



True North in
Canadian public policy

Straight Talk

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Straight Talk: Alastair Gillespie

For the latest edition of MLI's **Straight Talk Q & As**, the Macdonald-Laurier Institute spoke with Alastair Gillespie, Munk Senior Fellow and author of MLI's **Confederation Series**. A London, UK-based capital markets lawyer, Alastair recently received a Senate 150 medal for his work with MLI and the **Confederation Series**. As Canada's Confederation sesquicentennial year comes to a close, Gillespie discusses the role of the Fathers of Confederation and the importance of their vision of Canada and the Canadian people.



Alastair Gillespie is a Canadian lawyer living in London, England and a Munk Senior Fellow with the Macdonald-Laurier Institute. He is the curator of the MLI Confederation Project, bringing to life the key speeches and documents of Canada's founders. And he is the author of a series of five MLI papers, one on each of the leading figures in Confederation.

Prior to his legal career, Alastair was Special Assistant to the Hon. A. Anne McLellan, Deputy Prime Minister of Canada and Minister of Public Safety and Emergency Preparedness.

Alastair holds a B.A. in History from Yale University where he was a research assistant to Dr. Paul M. Kennedy and a member of Yale's Studies in Grand Strategy program. Alastair holds a B.C.L./LL.B. from the McGill University Faculty of Law where he was an Editor of the McGill Law Journal.

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MLI: The Fathers of Confederation have been increasingly neglected by academic historians. What first brought you to Confederation and the Fathers behind it?

Gillespie: I think the root of it all is that I am a new Canadian. I was born in Glasgow, Scotland, like our first Prime Minister John A. Macdonald. Although I came to Canada at nine months of age, the question what does it mean to be a Canadian was always one that was alive with me from a very early age. As an immigrant I was grateful to be a Canadian. And, because I was born in another place, the nationality of my adoptive country from an early age was an important question for me.

The next sort of salient event was going to university in the United States. I was exposed very much to the American founding in terms of how it shaped the American political tradition and American identity. And, even as Canadians, I think we're all quite aware of the phrase "Life, liberty and the pursuit of happiness." We're all quite aware of the American Revolution and Canadians are often given to the belief that somehow the American Revolution, the American founding, was a complete philosophical system based on liberalism; and by comparison, the Canadian founding was workmanlike and relatively ideology-free and more of a deal between the people constructing railways and politicians, in less of an ideological moment.

But, as a student of Canadian history, I was aware that there were founding documents and founding debates in Canada. I was able to use the resources of libraries, and I discovered something called the Confederation Debates – about 1,000 pages of debates held in the old United Province of Canada. These Debates kicked-off with about 150 pages of set speeches by our major Fathers of Confederation: John A. Macdonald, George-Étienne Cartier, Alexander Galt, George Brown, and D'Arcy McGee. The key Canadian founders had all discussed what sort of Constitution Canada should have and had all discussed the formation of a Canadian people.

And that discovery really grabbed my attention because it joined two narratives in my mind. One, as a teenager growing up in Canada, I was aware of an immense and building pride in being Canadian, but also a sort of continual Canadian pursuit of attempting to articulate just what it meant to be a Canadian. And yet here was this treasure trove of relatively undiscovered documents, which discussed the creation of a new nation at our founding in 1867 which grappled with issues that seem to still be alive in Canada today, like how do you reconcile people made up of different nationalities, speaking different languages, practicing different religions – issues of diversity that sometimes are considered to be unique to post-war Canada but which were actually right there at the beginning. And that's when it all started to come together. I realized that I was onto something and the result is what you see before you.

MLI: You've done a tremendous public service by unearthing some of these big ideas that were at the heart of the debate amongst the Fathers of Confederation. Tell us a bit about some of these important figures? I think we hear a lot about Macdonald and Cartier. But there are others who we don't often hear about. For instance, Alexander Galt.

Gillespie: Alexander Galt is the perfect exponent of the importance of ideas and institutions in the Canadian founding. Canada's first finance minister enters politics as a young man, as a Liberal although he does eventually cross the floor to become a Conservative. But Galt's contribution began as an independent backbencher. And what you have to understand about the Canadian founding is that, in many ways, it amounts to Canada's discovery of federalism. Federalism as the architecture of a Canadian state that can stretch from coast to coast. But also federalism as a structural adjustment which can cure certain conflicts that the old province of Canada was experiencing.

We also need to appreciate that this debate over the Canadian Constitution takes place within what used to be called the United Province of Canada, which joined modern Ontario and Quebec together under a single government, with equal seats for each of those two provinces in the legislature. The two provinces had different languages, different religions, different popular wills, and were under a single government that struggled to give expression to that different popular will. Imagine if the Ontario government could be selected by voters in Quebec, and imagine if decisions were made in Toronto about the Quebec education system. The old United Province of Canada was full of quite bitter conflict fueled by differences of ethnicity, language, and religion.

So when Alexander Galt appears on the scene, imagine it. He's a backbencher, he's essentially a nobody in the House of Commons, but he is a representative of the English-speaking minority of modern day Quebec. He's a minority within a minority – an English-speaker and a Protestant in an overwhelmingly Catholic and French-speaking province. And he's observing the politics of United Canada, which was paralyzed by this conflict of language, ethnicity and religion...

The issue that Canada faced at its founding, how to deal with this conflict, Galt sees this and as an independent backbencher in July of 1858, Galt gives a series of speeches and introduces a series of resolutions into the Canadian legislature, 10 years before Confederation. Again, as a backbencher, not someone in cabinet, he proposes a federalist solution. He says that by a measure of division, by splitting the old United Canada into two new provinces of Upper and Lower Canada, there can be a solution to this bitter conflict. Also, some Canadians wanted at the time to divide Canada and to simply separate Upper and Lower Canada and be done with it. Galt says, "Add to Canada's diversity, bring in new provinces," which will mediate and release the conflict between Upper and Lower Canada and balance out these differences. It's a powerful message, and he also proposed a division of powers which is very similar to what we got 10 years later.

Within weeks, Alexander Galt enters the cabinet of the Cartier-Macdonald administration as Minister of Finance and secures Cartier's promise to pursue federation of all the British North America colonies as the future. And he heads off to England with a delegation, including Cartier. They go off to England to seek the assent of the British government to this proposal from Canada. It's a huge intellectual breakthrough. For an independent backbencher to do that and to contribute such a profound idea to the public square, is a very inspiring story. And Galt goes on to play the key role in the Great Coalition 10 years later.

MLI: You talked about the extent to which Galt crossed the political spectrum with the Liberals and Conservatives and then ultimately quite literally in the form of the Great Coalition. Tell us about the extent to which, while we had partisanship and there are stories of great rancour in the House of Commons, there was a shared vision – even if we strongly debated the key features of that vision.

Gillespie: I firmly believe there is a Canadian political tradition which is the inheritance of every Canadian and not of any single political party. In the same breath, I will say that Canada's founding was the fruition of 15 years of intense partisan conflict and somewhat counterintuitively, I both believe that Canadian history can inform Canadian politics today, and it can inform and can be drawn upon and enrich both Liberal and Conservative perspectives on public policy today. But I would also say of the Canadian founding that yes, there was a coalition government, but it was at the end of 15 years of partisan conflict.

And so, I wouldn't agree that it's necessarily the best thing for Canada in every case for partisanship to be tamped down. I believe in the House of Commons, I believe in the adversarial system, I believe that the conflict of ideas in the public square does eventually lead to insight and acceptance of new ideas. The truth will come out in the end. That's what the Canadian founders do, with over 15 years of arguing over what the Canadian Constitution should look like. They go from a starting point where the status quo seemed to be acceptable; then it was increasingly put under strain. And then new ideas began to be accepted and eventually at the end – with the Great Coalition – a set of ideas that a federal future was possible became a cross partisan consensus.

Just to be more precise, when I describe the old architecture, the old Canadian Union, we have to understand the role of George Brown, who was from Upper Canada and was Leader of the Opposition for most of the 10-15 years before Confederation. He was a reformer and constantly exiled to the opposition benches by his formidable political opponents, Macdonald and Cartier. And there were really two fundamentally opposing strategies of Canadian government represented in these three men, or Macdonald-Cartier on the one hand and Brown on the other.

Brown, sitting in Upper Canada, looked at the political system and looked at the existing Constitution and decided that it was illegitimate. Illegitimate because you had a growing Upper Canada, with an increasing population, greater wealth than Lower Canada, and paying the majority of the taxes, really didn't have its fair share in government. And his strategy was to appeal solely to voters in Upper Canada. He was a regional politician and he was open to accusations of being divisive, whereas Macdonald and Cartier famously practiced the politics of the whole and generally are more successful and rewarded by that system. Macdonald would win enough votes in Upper Canada, sometimes losing to George Brown in Upper Canada itself, but then was backed up by a phalanx of French Canadian votes under Cartier. For Brown, there was just something wrong with the political system that didn't count everyone's vote the same way. And what Brown did succeed in doing, and he explicitly says, "I would rather be in Opposition for 10 years than in government for two minutes when the thing to do is to stick to my principles and eventually the system will change." Brown manages to expose the illegitimacy and the contradictions that put the old system under strain. So when people say there was the collapse of two or three governments in quick succession just before Confederation, and that this was one of the reasons that we had to have constitutional change, in fact it was Brown through intense partisanship, putting those institutions under strain, steadily chipping away at Macdonald's support and Cartier's support, just so that government survived on a razor's edge – it was only by wielding that kind of pressure that eventually people came around to the view that there had to be a fundamental change in the architecture of Canada.

MLI: It would be remiss if we did not ask you about the "Old Chieftain" himself. In many ways, Macdonald was the one who pieced all of these component parts together through his formidable abilities as a political practitioner. He was someone who had a reasonably good finger on the pulse of the various parts of the United Canada. Could you talk about Macdonald as the dealmaker and his role in Confederation?

Gillespie: In my paper on Macdonald, *The Essential Politician*, I described him as the "oily, political gearbox who successfully meshed the clashing forces of his rivals." And that really was the heart of Macdonald's role. He was a very effective political operator, whose contributions in Canadian politics were animated by a spirit of humanity and a profound understanding of the faults and the weaknesses of the people that he tried to lead.

The contradiction in Macdonald's contribution is that, at least superficially, he appears to oppose constitutional change. His main opponent in Upper Canada, George Brown, is constantly going on and on about representation by population and changes in the Constitution. And Macdonald, quite amusingly, is jabbing at Brown one day in the House of Commons and he says, "This man Brown and his great quack nostrum...this representation by population that's going to fix everything." He's very sarcastic and everyone's laughing about this. You can too easily conclude with that sort of facetiousness Macdonald really wasn't on board for constitutional change; and there is an allegation that Macdonald swoops in at the last minute and takes all the credit as the founder of Canada.

But as the paper details, Macdonald actually pursues constitutional reform by a very subtle policy of indirection. Because he was constantly in power, politics to him of course was the art of the possible. It wasn't sufficient to just have idealistic dreams for what the Constitution could be.

MLI: There's that great line of his where he says — I'm paraphrasing — "I'm not going to get caught up in abstraction. I have a country to build." And I think it's just such a brilliant characterisation of Macdonald's vision and philosophy.

Gillespie: That's right. A more careful examination of the historical record shows that Macdonald was part of the Cartier-Macdonald government cabinet in 1858 that adopted federation of all the British North American colonies as a goal and an aspiration for Canadian government. Then two years later, Macdonald goes on a speaking tour of the United Province of Canada and he publishes these speeches in a pamphlet, including specific statements that look at the conflicted state of Canada and that a solution could be a federation of all of the British North American colonies. And he specifically says, "If we succeed in a federation."

That phrase is important because it is sometimes said that Macdonald was not a true federalist. How can you not be a true federalist if you define success as a federation? And that's Macdonald's statement seven years before Confederation. What he *was* was an avowed unionist: as George Brown is dividing the country against itself, Macdonald preaches a campaign of unity. He goes all through Upper Canada telling Upper Canadians that they have to keep Canada united. Canada can be a great country, it's the nucleus of a great country, but the condition of that greatness is union. So Macdonald is a unionist through and through. And later, when the very nature of Canadian federalism is up for grabs, and with the United States Civil War raging to the south, what Macdonald fixes on is that Canada must have a strong central government, Canada must have a real central government, Canada must form one people and one government and not five peoples and five separate governments. That's a phrase of Macdonald's. He wished to secure a balance of power between the provinces and the nation. He wished to secure a central government that would not be drawn into paralysis or even civil war. And he says, "Canada must avoid the mistakes which the Americans made in giving sovereignty to the individual states," which he sees as a cause of the US Civil War. As a founder of Canada, we have to credit Macdonald for this vision of unionism and his insistence on a Canada from coast to coast.

MLI: You mentioned Canadians' familiarity with "Life, liberty and the pursuit of happiness." It seems like you can't turn on the television or watch American films and not be confronted with these ideas, whereas Canada's "peace, order and good government" seems rather boring or stale. It doesn't seem to have the same capacity to motivate, to inspire. Yet you show pretty powerfully in the essays that we ought not to diminish the importance of the principle of peace, order and good government. Do you want to just talk a bit about the underlying idea behind that principal goal and why it's served us so well since the founding?

Gillespie: This is sort of the phrase that people remember of the Canadian Constitution and it speaks to the general power of the federal government to legislate for the benefit and the good of the country. And there is in Canada a sort of workmanlike tradition and quite sensible approach to public life. Macdonald has a phrase in the course of his speeches, effectively saying, "The governments that I've tried to lead have been governments for the whole province and they have been moderate governments." And he says that "Moderation is not a quality to excite people," but adds in the next breath that he is content to lead useful governments. That's part of the Canadian political tradition. Yet, in political science faculties in Canada, there has been an industry which attempts to show that the Canadian political tradition amounts to being slightly to the left of the American political system, trying to explain why there is a slightly red touch to Canadian politics.

By contrast, I think that the body of ideas in the Confederation Debates – from Alexander Galt, from George Brown, from George-Étienne Cartier – shows a quite different and distinctive Canadian idea. If you're looking for distinctive Canadianess, it is there hiding in plain sight. The idea behind the federal division of powers in Canada is that you can have one people in Canada regardless of the fact that we come from different national backgrounds, different religions, and speak different languages. The animating idea behind the federal division of powers in 1867 was to push down conflicts of identity and geography and region to the provincial level, to push them out of federal politics. And conversely, the belief was that the scope of federal powers related to matters which all Canadians shared in common regardless of differences, of region, language, and religion. Canadians could be one people for federal purposes. And the simmering ethnic conflict that I touched on earlier could be pushed out of the federal square, down to the provinces, creating one united country.

To me, that's a set of problems that remains very salient around the world. Other countries unfortunately haven't had the century and a half of successful, continuous, peaceful and democratic government that Canada has experienced. But we can find a profound and very Canadian message that ties who we are as Canadians today, with who we were, even at the very beginning. When that generation of political leaders at Confederation even put in their speech from the throne that their government would create a new nation, and that that nation would be animated by ideals of tolerance, of doing right, of doing equal justice to different communities, and of non-discrimination to all Canadians regardless of their national origins – maybe this is the Canadian legacy.

MLI: MLI has produced a lot of work over the years about the extent of which that project is incomplete when it comes to the national economy. Could you talk a bit about the Fathers of Confederation's views around the role of the national government in binding the national economy and the work that remains to be done to complete their vision?

Gillespie: It's a crucial thread in the thinking of the Fathers of Confederation – the incredible ambition that we would have a single integrated national economy. Just before Confederation, the Reciprocity Treaty with the United States was cancelled by the American government, which is not dissimilar to the current state of the NAFTA negotiations. But what we have to remember is that the individual provinces had separate governments, and charged customs and tariffs against each other. They really had separate economies that existed within themselves and traded with Britain and traded overseas, traded regionally and didn't really work together.

The economic case for union was built on the fact that Canadians were still practical back then, that people could find economic opportunities in Confederation, stanching the flow of immigration of Canadians to the United States, attracted by the economic dynamo and opportunities afforded south of the border. An integrated country from coast to coast could work, and all of those tariff barriers between

the provinces could be torn down. It says, in the Constitution that all articles of growth, produce or manufacture are to be admitted free in all of the provinces of the Union. But as I think we all know, interprovincial trade barriers are still with us all these years later. And a more perfect economic union is a goal that every Canadian should share – it's in the Constitution. It's what the Fathers of Confederation wanted for Canada. It's something that we have to work towards in the sphere of politics.

MLI: We've talked a bit about how the ideas, the institutions, the architecture that we've inherited have served us well. Please elaborate on the vision of the Fathers of Confederation, and the ingenious imprint they left on our country.

Gillespie: I think they built better than they knew. Of course, the Parliament buildings are a reminder. The surviving portions of the Parliament buildings are buildings that they would have known. It's hard to underestimate the ambition of what they attempted. Just look at the scale of the parliamentary precinct and imagine how colossal those buildings must have looked in the 1860s when Ottawa was a modest lumber town. They built with the future in mind and with a consciousness of futurity. Macdonald himself says effectively, "No one can look into future and say what may hold for Canada." Galt himself, for example, was a Canadian nationalist and believed that Canada should stand separate from the British Empire in order to stand on its own feet separate from the United States. So they were conscious of the historical moment that they were in.

But if I had to pick a couple of key contributions, I would say Canadians should never underrate the importance of our free and democratic institutions. Canada was born free. Canada had responsible government in the years before Confederation, and had a government that in essence was responsive to the people. There were elections held, and that continuous tradition stands in quite stark contrast to less fortunate areas of the world. So I think the Canadian system would not have survived if it were not based on freedom.

But the other key contribution I would pick out is this idea of a Canadian people. A Canadian people that could exist regardless of differences of national origin, language, and religion. Canada was born in an iron age of nationalism – the decade of Bismarck, the decade of the Italian unification. The 19th century and 20th centuries were dominated by wars of nationalism and the redrawing of borders along national lines. In other words, the Canadian nation was built on the rejection of the very foundation of the European nation-state. By nature, it's an idealistic commitment. And to be Canadian is a political commitment from the very beginning, that is different from being European.

I think that for too long, a lot of Canadians worried that somehow Canada didn't measure up. Canada wasn't a true nation-state, Canada was too divided, Canada had fissures along geographic lines, Canadians were insufficiently united. But in actual fact, Canada had from its very beginning a better form of unity – one that didn't demand conformity, didn't require everyone to be the same, and allowed the country to accept generations of immigrants. There were enough differences there at the very beginning that each succeeding wave of immigration pushed the boundaries of tolerance within Canada. And that freedom of parliamentary institutions I spoke of really is reinforced by the very nature of the Canadian people itself, where Canadians are composed of so many different individual and cross-cutting groups, different allegiances, different affinities, different backgrounds, that it becomes impossible for any politician in Canada to appeal to prejudice and succeed in a national election.

That's what shaped Canadian political culture. That's Canadian nationality. And I would submit that the future of the world depends on older forms of states becoming more like Canada. Canada should not be attempting to become more of a nation state. In fact, other nation states are having to catch up to what Canada is becoming in the 21st century.



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