

## CHAPTER FIFTEEN

## ■ The Era of Liberal Consensus, 1946–1972

■ Between 1945 and 1972, politics and public policy were dominated by a small-'l' liberal consensus that reflected the same Keynesian thinking that—translated into North American terms by Canadian-born John Kenneth Galbraith—dominated economics and economic policy in the same period.<sup>1</sup> On the whole, the civil servants were more willing than the politicians to accept that full employment and an end to poverty—the twin goals of Keynes's thinking—required a thoroughly interventionist state that would restrict capitalist enterprise and, in many cases, establish public enterprise to replace it.

Like the liberal democrats of the late nineteenth and early twentieth centuries, the Keynesians believed in market capitalism, properly regulated. But the 'new liberalism', as Keynesianism has often been called, was both more interventionist and more oriented to the economy than the liberal-democratic school that preceded it. Most of the prominent Keynesians in the governments of Mackenzie King and his successors were more economic than social thinkers, and most served in economic capacities, usually in the Finance ministry.<sup>2</sup> Politicians and civil servants in the post-1945 era remembered both the Depression, when government had stood back and allowed citizens to suffer, and World War II, when government had taken an active role in

many areas, sometimes to the benefit of citizens. For them, government intervention to produce full employment was the centrepiece of state policy. While variations in commitment to state activity existed among Canadian political parties, there was a remarkable underlying consensus to the political debates of this period, regardless of the party in power. The years between 1945 and 1972 saw the gradual and piecemeal establishment—by fits and starts—of what came to be called the 'welfare state' in Canada, a ramshackle, unco-ordinated collection of federal and provincial programs that together provided social insurance for most Canadians.

### POST-WAR POLITICAL CULTURE

#### LIBERAL HEGEMONY

The period between the end of World War II and the early 1970s was part of a longer era from 1935 to 1979 in which federal politics (and the administration of government in Canada) were dominated by the Liberal Party. Except for a six-year hiatus between 1957 and 1963, when the Progressive Conservatives under John Diefenbaker ran the nation, the Liberals were in power throughout the era of post-war prosperity—and beyond. Both the party and the political pundits

## TIMELINE

**1944**

Family Allowances Act passed.

**1945**

Dominion–Provincial Conference on Reconstruction.

**1947**

35,000 veterans are enrolled in Canadian universities.

**1949**

The Supreme Court of Canada replaces the Judicial Committee of the Privy Council, in London, as the final court of appeal for Canadians. National Housing Act revised to discourage public rental housing. Newfoundland enters Confederation.

**1951**

Old Age Security Act and Old Age Assistance Act pass Parliament. Indian Act amended to extend provincial social benefits to Aboriginal people.

**1954**

Passage of new National Housing Act, intended to assist low-income families with housing.

**1956**

Pipeline debate in House of Commons. Unemployment Assistance Act passed.

**1957**

Tory minority government elected. Hospital Insurance and Diagnostic Services Act passes Parliament.

**1958**

Diefenbaker sweeps the country.

**1960**

Royal Commission on Government

Organization (Glassco Commission) battles with reform of bureaucracy in federal government. Louis Robichaud in New Brunswick cements link between Acadians and Liberal Party. Passage of John Diefenbaker's Bill for the Recognition and Protection of Human Rights and Fundamental Freedoms.

**1961**

National Indian Council is formed.

**1962**

26 of 30 Social Credit MPs elected from Quebec. Doctors strike in Saskatchewan over public medical insurance.

**1965**

Pierre Trudeau first elected to Parliament.

**1966**

Passage of the Medical Care Act and Canada Assistance Plan. Committee on Equality for Women organized.

**1968**

Robert Stanfield and P.E. Trudeau chosen new party leaders. Federal election campaign is the first conducted largely via television. Canadian Métis Society and the National Indian Brotherhood emerge out of the National Indian Council.

**1969**

Student protestors occupy computer centre at Sir George Williams University in Montreal. White Paper on federal Indian policy causes major controversy. Criminal Code provisions on sexual offences are revised.

**1970**

White Paper on Metric Conversion. Demolition of Africville in Halifax. First national Abortion Caravan.



- The Hon. C.D. Howe broadcasting on CBC Radio on the occasion of the completion of the first Canadian-built tank, the Cruiser Tank, at Angus Shops, Montreal Locomotive Works, 27 May 1941. National Film Board of Canada/LAC, PA-174503.

came to view Liberal government as natural and inevitable, considering the Liberals to be Canada's 'natural governing party'. The Liberal hegemony was based on a number of factors, some of which seemed so immutable that a permanent change in the national political tendency was nearly unthinkable.<sup>3</sup> The Liberals might sometimes fail to win an absolute majority, but they could continue to govern so long as they were the largest political party in the House of Commons. Only very occasionally could the opposing PCs hope to construct a majority themselves, and then only on the basis of a general rejection of the Liberals by the national electorate.<sup>4</sup>

The nature of the Canadian electoral system—particularly the 'first past the post' method of determining the winners—combined with the presence of other political parties beyond the two major ones to make the popular vote almost irrelevant in determining the relative strengths of the various parties in the House of Commons. In the entire period the Liberals never won more than 50 per cent of the popular vote in any election, although they came close to it in 1949 and 1953, and only the Diefenbaker government of 1958 was elected by more than 50 per cent of the votes cast. The correlation between popular vote and number of seats could be quite low for major

## CLARENCE DECATUR HOWE (1886–1960)



Born in Waltham, Massachusetts, in 1886, Clarence Decatur Howe, who was always known as 'C.D.', attended the Massachusetts Institute of Technology (MIT), graduating in 1907. In 1908, Dalhousie University in Nova Scotia asked the head of his department at MIT to recommend a bright young man for an appointment as a full professor in civil engineering. He and another young lecturer tossed a coin to see who would take the job, and Howe won the toss. He was an enthusiastic and successful young teacher for several years, and then left Dalhousie in 1913 to become chief engineer of the Board of Grain Commissioners in Ottawa. He also became a Canadian citizen. Howe's principal job was to build grain elevators. Three years later he formed his own engineering and construction firm in Port Arthur, Ontario, and over the next 20 years his firm handled over \$100 million worth of construction projects, specializing in grain-storage facilities.

In 1935 Howe accepted a personal invitation from William Lyon Mackenzie King and the Liberal Party to run for the House of Commons. Elected Liberal MP from Port Arthur, he headed a new Department of Transportation formed out of the amalgamation of the Departments of Shipping and Railways. Unlike King, who was caution personified, Howe had an engineer's mentality. He was frustrated by red tape and by parliamentary niceties, and told the Commons at the end of his political career, 'somehow I reach a point in the development of a project where I begin to think it is important, and if it is a serious

enough project, then I begin to think it is the most important thing in the world.' His first achievement was to reorganize and rationalize harbour administration across Canada over the objections of local interests. Howe quickly became notorious for blunt speaking, joined to unswerving and uncompromising commitment to his goals. He soon introduced a bill to produce a special committee to examine the operations of the Canadian Broadcasting Commission and another bill to restructure the Canadian National Railway. One of the by-products of the railway legislation was a bill to establish a national airline. The government had not originally intended that the airline would be publicly owned, but with the refusal of one of the railway companies it had hoped would share in the airline venture (Canadian Pacific Railway) to become involved, the establishment of a public monopoly was almost inevitable.

From the beginning of his parliamentary career, Howe became associated with Crown corporations, and the elaboration and expansion of the Crown corporation has often been regarded as his principal contribution to Canada, although his role in economic planning and administration during World War II has to run at least a close second. Howe ran the Department of Munitions and Supplies from 9 April 1940, using Canadian businessmen as his managers and working closely with the United States. In December 1940 a ship in which he was sailing to Great Britain was torpedoed, and Howe spent eight hours in a lifeboat before being rescued. In 1944 he

became Minister of Reconstruction, charged with supervising the return of the Canadian economy to peacetime while not sacrificing prosperity. He instinctively understood that this would involve a shift to production for the consumer market. During the Cold War, he became Minister of Trade and Commerce, responsible for armament production during the Korean War. The justification for Howe's increasing refusal to brook any opposition or

criticism was the need for efficiency during national emergency. But Howe became increasingly oblivious to either parliamentary or public opinion, and eventually his 'arrogant' behaviour and 'lust for power' helped bring down the Liberal government of Louis St Laurent in 1957. His legacy was the public ownership culture of the Crown corporation, which has never been totally dismantled.

and minor parties alike. The system tended to translate any edge in the popular vote for a major party into a significantly larger number of seats and to dissipate votes for other parties. Third parties were much better off electorally if their support was confined to ridings in one region and not spread widely across the country, although that situation was devastating to their national aspirations. Local strength gave some clout to the Cr ditiste followers of R al Caouette in the 1960s and advantaged Social Credit over the CCF–NDP. In 1953, for example, the Liberals had 48.8 per cent of the popular vote to 31 per cent for the PCs, 11.3 per cent for the CCF, and 5.4 per cent for the Social Credit Party. These percentages translated to 171 Liberal seats, 51 PC, 23 CCF, and 15 Social Credit.<sup>5</sup>

The Liberals held several advantages in the pursuit of continued federal power, of which two were absolutely critical. Above all was the ongoing support of Quebec, which held one of the largest blocks of seats in the House of Commons. Support from francophone Quebec had come to the Liberals in the 1890s, was solidified during the Conscription Crisis of 1917, and was further confirmed by Mackenzie King's management of the same issue during World War II. The Liberals did not lose a federal election in Quebec between 1896 and 1958, usually winning over 75 per cent

of the available seats. To triumph nationally without Quebec support, an opposition party needed to win the vast majority of seats in the rest of the country, including Ontario (where the two major parties were always more evenly matched than in other regions). The Tory victory of 1957, achieved in just that way, could produce only a minority government. The Diefenbaker sweep of 1958 was the exception that proved the rule. In all other elections the Liberals had been able to persuade Quebec's francophone voters that the other parties were unsympathetic to them. The apparent Liberal stranglehold on Quebec had its impact on the other parties, particularly in terms of the choice of leaders and in electoral strategies. During this period, neither the Progressive Conservatives nor the CCF–NDP ever seriously considered selecting a leader from Quebec, or even a fluently bilingual anglophone—let alone a French Canadian. Nor did the other parties make much of an effort to campaign in French Canada, except perhaps in 1958. The Liberals, therefore, continued their historic collaboration with francophone Quebec, and this association tended to polarize Canadian federal politics. The Liberals also did well with other francophone groups, particularly the Acadians in the Maritimes.

But the Liberals' political advantage was not confined to support from francophones, as the

elections of the 1960s would demonstrate. In order to win power, all national political parties needed to appeal to a broad spectrum of voters across the nation, but only the Liberals consistently succeeded in this effort, chiefly by staking out their political ground outside French Canada slightly to the left of centre. Mackenzie King had specialized in co-opting the most popular goals of the welfare state, often lifting them shamelessly from the platform of the CCF (a practice his successors continued). In 1963 the *Ottawa Citizen* was able to describe the Liberal Party as ‘a coalition in the Canadian tradition that embraces people of all classes and regions built around a programme and the solution of issues rather than a person’, while maintaining that the Progressive Conservative Party was ‘built around the personality of Mr Diefenbaker’.<sup>6</sup> Equally to the point, when the Liberals failed to obtain a clear-cut parliamentary majority in the elections of 1963 and 1965, they were kept in power by the third parties. The Diefenbaker Tories, during their 1962–3 minority government, were unable to agree on a legislative program that could win third-party approval, while the Liberals were always flexible (their critics said opportunistic) enough to be able to accommodate third-party issues.

There were, of course, other reasons for the Liberals’ continued success besides general support from French Canada and a moderate left-of-centre position on the political spectrum. Many involved luck as much as skill, although opportunism and an instinct for power made their contributions. For example, the Liberals should have been in serious trouble in 1968, when the PCs finally replaced John Diefenbaker with a credible and apparently sympathetic national leader in the person of Robert Stanfield of Nova Scotia. Stanfield’s unquestioned integrity and good sense seemed to make him a good match for Prime Minister Lester Pearson. The party had a few carefully worked-out policies, including a guaranteed annual income, designed to capture some of the left-centre ground. But in December 1967 Pearson announced his retirement, and in April



■ John Diefenbaker and Lester Pearson, 30 January 1958. Duncan Cameron/LAC, PA-117093.

1968 Pierre Elliott Trudeau, recently arrived in Ottawa and currently Justice Minister, was elected to succeed him. Not only was he thoroughly bilingual and likely to appeal in Quebec, but he was able to convince the electorate that he was far more of a reformer than either his electoral pronouncements or subsequent policies would indicate. In addition, with a French-Canadian father and English-Canadian mother, he comfortably straddled Canada’s two solitudes.

The campaign leading up to the federal election of 25 June 1968 was the first one conducted largely through the media, particularly television,

and only the Liberals had a leader who was able to project a positive and charismatic personality on the tube. Stanfield was a leader seemingly designed for yesterday's politics. One reason for Trudeau's success was his ability, at the height of the 1960s ferment, to appeal to urban and female voters as a swinging 'instant pop hero'.<sup>7</sup> The Liberal candidates grasped Trudeau's coattails and won a resounding victory. As Dalton Camp, the architect of Stanfield's leadership victory and 1968 campaign, ruefully admitted: 'When all goes well, you are . . . courted by good luck. The sun beamed down on Trudeau. The rain poured down on Stanfield.'<sup>8</sup> To which the Liberals might have responded, 'You make your own luck by your choice of candidate.'

The Liberal Party had long had an unofficial policy of alternating its leadership between French and Anglo Canada. Between 1887 and 1984—virtually a century—it was led by only five men: Laurier (1887–1919), King (1919–48), St Laurent (1948–58), Pearson (1958–68), and Trudeau (1968–84), all of whom served as Prime Minister. Their longevity as leaders was greatly assisted by the party's ability to remain in office. The Liberals selected for leaders urbane, well-educated men from the professional middle classes oriented to federal government and politics. Each had his own expertise. King was a professional labour consultant and negotiator who had studied economics at Chicago and Harvard and written a well-known book entitled *Industry and Humanity* (1918). St Laurent, a former law professor at Laval, was a highly successful corporation lawyer and president of the Canadian Bar Association who became a popular Prime Minister under the folksy sobriquet of 'Uncle Louis'. Pearson had begun as a history professor at the University of Toronto before joining External Affairs as a professional diplomat. Trudeau was educated at the Université de Montréal, Harvard, and the London School of Economics, and was serving as a law professor at the Université de Montréal when elected to Parliament in 1965. None of these men had earned a

doctorate, but all held non-political appointments that in our own time would probably require such a degree.

The Conservative Party had gone through a good many more leaders, few of whom had ever had a chance to govern the nation. From John A. Macdonald's death in 1891 to Brian Mulroney's election as leader in 1985, the Tories were led federally by 14 different men. Only Robert Borden and John Diefenbaker lasted for more than 10 years. From 1945 to 1972 the Conservative Party (renamed the Progressive Conservative Party in 1942) was headed by John Bracken (1942–8), George Drew (1948–56), Diefenbaker (1956–67), and Robert Stanfield (1967–76). Apart from Diefenbaker, the other three had been popular and successful provincial premiers with little federal administrative experience. Diefenbaker's federal expertise was as an opposition member (later spokesman) in the House of Commons from 1940. Except for Bracken, who had been a professor of field husbandry at the University of Saskatchewan before becoming head of the Manitoba Agricultural College in 1920, they were all small-town lawyers before entering politics. All the Tory leaders after World War II were regarded as being to the left of their parties, and both Bracken and Stanfield had a major influence in moving PC policy towards a national centre. Diefenbaker was *sui generis*, a brilliant if old-fashioned political orator and a genuine western populist. All the PC leaders had strong sympathies for the ordinary Canadian, although only Diefenbaker had the public presence to be able to convince the electorate of his concerns. Significantly, none of these men spoke French very comfortably, and Diefenbaker's electoral victories in Quebec were largely achieved without his campaigning presence in the province.

### COUNTERBALANCING LIBERAL HEGEMONY

After 1945, the federal dominance of the Liberals as the party of government was mediated by a number of countervailing factors in Canadian

politics. The Americans had provided checks and balances within their central government—the Senate, the Supreme Court—that were not available in the same way within the Canadian parliamentary system of responsible government, under which Parliament (especially the House of Commons) was supreme. So long as the government in power held a majority in the Commons, it had the legal and technical ability to do pretty much as it wanted. Nevertheless, there were some clear limitations on this theoretical omnipotence.

One limitation that applied to any government was the increased size and scope of the apparatus of bureaucracy, including the mandarins and, especially, the civil service. The fact that government at all levels became Canada's largest employer had substantial implications. From 46,000 employees in 1939 and 116,000 in 1946, by 1966 the federal government had grown to 228,000 employees. But both provincial and municipal governments grew even faster, the provinces employing a total of 50,000 in 1946 and 257,000 in 1966, the municipalities 56,000 in 1946 and 224,000 in 1966.<sup>9</sup> The scope of bureaucracy had political as well as economic implications. The larger it got, the harder it was to manage. A host of popular commentators attacked governments at all levels for mismanagement and waste; however, as one pointed out, 'the initial motive for reforms may be the outsider's simple-minded belief that gigantic savings can be effected. But once set an investigation afoot and the economy motive gets quickly overlaid with the more subtle and difficult problems of improved service and inefficiency.'<sup>10</sup> A Royal Commission on Government Organization—created by the Diefenbaker government in 1960 to improve efficiency and economy in the departments and agencies of the federal government and chaired by J. Grant Glassco—found itself unable to recommend ways to downscale the scope of operations. All governments, including federal Liberal ones, increasingly found themselves trapped by the actions of their predecessors

and by the difficulties of dismantling systems already in place.

Another important limitation was the force of public opinion. Federal politicians took their chances when they attempted policies that were well in advance of what the country found acceptable, but they ran even greater risks when they crossed an unwritten boundary of fair play in their use of power, particularly in Parliament. The Liberals under St Laurent were defeated in the 1957 election for many reasons, but one of the most critical was a public sense that they had become too 'arrogant'. John Diefenbaker got great mileage from the abuse of the rights of Parliament in the notorious pipeline debate in May 1956, when the Liberals invoked closure on a controversial measure. The event became a symbol of Liberal contempt for the democratic process. The Canadian public over the years consistently demonstrated that it would tolerate quite a lot from its politicians and political parties before it became persuaded of systematic abuse of power, but the risk of earning such public disapproval has always helped to curb excesses, particularly for governments with large majorities.

### THIRD-PARTY INFLUENCE

Opposition in Parliament was another factor that to some extent affected the ways in which Liberal dominance was played out and became limited politically. The elections of 1957, 1962, 1963, and 1965 all returned minority governments, which meant that the government had to pay more attention to third parties. In fact, substantial proportions of the federal electorate did not vote for either the Liberals or the Conservatives in this period (see Table 15.1). In the post-war period, the two principal third parties were the CCF–NDP and the Social Credit/Créditistes.

The CCF emerged from the war with high hopes, gaining 15.6 per cent of the popular vote and 28 members of Parliament in the 1945 federal election. Its popularity waned in the ensuing elections, however, and in 1958 it was reduced





■ T.C. Douglas at the founding convention of the New Democratic Party, in July 1961, when he was selected as its first leader. LAC, C-36219.

to eight MPs and 9.5 per cent of the popular vote. Support for the party eroded chiefly because some people mistakenly thought that the CCF was associated with international communism, and many considered it too radical (socialistic and statist) and too doctrinaire. It failed to achieve any electoral success east of Ontario, in either Quebec or the Atlantic region, and had difficulty in presenting itself as a truly national alternative to the two major parties. After its 1958 defeat, the CCF remobilized, forming an alliance with organized labour (the Canadian Labour Congress) and in 1961 becoming the New Democratic Party under the leadership of

former Saskatchewan Premier T.C. (Tommy) Douglas. The new party did better than its predecessor had, drawing 13.5 per cent of the popular vote and 19 seats in 1962, 13.1 per cent and 17 seats in 1963, 17.9 per cent and 21 seats in 1965, and 17.0 per cent and 22 seats in 1968. But it continued to do poorly in Quebec and the East, and its admitted association with organized labour replaced its former association with communism as the principal obstacle to its making a real national breakthrough.

Although the NDP was unable to increase its national base of support, as a voice on the left it exercised considerable influence in the election campaigns of the 1960s and real power during the minority governments of Pearson. In the 1963 campaign, for example, it was Douglas who advocated income distribution and improved social services, including universal medicare. These policies were far more specific than Pearson's made-in-America 'war on poverty', and they were translated into legislative commitments by the Liberals when faced with a minority situation in 1963. The CCF–NDP also had considerable success at the provincial level in this period, forming governments in Saskatchewan (1944–64, 1971–82), British Columbia (1972–7), and Manitoba (1969–77), and often forming the official opposition in these and other provinces. It was the Saskatchewan NDP government that first introduced medicare, in 1962, championing the plan through to acceptance over considerable opposition from the province's doctors.

The CCF–NDP was not the only important third party on the federal scene. The other was

**TABLE 15.1**

PERCENTAGE OF THIRD-PARTY VOTE IN FEDERAL ELECTIONS, 1945–1968

Year	1945	1949	1953	1957	1958	1962	1963	1965	1968
Percentage	32.7	20.8	20.2	20.1	12.8	25.5	25.5	27.4	23.1

SOURCE: J. Murray Beck, *Pendulum of Power, Canada's Federal Elections* (Scarborough, Ont.: Prentice-Hall, 1968), *passim*.

## THOMAS CLEMENT DOUGLAS (1904–1986)



Born in Scotland, 'Tommy' Douglas emigrated with his family to Winnipeg in 1910, growing up in the city that was the home of the General Strike of 1919, the social gospel, and the labour church. Not surprisingly, he became an advocate of social reform as a Christian minister, serving his first church (Calvary Baptist) at Weyburn beginning in 1929. Douglas was active (although not a leader) in the establishment of the Co-operative Commonwealth Federation in 1933, and managed to become elected to the federal Parliament as a CCFer in 1935. His pugnacious evangelical oratory soon made him an important figure in the House of Commons, although the party's reputation was damaged by James S. Woodsworth's pacifism in 1939. Douglas returned to provincial politics in 1942 and became provincial Premier in 1944, virtually sweeping the province. As Premier, Douglas was a reformer, active in social welfare legislation, the use of Crown corporations as economic arms of the government, and public health care.

It was in health care that he made his greatest impact. The passionate and vitriolic opposition of the medical community to uni-

versal public health insurance, which led to the famous Saskatchewan doctors' strike of 1962, took place after he had returned to federal politics as leader of the newly organized New Democratic Party—an alliance of left-wing politicians and the labour movement. But Douglas had been the original architect of the medicare program in Saskatchewan, which was eventually implemented after the province and the doctors compromised on the terms of its administration in 1962. Douglas paid a price for his association with medicare. He himself was defeated in Regina in 1962 and was never again elected to public office in Saskatchewan, serving ridings in British Columbia for the remainder of his life. During the 1960s, Douglas was a prominent member of what was probably the most impressive collection of federal politicians ever assembled in Ottawa. For a number of years in a House of Commons without a majority, he forced federal policy to the left. His ideas outlived those of his medical opponents, and an unscientific CBC poll in 2003 declared him the nation's 'greatest Canadian'.

the federal Social Credit Party, which began as an effort by Alberta's Social Credit movement to introduce its ideas on the national level: in the election of 1935 Alberta elected 15 Social Credit MPs (with nearly 50 per cent of the vote). After the war the party won some seats in Alberta and British Columbia and it achieved more prominence in the early 1960s, when it was led by

Robert Thompson with the assistance of R al Caouette and had two distinct wings, of which the one based in Quebec, under Caouette, was the more successful; in the 1962 election, for example, 26 of the 30 Social Credit MPs elected were from Quebec. After the 1963 election, Caouette broke from Thompson to form his own Ralliement des cr ditistes, which elected 9 MPs in

1965 and 14 in 1968. Social Credit was particularly strong in rural and small-town areas, which liked its combination of federalism and economic reform based on hostility to both traditional capitalism and public enterprise. Along with the NDP, the Social Credit Party between 1962 and 1968 garnered enough votes (and parliamentary seats) to prevent either of the two major parties from achieving majority status and firm control of the House of Commons. Although many observers bemoaned the absence of stable government in the 1960s, a sizable number argued that minority status kept governments on their toes and more responsive to the people. Certainly the governments of Lester Pearson, while constantly teetering on the edge of defeat in the Commons (and even going over it on occasion), were among the most energetic and innovative ones that Canada experienced in the twentieth century. The Pearson governments had to deal simultaneously with the problems of national unity and increased social welfare, and did so with some difficulty.

While public opinion as expressed at elections did have some influence, as did third parties, a more important limiting factor on Liberal dominance was undoubtedly the historic division of powers between the federal and provincial governments, and the ensuing constitutional debates. Canadian voters had long sensed that the really effective opposition to a federal majority was to be found at the provincial level, and most successful provincial governments relied on ‘Ottawa bashing’ as an essential part of their political arsenal, since the electorate frequently voted for quite different parties (and principles) at the federal and provincial levels.

#### PROVINCIAL POLITICS AND FEDERAL–PROVINCIAL RELATIONS

In most provinces after 1945, one party controlled the government even more continuously and powerfully than the Liberals did at the federal level. In New Brunswick, Liberal control was

broken in 1951–60 by the Tories, but the traditional alliance between the province’s substantial Acadian minority and the Liberals was cemented by Louis Robichaud in 1960. In Newfoundland, Joey Smallwood parlayed strong federal Liberal support for confederation with Canada into an unbroken tenure as Premier from 1949 to 1971. Nova Scotia was run continuously by the Tories, while Prince Edward Island was able to maintain one of the few truly viable two-party political systems in the nation, perhaps because of its small size. In Quebec the Liberals under Jean Lesage did break through the long control of the Union Nationale in 1960 and held power until 1966, putting into effect major changes in Quebec society and politics that came to be known as the Quiet Revolution, but west of Quebec provincial Liberals held little ground. Ontario continued in the grip of the ‘Big Blue Machine’ that controlled the province throughout the post-war period, while both Alberta (1935–72) and British Columbia (1952–72) were governed for decades by Social Credit. The only provincial Liberal government west of Quebec between 1945 and 1972 was that of Ross Thatcher in Saskatchewan (1964–71), but his government was one of the most vociferous critics of federal Liberalism under Pearson and Trudeau. So, whatever the source of the federal Liberals’ strength, it was not provincial parties and organizations. By the early 1970s the only provincial governments controlled by the Liberals were in PEI and Quebec. Certainly Pierre Trudeau’s conception of Liberalism (and liberalism) did not accord with that of Robert Bourassa, who succeeded Jean Lesage as leader of the Quebec Liberal Party in 1970, and the two leaders (with their governments) were continually at loggerheads.

The disagreements of the Saskatchewan and Quebec Liberals with the federal Liberals suggest that party affiliation as such meant little in the ongoing controversies between Ottawa and the provinces. Such conflict, which had literally been built into Confederation by the terms of the

British North America Act in 1867, had never been resolved. The Dominion of Canada had been created as a federal state with a central government in Ottawa and local governments in the provinces. The framers of Confederation had intended to create a strong central government and weak provincial ones, but they had been forced by the provinces—particularly, but not only, Quebec—to maintain separate identities for the constituent parts of the federation. Separate provincial identities were specifically guaranteed through an explicit division of powers between the federal and provincial governments in sections 91 and 92 of the BNA Act. The division thus created, reflecting the political thinking of the 1860s, gave the federal arm the authority to produce a viable national economy and the provinces the power to protect what were at the time regarded as local matters of social and cultural concern. Some of the provincial powers, such as the control of education, were acquired because the provinces demanded them. Others, such as the control over the health and welfare of provincial residents, were not regarded as critical for a national government. (Lighthouses and post offices were more important than public medical care in the 1860s.) Over time the division of powers had made the provinces responsible, in whole or in large part, for many of the expensive aspects of government—including health, education, and welfare—while limiting their ability to raise the necessary revenue. Thus, many important responsibilities came to be shared between levels of government, and it became clear that the division of powers in sections 91 and 92 of the BNA Act was dated, ambiguous, and hence contentious.

Like most constitutional documents, the BNA Act had not been written to stand by itself. It was intended to be wrapped in a larger context of precedent, almost all of which was either British or British imperial. The concept of unwritten precedent, very British in nature, did provide a considerable element of constitutional flexibility. For example, the entire system of political parties

and leaders—including prime ministers, premiers, privy councils, and cabinets—that enabled the governments of both Canada and the provinces to function, was never once mentioned in the BNA Act: it was one of the unwritten conventions of the Constitution. The official powers of the Governor General were listed very precisely, but the document never stated that these were to be exercised only on advice from the Privy Council. Precedents, both those brought into Confederation and those evolved within it, allowed for the survival of the Canadian Constitution. Pierre Elliott Trudeau observed in 1961 that the Constitution was ‘the eighth oldest written Constitution, the second oldest one of a federal nature, and the oldest which combined federalism with the principles of responsible government’.<sup>11</sup> But despite the miracle of its longevity, the BNA Act had been constantly strained. Then as now, critics of the existing system stressed the tensions inherent in it, while its defenders concentrated on its capacity for survival.

One of the main problems lay in the arrangements within the BNA Act for settling disputes over its interpretation. The Act provided for a judicature modelled on British principles, with a general court of appeal or Supreme Court at the top. But this court, established in 1875, was not always the court of final decision, particularly on constitutional matters. Until 1949 constitutional issues could still be appealed to a British imperial court, the Judicial Committee of the Privy Council of the United Kingdom, which in the years after Confederation had interpreted the Canadian Constitution in ways distinctly favourable to the provinces. Even with the elimination of this remnant of colonialism, amendment of the BNA Act was extremely difficult. Amending procedures were not described in the Act itself, and ultimately required an Act of the British Parliament. By the mid-twentieth century, when the Judicial Committee’s authority was finally removed, Canadian political leaders had worked out a variety of informal non-judicial means for resolving constitutional questions,



■ Prime Minister Trudeau and the newly elected Premier of Quebec, Robert Bourassa, at the federal-provincial conference of September 1970, in Ottawa. Duncan Cameron/LAC, PA-117468.

particularly those involving federal and provincial matters. One of the most important informalities, sanctioned by pragmatic precedent, was the federal–provincial conference.

#### FEDERAL–PROVINCIAL CONFERENCES

Meetings between federal and provincial governments had been an ongoing feature of Canadian political life since Confederation, but organized and systematic conferences between the feds and their provincial counterparts—particularly formal meetings of all the first ministers—were not regularized until after World War II. King's Liberals led the way, calling a Dominion–Provincial Conference on Reconstruction in August 1945, when the federal government had prepared a

comprehensive program for a welfare state based on the tax system and the economic policy of a strong central government and sought the cooperation of the provinces to implement its plans. What was required was agreement that Ottawa could keep the emergency powers it had acquired to fight the war. The major provinces, led by Ontario and Quebec, were not enthusiastic. The conference adjourned for 'study', and when it finally met again, in April 1946, Quebec and Ontario, in tandem, denounced centralization while insisting on provincial autonomy. In the wake of this meeting, the federal government offered the provinces a 'tax rental' scheme whereby it would collect certain taxes (on incomes, corporations, and successions to

estates) and distribute payments to the provinces. Ontario and Quebec went for their own schemes, but the remaining provinces (including Newfoundland after 1949) accepted tax rental.

The conference was important in several respects. First, it demonstrated that even under the best of circumstances—with a program of acknowledged public popularity and advantage—the provinces were not prepared to surrender their autonomy to Ottawa. The provinces' refusal to play dead meant that the federal government would need to bargain for their co-operation in order to achieve many of its ambitions. Second, it created an institution that, in the course of time, would become entrenched. Subsequent federal–provincial conferences would be called on an increasingly regular basis, initially to deal with financial matters, but gradually to address constitutional matters as well. It was at the federal–provincial conference of July 1960, called by Prime Minister Diefenbaker to discuss tax-sharing, that the question of repatriation of the BNA Act (i.e., its amendment in Canada without recourse to the British Parliament) was put on the table by Premier Jean Lesage. Diefenbaker responded with instructions to his Minister of Justice, E. Davie Fulton, to meet with the attorneys general of the provinces on the question. A whole series of federal–provincial conferences—on pensions, financial arrangements, constitutional issues—followed in the 1960s, and became part of the accepted political practice of the nation.<sup>12</sup> Such meetings drew public attention to the difficulties of achieving national unity in the face of opposition from Quebec (and usually at least one other province) to whatever reform or change was on the agenda.<sup>13</sup>

#### THE CANADIAN BILL OF RIGHTS

A whole new dimension was added to the post-war constitutional mix through John Diefenbaker's insistence on the introduction of a Canadian Bill of Rights. The Americans had produced a Bill of Rights for their Constitution (the first 10 amendments) as part of the process of

ratification. But the Canadian founding fathers did not follow the American lead, chiefly because in the British constitutional tradition Parliament was supreme, and the courts automatically protected the people against abuse of power. Like the British Constitution, the BNA Act had enshrined group minority rights—mainly in the areas of education, religion, and language—but had displayed little interest in the rights of the individual that were so crucial to the American understanding of democracy. The introduction of specified rights—for individuals or collective groups—was a potentially profound change in the Canadian Constitution.<sup>14</sup> Diefenbaker's Bill for the Recognition and Protection of Human Rights and Fundamental Freedoms, fulfilling campaign promises made in 1957 and 1958, was passed by Parliament in 1960. As it was limited to the federal level, and the rights it enshrined could be overridden by national emergencies, it had little immediate impact. A full 10 years went by before the Canadian Supreme Court heard a case based upon it. But its implications for constitutional reform were considerable, particularly when combined with the growth, in the 1960s, of demands from minority groups for formal recognition and equal protection and treatment under the law.

Over the course of the post-war period, Canadians discovered that the problems of their Constitution were greater than mere disputes over sections 91 and 92 of the BNA Act, or even the larger question of dominion–provincial relations. They ought also to have become aware that neither constitutional nor federal–provincial problems were the product merely of the uneasy presence of Quebec in Confederation. Nevertheless, the issue of Quebec dominated federal–provincial tensions, and constitutional reform—for better or worse—came to be seen as the panacea for what seemed to ail the nation. A host of interpreters and experts offered to answer that seemingly unanswerable question: What does Quebec really want? (This issue will be discussed in the next chapter.)

## NEWFOUNDLAND ENTERS CONFEDERATION

One uncategorizable and somewhat surprising event of the post-war period was the entry of Newfoundland into Canada. The story started in 1945 with several demands from Newfoundland—at the time governed by a Commission appointed by Britain—for restoration of the self-governing status it had surrendered during the Depression. A National Convention to address the issue was called late in 1945 and elected in 1946. One of its elected members was Joseph Smallwood, a former journalist, now running a pig farm, who undertook a private visit to Ottawa to scout out Canadian opinion on the possibility of confederation. When the Convention met in late October, it somewhat unexpectedly heard a motion from Smallwood calling for the opening of negotiations with Canada. The proposal sparked intense debate among the people of Newfoundland. Although most of the Convention delegates appear to have preferred the restoration of responsible government, within a few months union with Canada became a serious alternative. Following another Smallwood motion, a Newfoundland delegation went to Ottawa in the early summer of 1947. Not all Canadians were equally enthusiastic; the senior bureaucrats at External Affairs adopted a ‘manifest destiny’ attitude, while many politicians noted that Newfoundland could easily become a ‘little Ireland’—that is, a huge political and economic problem—for Canada, especially without Labrador iron ore. Although Labrador was officially part of Newfoundland, the territory was disputed by Quebec, which might well reopen the question were Newfoundland to become part of Canada. Talks continued over the summer, while public opinion polls in Canada indicated that Canadians only barely supported the notion. Nevertheless, the delegation eventually returned to St John’s with a generous offer from Canada. On 19 January 1948, a motion was introduced in the Convention that Britain should

determine with all possible speed the wishes of the people of Newfoundland, given a choice between responsible government and the status quo. Smallwood himself failed in his effort to get union with Canada added to any referendum ballot. But a grassroots campaign helped persuade the British to announce that the referendum should offer three choices: ‘1. COMMISSION OF GOVERNMENT for a period of 5 years; 2. CONFEDERATION WITH CANADA; 3. RESPONSIBLE GOVERNMENT as it existed in 1933.’<sup>15</sup>

The referendum campaign was as fiercely fought as the Newfoundland election of 1869 (discussed in Chapter 1), and was complicated by the emergence of a movement for economic union with the US. Responsible government received 69,400 votes, Confederation with Canada 64,066, and Commission government 22,311. A second ballot was announced for 22 July 1948, with Commission government dropped from the ballot. The level of advocacy became even more intense in the second vote, when the result was 78,323 (52.34 per cent) for Canada and 72,344 (47.66 per cent) for responsible government. Canadian Prime Minister King had to be persuaded that the margin of victory was sufficient, but Canada accepted the result as a mandate and proceeded to welcome Newfoundland into the union, allowing Smallwood to organize the first government.

## THE DEVELOPMENT OF THE WELFARE STATE

No necessary link exists between the development of a social welfare state and socialism or radical politics.<sup>16</sup> Indeed, most international scholars for most jurisdictions would emphasize that the vast majority of social welfare measures have been proposed for other purposes by factions other than the left. In Canada more social protection has been designed and executed for conservative purposes—to forestall the left and prevent social revolution—than has ever been introduced by socialists. In a few jurisdictions,

such as Sweden and Great Britain, political parties calling themselves 'socialist' have dominated governments advancing social protection and the welfare state. But this is quite uncharacteristic internationally. A more common pattern has been for the left to see the statist expansion of social welfare as a mere palliative designed to prevent more radical reform, principally the elimination of capitalism and the substitution of some form of worker control. Certainly that is the position taken by much of the scholarly literature, often written from the left.

Another point that must be emphasized is that the main goal of those interested in expanding public social services has seldom been merely the humanitarian improvement of the quality of life for the recipients of those services. Lip service is always paid to the needs (or occasionally, rights) of those receiving the services, but typically other factors have been much higher on the motivational agenda. Perhaps the most common justification for increased welfare measures has been economic, through creation of new jobs, improvement of the economic climate, or raising the standards and productivity of the labour force. The intellectual ethos of those bureaucrats who created much of Canada's welfare legislation was a Keynesianism that saw government in highly interventionist economic terms.<sup>17</sup>

Among the schools of thought that promoted increased social protectionism in Canada were radicalism, social reform, professional social work, and statism. Canada was never exposed to a single dominant vision of a national system comparable to that of the Beveridge Report in Great Britain or the 'New Deal' in the United States. Indeed, the electorate rejected Prime Minister R.B. Bennett's 'New Deal' in the 1935 election.<sup>18</sup> The Marsh Report on social security, tabled in the House of Commons in 1943, was not taken very seriously even by the party that had commissioned it.<sup>19</sup> Although it produced a brief flurry of interest in the newspapers at the time, the Marsh Report did not carry the prestige of the Beveridge Report, partly

because it was not as comprehensive or well written. Neither the White Paper on Employment and Income nor the Green Book on Reconstruction, both produced by federal bureaucrats at the end of World War II, ever achieved a broad circulation.<sup>20</sup> Perhaps the closest thing to a well-known social reform document was the Regina Manifesto of 1932, although as the product of a third party it was never widely accepted as a blueprint for action.<sup>21</sup> The absence of a single dominant blueprint has meant that social protection in Canada never became associated with a particular political party or movement. Nor was social security the monopoly of a particular ideology. This helps to explain why social protection continued to grow over most of the twentieth century regardless of the parties in power either federally or provincially. It also helps explain why social protection arrived in piecemeal fashion and with different emphases in different places at different times. Although the public advocates of social security reform, especially in the 1930s and 1940s, all emphasized the need for planning and co-ordination, the actual process was one of unsynchronized accretion, with pressures exerted from a variety of directions, occasionally simultaneously and often contradictorily.

Canada emerged from World War II considerably behind both the US and Great Britain as far as the extension of social welfare programs was concerned. To some extent that lag was made up in the affluent years of 1945 to 1972. Major federal legislation included the Old Age Security Act (1951), the Unemployment Assistance Act (1956), the Hospital Insurance and Diagnostic Services Act (1957), and the Medical Care Act (1966). These measures were brought into existence in an era of unprecedented prosperity and economic growth for Canada. Most of them depended not only on federal-provincial co-operation but especially on substantial federal financial assistance to the provinces in the form of cost-sharing. Scholars disagree on whether the federal government was pressing the provinces



forward or merely reacting to provincial pressures on a knee-jerk basis. What they do agree on is the absence at either level of government—and especially the federal one—of an integrated vision of social insurance. Moreover, the primary goal was to insure Canadians against adverse circumstances beyond their control, not to redistribute wealth or income. Three programs developed in those years stand out: the pension system, the unemployment program, and the health-care system. For the most part, these programs were established through bipartisan cooperation between political parties at both levels of government. But there were many more strands to social insurance.

#### FAMILY ALLOWANCES

A universal scheme of welfare payments for children had been the political choice of the Liberal government under Mackenzie King as the flag-bearer of its social insurance programs. Taking the form of the Family Allowances Act of 1944, it was intended to deflect public interest in more radical reform. By May 1946 more than 90 per cent of Canadian children under the age of 16 were receiving monthly benefits—through their mothers—at an average rate of \$5.94 per child. The program was not intended to provide payments at a level that would eliminate the need for other allowances under public assistance programs. However, it did introduce the principle of universality, although children not born in Canada had to be residents for three years before becoming eligible. In 1949 the legislation was changed to reduce the payments for a family's children in excess of four.

#### VETERANS' BENEFITS

The process of preparing for the demobilization of Canadian veterans began as early as 1939. In 1941 the Liberal government announced a Post-Discharge Re-Establishment Order, which provided for benefits including the promise of free

university education for demobilized soldiers. But the Department of National Defence established, through surveys and extracts from censored letters, that many soldiers believed that the government—especially Prime Minister King—would not live up to its promises. A poll of RCAF personnel in 1943 indicated that 40 per cent thought the CCF would do the best with veterans, and 37 per cent named the Tories, while only 12 per cent named the Liberals.<sup>22</sup> These revelations led the Liberals to improve the benefits package over 1944 and 1945. The showcase program was clearly the free university education, which was coupled with a living allowance. By 1947 almost 35,000 veterans were enrolled in university, and in the 1949–50 academic year veterans still accounted for more than 20 per cent of all university students in Canada. But the plan did not benefit all regions of the nation equally. The seven most popular universities for veterans were, in order, Toronto, McGill, British Columbia, Saskatchewan, Alberta, Manitoba, and Queen's. French-Canadian participation in the scheme, either by students or universities, was very low, and the figures from the Maritimes were only slightly better. Quebec's hostility to the federal government's involvement in higher education in the 1950s must be seen against the fact that the veterans' program did not significantly benefit French-language universities in Quebec, since relatively few veterans were francophone Quebecers. The government worked to look after all aspects of veteran welfare, from rehabilitation for those with disabilities, to help with re-establishment on farms, to pensions. By 1955, nearly \$200 million had been spent on vocational and university training of veterans, including allowances, tuition fees, and supplementary grants.

#### HIGHER EDUCATION

One of the 'Five Giants on the Road to Recovery' included by Sir William Beveridge in his report on the welfare state was 'ignorance', which he insisted needed to be overcome through educa-

tion. None of the Canadian equivalents of the Beveridge Report spoke about education, but access to education was obviously part of the package of post-war reconstruction, as the provision of higher education to veterans clearly indicates. In order to help the universities cope with the influx of veterans, a supplementary grant scheme was created that by June 1950 had funnelled over \$16 million of federal funding to Canadian universities on the basis of veteran enrolment.<sup>23</sup> (These grants were in addition to payments to veterans for tuition.) Naturally, the universities wished to see such funding continue. Also in June 1950, F. Cyril James, principal of McGill University, told the National Council of Canadian Universities that national funding must continue if Canadian universities were to fulfill their obligations. The NCCU told the same thing to the Massey Commission on the Arts, Letters and Sciences, which recommended that the federal government make annual grants to the universities on the basis of the population of each province, to be given to each university proportionate to its student enrolment. In 1951 Parliament agreed, approving a total budget of 50 cents for each resident of Canada. Quebec's Premier Maurice Duplessis rejected the federal money, but the other provinces accepted it.<sup>24</sup> Until the later 1960s, the grants were distributed directly by the federal government to all degree-granting institutions of higher learning. The federal government provided only financial assistance and not planning, and each institution could use the funds as it desired, but eventually the provinces succeeded in clawing back control over the revenue, largely on the grounds that the existing scheme made educational planning almost impossible.

### HOUSING

Despite a lack of enthusiasm within the Liberal government for low-cost public housing—which smacked of socialism—a wartime housing program begun in 1941 had built over 40,000 fam-

ily rental dwelling units by the end of the war. By 1948 the National Welfare Council (a lobbying group of professional social workers) was advocating that these housing projects be turned over to municipal governments to be managed under municipal housing authorities. The model was clearly public housing in the United Kingdom. Municipalities were still demanding wartime housing. In 1949 the federal government revised the National Housing Act to discourage public rental housing and to put it under provincial authority. Instead of having the federal government finance municipal projects, the federal and provincial levels would share the responsibility, paying 75 and 25 per cent, respectively. The informal calculation was that most provinces would pass responsibility for their share of funding on to the municipalities. The Act also transferred the management for housing to local authorities appointed by the province. This shift to provincial authority was supported by Ontario and Quebec, but opposed by Saskatchewan.<sup>25</sup> It provides an interesting example of a devolution of responsibility from the Dominion to the provinces initiated by the federal government in order to limit the spread of the welfare state. The major goal of the federal government, in terms of housing, increasingly became private home ownership, and the policies of the Central Mortgage and Housing Corporation, established in 1945 to provide mortgages for new houses, were directed towards stimulation of the private market. In 1954 another National Housing Act provided for housing for low-income families, but few dwellings were built under this program.

### PENSIONS

Before 1951 Canadians were covered by the Old Age Pensions scheme of 1927, a shared-cost plan between the federal government and the provinces that paid to Canadians over the age of 70 a small monthly pension governed by a means test administered on the local level. This early scheme was extremely limited in a variety

of senses. Many argued that the means test discouraged private saving and was variably administered (as late as 1949, fewer than half the pensioners in the Maritime provinces received the maximum amount, whereas 92.4 per cent of Newfoundlanders did).<sup>26</sup> Pension reform finally came in 1951, when the Old Age Security and Old Age Assistance Acts of 1951 created a two-tier system under which the federal government would pay a universal pension called 'old-age security' to those over 70, while retaining a cost-shared means-test scheme with the provinces for those between 65 and 69. This legislation also introduced the principle that pensions would be non-contributory (i.e., would not require contributions from recipients). The changing demography of Canada guaranteed that there would be continual pressures on the government to improve the system. Those who wanted better benefits could agree with those who sought to control costs on the superiority of a contributory scheme, which was added to the earlier arrangement in 1965 as the Canada Pension Plan (the Régime des rentes du Québec in Quebec). At the same time, the old-age security pension was linked to the consumer price index, although limitations on the amounts of increases meant that public pensions fell badly behind inflation in the 1960s and 1970s. Before 1971 the Canada Pension Plan had its own separate fund, but in that year contributions (and payments) were shifted to the federal government's general revenue account.

### SPECIAL NEEDS

Less well publicized than pensions or education grants were a number of programs introduced in the 1950s to help those members of society who were regarded as having special needs. In 1951 the federal government passed the Blind Persons Act, which allowed it to agree with each province and territory on cost-sharing of allowances paid (following a means test) to the blind. That same year Canada (which had sole responsibility for



- Postage stamp commemorating Judy LaMarsh, issued 26 September 1997. Designed by Kosta (Gus) Tsetsekas based on an illustration by Steve Hepburn. © Canada Post Corporation. Reproduced with permission.

Aboriginal people) amended the Indian Act to extend provincial social benefits to First Nations. In 1954 the Disabled Persons Act made the same provisions for severely challenged Canadians as it had for the blind. Although the estimates suggested that about half of the over 200,000 seriously challenged people in Canada had little or no income, means-testing meant that by 1956 the system was paying allowances to only 31,825. While the means test kept the lid on the payment of benefit allowances, it also necessitated continual supervision of those receiving assistance, which not only cost money but was regarded by many as demeaning.

## JUDY LAMARSH (1924–1980)

Julia (she always called herself 'Judy') Verlyn LaMarsh was born in Chatham, Ontario, in 1924 and educated in Niagara Falls. After graduation from Hamilton Normal School she served in the Canadian Woman's Army Corps from 1943 to 1946, translating Japanese documents. After the war she attended Victoria College and Osgoode Hall, and in 1950 she joined her father's law firm. LaMarsh first ran for Parliament in 1960, winning a stunning by-election in Niagara Falls. In 1963 she became head of the 'Truth Squad' that shadowed Prime Minister John Diefenbaker on his campaigns across the country, offering 'corrections' and 'constructive criticisms' to his comments and speeches. Although the squad gimmick backfired—Diefenbaker took full advantage of the opportunities it offered to ridicule the opposition—her part in it drew LaMarsh to the attention of the media. Upon re-election in 1963, she joined the Pearson cabinet and became Minister of Health and Welfare, a key portfolio that kept her in the headlines.

A member of the reforming wing of the Liberal Party, LaMarsh personally helped to draft the legislation for the Canada Pension

Plan passed under her ministership, and oversaw the creation of the medicare system—although at the time she was probably better known for giving up smoking after her appointment to the Health portfolio. In 1965 she became Secretary of State, in which capacity she pushed for the creation of the Royal Commission on the Status of Women and took charge of Canada's Centennial celebration. Not a fan of Pierre Elliott Trudeau, at the 1968 leadership convention she made a negative comment about him that was caught on tape. Her retirement from politics left the incoming Parliament extremely short of women members.

In retirement LaMarsh wrote a humorous and abrasive account of her political career entitled *Memoirs of a Bird in a Gilded Cage* (1968). In it she pulled no punches about the cynicism of contemporary politics and politicians, presenting herself as the perennial isolated female outsider, never able to gain her colleagues' acceptance. Yet in so doing she may actually have done herself a disservice, since she was a major figure in the Liberal Party and governments of her time.

### UNEMPLOYMENT COMPENSATION

The Unemployment Insurance Act of 1940 was based on British models in most respects, although it had followed the US in basing amounts in part on wages paid. Benefits were related to contributions. In 1956 the Unemployment Assistance Act provided for Ottawa to pay up to 50 per cent of the costs of various provin-

cial programs of aid to the needy, particularly those unemployed who had exhausted or were not eligible for benefits. This legislation was intended to increase benefits for those who required them, but because of the budget-conscious attitudes of many provinces, it did not. To the surprise of many social planners, offering the provinces matching funds often led to lower rather than higher benefits. In many ways the

most important change to unemployment assistance during the fifties came in 1955, when the plan was extended to include seasonal workers.

In 1966 the Canada Assistance Plan (CAP) made it possible for provinces to consolidate all federal–provincial assistance programs based on means and needs into a single benefit package. The federal government would pay half the cost of items shared. Under the CAP, for the first time the working poor could receive financial assistance, and provisions were made for clients to appeal unfair treatment. Between March 1956 and March 1974, the number of Canadians receiving aid under the Unemployment Assistance Act and the Canada Assistance Plan grew from 86,234 to 1,347,376.<sup>27</sup> Part of the increase was the result of changes in eligibility criteria, but part was attributable to larger numbers of unemployed and senior citizens in the late 1960s. The first total overhaul of unemployment insurance since 1940 did not take place until 1971. The Unemployment Insurance Act of that year extended coverage to nearly all workers, raised the amount of benefits, and shortened the waiting periods.

### HEALTH CARE

During the 1930s, a number of doctors had begun to organize private health-care plans in order to make sure they would be paid for their services, and by the 1950s perhaps half of all Canadians were covered by private insurance, mainly under the aegis of Blue Cross and, in Ontario, Physicians Services Incorporated (PSI). Various provinces also had hospital insurance plans in place, most of them ‘user pay’ in one form or another, beginning with Saskatchewan in 1944. In 1956 the federal government offered to provide grants for a national hospital insurance scheme, on the condition that more than half of the provinces joined and more than half of the population would be covered. Within a year, eight provinces had agreed to join, and by 1961 every province had a hospitalization scheme. Virtually all Canadians were covered.



■ Supporters of striking Saskatchewan doctors symbolically hang CCF premiers Woodrow Lloyd and Tommy Douglas, Regina, 11 July 1962. The signs attached to the poles read ‘Down with Dictators’. Saskatchewan Archives Board R-83980-2.

In regard to publicly funded out-patient health care, Saskatchewan again led the way, introducing a public medical insurance scheme in 1962. The Saskatchewan plan was opposed by the province’s doctors, who went on strike for 23 days in the summer of 1962. Although they had supported the introduction of free hospitalization in 1947 and the establishment of a provincial health service in 1951, relations with the government became strained in the 1950s, partly because of

the expansion of doctor-sponsored insurance schemes, partly because the composition of the medical profession was changing, with younger doctors who were more likely to live in the cities and towns. Basically, what was at issue in the early 1960s was control of the billing and payment process. Saskatchewan's compulsory health insurance plan emphasized universal coverage, known patient liability, and central administration. The doctors objected to all these principles as government coercion and were extremely well organized. Both sides became intransigent. The province was prepared to allow doctors to 'extra-bill' beyond the provincial reimbursement and even to work outside the Act so long as they accepted provincial payment. But it was also prepared to import doctors if necessary. In the end, the doctors conceded.<sup>28</sup> Contrary to the predictions of the medical profession, there was no evidence of a deterioration in the quality of care, and the number of doctors in Saskatchewan did not decline but actually increased between 1962 and 1964.

In 1965 Mr Justice Emmett Hall of Saskatchewan presented the report of a Royal Commission on Health Services that had been appointed in 1961. The Pearson government accepted its recommendation of universal public medical care and promised to have a medicare scheme in place by 1967. Not all provinces were equally enthusiastic about universal medicare. Manitoba joined with alacrity, but Ontario was reluctant to become involved and Quebec introduced its own scheme. By 1972, however, all provinces and territories in Canada had implemented medicare, with the general support of the Canadian Medical Association. Provinces vary in the services they cover and the opportunities they allow doctors for extra-billing. Although universality would become a major subject of public debate in subsequent years, once the principle was introduced, it would be difficult to remove.<sup>29</sup>

The piecemeal accretion of social insurance programs probably reached its high point in 1971, just as debate moved into new areas: the relationship between poverty and race and gen-

der, and the possibility of alleviating poverty by establishing some sort of social minimum owing to every citizen as his or her right. What brought social insurance expansion to its knees, of course, was less the discussion of social minimums than major changes in the Canadian economy beginning in 1972. The rising costs of social insurance, which could be tolerated in an era of great prosperity, quickly became less acceptable. These economic shifts were accompanied, as we shall see in Chapter 20, by a sea change in public ideology.

### METRIC CONVERSION

Another example of the Trudeau government's willingness to break with the past, to confront and change fundamental principles of Canadian life, came in 1970 when the White Paper on Metric Conversion in Canada was issued. Metrication did not seem to fit into any recognizable larger pattern of change, and its gradual adoption meant that it was difficult to associate with a single political party. The metric system had been authorized in Canada as early as 1871, but the imperial system of measurement continued in common use and was more or less in harmony with measurements used in the US (an imperial quart, for instance, was slightly larger than the US version). Shifting to metric would mean breaking with tradition, but Britain itself had decided to move to the metric system in order to be in step with Europe and the Common Market, so the change could not be challenged as 'anti-British'. In addition, several other former British colonies, including South Africa and Ireland in 1968, New Zealand and Rhodesia in 1969, and Australia in 1970, had decided to make the move—and the proposal was actually popular in Quebec. At the time of the White Paper, even the Americans were talking about converting, and it seemed likely that all of North America would go metric within a few years.<sup>30</sup> Canada appointed a preparatory agency, eventually called Metric Commission Canada, to co-ordinate a gradual conversion. The process was not easy, especially since the Ameri-

cans ultimately decided against metrication, which meant that Canadian and American products would be based on different measurement systems. Canadian temperatures were changed to Celsius on 1 April 1975. Many westerners thought the change was part of a Liberal government conspiracy against the West, for the shift to Celsius meant that winter temperatures would almost always fall into the 'minus' figures, making the region seem much colder than it actually was. And, across the country, many people emotionally hostile to metrication argued that it was unwise for Canada to go out of step with the Americans and asked what would happen to the yard in Canadian football or square footage in real estate. As it turned out, most sports (apart from track and field) did not change. Real estate retained its old measurements as well, and the construction industry adopted a dual system.

From 1975 to the mid-1980s metric measurements were gradually introduced into Canadian usage. Road measurements changed to kilometres in 1977, and gasoline was pumped in litres beginning in 1979. Fabrics had to be sold in metric lengths after December 1980. Conversion of weighing scales in stores proceeded slowly and has never been totally successful. Proponents of the change were correct in asserting that, once the new system was taught in the schools, the nation's youth would become comfortable with it and see imperial measurements as hopelessly antiquated. But many Canadians who were adults by 1970 never did really grasp the new system. Many of those who continued to think in imperial terms saw metric measurement as one more example of unnecessary government interference. On the other hand, metric measurement did mark out a clear difference between Canada and the United States, one that was instantly recognizable as soon as the border was crossed in either direction.

### NEW FORCES IN POLITICS

Although Quebec received the lion's share of press coverage and public attention during the

1960s, French Canadians were not the only minority in Canadian society demanding full recognition and full equality. The 1960s saw a number of other groups emerge with articulated positions and demands, including Aboriginal people, blacks, women, and homosexuals. To some extent all these groups shared a sense of liberation and raised consciousness in the heady days of the 1960s, as well as some common models and rhetoric. The several black movements in the US, especially civil rights and black power, were generally influential, and it was no accident that almost every minority, including French Canadians, found itself compared at some point with American blacks.<sup>31</sup> On one level, other emerging minorities could hardly avoid sympathizing with French Canada, but on another, Quebec's arguments and aspirations were in serious conflict with those of other groups. Of course, minorities within minorities often do face special problems, but there were additional issues. Perhaps the most important was the fact that other minorities relied on the federal power to control and influence provincial action. A brief examination of the growth of some of the other leading minority rights movements illustrates the complexities of simultaneously serving Quebec, French Canadians elsewhere in Canada, and everybody else.<sup>32</sup>

### ABORIGINAL PEOPLES

Like so many other long-standing issues in Canada, that of Canada's Aboriginal peoples moved into a new activist phase in the 1960s. Native activists built on their own accumulated traditions of constructing organizations to speak for their concerns, but they were also able to take advantage of American models and Canadian federal policy, such as the 1960 Canadian Bill of Rights. Just as critically, the search for new sources of raw materials for exploitation in the Canadian North threatened indigenous peoples' way of life and forced them into the political mainstream. At the end of the 1960s, emerging

Native militancy ran head-on into a government effort to rethink the situation of Native people and their relationship to the federal government.

Before 1960, regional and provincial organizations representing the interests of Aboriginal peoples had gradually developed across Canada, often in response to particular situations or to organized investigations and commissions on either the provincial or federal level. Thus the Depression called into existence the Native Brotherhood of British Columbia in 1931, and in 1936 a strike gave rise to the Pacific Coast Native Fisherman's Association, which merged with the former in 1941. In Saskatchewan a number of groups merged into the Federation of Saskatchewan Indians at the end of the 1950s. National organizations were slower to take hold. In 1943 Andrew Paull tried to create a national organization, called the National Indian Brotherhood, but did not succeed, partly because he was seen to be linked too closely with the Roman Catholic Church. Finally, in 1960, the National Indian Council was formed 'to promote unity among Indian people, the betterment of people of Indian ancestry in Canada, and to create a better understanding of Indian and non-Indian relationship'.<sup>33</sup> The National Indian Council was organized mainly by urbanized Native people who hoped to combine the concerns of status and non-status Indians, including Métis. In 1968 political incompatibility led to the dissolution of the National Indian Council and the formation of two new groups: the Canadian Métis Society, which in 1970 renamed itself the National Council of Canada and would become the Métis National Council, representing Métis and non-status Indians, and the National Indian Brotherhood, which in 1982 would become the Assembly of First Nations, representing status Indians.

Before the late 1960s, consciousness-raising with regard to Native issues was a slow process. The granting of the franchise federally and provincially in 1960 seemed to have little initial impact. Then a sudden shift occurred, particularly among Native people themselves, that is still

ongoing. In 1966 one government report complained of the difficulty of ascertaining Aboriginal opinion.<sup>34</sup> As late as 1971 one study, 'The Indian in Canadian Historical Writing', found that textbook surveys in particular regarded Native people as inferior beings who deserved what they got from Europeans and generally treated them more as 'obstacles to be overcome in Canada' than as integral parts of historical development.<sup>35</sup> The real explosion of Canadian academic interest in Native people did not come until the 1970s, when it coincided with a new awareness among Canadians generally that was sparked not by academics but by Native peoples' own political and legal efforts to fight for their rights in ways that drew attention to their situation. 'Aboriginal rights' existed as a concept in the 1960s, but had not yet produced the landmark court actions of later periods.<sup>36</sup>

One of the real catalysts for Native consciousness was the publication in 1969 of a White Paper on federal policy under Indian Affairs Minister Jean Chrétien.<sup>37</sup> The president of the Manitoba Indian Brotherhood, Dan Courchene, at the time observed, 'No single action by any Government since Confederation has aroused such a violent reaction from Indian people.'<sup>38</sup> The White Paper dealt with all aspects of First Nations policy, but its principal recommendations were threefold: abolition of the Indian Act (and the Department of Indian Affairs), which would mean an end to official 'Indian status'; the transfer of Aboriginal lands out of Crown trust into the hands of First Nations themselves; and the devolution of responsibility for Aboriginal matters to the provinces.<sup>39</sup> The White Paper touched off bitter criticism in all quarters, and it produced the first popular manifesto for Canadian Native people in Harold Cardinal's *The Unjust Society: The Tragedy of Canada's Indians* (1969), which argued for the re-establishment of special rights within the strengthened contexts of treaties and the Indian Act.

The White Paper, in broad outline, was consistent with federal policy towards all minorities, including French Canadians, at the end of the

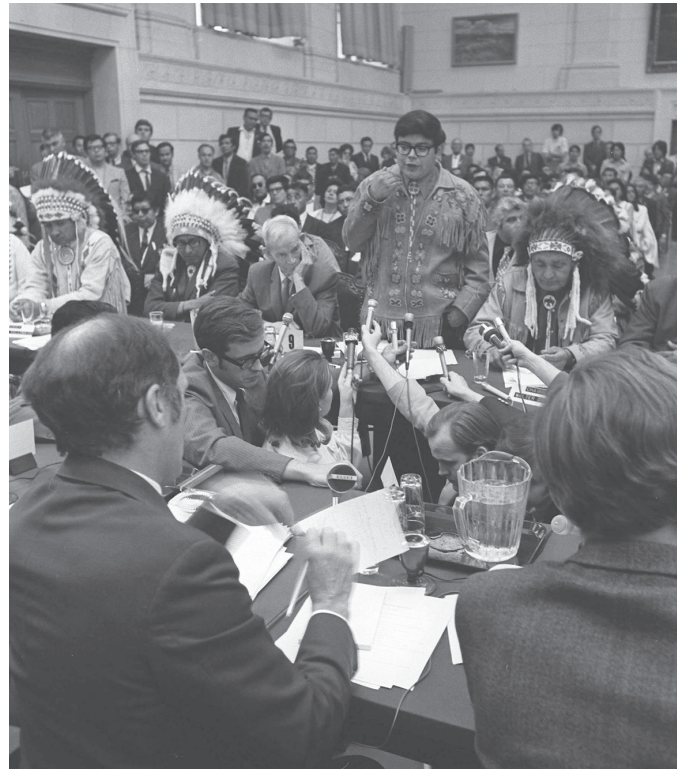


1960s. It called for advancement of the individual rights of Aboriginal persons rather than the collective rights of Native people as a group:

The Government believes that its policies must lead to the full, free and non-discriminatory participation of the Indian people in Canadian society. Such a goal requires a break with the past. It requires that the Indian people's role of dependence be replaced by a role of equal status, opportunity and responsibility, a role they can share with all other Canadians.<sup>40</sup>

The liberal philosophy of Pierre Trudeau is clear in this statement. The White Paper argued that treaties consisted of 'limited and minimal promises' and that the 'economic, educational, health and welfare needs of the Indian people' would be far better addressed by modern government policies. The government thought that allowing Aboriginal people full access to Canadian social services (many of which were provincially administered, especially in Quebec) would mark an advance over the paternalism of the existing arrangements, and—conveniently ignoring the White Paper's implications for treaty and Aboriginal rights—it seemed surprised that Aboriginal people responded so negatively. Defending the policy, Prime Minister Trudeau declared that the time had come 'to decide whether the Indians will be a race apart in Canada or whether they will be Canadians of full status. . . . It's inconceivable, I think, that in a given society one section of the society have a treaty with the other section of society. We must all be equal under the law.'<sup>41</sup>

Harold Cardinal, a member of Alberta's Sucker Creek band, had been elected president of the Indian Association of Alberta in 1968—and had read widely in the American activist literature of the 1960s. He condemned the White Paper as a 'thinly disguised programme of extermination through assimilation', adding that the federal government, 'instead of acknowledging its legal and moral responsibilities to the Indians of Canada and



- In this photo, from June 1970, Harold Cardinal, president of the Indian Association of Alberta, tells Prime Minister Trudeau and cabinet members that treaty claims should be handled by a 'truly impartial' commission. CP Photo.

honouring the treaties that the Indians had signed in good faith, now proposes to wash its hands of Indians entirely passing the buck to the provincial governments.' Cardinal coined the term 'Buckskin Curtain' to refer to the separation between European and Aboriginal people in Canada, noting that 'while Canadian urbanites have walked blisters on their feet and fat off their rumps to raise money for underdeveloped countries outside Canada', Canadians generally did not 'give a damn' about the plight of their own Native people. He criticized 'Uncle Tomahawks' among his own peo-



- In March 1967 former Africville residents returned for Easter Sunday services in the Seaview African Baptist Church, the heart of the community. Within weeks the church would succumb to bulldozers. Copyright CBC Digital Archives. <http://www.cbc.ca/archives/africville>

ple who continually apologized for being Indian, and noted with some irony that indigenous people who wore their traditional clothing ran the risk of being confused with hippies. Cardinal also complained of the Canadian government's 'two founding peoples' concept, which did not recognize 'the role played by the Indian even before the founding of a nation-state known as Canada'. He pointedly denied that his people were separatists, arguing that they merely wanted their treaty and Aboriginal rights recognized so that they could take their place 'with the other cultural identities of Canada'. And he was not so much critical of the 'two founding nations' idea as he was insistent that his own people needed what he called 'a valid, lasting Indian identity'. Above all, Cardinal and other Aboriginal spokespersons made it plain that Native people did not want to be abandoned to the provinces, but wanted Ottawa to fulfill its fiduciary obligations to them.<sup>42</sup>

## BLACK PEOPLE

By the mid-1960s there were an estimated 60,000 to 100,000 black people in Canada (nobody knew for certain, since accurate numbers would require a specific question on the census form). Many were descendants of early black immigrants to Canada, including the Loyalists of Nova Scotia and the fugitives from slavery in southwestern Ontario; others were among the increasing numbers of immigrants from the Caribbean who were entering Canada by the end of the decade. Canadian blacks faced a variety of discriminatory realities, both subtle and open, that often kept them on the margins of the society. They had learned to survive partly by stoic, uncomplaining endurance and partly by merging with the white community wherever possible. Except for a history of subtle oppression and the support of their churches, which tended to provide local leadership, there seemed little in their lives that could be identified as a distinctive heritage. When, in the mid-1960s, the city of Halifax decided to relocate the working-class community of Africville, on the grounds that it was a disgraceful slum, the 400 inhabitants protested but were unable to stop the expropriation, which was carried out between 1964 and 1970. When residents refused to leave their homes, the city cut off their water and electricity, and it paid them very little for their houses. (In July 2002 Africville was declared a national historic site.)

During the 1960s Canadian blacks, like other minority groups, underwent a transformation. The impact of various black movements in the US in raising black consciousness in Canada was substantial. Even the introduction of the term 'black' to replace 'Negro' was very significant, and was accompanied by an increasing sense of racial pride and identity. By the early 1970s the destruction of Africville had become a symbol of mainstream neglect, and systemic efforts were undertaken to recover the history of Africville and other black communities, lest they

## REPORT ON DIVORCE, 1967

In 1967 the Special Joint Committee of the Senate and the House of Commons presented its long-awaited report on divorce. It recommended the first wide-ranging changes in divorce legislation since Confederation, although many Canadians regretted it did not go further. It should be noted that while divorce is a matter of federal jurisdiction, collateral matters such as child custody are subject to provincial legislation.

### Reconciliation and Marriage Counselling

While it is your Committee's opinion that a broadening of the grounds for divorce would not undermine the stability of marriage as an institution, it does believe that legislation seeking to rationalize the dissolution of marriage should not overlook the fact that dissolution is only the ultimate solution to a broken marriage and that an alternative is to try to mend it. Many witnesses before your Committee have stressed the desirability of an established reconciliation procedure to try to save as many marriages as possible. Some witnesses have urged that reconciliation attempts should be mandatory before divorce petitions are permitted to proceed. This has been suggested by the United Church of Canada, together with such organizations as the Catholic Women's League of Canada. Others have urged mandatory conciliation and counselling in certain cases and there has been considerable support for the establishment of marriage counselling services as adjuncts to the courts. Most witnesses would be satisfied, nevertheless, if provisions were made for counselling and reconciliation procedure in those cases where it might prove beneficial.

Two separate issues are really involved here. Firstly, the provisions of the actual law itself regarding reconciliation procedure, and secondly, the far wider implications of how much active interest the institutions of government should take in marriage guidance and counselling services.

To take up the first question, there is no doubt, that the law as it stands at the moment, does little to promote the reconciliation of couples contemplating divorce, and some of the provisions

actually tend to discourage it. The existence of the absolute bars to divorce of collusion and condonation tend to keep the parties at arm's length. The law should be changed to ensure that any efforts a couple may make to save their marriage should not be held against them if they are unsuccessful in the attempt. In both the United Kingdom and in Australia, to cite but two examples, this problem has been recognized, and steps taken to obviate the difficulties. These provisions have been made to ensure that cohabitation for a limited period of time with reconciliation as its objective should not be considered as condonation and that reasonable negotiation between the parties should not be held as collusive. Such reforms are clearly necessary in Canada.

More can be done, however, than simply removing the legal obstacles to reconciliation. Steps can be taken to actively promote it. However, this is no easy task. Compulsory reconciliation procedure is not the answer. There are numerous objections to such a step.

In the first place, it must be realized that in the vast majority of cases, once the case has reached the divorce courts, the time for reconciliation in most cases has passed. Couples do not lightly rush into divorce actions without making sincere and strenuous attempts to save their marriages. Therefore, in the great majority of cases, compulsory arbitration would be futile.

In any case, marriage counselling is not a task just any person can do; it requires considerable training and skill and the number of persons so

qualified is limited in Canada today. Counselling services would be swamped and in the vast majority of cases, their counsellors would be wasting time and talents that would be better spent trying to save those marriages that were salvageable. Compulsory marriage counselling is not a practical proposition. . . .

SOURCE: Canada, *Report of the Special Joint Committee of the Senate and House of Commons on Divorce* (Ottawa: Queen's Printer, 1967), 152–4.

One fundamental obstacle to the introduction of elaborate reconciliation machinery as adjuncts to the divorce courts, is the sheer lack of personnel. Until there are ample numbers of trained people, any discussion of the desirability of such facilities must be academic.

all suffer the same fate.<sup>43</sup> Some black militancy came from the US, but Canadian immigration trends were probably more important in encouraging protest against discrimination. In the 1960s, substantial numbers of decolonized Caribbean and African blacks settled in Canada, many of whom were highly skilled and educated professionals who were not accustomed to racism, however subtle. The most widely publicized incident of protest occurred at Sir George Williams (now Concordia) University in Montreal in January 1969 (see pages 453–4).

## WOMEN

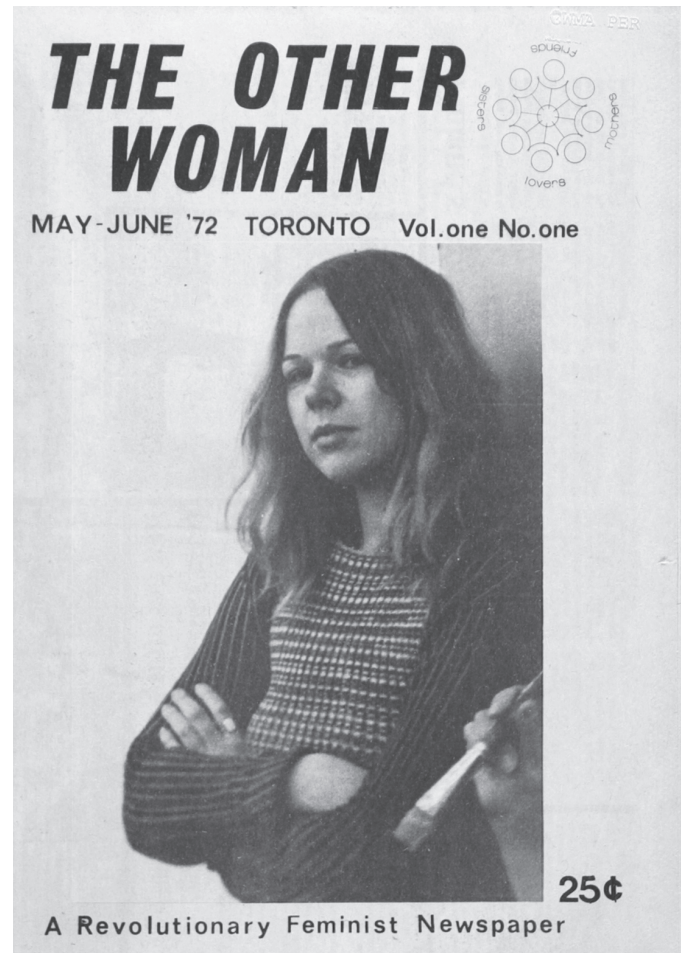
Like other groups that discovered a new voice in the 1960s, Canadian women had been quietly preparing for their emergence (or re-emergence) for many years. Whether or not one took a patient view of the lengthy period from the enfranchisement of women to the blossoming of 'women's lib'—and most modern feminists understandably did not—some things had changed, and some political experience had been acquired, particularly within the province of Quebec. The Committee on Equality for Women, which organized in 1966 to lobby for a Royal Commission on the Status of Women, consisted of experienced leaders from 32 existing women's organizations united by their feminism. When their first delegation to Ottawa was ignored,

Laura Sabia, president of the Canadian Federation of University Women and leader of the call for a national investigation, responded with a classic 1960s threat: she would lead a women's protest march on the capital. The Pearson government behaved equally characteristically. Although it was not convinced that women had many grievances, it agreed to hold an investigation 'to inquire and report upon the status of women in Canada, and to recommend what steps might be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society'.<sup>44</sup> One of the principal advocates of change was cabinet minister Judy LaMarsh. Unlike its contemporary, the Royal Commission on Bilingualism and Biculturalism, which literally had its recommendations spelled out in its terms of reference, the Royal Commission on the Status of Women, established in 1967, had a much more open-ended mandate, chiefly because the government had no preconceived position beyond a vague commitment to equality for everyone. It was the first Royal Commission chaired by a woman; Florence Bird was an Ottawa journalist and broadcaster. The Commission's investigation ranged far and wide, examining areas under provincial as well as federal jurisdiction. It made its recommendations based on four operating assumptions: the right of women to choose to be employed outside the home; the obligations of parents and society to care for children; the spe-

cial responsibilities of society to women because of their maternal role; and, perhaps most controversially, the need for positive action to overcome entrenched patterns of discrimination. It provided the program that would occupy mainstream feminism in Canada for decades to come.

The investigations of the Commission coincided almost exactly with the emergence of the movement usually known as 'women's liberation'. This articulate and militant branch of feminism began in the US as an offshoot of the student movement, perhaps in response to the failure of male student leaders to take the women in their movement, or in the society at large, sufficiently seriously. Women's liberation shared its rhetoric with all leftist movements of decolonization. Woman 'realizes in her subconscious what [Herbert] Marcuse says', declared one manifesto: 'Free election of masters does not abolish the masters or the slaves.'<sup>45</sup> Not surprisingly, the liberationists found their organizing principles in issues of sexuality, particularly in the concept that 'woman's body is used as a commodity or medium of exchange'.<sup>46</sup> Liberation would come only when women were able to control their own bodies, especially in sexual terms. Thus, birth control and abortion became two of the central political issues, along with other matters such as daycare and equal pay for equal work. Such concerns brought feminists into conflict with what came to be known as 'male chauvinism' at all levels of society.

Although women's liberation shared some common ground with Quebec separatists in the form of decolonization theory, feminists in Quebec and English Canada did not always see eye to eye. The FLQ had little to say on women's issues. But the Front pour la libération des femmes du Québec refused to join the 1970 Abortion Caravan in its 'on to Ottawa' journey on the grounds that such protest legitimized federalism. And Quebec society apparently supported its politicians in a general hostility to abortion on demand. At the beginning of the 1970s the women's movement was poised on the edge of what appeared to be yet another 'New Day'.



- The first issue of *The Other Woman*, May-June 1972. Archives and Special Collections, University of Ottawa Library Network/CWMA Fonds.

### HOMOSEXUALS AND LESBIANS: THE RISE OF 'GAY POWER'

Yet another minority group to emerge in the 1960s was composed of homosexuals and lesbians. The 'gays' (a term they preferred to more pejorative ones) focused their political attention on sexuality, particularly the sex offences enshrined in the

Canadian Criminal Code. After Confederation, Canada had largely replicated the various English statutes relating to sex offences, entrenching Victorian notions and definitions of ‘unnatural’ deviancy from approved heterosexuality in marriage, and when the Canadian Parliament later made changes in the legislation, it reinforced the notion of homosexuality and homosexual behaviour as criminal. Thus the term ‘unnatural’ was replaced by ‘against morality’ to cover a broad range of deviant behaviour when male offences such as ‘indecent assault’ (1886) and ‘gross indecency’ (1892) were added to the Criminal Code.<sup>47</sup>

Given the social stigma and even criminal sanctions attached to it, homosexual behaviour, male or female, was a distinctly underground business in Canada. It is impossible to estimate its prevalence. References to such behaviour were common in sociological texts about the impoverished and criminal classes, which were thought to be riddled with ‘deviancy’. But homosexuality was never considered to be widespread before the 1960s. It had been among the medical grounds on which both males and females could be rejected for military service in both world wars, but it is impossible to pinpoint, among the many possible reasons for rejection, how many recruits were rejected because of sexual orientation. Certainly many recruits discovered their sexual inclinations through their wartime experience in the military.

The era after 1945 was one of rampant heterosexuality. Canadians joined Americans in expressing shock at the findings of American biologist Alfred Kinsey, who in two studies (1948 and 1953) reported that homosexual practices were regular and widespread among both males and females, although the number of full-fledged homosexuals was relatively small. The idea that heterosexuals—even married people, parents of children—could have, and act on, same-gender urges was revolutionary. Yet police raids on private clubs and bathhouses demonstrated that in fact, there were clearly defined homosexual communities and networks in most major Canadian cities. Now, however, such behaviour was gener-

ally regarded less as a criminal act than as a medical ‘disorder’ or a ‘character weakness’. Thanks to the espionage and loyalty debates in the US and Britain, homosexuals were automatically regarded as security risks because of their vulnerability to blackmail, and when the RCMP created a special investigative unit called A-3 to identify homosexuals in the civil service, it claimed to find a good many in Ottawa. In 1959 the federal government commissioned research to ascertain whether all homosexuals represented potential security risks, which led to the development of the notorious, if ineffectual, ‘fruit machine’ to detect homosexuals within the civil service.<sup>48</sup> The Canadian Immigration Act had already been amended in 1953 to deny admission to homosexuals (defined as ‘a status or type of person’, not in terms of particular behaviour) as possible subversives.

The process of amending the Criminal Code in general began in the 1940s. In theory the revisions were intended to make the law more enforceable, but in the area of sexual activity they often expanded its coverage. Nevertheless, in the post-war era the law increasingly had to recognize new gender categories, and Canadian society gradually became more aware of the need for distinctions between gender and sexual orientation, and of the simultaneous blurring of such distinctions. The best-known examples of blurring were the transsexual (‘sex change’) operations, which were widely publicized, especially in the tabloid press. By the late 1950s more ‘advanced’ legal and medical thinking had come to recognize the importance of decriminalizing homosexual activity, at least between consenting adults. This view became more general in the 1960s, in part because of public lobbying by gay and lesbian organizations that emerged in this period, such as the Association for Social Knowledge (1964). Increasing numbers of gay newspapers and journals also appeared. Like other minority groups, gays began to concentrate on creating a positive rather than a destructive self-identity, as in the ‘gay is good’ campaign launched in 1968. Finally, in 1969 Parliament decriminalized sexual offences between consenting adults,

making a distinction between private and public sex. Although the 1969 revisions to the Criminal Code did not actually legalize homosexuality and lesbianism, they did have a considerable effect on the gay community. It was now possible to become more aggressive in support of homosexual rights, and the first gay liberation organizations were formed in Vancouver, Montreal, Toronto, and Ottawa in 1970 and 1971. These groups led the way in advocating the protection of sexual orientation in any human rights legislation adopted by the government.

### CONCLUSION

By the early 1970s gays had joined women, Aboriginal people, and black people at the fore-

front of new demands for constitutional reform and political change. The political and constitutional agenda in Canada no longer focused exclusively on issues such as extending the welfare state, satisfying Quebec, or redefining the federal–provincial relationship. It now had to encompass a wide variety of organized and articulate collectivities demanding equality in law and in practice. In the 1970s the main item on the larger political agenda would be, as the historian John Saywell put it, ‘a re-examination of fundamental attitudes, beliefs and values’, challenging ‘less the existence of the nation-state than the nature of the society within it’.<sup>49</sup> Canadian society had undergone profound changes during the quarter-century after the end of World War II, and to those changes we must now turn.

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## STUDY QUESTIONS

1. What factors account for the Liberal Party's dominance in Ottawa from 1935 to 1979?
2. In what ways were the huge Liberal majorities deceptive?
3. How did Liberal and Progressive Conservative leaders differ in this period?
4. What were the checks on Liberal power during these years?
5. How did provincial politics provide a counterweight to federal power?
6. Why was the Canadian welfare state not better planned and co-ordinated?
7. What new collectivities emerged in Canadian politics during the 1960s, and what did they want?



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