

Canadian Federalism and the Australian Parallel

When, during the 1890s, the Australians began serious discussion of forming a federation, they had a number of advantages over the British North Americans of the 1860s. The latter felt that they had to work with speed, given the apparent threat from the United States, the intolerable internal tensions generated by the Canadian union, Ontario's anxiety to expand into the northwest, and the withdrawal of British military garrisons. The Australians could afford to take their time, and did so. Since they were not faced with any severe or pressing crises, internal or external, and could feel secure behind the protection provided by the Royal Navy, they were able to examine the available federal models and decide which features of each were suited to local conditions. At the outset of the debate the Canadian model of a centralised federation, in which all powers not specifically delegated to the provinces were vested in the central government, had influential advocates, including Sir Henry Parkes and Alfred Deakin from the powerful eastern colonies of New South Wales and Victoria.¹ It is interesting to note that this model was soon discarded; after 1891 the politicians discussed only the various permutations of coordinate federalism, using the United States as the exemplar, realising that this format alone would be acceptable to the general electorate. The powerful colonies were unable — unlike the British North American experience — to dominate constitution-making because Australian political tradition demanded that even if the federation were in reality the work of the elite, it would have to be ratified by the voters of each colony. And the voters of Perth, Adelaide and Brisbane were not going to accept a union obviously designed to enhance the already dominant position of Sydney and Melbourne. In L.F. Crisp's words, "The Commonwealth constitution came the hard way, the democratic way, from discussion and bickering, party warfare and compromise, campaigns up and down the country".² Thus, perversely, Australia with its relatively homogeneous population adopted a truly federal constitution, while Canada, with its old-established political units and its strong French minority, adopted a system of subordinate federalism.

This striking and instructive contrast lies at the basis of an interesting collection of essays on *Federalism in Canada and Australia: the Early Years* (Waterloo, Wilfred Laurier University Press, 1978), edited by Bruce Hodgins, Don Wright and W.H. Heick, which is principally concerned to explain why Canada experienced centrifugal tendencies, transforming the Macdonaldian constitution into something more genuinely federal, while Australian federalism has been centripetal, with the power of the centre growing at the expense of the states. The short answer relates to the basic paradox: Canada had a unitary constitution foisted onto a federal society, Australia a federal constitution

1 L.F. Crisp, *Australian National Government* (Croydon, Victoria, 1965), pp. 31-3.

2 *Ibid.*, p. 5.

grafted onto a culturally if not geographically unified population. Both countries have been reconciling the gap between social and political realities ever since. All the Canadian contributions to *Federalism in Canada and Australia* deal with the period before 1880, and are concerned to examine the adjustment to the confederation of its component parts, although there is no discussion of Prince Edward Island or British Columbia. The Australian essays describe the forces which led to the formation of the Commonwealth in 1901 and its evolution to 1914. The collection is framed with essays by Hodgins, and Hodgins and Wright, which contrast the overall experience of the two countries and provide the necessary generalisations. It is a pity that this comparative aspect was not carried through into the individual essays which, particularly in the Canadian section, tend to be narrowly focussed. However, the editors seem to have assumed that Canadians know less Australian history than vice-versa, thus encouraging the Australian contributors to write in a more broadly interpretive manner; the result is that the essays by R. Norris on the reasons for federation, and by Don Wright on commonwealth-state relations 1901-14, are among the best in the book. The only comparable essay in the Canadian section is Donald Swainson's lively and succinct account of Ontario imperialism in the West.

The opening essays on Canada by E.H. Jones and Bruce Hodgins clearly illustrate the elitist, anti-democratic and centralist tendencies of the architects of the 1867 constitution. It would have been interesting had the authors expanded their scope and paid greater attention to federalist and localist attitudes in the lower colonies, but the omission has at least the virtue of emphasizing the role which the Maritimes were cast to play. A major and familiar reason why the Canadian Fathers acted as they did was the demonstration which the American Civil War seemed to give of the instability of classical federalism. But another was that confederation was the brainchild of imperial Ontario and acquisitive Montreal. Indeed, for all its virtues, the Macdonaldian constitution was the expression of a centralist arrogance which the Maritimes were too weak to resist: an arrogance which, even before 1867, could assume that the ancient legislatures of the east would become quiescent clients and that the British North American interest was identical with that of Toronto and Montreal. The contributions which follow demonstrate how central dominance and a strong central government was, in the 1870s, imposed upon the West, accepted in Quebec, and received very ambiguously in the Maritimes. The attitude of Ontario was more complex, and is discussed in a number of the essays, particularly Bruce Hodgins and Robert Edwards' "Federalism and the Politics of Ontario, 1867-80". The province's imperial sense, its dominance within the confederation created to accommodate its ambitions and needs, co-existed with an intense localism. The result was, Hodgins and Edwards conclude, that by 1880 Ontario had "effectively altered the direction of the Canadian union" (p. 95) by rejecting centralism, cultural dualism and federal protection of minority rights. It was the assertion of provincial rights which eroded the Macdonaldian

constitution as much as any decisions of the Privy Council, and the process was initiated by the most powerful province.

In the still largely empty west there could be no comparable assertiveness, although Swainson points out that the tradition of resistance to central control emerged early. In the Maritimes, initial protest against central dominance soon subsided, at least temporarily. This happened much sooner in New Brunswick than in Nova Scotia, and one wishes that Peter Toner had attempted an explanation in his otherwise vigorous and interesting essay on the separate schools issue. It does illustrate, however, how the federal government had to recognize the federal aspects of the constitution when it came to delicate local matters involving religion and race. In this way Toner shows the inappropriateness of the unitary model. But this is not really his point. He roundly castigates Macdonald for preferring votes to good government, for buckling under pressure from Ontario Orangemen and from French-Canadians insistent upon provincial control of education — for allowing the irresponsible assertion of provincial rights. He might have considered W.L. Morton's view that Macdonald and Cartier were in fact motivated by an honourable adherence to the compromise between national and local interests on which the confederation rested, and an understandable fear of a crisis that could damage the new constitution.³ But whatever one thinks of Macdonald's behaviour, and disagreeable as the dispute was, it demonstrated that local spirit and identity survived in New Brunswick, and that the provincial government had and exercised powers which made it very much more than a glorified municipal council. The persistence of this spirit of localism — nationalism, perhaps — in Nova Scotia and its accommodation to confederation is the subject of Kenneth Pryke's essay on "Federation and Nova Scotia Politics" from 1867 to 1878, and his important monograph, *Nova Scotia and Confederation, 1864-1874* (Toronto, University of Toronto Press, 1979).

Pryke does not dispute that confederation was a centralist scheme which violated Nova Scotia's pride and traditions. But it is his view that like New Brunswick, Nova Scotia had no options. Given the British policy of withdrawal from direct involvement in North America, and the impossibility of union with the United States, the colony could only acquiesce in the formalisation of an actual subordination to the upper provinces. While Tupper's methods may be open to justifiable criticism, he and his supporters were right. The anticonfederate cause was based on anachronistic delusions; that it continued so much longer than in New Brunswick is probably related to the calibre of its leaders, Joseph Howe in particular, and a deeper sense of local nationalism. But eventually Nova Scotians had to accept that their future lay within Canada, and that the province's interests would have to be promoted through the provincial

3 W.L. Morton, "Confederation, 1870-1896: The end of the Macdonaldian constitution and the return to duality", *Journal of Canadian Studies*, I (1966), pp. 13-7.

government as much as by federal representatives who were prone to succumb to the blandishments of patronage and the fleshpots of Ottawa, and who in any case had to balance local concerns against the national interests which they were chosen to consider in the federal parliament. A valuable aspect of Pryke's work is his analysis of the various theories of federal-provincial relations which emerged in the 1870s once it was clear that repeal had failed. As he points out, the main argument was not so much over the recognition of provincialism but over the way it should be expressed — whether through the federal cabinet, the national Parliament, or the provincial government. Nova Scotia's preference for the last of these alternatives helps explain the alliance of the erstwhile anticonfederates with the federal Liberals, in spite of the latter's reliance on the myopically provincialist Ontario Grits: at least they could share respect for provincial rights and distrust of Macdonald. Not that this accommodation to national political structures in the 1870s did Nova Scotia much good; federal politicians of both parties tended to ignore the province's interests until central Canada was prepared to adopt the National Policy, and the contentious results of that strategy are beyond the scope of Dr. Pryke's study.

Maverick to the last, though true to his own principles, Howe felt that if the province were to stay in confederation, then (for a price) Macdonald's federalism would have to be accepted — a view which alienated him from both local parties. He and his followers were the Peelites of Nova Scotian politics, further confusing a complex situation which Pryke dissects with skill and clarity, and in considerable detail. This study of the politics of the confederation period and after in Nova Scotia will become a standard work, an indispensable supplement to the more familiar and general studies of the period, and to Pryke's own doctoral thesis which has been available for some time. Nevertheless, the approach is narrowly political — the book's title, if taken literally, is misleading — and the treatment of an exciting and emotional period in the province's history lacking in sparkle. The account could have been enhanced had more attention been given to social and economic divisions which the parties represented, more information given on the use of influence and electioneering in general, more comparisons with other provinces — in short, one wishes that Dr. Pryke had splashed on some bright colours with a broad brush, and then reached for the fine one.

An obvious deduction from both the books under review is that the current constitutional discussion in Canada is another stage in the evolution of the Macdonaldian constitution into coordinate federalism. The process began early and has been accelerated by developments in Quebec, the growth of the West, and now by the glittering prospect of dramatic developments on the Atlantic coast. The extreme outcome of this trend — provinces holding dominion status within a Canadian commonwealth — is hardly likely to occur. Even Premier Peckford realizes that a common government with substantial powers will remain a necessity, and that, even in his own province, a sense of Canadian

identity must temper provincial xenophobia. In these circumstances, he and other premiers would do well to examine the Australian constitution of 1901. It was designed in a democratic age to cope with the common problems of a society that had strong local loyalties but whose members felt themselves Australian. The British North America Act, developed to meet the needs of central Canada in a pre-democratic period, has proved remarkably flexible; but if substantial alteration is now needed, Australia provides an instructive and apposite model.

J.K. HILLER

Architecture and Building History in Atlantic Canada

Most of what has been written on architecture in Atlantic Canada has been written with the intent of preserving the buildings, not of analyzing the architecture. The literature is, generally speaking, a popular literature consisting of building histories reinforced by illustrations. This is certainly true of the three volumes produced by the Heritage Trust of Nova Scotia — *Founded Upon a Rock* (Halifax, 1967), *Seasoned Timbers 1* (Halifax, 1972) and *South Shore, Seasoned Timbers 2* (Halifax, 1974). These are well-researched, well-written building histories for the Halifax area, Western Nova Scotia and the South Shore. While the layout and printing (particularly of photographs) are merely efficient, the style and the information provided are good. There is a vitality in the writing and an element of critical commentary that raises these books, as texts, well above the level of more popular works such as those illustrated by L.B. Jenson — *Vanishing Halifax* (Halifax, Petheric Press, 1968), *Wood and Stone* (Halifax, Petheric Press, 1972) and *Country Roads* (Halifax, Petheric Press, 1974). Jenson himself did the text for the Halifax book, the Pictou Heritage Society for the other two.

Vanishing Halifax appears to have grown out of one man's affection for his adopted city, a fondness augmented by a sense of its fragility — an awareness that what he is looking at today may be gone tomorrow. For that reason it is the best of the three books. The text is detailed, the comments personal, the sense of place well-conveyed. The pen-and-ink sketches are a very effective medium for preservation education and, while good in the Halifax book, they are sharpened, made more precise in the Pictou books. *Vanishing Halifax* includes a good collection of small drawings of architectural detail — keystones, figures, railings, capitals — which serve to make the reader more observant of the lesser aspects of buildings, aware of more than the mass of the facade. One of its most striking and effective illustrations is the panorama of Brunswick Street. This makes a powerful argument for streetscape preservation by presenting what