Federalism as a Way of Life: Reflections on the Canadian Experiment*

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“‘Canadian federalism,’” Pierre Trudeau told the United States Congress, was “‘...a brilliant prototype for the moulding of tomorrow’s civilization.’” Canada was the kind of society in which different nations could live within the same state, and such a combination was “as necessary a condition of civilized life as the combination of men in society.” A society is not simply made up of individuals, as the great social contract theorists of the seventeenth century had imagined. An obvious fact about any society is that it also consists of groups with distinctive ways of life. The Canadian constitutional settlement of 1867 had responded to this fact, and the Charter of Rights and Freedoms acknowledges that group rights are no less important than the rights of individuals. In this way, the Canadian constitution not only rejects the atomizing individualism of the American constitution but also envisages a different type of society.

But there are difficulties inherent in the Canadian constitutional experiment, and virtually the whole of the Western political tradition appears to be against it. Reflecting on the cultural diversity of mankind, Kenneth McRae has noted that Western political thought has shown little respect for it, preferring instead to adopt universalistic, integrationist, or assimilationist principles. Nationalist thinkers did, of course, challenge

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3 Kenneth McRae, “The Plural Society and the Western Political Tradition,” this JOURNAL 12 (1979), 676.
the belief in universalism, but even they denied that the state could embrace more than one way of life. For them, the only legitimate states were nation states. In the history of political thought, the Canadian constitutional experiment appears to be caught between universalism and particularism. Even in Canada itself, many scholars either envisage the evolution of Canadian federalism into a unitary state, or predict its disintegration in response to particularistic demands for local autonomy.

Canadians have available to them, however, an understanding of federalism that mediates the destructive demands of universalism and particularism. To recapture that understanding of Canadian federalism, it is necessary to explore its moral foundations and to think of federalism as a way of life. When federalism is understood in this way, it ceases to be a political or economic expedient and becomes a fundamental moral value. Moreover, the value that federalism as a way of life is most intimately connected with is not freedom or diversity, but fraternity. Federalism as fraternity responds to universalism and particularism by incorporating and transcending the very forces that are set against it. By so doing, federalism as fraternity not only provides a moral foundation for the Canadian experiment, but challenges some of the most pervasive images of federalism and responds to the inadequacies of the theory and practice of consociational federalism.

**The Crisis of Canadian Federalism**

Federalism is almost never equated with fraternity or described as a way of life. It is more commonly depicted, in Canada and elsewhere, as a political expedient, or as a constitutional arrangement, or as a sociological characteristic of some societies.\(^4\) In fact, Canadian federalism has even been described as an affair of governments, in which the most important issues are resolved by judicial, political and bureaucratic elites. So long as Canadian federalism was understood in this way, it could be regarded as a form of political and constitutional pragmatism devoid of moral principle and preconception. However, with the adoption of the Charter in 1982 and the failure of the Meech Lake Constitutional Accord in 1990 and the Charlottetown Consensus Report on the Constitution in 1992, such an image of federalism has become increasingly unrealistic.

Canadian federalism, as Alan Cairns has observed, is no longer an affair of governments; it now includes citizens and groups who have acquired a new constitutional status through the Charter.\(^5\) Not only do

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Abstract. Federalism is commonly described, in Canada and elsewhere, as a political expedient, or a constitutional arrangement, or a sociological characteristic of some societies. Federalism can also be a moral experiment that seeks to realize a way of life. Canada is an instance of such an experiment. Moreover, the moral value that grounds the Canadian experiment is not freedom or diversity, but fraternity. Federalism as fraternity has its beginnings in Cartier's vision of Confederation, and provides a vision of federalism that can sustain Canadians in their times of trouble.

Resume. Le fédéralisme est habituellement décrit, au Canada comme ailleurs, comme une formule politique, ou un arrangement constitutionnel, ou encore comme une caractéristique sociologique de certaines sociétés. Le fédéralisme peut aussi être une expérience morale visant la réalisation d'un mode de vie. Le Canada est un exemple d'une telle expérience. La valeur morale sur laquelle le Canada repose est la fraternité et non la liberté ou la diversité. Le fédéralisme en tant que fraternité tire ses origines de la conception que Cartier avait de la Confédération et offre une vision du fédéralisme qui peut aider les Canadiens en ces temps difficiles.

these new actors compete with politicians and judges to shape the constitutional order; they have also transformed the language of constitutional discourse. Canadian federalism is now discussed in terms of conflicting constitutional images and competing ways of life.6 Constitutional discourse has ceased to be a language of political expediency and political compromise and is increasingly becoming a branch of moral philosophy.

Virtually no one was able to predict that the Charter would effect such a radical transformation of the constitutional order. When the Charter was adopted, some constitutional scholars even speculated that it would have no effect at all.7 Others saw the Charter as an attack on the sovereignty of the legislators; their concern was that judges would displace legislators as policy makers. Still others feared that the Charter was part of the increasing Americanization of Canadian society; they supposed that the Charter would bring increased "bureaucratization, centralization and atomization."8 Those who supported the Charter saw it both as a way of protecting the rights of the people, and as a device for promoting national unity in the face of provincializing tendencies.9

What the Charter has not yet produced is greater national unity. Even as the Charter was being adopted, some critics warned of its "limited capacities" for furthering national unity. Donald Smiley, for example, objected to the Charter because it was adopted without Que-

9 Cairns, Disruptions, 43.
bec’s consent and would fuel Quebec nationalism; because it did nothing to satisfy the demands for intrastate federalism or to alleviate western alienation; because it spoke of rights as the common possession of Canadians, yet it encouraged individuals and groups to assert special claims and defend particular interests.  

Smiley’s last point might be stated differently. What the Charter has effected is a transfer of sovereignty from government to the people. Moreover, the transfer has been real and not merely symbolic. The Charter has brought the citizenry into the constitutional order and has created a tension between citizens and governments. Jealous of their rights, individuals and groups now compete with governments to control the constitution. Governments can no longer treat the constitution as their possession and modify it as they please. In a sense, the Charter represents a victory for Canadian democracy, because governments are now more responsive to the people. What may be of even greater significance is that the Charter has also brought about the demise of executive federalism, at least with respect to constitutional matters.

The Charter has produced a crisis of federalism precisely because it has undermined the legitimacy of executive federalism. Executive federalism or federalism by elites (judicial, political and bureaucratic) is virtually the only kind of federalism that Canadians have known. Moreover, federalism by elites is more than a political arrangement; it also makes crucial moral assumptions. Not only does executive federalism require elites to practise accommodation and to be committed to national unity, but it supposes that Canada will continue to flourish only if the French and English subcultures are kept separate. “Consociational federalism,” S. J. R. Noel has written, “works best when the ‘two solitudes’ are preserved.” “‘National’ policies aimed at promoting bilingualism and biculturalism,” Noel goes on to say, “may be misguided in the sense that they may increase friction between separate communities which previously had little direct contact with one another.” Because the Charter has undermined federalism by elites or consociational federalism, some scholars suppose that the Charter has displaced federalism. They suppose that Canadians must choose either the Charter or federalism. But there may be more to federalism than elite accommodation and the two solitudes. The Charter may not be an-

11 Cairns, Disruptions, 108.
agonistic to all forms of federalism, although it requires some rethinking of the moral dimensions of federalism.

**Universalists and Particularists**

The current crisis of Canadian federalism is not simply a political and constitutional crisis. It is also a moral crisis. By undermining consociational federalism, the Charter has forced Canadians to seek alternative foundations for federalism. But such a task is enormously problematic, because Canadians have frequently justified their existence as a nation by appealing to ideals that are ultimately uncongenial to federalism. Put differently, many Canadians have not been federalists. Moral philosophers have not been federalists either. In fact, most moral philosophers have embraced either universalistic or particularistic principles, and such principles are ultimately antagonistic to the way of life that federalism presupposes.14 “The sentiment which creates a federal state,” wrote A. V. Dicey, “is the prevalence throughout the citizens of . . . two feelings which are to a certain extent inconsistent.” The citizens of a federal state must have both “the desire for national unity and the determination to maintain the independence of each man’s separate State.”15 Many Canadians have possessed one or the other of these two feelings but not both. If Canadians are to rethink federalism, they will have to take Dicey’s insight seriously and discard some of their most prized self-images as well as a good deal of contemporary moral philosophy.

The problem that confronts Canadians begins with Confederation. Confederation has failed Canadians, because it has not provided them either with a foundation myth or with a moral ideal that can sustain them during their times of trouble. It was once supposed that Confederation could not generate these things because it was the work of pragmatic politicians who avoided issues of principle in order to achieve political consensus. Sir John A. Macdonald, for example, has been described as someone who “did not attempt to plumb the depths of political theory or speculate on the rights of man.”16 Rather, he is said to have been concerned “with the intricate details of concrete complexities” and to have believed that the politician should never aspire to the “alien role of prophet, philosopher or engineer.”16 Such an assessment

of Macdonald and of Confederation captures only part of the truth. Macdonald may not have been a philosopher, but he did have a vision. And Confederation was much more than a series of pragmatic compromises. In fact, Confederation was inspired by several conflicting visions, and most of them were incompatible with federalism.

That Macdonald was no federalist hardly needs emphasis. Macdonald explicitly stated that his own preference was for a unitary state, so as to avoid the turmoils that had plagued American federalism. But there was more to Macdonald's view of Canada than a strong central government. Macdonald was a believer in empire, of the commercial kind. He saw himself as the custodian of the idea of the St. Lawrence empire. Moreover, the idea of empire appealed to others as well. "The big, unexpressed 'theory of Confederation,'" A. R. M. Lower wrote, "... was the one that lay behind all the arguments for the new union: build a new state, and BUILD! Build the state, shove out its boundaries as far as possible, build railways, build industries and cities!" Many of those who supported Confederation, as Frank Scott said, had tired of "the pettiness of the politics and of public life in the individual provinces, the inefficiency of their local economies, the scant opportunity they offered to men of ability and ambition." Such an understanding of the purpose of Confederation lends support to the French-Canadian complaint that it was engineered by men who cared little about the local cultures and provincial particularisms that form a crucial part of a federal state.20

Many French Canadians are not federalists either. They support the Confederation settlement only to the extent that it enables them to flourish according to their own culture, to control their own destiny, and to create a society in their own image.21 French Canadians have a home, and it is Quebec.22 Their relationships with the rest of Canada are instrumental. This is why the economic benefits of unity are so often relied on to counter Quebec separatism and to re-establish a modus

20 For a discussion of the tensions between commercial empire and cultural particularisms, see George Grant, *Lament for a Nation* (Toronto: McClelland and Stewart, 1970), 40-41, 54-55, 76.
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vivendi between Quebec and the rest of Canada. But even instrumental federalism can come at too high a price. "The two majorities," René Lévesque predicted, "will inevitably collide with one another..., causing hurts that finally will be irreparable." Moreover, federalism is regarded as a mistaken and dangerous ideal, since it divides the self and requires an individual (both human and collective) to be two things at once. "To divide one's allegiance, affiliation, or identity," it has been said, "is to court disaster."  

Opposition to federalism is not uniquely Canadian. A recent study of Confederation has attempted to show that Macdonald's views were rooted in the Scottish Enlightenment and its commercial ideology. That ideology, it has been frequently suggested, is destructive of local cultures and looks ultimately to a homogeneous, universal state. This kind of state can enhance its appeal enormously by drawing on moral universalism, the belief that there must be a single scale of values for all people. Such a belief is the old theory of natural law in a new form. As opponents of universalism, Quebec separatists can draw on equally respectable and potent philosophical ideas. Behind the separatists are the nationalists and romantics who revolted against the Enlightenment. Few changes, Arthur Lovejoy observed, have been more profound or more momentous than that revolt. Those thinkers came to believe "that diversity itself was of the essence of excellence"; they coupled a strong antipathy to standardization with the cultivation of individual, national and racial peculiarities. The current crisis of Canadian federalism is, in one of its dimensions, little more than an instance of the crisis that has repeatedly plagued philosophical thought, a crisis that has occurred whenever universalism and particularism have dominated an epoch and set themselves against each other.

Federalism and Fraternity

The real challenge is to find a way of embracing both the universal and the particular. That challenge also forms a key problem of Canadian federalism. In the context of Canadian federalism, however, the terms of discourse have changed and the problem has become how citizens can have two identities and two sets of loyalties. Many Canadians,

24 Richard Handler, Nationalism and the Politics of Culture in Quebec (Madison: University of Wisconsin Press, 1988), 49.
David Elkins and Richard Simeon have written, have strong ties to their local communities and equally strong ties to the national community. They want more freedom of action for their provincial communities as well as a centre that can speak for all of Canada. "The imaginative feat required," according to Elkins and Simeon, "is to find a way to reconcile and harmonize what may on the surface appear to be irreconcilable images." The simplest answer is to say that federalism is predicated on the existence of multiple loyalties. There is also a more complex answer. Behind Canadian federalism is George Cartier's intriguing idea of a Canadian political nationality, which has roots in the ideal of fraternity. Canadian federalism has moral foundations precisely because of its connection with the powerful ideal of fraternity. Moreover, the concept of fraternity contains within it the very identities and loyalties that federalism presupposes.

The most vigorous defender of federalism in Canada was not Macdonald but George-Étienne Cartier. Unlike Macdonald, who desired a unitary state and did what he could to secure it, Cartier was an unequivocal federalist. He was also the virtual equal of Macdonald in the accomplishment of Confederation. Yet Cartier's view of Confederation remains something of a mystery. His most recent biographers have attempted to dispel the mystery but have arrived at conflicting conclusions. In one account, Cartier is presented as a leader who had the good sense to abandon the destructive French-Canadian nationalism of his youth and become in his mature years a liberal constitutionalist and a great Canadian nation-builder. In the other account, Cartier is viewed as a Montreal bourgeois who served the economic interests of his class and regarded Confederation as a means for the accomplishment of his bourgeois objectives.

Despite their opposing assessments, Cartier's biographers are agreed that he was a man of action rather than a political thinker. In one of the few systematic studies of Cartier's political ideas, it is even suggested that "Cartier was not the man to whom abstractions appealed." In fact, Cartier liked to point out that a man could read 20 books on national policy, and remain a political blunderer. But Cartier made at least one important exception to his own rule of political pru-

28 Alastair Sweeny, George-Étienne Cartier (Toronto: McClelland and Stewart, 1976), 11, 104, 327.
29 "Business, church and ethnic leaders used Cartier," Brian Young has written, "as their agent and intermediary in imposing their largely harmonious class interests." See Brian Young, George-Étienne Cartier: Montreal Bourgeois (Montreal: McGill-Queen's University Press, 1981), 135, xi.
30 John Cooper, "The Political Ideas of George Étienne Cartier," Canadian Historical Review 23 (1942), 286.
dence. His great speech in support of Confederation, delivered in Quebec in 1865, contains the very abstractions that Cartier claimed to abhor. In it, Cartier addressed the vital issues of Confederation in a language more suited to the political theorist than to the practical politician. He spoke of justice and injustice, of democracy and mob rule, of national greatness, of assimilation and cultural pluralism. Cartier’s speech is not the work of an accomplished political thinker, yet students of Canadian federalism have turned to it as a crucial statement of the ideals and objectives of Confederation.

For no student of Canadian federalism has Cartier’s speech had more significance than Donald Smiley. In his last book, Smiley spoke of “Cartier’s noble vision.” In an earlier work, Smiley relied on Cartier to establish that Canada must be one political community rather than two, otherwise “it is not worth preserving.” Smiley understood the core of Cartier’s position to be the rejection of assimilationist nationalism coupled with the belief that political allegiance should be uninfluenced by linguistic and cultural affiliation. Put differently, Canada is sometimes said to be a country based on “limited identities”; it is a country based on political allegiance alone, or a country that does not impose a single way of life on its citizens. Canada may be the kind of country that Cartier wished it to become, but what still needs to be made explicit is the foundational value that unites Canadians. If Canadians are so different among themselves, what moral value keeps them together?

Cartier himself provided no simple or direct answer to this question. Those who have come after him, however, have been more explicit. Pierre Trudeau once argued that Canadian federalism was incompatible with emotional appeals and should base itself on reason. For Trudeau, federalism rejected the emotionalism of separatists and nationalists and based itself on the rational consensus that held Canadians together. William Morton pinned his hopes on the Canadian belief in


33 Donald V. Smiley, The Canadian Political Nationality (Toronto: Methuen, 1967), 128.


mutual accommodation and tolerance. And A. R. M. Lower would not allow himself to believe that "we [have] lived together for [so long] merely to see the Canadian experiment fail." These answers may be satisfactory in themselves, but they are feeble responses to the kind of challenge that federalists must meet. Nationalists and separatists, after all, do not appeal solely to emotion. Their strongest appeal is to community. They insist that there is a common bond and natural identity among those who share a language or a culture. If Canadian federalism is to be regarded as more than a political or economic expedient, then it must draw on a value that can rival the moral appeal of nationalism.

The value required appears to be implicit in Cartier's vision of Confederation and his corresponding idea of a Canadian political nationality. For Cartier, Confederation had three great objectives, one of which was shared by virtually all those who supported it. Confederation, Cartier said, "was necessary for our commercial interests, prosperity and efficient defense." But Cartier was also devoted to the French nationality and he believed that the union of French and English in a British North American Confederation was the best assurance of the survival of the French race. Having said that Confederation provided economic advantages as well as guarantees for the survival of the French race, Cartier might have concluded his speech. Yet he went on to say that Confederation would bring into existence a new kind of nationality. Confederation would be unacceptable if French and English had come together merely to war with each other; it would be equally unacceptable if it created an all-inclusive Canadian nationalism. If Confederation was to succeed, it had to create a new kind of nationality, which Cartier called a political nationality.

By advocating the creation of such a nationality, Cartier did not simply reject assimilationist nationalism; he also envisaged a new kind of relation between people with different languages and cultures. "We were of different races," Cartier said, "not for the purpose of warring against each other, but in order to compete and emulate for the general welfare." Cartier was not appealing merely to the economic advantages of co-operation. Cartier did have a great vision of national development, but even his vision of national development, as John Cooper observed, "had an importance beyond the strategic or the commer-

38 Confederation Debates, 56, 55, 59.
39 Ibid., 57.
40 Ibid., 60.
41 Ibid. By joining in the larger union, wrote A. R. M. Lower, "the two races surely tacitly agreed to bury the hatchet and to try to live amicably together" (Evolving Canadian Federalism, 16).

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cial.” For Cartier, projects of national development presupposed a degree of co-operation that would join all British America “in the bond of common endeavour” and produce “a common, or national pride.”

Cartier also believed that French and English shared an identity. “We had,” Cartier said, “the same sympathies and we all desired to live under the British Crown.” For Cartier, Canada was to be a country in which different ways of life flourished, but whose peoples had come together to promote the good of all and were united by a political nationality with which “neither the national origin, nor the religion of any individual would interfere.”

By joining in Confederation, French and English agreed both to live apart and to live together. Canada would stand for a new kind of nationality and a new kind of fraternity. Cartier did not himself use the word fraternity, yet his discussion of a Canadian political nationality appears to presuppose it, at least in some measure. Of course, the Canadian political nationality could be only a partial fraternity; it could not require intense emotional bonds between French and English or demand a complete identity of sentiments and interests. What the Canadian fraternity did suppose was that peoples with distinctive ways of life could possess good will towards each other, participate in common endeavours, develop and sustain common allegiances and common sentiments, and operate political institutions for the welfare of all. Cartier spoke of such things, but left them nameless. There is, however, a tradition of Canadian federalism—to which Cartier appears to belong—that explicitly connects federalism and fraternity. “The fatherland, for us,” wrote Henri Bourassa, “is the whole of Canada, that is a federation of distinct cultures and provinces.” French and English are separated by language and religion, Bourassa added, “but united in a sense of brotherhood.”

If Cartier’s political nationality as well as a tradition of Canadian federalist thought contain within them an appeal to fraternity, then federalists can respond to the separatist challenge by appealing to a value that nationalists themselves embrace. When nationalists and separatists describe their country as their “fatherland,” they imply that citizens should treat each other as brothers and sisters. The value that nationalists appeal to is fraternity. It is the imagining of fraternity, as Benedict Anderson has observed, that gives meaning to the nationalist’s idea of the nation and motivates citizens willingly to die for it.

43 Confederation Debates, 59.
44 Ibid., 60.
45 Cited in Ramsay Cook, Canada, Quebec and the Uses of Nationalism (Toronto: McClelland and Stewart, 1986), 190.
of nationalism unites a strong emotional content with the sentiments of kinship, friendship and love in the heightened atmosphere of something like religion. Nationalists embrace a primordial idea of fraternity, attach it to the nation, and use it to characterize the type of relation that exists between those who share a culture or a language or a way of life. But the concept of fraternity is more complex than nationalists appear willing to allow. What nationalists fail to notice is that the idea of fraternity looks two ways. Fraternity looks to those who share a way of life; it also looks to those who have adopted alternative ways of life. There is no greater fraternity than the brotherhood and sisterhood of all people. Moreover, it may not be possible to confine fraternity in the way that the nationalist programme presupposes. “If fellowship,” it has been asked, “is morally compelling in part because it connotes respect and concern for others..., is it not compromised when confined in expression to a particular group of people?”

Nationalists want to confine fraternity; federalists want to expand it. Moreover, the fraternity of federalism does not necessarily exclude the fraternity that nationalists seek to realize, since federalism divides the identities and loyalties of citizens and assumes that each citizen will be a member of two communities. Henri Bourassa appealed to such an idea when he insisted that French-Canadian patriotism must include all Canadians. “Our duties,” he wrote, extend not only “toward ourselves and our nationality” but also “toward Canada and our fellow citizens of a foreign origin.” Duties to other Canadians may sometimes conflict with the duties towards the French-Canadian nationality, but both can be duties of citizenship and fraternity. Of course, fraternity is too important an ideal to be confined only to other Canadians. This is why federalists can envisage the disappearance of Canada. Federalists turn not to Aristotle but to Thucydides: Aristotle was unable to imagine a world without Athens; Thucydides could see a world in which Athens was no more.

51 Trudeau, Federalism and the French Canadians, 177. See also Smiley, The Canadian Political Nationality, 132-34.
Federalism as a Way of Life

Federalism is not simply a moral ideal. It is also a constitutional device that has crucial implications for the kind of life that citizens can live. Politicians and ordinary Canadians understand as much. That is why some Canadians complain that the constitution is not federal enough, while others believe that federalism is inhospitable to their way of life. Canadian constitutional scholars, however, normally prefer to analyze federalism formally with almost no regard to its substantive moral content. Not only does formal federalism leave the most important issues to the political process, but it transforms federalism into another form of politics. As a form of politics, federalism may fail to realize the way of life presupposed by it.

Even political theorists do not give sufficient attention to the moral dimensions of federalism. Political theorists almost always connect federalism with the political virtues. Federalism, it is often said, is a form of pluralism; and pluralism implies diversity and freedom. The Constitution of the United States is often considered the most famous example of such an understanding of federalism. Federalism has also been connected with civic humanism and the republican tradition, both in Europe and America. In European political thought, it was Pierre Joseph Proudhon who most closely linked federalism with democracy and civic humanism. For Proudhon, federalism was a device for enhancing citizen participation in atomized societies. Others, like Lord Acton, regard federalism as the solution to the problem of totalitarian nationalism; by dividing loyalties, federalism prevents the all-inclusive politics that such nationalism presupposes.

When federalism is taken to be a political virtue, it is almost always connected with one of the dimensions of freedom; and, as such, either neglects or undervalues the moral importance of community. As a political virtue, federalism appears to express no more than “agnosticism about community.” But federalism can also be a moral virtue. As a moral virtue, federalism rejects agnosticism and affirms the moral

56 R. Whitaker, Federalism and Democratic Theory (Kingston: Institute of Intergovernmental Relations, 1983), 45, 32.
importance of community. Moreover, the moral virtue of federalism is such that it aims to realize the two types of fraternity together with the communities they imply. American and European federalists appear to give primacy to the political virtues, but Canadians can ground federalism in the moral value of fraternity.

The fraternity of Canadian federalism is expressed not only through regional equalization schemes, but also through the welfare state. These features of Canadian federalism, Pierre Trudeau has written, "give Canadians a sense of belonging to one nation." National social and economic programmes, Deborah Coyne has written, contribute "to our sense, however fragile, of shared national community." They express "our commitment to promoting greater social justice and a fairer, more compassionate society." The Charter of Rights and Freedoms was directed at a similar objective. It aimed, however imperfectly, at creating a common identity and fellowship among all Canadians. Canada, it is sometimes suggested, is superior to the United States because it is a more humane and fraternal society. If Canada is such a society, the reason is that fraternity has been a concern not only of Canadian socialists but also of Canadian federalists.

Unlike socialists, however, federalists value diversity. Moreover, the diversity that federalists value is itself a type of fraternity. There is a kind of fraternity that can be realized only in local and regional communities, or only by those who share a culture or a language. Individuals who are deprived of their culture or local community cannot sustain themselves. Outside my community or culture, Charles Taylor has written, "I wouldn’t know who I was as a human subject... I would be unable to function as a full human subject." Federalists are not universalists, precisely because they value local communities and local cultures. But federalists are not particularists either. The imaginative feat of federalism is that it uses the complex concept of fraternity to accommodate both the universal and the particular within the same state.

Why Federalism Matters

Academics spend endless amounts of time studying federalism, William Riker has complained, even though federalism makes "hardly any difference at all" in the way people are governed. But Riker was writing as a political theorist and behavioural political scientist, rather than as a moral philosopher. Federalism can matter morally because it can seek to realize fraternity. Some Canadian students of federalism have understood as much, although they have not always expressed themselves adequately. They have said that Canada is a tolerant society, or based on mutual accommodation, or allows many ways of life to co-exist. But there is more to the Canadian experiment. Canada is a country in which many ways of life flourish, but it is also a country which has attempted to create a single way of life. Canadians have diverse ways of life and a common way of life precisely because they have sought to realize the complex but powerful ideal of fraternity.

Fraternity, however, is a difficult ideal to realize. Not only has Canada sometimes failed to realize fraternal relations between French and English Canadians, but Aboriginal Canadians have not been treated fraternally at all. Their treatment has been paternalistic, and their demand for native self-government within Canada can be interpreted as a demand that the ideal of fraternity should apply to them as well. Federalism can facilitate the realization of such a demand because it enables each citizen to have two loyalties and two identities. As federal citizens, Aboriginal Canadians would retain their distinctive way of life and share in a way of life that is common to other Canadians. But there are limits to what federalism can accomplish. The very divisions of federalism can also frustrate the realization of fraternity, since they do not preclude conflict between the ways of life that are constitutive of Canada. When such a conflict occurs, it not only turns Canadians against each other, but often creates a tension within each citizen. To eliminate the conflict completely, it would be necessary to abandon federalism and embrace either particularism or universalism. To embrace particularism or universalism, however, is to reject the Canadian experiment and to give up a way of life.

There are, of course, ways of thinking about federalism that do not give prominence to fraternity. Federalism can be regarded as a political and economic expedient with almost no moral content. When federalism is viewed in this way, it is an institutional arrangement that divides powers between national and local governments but makes no attempt to develop a common way of life among all citizens. Canadians are fa-
miliar with such an understanding of federalism and have come to know it as consociational federalism. A key assumption of consociational federalism, as Arend Lijphart has observed, is that social peace is possible in culturally heterogeneous societies only if the subcultures are kept separate. "Close contacts," Lijphart has written, "are likely to lead to strain and hostility." 

Canadians also have available to them an image of federalism that disputes Lijphart's assumption. The beginnings of the alternative image can be traced to Confederation and to Cartier's idea of a Canadian political nationality. Henri Bourassa contributed to the alternative image as did Pierre Trudeau. Trudeau illuminated one dimension of the alternative image when he said that British Columbians could "go it alone" but agreed to pay taxes to the federal government so that some of the money could be used "to help the less fortunate provinces." Regional economic inequities, Trudeau added, can lead to disunity "if we are not willing to consider that we are our brother's keeper in all of Canada." The alternative image sees federalism as the means that enables different nationalities both to live together and to live apart. "Federalism," K. C. Wheare wrote, "has provided a device through which differing nationalities could unite, and while retaining their own distinctive national existence, attempt to create in addition a new sense of common nationality." There is a tradition of Canadian federalist thought that shares K. C. Wheare's idea of federalism, links it to the two faces of fraternity, and makes moral demands both on citizens and governments.

64 Pierre Elliott Trudeau, Conversation with Canadians (Toronto: University of Toronto Press, 1972), 207-08.