

## **Prime Minister as Moral Crusader: Stephen Harper's Punitive Turn in Social Policy-Making**

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### Abstract

*Stephen Harper has been Canada's Prime Minister since 2006, heading three Conservative administrations; two minority governments (2006-08, and 2008-11) and one majority government (2011- to the present). Harper's time in power has spanned periods of economic growth and surplus federal budgets, through a deep economic recession and budget deficits, to a tentative recovery of the Canadian economy and federal program of general fiscal restraint. Throughout this period of shifting economic and political circumstances, Harper, an intensely partisan and disciplined politician, has dominated his cabinet and parliamentary party as well as defined federal social policy and intergovernmental relations in particular ways. Like other Prime Ministers and governments, the Harper era exhibits a mixed pattern of social policy-making. Thus, although there are certain similarities in policies with previous federal administrations led by Liberal Prime Ministers, Harper's social policy is distinctive as well. This article advances the argument that Harper's characteristic approach can be understood in terms of an institutional-punitive conception of social policy. This stern approach to federal social policy-making involves the identification of dangerous persons and threatening behaviours, the elaboration of laws and creation of new offenses, and the intensification of legal penalties and punishments. What emerges is the role of Prime Minister as moral crusader in a politics of fear, judgment and regulation.*

*Keywords:* Federal social policy; moral conservatism; political science.

### Résumé

*Stephen Harper est le premier ministre du Canada depuis 2006, et il a dirigé trois administrations conservatrices: deux gouvernements minoritaires de 2006-2008, et de 2008-2011, et un gouvernement majoritaire de 2011 à aujourd'hui. Ces administrations ont connues des périodes de croissance économique et de budgets fédéraux excédentaires, ainsi qu'une profonde récession économique, pour arriver enfin à une relance incertaine de l'économie canadienne et à un programme général fédéral de contraintes budgétaires. Harper est un politicien éminemment partisan et très discipliné, et il a dominé son cabinet ainsi que son parti parlementaire au cours de cette période de conditions économiques et politiques changeantes. Il a également redéfini la politique sociale fédérale et les relations intergouvernementales de manière spécifique. Comme d'autres premiers ministres et gouvernements auparavant, l'ère de Harper fait montre d'un mélange de motifs de politiques et de gestion sociales. Donc, bien qu'il existe de similarités en politiques sociales avec les administrations fédérales libérales qui l'ont précédée, la politique social de Harper est très distincte et cet article propose donc que l'approche caractéristique à Harper peut être définie comme une politique sociale institutionnelle-punitive. Cette approche sévère a propos des politiques sociales fédérales,*

*incorpore un processus d'identification de personnes dangereuses et de comportements menaçants, la création de nouvelle lois et de nouveaux délits pour les contrôler, et, l'augmentation des sanctions et peines légales. Le rôle du premier ministre émerge donc comme celui d'un champion de la moralité, aidée par une politique de peur, de jugement et de réglementation.*

*Mots-clefs:* politique sociale fédérales; conservatisme moral; sciences politiques.

### **Introduction**

Canadian social policy-making involves a formation of political relations of power and constitutional jurisdictions; the deployment of expenditures, legislation and administrative systems; a focus on particular human actions and relationships; values and beliefs of individual and collective obligations and rights; policies and program effects of care and control; professional and organizational arrangements; as well as various forms of knowledge and discourses of private troubles and public issues. Social policy, in addition to future goals and aspirations, interplays with the past, and more specifically, with multiple and contested pasts: historic decisions on major reforms, previous intergovernmental commitments on equalization, longstanding expectations by program constituencies, and entrenched patterns of service delivery practices. A Prime Minister's social policy agenda further occurs within the general context of Canada's capitalist market economy, federated polity and pluralist civil society.

This article argues that social policy-making under the Harper Conservatives has moved from areas of income security and provision to groups in need, to concerns over safety and punishing the dangerous. These latter concerns are driven by a moral vision held by Prime Minister Harper and others in the Conservative party, a vision often at odds with empirical understandings of crime and danger. The rest of this Introduction describes the social policy record of the Harper years in general terms and compares it to other recent prime ministerial eras. The second section of the article discusses more specifically the Harper government's law and order agenda, which is described here as an institutional-punitive conception of social policy. The third section, drawing on the classic work of Howard Becker on deviance, outsiders, and social order, examines the Harper Conservatives as moral crusaders in public office. The fourth section offers conclusions on the Harper government's law and order agenda as constituting a centrepiece of their social policy record.

To appreciate what is distinctive about social policy in the Harper years, it is important to note some underlying similarities of Harper's governing and social agenda with those of previous federal administrations. . The first similarity is that Canadian politics takes place within

the post 9-11 world of security, intelligence, surveillance and border controls, a circumstance that underscores and symbolizes the contemporary age of anxieties. The second is the continued reliance on personal income taxes as compared to corporate taxation or other taxes as the major source of revenue for the federal government. Contemporary tax policy emphasizes breaks for corporations and tax savings for some individuals; along with the use of boutique tax credits to target small benefits to specific groups. Third, labour market issues persist in terms of precarious and non-standard employment, underemployment and unemployment at the same time with concerns of labour supply shortages. There also is a manifest inertia by recent governments on employment equity and affirmative action. Fourth, there has been a fading function of Employment Insurance in providing regular income support to the jobless in terms of coverage of the workforce, level of earnings replacement through benefits, and the maximum duration of benefits. This illustrates a broader trend over the last 20 years in the declining role by the federal government in maintaining national conditions or standards in health care, social services or income assistance (Rice & Prince, 2013). In this regard the first Harper government explicitly endorsed the 1999 Social Union Framework Agreement of placing limits on the use of the federal spending power for new shared-cost programs in areas of exclusive provincial jurisdiction (Lazar, 2008). Nonetheless, there continues to be a vigorous politics of competing views on the nature of the federation and on the role of the federal government in Canadian social policy.

Any government's social policy record will be a mixture of maintaining many programs, expanding select program, constraining or retrenching (by stealth or other means) programs, cancelling programs or agreements, introducing a few new programs, deferring election promises, and making non-decisions of calculated inactions. Examples of each of these techniques can be found in the Harper era (Martin, 2011; Nadeau, 2011; Prince, 2013; Rice & Prince, 2013).

In broad terms, the Harper Conservatives' social policy is based on an ideology and practice of limiting and restructuring the role of the federal government in social affairs, preferring to concentrate on traditional federal responsibilities under the constitution, leaving issues of human and social development for the most part to the provinces. One way this has

been done is through diminishing the federal revenue base through tax reductions on personal and corporate taxes as well as the reduction in the Goods and Services Tax from seven percent to five percent. With respect to financial arrangements between the federal government and the provinces and territories, Harper has maintained existing approaches to the Canada Health Transfer, the Canada Social Transfer, Equalization, and Territorial Formula Financing. In this and in other areas, such as elderly benefits, there is an acceptance of the main contours of federal social programs and spending commitments, although with a diminished leadership role coming from Ottawa (Fierlbeck & Lahey, 2013). More or less sticking to status quo social programs means the Harper Conservatives have refrained from adopting a comprehensive plan on poverty reduction, which several provinces have done in the last decade. The Conservatives have also resisted introducing enhancements to federal social programs in retirement income security, housing and homelessness, women's equality, and persons with disabilities, among other groups and issues. In fact, there have been cutbacks in these areas, which are experienced as punitive in consequences if not in motives. Families and non-profit agencies are celebrated as targets for social policy measures in child care and in social financing and private sector employers are encouraged to hire Canadians with disabilities (Prince, 2009; Prince & Teghtsoonian, 2007).

Like previous Progressive Conservative and Liberal governments, there is a reliance on the private sector for economic growth and employment joined with some economic management by Ottawa. In reaction to the turbulence and decline of the economic recession in 2008 and 2009, aggravated by the global financial crisis, the Harper government engaged, reluctantly at first but then more readily, in a version of Keynesian counter-cyclical government spending – the Canada Economic Action Plan – to stabilize the Canadian economy (and the Harper government's minority status at the time) and to save jobs, specific industries and firms (Waddell, 2010). The Keynesian welfare state has not completely vanished after all (Doern, Maslove, & Prince, 2012; Eatwell & Milgate, 2011).

Of particular interest in the context of the Harper Conservative era is the way in which it has attempted to recast notions of the social by a particular emphasis on tougher public safety, security and justice, and related legal programs. The welfare state as a form of social control is used to regulate people's lives and to shape how they connect with, or are excluded from, others

in society (Doern, Prince, & Schultz, 2014). This development raises the question of boundary drawing of the academic field of social policy between mainstream public policy scholars for whom the social welfare state is the core focus and sociology and budgetary scholars who have long taken note of the presence of public safety and law and order in the very nature of how social domain budgets are structured and decided upon in government. In the Canadian context at the federal level, this is revealed even in the changing names of cabinet committees that included “social development” in the Trudeau era, “human resources, social, and legal affairs” in the Mulroney era and “social affairs” in the Harper era. Under all of these names and prime ministerial eras, public safety, justice, and legal affairs were always a part of the social domain and of the politics of policy making within it among ministers and departments (Doern, Maslove, & Prince, 2013, p. 120).

### **The Harper government’s institutional-punitive conception of social policy**

Harper’s overall attitude toward social policy-making is a particular set of individualist and collectivist beliefs, attention to the spheres of family and public action, idealist and materialist explanations of problems, federal autonomy and intergovernmental relations, and residual and integral forms of state provision. My contention is that Harper’s approach to the Canadian welfare state is what can be called an institutional-punitive model of social policy. This representation is intended to summarize core elements of the myriad ideas, decisions and practices of the Harper government. Related concepts in political science and sociology are the law and order state or the minimal state; in political economy, the coercive and legitimation functions of welfare under capitalism; in public administration, the regulatory state; and, in critical social policy studies, the disciplinary welfare state. Whatever the label, the purpose of the concept, as Titmuss once observed, “is not to admire the architecture of the building, but to help us to see some order in all the disorder and confusion of facts, systems and choices concerning certain areas of economic and social life” (1974, p. 30).

Harper is critical of what he regards as the unduly interventionist and excessively *redistributive policies* of Liberal governments over the past 40 years. To be sure, the Harper government is supportive, in rhetoric and in action, of private market, traditional family, and voluntary sector provision for meeting social needs and for supporting individual responsibility

and personal choice. This is not to say that Harper conservatism is a simple form of anti-collectivism and unbridled economic liberalism. A notable theme of Harper's governing is the emphasis on *regulative powers* of the federal state. Issues of criminality, national security, and societal law and order constitute the fundamental social priorities of the Harper years; and criminal law and other social controls are primary instruments of governance (Doern, Prince, & Schultz, 2014). This is the disciplinary core of social policy. Dominant social values and policy aims have to do with authority, community safety, the military, public order, and individual responsibility. This form of conservatism emphasizes "maintaining authority, morality, and law and order, if necessary through a strong state" (Williams, 1989, 118). Harper himself has written of social order as a primary value and "personal self-restraint reinforced by moral and legal sanctions on behaviour" (2003, p. 74).

This approach to social policy is based on recognition of threats and wrongdoings associated with modern domestic life and globalization, namely, human trafficking, terrorism, immigration fraud, identity theft, and cyber-bullying. Regrettably but realistically, from the Harper government's perspective, these threats and social harms are all too common risks. As such, matters of criminal justice are integral to the security and stability of Canadian life and to the moral integrity of the national political community. In this institutional-punitive model of social policy, the discipline and punishment of deviant individuals is an expression of collective values by means of clear and decisive actions by the federal state. Essential to these interventions for managing human conduct and social interactions are the state institutions of police forces, border security and intelligence agencies, the courts, jails and correctional services, and their highly organized activities and formally specialized roles.

Harper's institutional-punitive style of social policy is explicitly expressed by the Prime Minister as well as by Conservative cabinet ministers and caucus members of the government. This legalistic conception of social welfare focuses on the identification and interpretation of needs of individuals, families, neighbourhoods and communities for safety and security in their everyday lives. It is social policy that offers safety for lawful subjects and sanctions for criminal deviants. No government is without contradictions in their actions and a case in point for the Harper Conservatives is in weakening gun control by their cancellation of the long-gun registry.

In general, there is a strong belief in the punitive impact of criminal penalties and punishments, if not their deterrent effects. In this style of social policy making the legal system and related activities of administration and enforcement are intrinsic to the state and to governing the community. The Harper Conservatives are interested not only in enacting laws on the books, but in putting law in action (Mosher & Brockman, 2010). Harper's government is keenly interested in how existing laws as well as the new laws they pass are administered by officials, complied with by the public, enforced by police authorities, and interpreted by judges and juries. Consequently penal law, the police, and the public justice system are first line functions of Canadian society, classical roles of the night watchman state in relation to dangerous people (Prince, 2012). As ongoing mechanisms in providing social order, conflict management and a measure of resolution and civil justice they are essential institutions, even while facing pressures of restraint or privatization (Farrow, 2014). This all relates to what Hallsworth and Lea (2011) call the security state; a successor to the welfare state, they suggest, that combines crime control, social policy and national security. Among the transformations they note in the nature of the state is that "crime control becomes the pre-eminent paradigm for social control" and that "social policy and welfare become progressively criminalized" (2011, p. 144).

A basic premise of Harper's politics and social policy is that we live in an age in which state sovereignty and public order cannot be taken for granted, but rather must be constantly established. Core moral principles and traditional beliefs have been diluted in recent decades as a result of the relativist ideas and actions of social democrats and welfare liberals, according to Harper. The challenge of the modern Left, Harper has argued, is that "its system of moral relativism, moral neutrality and moral equivalency is beginning to dominate its intellectual debate and public policy objectives" (2003, p. 75). In response, we see from the Conservatives, for example, the promotion of Canada as a warrior nation with a proud military history, the celebration of sacrifice and loyalty, and the revival of monarchical symbols. Another Harper belief is that under recent Liberal Prime Ministers, perhaps best illustrated by Paul Martin, primary responsibilities of the federal government, such as criminal justice, lost priority and focus to other issues such as early childhood education and cities. There is the need, therefore, to disentangle federal priorities from provincial responsibilities for social services and to bolster the federal role in law and order, discipline and punishment. Within this specific federal

jurisdictional space, Harper social policy-making seeks to promote public safety; to strengthen legal prohibitions and authorities of federal state organizations; and to recognize the rights of victims of crimes and advance the rights of all citizens to personal security. For Harper, questions of rights rest on notions of the rule of law, and of what is deemed to be right and what is wrong. In an article on Canadian conservatism, Harper has written: “We understand, however imperfectly, the concept of morality, the notion that moral rules form a chain of right and duty, and that politics is a moral affair” (2003, p. 77). This is the outlook of a moral crusader.

### **The Harper Conservatives as moral crusaders**

In practice, Harper’s social safety net involves a web of normative standards, legislative rules and disciplinary measures. This safety net emphasizes personal obligations of self-discipline as good citizenship. It also regulates human behaviours in everyday and extraordinary interactions in the public and private domains of civil society. Both the style and the record of the Harper government’s policy making on law and order are akin to a moral crusade. “Whenever rules are created and applied, we should be alive to the possible presence of an enterprising individual or group. Their activities can properly be called *moral enterprise*, for what they are enterprising about is the creation of a new fragment of the moral constitution of society, its code of right and wrong” (Becker, 1963, p. 145). As the Harper Conservatives’ legislative agendas and major policy preoccupations since 2006 clearly show, social wrongdoing is not a single-issue, not the topic of a specific parliamentary session or limited to a single mandate (Prince, 2012). Law and order is a general concern and being “tough on crime” an ongoing interest across the Harper administrations, linked to various issues of morality, safety, and criminality that require new and enhanced rules and punishments. While the focus of the threats and worries may shift over time, the Harper Conservatives have been interested in the detailed content of making new rules and in the implications of implementing and enforcing them. As institutional actors producing rules, the Harper Conservatives are “moral entrepreneurs act[ing] intentionally to form public opinion on what is just and to fashion a sense of justice that functions as (written or unwritten) law” (Coyle 2013, pp. 8-9). For these tasks, the Conservatives, as the governing party, have ready access to the professional expertise in the justice and public safety portfolios of the federal public service. At the same time, they have noticeably ignored and downplayed research and statistical

evidence that show declines in the rates of several kinds of crime across Canada over the last decade or longer (Prince, 2012). For the moral crusader, conviction is a powerful impulse and can be sufficient reason for making rules. As a leading Canadian political journalist notes: “The moral strain of conservatism – in matters of law, culture, and public stewardship – is for many conservatives the reason why they became conservatives in the first place” (Murphy 2013, A14).

Through minority and majority governments, the Harper Conservatives have unremittingly produced numerous new laws, new rules, and new penalties in the domain of public morality by identifying harms and attributing faults. These new rules are designed to punish wrongdoers, prevent harms and exploitation, and reassure an anxious public, giving expression to the Prime Minister’s brand of social conservatism. Simultaneously there is a valorization and problematization of civil society: community life is a place of caring, families, self-help and voluntary association but also a site of threats and harms. The Harper Conservatives see a social world of law-abiding Canadians, yet a world beset with problems of border security, child pornography, citizen’s arrest, elder abuse, foreign criminals living in Canada, illicit drugs, gangs and youth-at-risk, human trafficking, money-laundering, prisons with drug problems, sex offenders, smuggling of tobacco, terrorism, and white collar crime. This fascination with instability and disorder reflects a conflict approach to understanding society. It also leads to a predilection for exercising legal force rather than appealing to shared social values or building a public consensus on a given issue. In the summer of 2014, for example, in light of the death of a 15-year old First Nations woman<sup>1</sup>, Harper rejected calls by the Assembly of First Nations and the Canadian Human Rights Commission among other groups, for a national inquiry on missing and murdered aboriginal women in Canada. His response: “We should not view this as a sociological phenomenon. We should view it as a crime” (Carlson and Mahoney 2014, p. A1). In this instance, which by no means is an exceptional response, Harper is defining a situation as a matter of police investigation and law enforcement; a response that ignores issues of racism and colonialism, the child welfare systems, and the potential of preventive measures. This is the Prime Minister as a public discourse leader; talking about justice and framing social

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<sup>1</sup> Tina Fontaine, whose body was found in Red River, Manitoba.

issues in a specific way (Coyle, 2013, p. 8). This stance by Harper certainly illustrates Becker's observation that "the final outcome of the moral crusade is a police force" (1963, p. 156).

With a penchant for criminalization, new categories of rule-breakers and wrongdoers branded as deviants of society have continually been established. Through a process of individualization, deviants are construed as "bad people" who make cruel or injurious choices, have character defects or personal pathologies, and challenge authority; they lack discipline, threaten public order and offend the normative fabric of the national political community. In our liberal market society, harsh stigma befalls on those dependent on welfare; for the Harper Conservatives, an equally if not greater stigma is directed at those who are labelled as deviant. Of course, politically, the Harper government has a stake in demonstrating the success of new laws and the continued necessity to resource the law and order apparatus of the federal state. The number of officials and size of budgets for corrections, enforcement agencies, and policing activities have expanded; so too have the scope of mandates and authorities. "Across the country, quietly, the government has been appointing judges it believes will be more sympathetic to Crown positions. In some provinces, the tilt has been toward some former Crown prosecutors who, the government believes will be less sympathetic to procedural and substantive precedent favouring the rights of the accused" (Simpson 2013, p. A13). At the highest level of the Canadian judiciary, however, the Supreme Court of Canada, on several occasions in recent years, has struck down key elements of Harper government legislation. Judicial scrutiny by the Supreme Court has been hard-hitting on Harper's tough on crime agenda, in particular, the *Truth in Sentencing Act* of 2010 (Fine, 2014).

Technologies of this institutional-punitive style of social policy involve increased schemes of surveillance and monitoring of personal movements, emails and phone records via undercover policing and wiretapping. Ideologically, Harper Conservatives continue to campaign for further changes to criminal laws and penalties. Longstanding policy objectives and program activities in the federal correctional and justice domain include reducing and preventing crime, incarcerating offenders, preparing offenders to return to society, and compensating victims of crime. Under the Harper Conservatives, key elements of their policy agenda include asserting a more explicit moral order through state authority; strengthening powers of the police; narrowing

the discretion of judges along with a hardening of certain sentences and punishments; shortening paroles; and, expanding prisons and prison populations.

In terms of federal budgets, spending on the public safety and security, citizenship and immigration, as well as justice and legal programs tend to be highly personnel-intensive expenditures in wages and salaries and, in corrections among other activities, capital intensive in the operation and maintenance of numerous facilities. As a share of federal social spending, expenditures on corrections, justice and security increased over the last 10 years from approximately four percent to about nine percent of the social domain (Doern, Maslove & Prince, 2013, p. 135). Between 2006, when Harper first took office, and 2012, criminal justice spending on a per capita basis increased from \$400 to \$480 per person; a 20 percent increase, notwithstanding a decrease in serious crimes across the country (Simpson 2013).

### **Conclusion**

Every Prime Minister is a broker of public meanings and interpreter of social issues; each is a shaper of the political community and governmental policy agenda. This article draws attention to the Harper government's focus on public safety, law and order, and both discourse and actions centred on fostering a focused sense of moral order and state authority. Support for traditional aspects of the social welfare state such as elderly benefits and health care are still a central part of the federal government but there is little interest by the Harper Conservatives in any extensions of social security. Forms of personal security, moral welfare, and retribution are noticeably crucial to their world view. Considered in relation to the literature on models of social welfare (Rice & Prince 2013; Titmuss 1974; Williams 1989), Harper's characteristic approach to the welfare state can be understood as an institutional-punitive conception of social policy.

Themes of moral order related to protecting families and communities appear throughout the budgets and throne speeches of the Harper years. The extensive scope and persistent focus on justice and public safety issues defines much of the agenda and business of parliament, the stuff of Question Period, the work of several committees, and of press releases, sound bites and news stories. Partisan and parliamentary dynamics are set, in large part, by this narrative set by the government. Opposition parties are drawn into issues and debates selected and framed by the Harper government. This has the effect of displacing time and attention from other social issues

such as poverty, homelessness, income inequality; issues also squeezed by fiscal imperatives of program review and deficit reduction. It follows that this agenda reflects and reproduces a policy context in Ottawa which limits federal spending on many areas of human and social development in favour of personal and family care, local volunteerism, and municipal or provincial responsibility.

Federal criminal powers in an important sense are succeeding the federal spending power as the central instrument of social policy making. Harper Conservatives have altered the social policy priorities, objectives and directions of the federal government, in large degree reflecting the preferences and preoccupations of the Prime Minister. Since 2006, when the Conservatives took office, a significant shift has taken place in the political discourse that dominates federal social policy making. The pecking order of purposes in social policy has been rearranged, with an expanded emphasis on regulatory functions by the federal government. This regulatory governance is selective in focus emphasizing judicial, correctional and policing more than occupational health and safety, pay equity or human rights.

Running through the Harper government's law and order agenda are images of a harsh, dangerous social world, with a focus almost entirely upon criminal, legal, correctional, judicial and policing matters; in short, the political idea of fear (Robin, 2004) The risks and dangers of environmental deterioration, economic dislocations, and income poverty and wider social insecurities receive far less attention. There seems little room in Harper's social policy for these pressing issues facing families and communities across the country, despite Conservative discourse on families. In this context, citizenship is a contract of sorts between individuals and the political community, a contract that stresses basic civil and political rights as key elements of citizenship and "the security of one's life under the authority of the state" (Turner, 1986, p. 106).

Associated with this state of affairs, is a shift from rehabilitation and social reintegration to punishment and social control in penal policy and practice. We are some distance here from the minimal state of market liberalism. Instead, the political space contains a strong state of law and citizen obligations, with the Conservatives continuing to add what Becker calls new fragments to the moral constitution of society. Furthermore, program spending under the Harper governments has grown, specifically in social control functions of the state (Doern, Maslove & Prince, 2013).

Harper's law and order agenda involves a policing of the state as well as a policing of society. Conservative social policy is producing shifts in intergovernmental relations and in the nature of social citizenship. Following Harper's agenda of classical federalism, leadership on key social policy areas as demonstrated by the later Chrétien and Martin Liberal governments has all but gone, effectively decentralizing social citizenship to the provinces. The current period in federal politics exhibits a diminished societal attentiveness and a narrow understanding of the public good. In contrast, stands the social politics in several provincial jurisdictions in which new developments in economic participation and community inclusion are underway; concrete anti-poverty reduction plans, many based in provincial legislation, are also in motion. A particular social policy dynamic is at work: one less national and more partial in scope; one less federal and more provincial in citizenship. For the time being, redistributive social programs of past Liberal and Progressive Conservative administrations seem shackled at the federal level by the insistent concerns of the Harper government for an ordered society. On most areas of Canadian social policy, the Harper's operative doctrine in intergovernmental relations exhibits little federal leadership or collaborative activity. With such attention to matters of security and law and order, relations between citizens and the federal state have become more coercive in nature; from social entitlements to public enforcements.

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