a vision. After the 1985 Quebec election, Bourassa's Liberal government was asked in an intergovernmental conference what Quebec wanted in exchange for its endorsement of the Canadian Constitution. In response, the Bourassa government presented five conditions. According to Laforest (1992, chap. 3), these five conditions were inspired by a compromise between the visions of Laurendeau and F.R. Scott (see figure 1). Negotiations over these five conditions were thus undertaken by the premiers of the ten provinces and the prime minister, resulting in the Meech Lake Accord. Because the accord was wrongly perceived as addressing Quebec's problems only (see Cairns 1991, chap. 6), Meech Lake became the object of clashes between Quebec and English Canadian visions of the country. So much so that the agreement was never ratified by the ten provinces.

The failure of Meech was followed by the Charlottetown Accord, which was the last attempt by a unwavering Prime Minister Mulroney to find a solution to the problems of Canadian federalism. Charlottetown was the result of an uneasy compromise among several visions. In contrast to the process leading to the Meech Lake Accord, the Charlottetown process was comprehensive, trying to address the problems of Quebec, western Canada, First Nations and other groups all at once. The Charlottetown Accord did not propose any radical transformation, but promoted a wide array of simultaneous changes. The comprehensiveness of Charlottetown demanded a higher level of social acceptance than Meech Lake. And indeed Mulroney agreed to hold a referendum on the agreement. As Braybrooke & Lindblom would have predicted, vision conflicts prevented successful ratification.

In the 1993 federal election, the Liberal Party defeated the Progressive Conservative Party and formed the government up until 2006. Unsurprisingly, this long period was one of consolidation of the 1982 inheritance; Trudeau's vision had imposed itself as the Liberal Party's vision. Instead of contemplating changes, the long succession of Liberal governments worked to consolidate the status quo. Only once in a while were Liberal governments forced to adopt incremental changes that they did not deem absolutely necessary. Liberal governments never adopted incrementalism as their preferred strategy for reforming Canadian federalism.

In 2006, the Conservative Party was elected on the promise to change the Canadian federation, on the basis of a new practice of open federalism (Montpetit 2007). I have no indication

suggesting that Braybrooke & Lindblom's theory of disjointed incrementalism inspired the Harper government. Open federalism, however, bears a resemblance to a strategy of disjointed incrementalism. Open federalism was never related explicitly to a comprehensive vision of Canada; indeed, it was a phrase coined by Stephen Harper during the2006 electoral campaign. He never elaborated on the substance of open federalism, nor did he reveal the intellectual inspiration behind it. Instead, his government attached concrete political measures to it, and not all at once. Among these measures were the granting of a role for Quebec at UNESCO, the recognition that Quebecers form a nation and the correction of the fiscal imbalance. These measures represent concrete margin-dependent policy changes. Margin dependence is particularly obvious if these changes are compared with the 1982 constitutional amendment and Meech Lake. Furthermore, unlike the Charlottetown Accord, they were processed in a disjointed manner. They were not part of a comprehensive deal, but rather were decided successively, without an explicit relationship to one another. Under these circumstances, the requirement for social acceptance was low. These changes were far less demanding in terms of social acceptance and ratification than would have been a constitutional amendment.

In a disjointed manner, the federal government also proposed changes likely to appeal to western Canadians. Among these changes are those related to the election of senators as well as those regarding the appointment of judges. These margin-dependent political decisions are so disjointed that they were not even treated under the banner of open federalism. Nevertheless, they will have an effect on how Westerners view the federation and they might serve to appease some discontent related to measures targeted at Quebec. Therefore, they contribute to containing political conflict over Canadian federalism under the threshold beyond which explosion becomes a real risk. In contrast, the vision-led approaches used in the past worsened the risk of explosion.

At first sight, the changes made or contemplated by the Conservative government might appear modest and their lack of coherence might lack appeal. But over the long run, if the strategy is applied steadily, the Conservative government might be able to change the federation significantly. Even if they are disconnected from a clear vision, these changes should still appeal to those who want change rather than the status quo. And as Canadians reflect on these changes, an attractive vision of Canada might emerge, enabling a formal constitutional amendment. Disjointed incrementalism, if applied steadily, will attend to the distinctive values prominent in Quebec, in the West and perhaps elsewhere to an unprecedented extent. If applied steadily, the strategy will, at a minimum, reduce some of the dissatisfaction some Canadians feel about their country.

Conclusion

This article began with an overview of the problems facing federations. Federations, Kelemen (2007) argues, are at risk of explosion or implosion. Those that have managed these risks effectively have relied on structural, judicial, partisan and sociocultural safeguards. I have argued that these safeguards have played an insignificant role in preserving Canada, most been very weak even when the risk of explosion was at its lowest level. I have argued instead that the risks of explosion and implosion correlate with the rise of discourses presenting various visions of Canadian federalism, along salient intellectual cleavages. In the 1960s, it became increasingly frequent that comprehensive and sophisticated visions of Canadian federalism found

themselves on different sides of intellectual cleavages. To the extent that policy-makers approached the political problems stemming from Canadian federalism as intellectual problems, agreement became more and more difficult. In this context, vision-led approaches became prone to fail at gathering support and obtaining ratification for change.

I argued that a way out of this problematic situation for Canada is for policy-makers to rely on a strategy of disjointed incrementalism. In this strategy, political action, conceived as a succession of disjointed small policy steps, precedes vision. In fact, visions are shaped by conversations, to use Blattberg's concept, over policy action. The size of each change and the disjointed character of the strategy reduce consent requirements for policy change. The strategy, therefore, appears more realistic than any change inspired by an approach based on comprehensive visions. Open federalism, I further argued, possesses several of the characteristics of disjointed incrementalism. And consequently, it has avoided the intractable political conflicts between Quebec and western Canada that have characterized previous vision-led attempts at changing the federation.

Endnotes

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