

**Faith Organizing, Party Politics, and the exceptionalism
of abortion in the Harper Era^{1,2}**

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1.0 Introduction

Can the Conservative Party of Canada (CPC) maintain the support of its social conservative base while firmly resisting their policy demands with regard to abortion? Prime Minister Stephen Harper stated emphatically during the 2011 federal election that his government would not revisit its stance on abortion, announcing that: “as long as I am prime minister, we will not reopen the debate on abortion. We will leave the law as it stands” (CBC 2011). Yet instead of settling the issue, the Prime Minister’s comments have encouraged anti-abortion activists both inside and outside the CPC to escalate their activities. In the past year, Canada’s abortion laws have become a site of open conflict within the CPC, leading to such incidents as MP Mark Warawa’s private member’s motion on sex-selective abortion (M-408) and the distribution of graphic postcards in the prime minister’s riding by anti-abortion activists.

Despite its recent formation, the CPC operates as a traditional Canadian brokerage party, with both fiscal and social conservative wings (Hausman and Rankin 2009). Early in its history, when social conservatives were a driving force in policy decisions, the party was frequently pilloried in the media for the “combination of unrestrained populism and ill-advised public comments by MPs” on abortion, homosexuality, and ethnic minorities (Norquay 2013). Harper’s “hidden agenda” was a common refrain. As various authors have argued, the CPC’s electoral fortunes improved when it tempered its social conservative image by removing abortion from its party policy in 2005 and worked to curb embarrassing statements by its candidates (Farney 2012; Hausman and Rankin 2009). After its election to a minority government in 2006, the Harper Conservatives took steps to consolidate these gains, a key component of which was to diminish the policy influence of social conservatives. Rather than a sign of outright marginalization, Farney (2012) contends that this change in emphasis reflects the adoption of an incrementalist approach by social conservatives, who now recognize that they could not pursue their desired changes at the expense of the party’s electoral viability.

On many issues such incrementalism appears to have paid off, with the Conservative government pursuing a range of policies that are favoured by social conservatives, such as “tough on crime” legislation, the creation of the Office of Religious Freedom, and staunch support of Israel. Even on the sensitive issue of gay rights, social conservatives have seen some victories, such as the defunding of Toronto’s Pride Parade. However, despite this success in other areas, the incrementalist approach has progressively broken down on the issue of abortion, with open conflict now visible between the party leadership and pro-life MPs.

This paper draws upon interviews with parliamentarians, journalists, and the leaders of religious organizations to examine why the CPC’s efforts to manage the abortion issue have been increasingly unsuccessful. Specifically we explore how these efforts have played out in two distinct areas: the funding of maternal health programs in developing countries, and a series of private members initiatives relating to abortion or the protection of fetuses that were introduced by backbench Conservative MPs. We find that while the CPC initially supported backbench efforts to increase the legal protection of fetuses and restrict support for abortion through foreign assistance, the negative press that the party received appears to have led it to adopt the strategy of opposing any further initiatives. As such, the Harper government’s haphazard 2010 decision

to prevent funding for abortions under its G8 maternal health initiative was the last concession on the subject.

Indeed, beginning in 2008 and particularly since the 2011 federal election, the Harper government has become increasingly hostile to party members' anti-abortion activism. This hostility has in turn riled anti-abortion backbenchers and social conservative supporters. While such groups were willing to limit the abortion debate during the two Conservative minority governments, they have become increasingly resistant to such discipline since the party formed a majority. Importantly, this rising frustration appears to result not from the lack of government measures relating to abortion, but rather its efforts to prevent backbench MPs from beginning their own debate on the issue. In particular, social conservatives would appear to believe that while they have moderated their demands in an incrementalist fashion, the government has failed to respond in kind by allowing more debate. Consequently, there would seem to be at least some social conservatives within the CPC who are no longer willing to accept the maintenance of electoral success at the expense of ignoring their preferred policy changes.

2.0 Background

2.1 Past research on faith communities and the Conservative Party of Canada

The relationship between social conservatives and the CPC has attracted considerable attention from a range of authors. The most prominent study to date was conducted by journalist Marci McDonald, who stresses that social conservatives, and particularly a faction of militant "Christian nationalists," have gained considerable influence within the party. Furthermore, she argues that this group has used this position "to reshape foreign policy, the public service and the courts" and to pursue "a range of socially conservative policies that it regards as prerequisites to remaking Canada as a distinctly Christian nation" (2010, 10). McDonald also draws substantial attention to the socially conservative aspects of Prime Minister Harper's own Christian faith.

In contrast to McDonald, most academics are much more circumspect regarding the role of social conservatives within the CPC. Farney (2012) sees the post-merger CPC as returning to a brokerage style of politics, with social conservatives as just one faction among several. Likewise, while Haussman and Rankin (2009) note that 68 per cent of the Conservative MPs elected in 2008 were classified as "pro-life" by the Abortion Rights Coalition of Canada, they also identify the party as a "coalition" which contains "historically disparate elements of Prairie social conservatives and Ontario fiscal conservatives" (2009, 241). A similar description also comes from Brodie and Bakker, who see the party as containing "neoliberals, devotees of Leo Strauss, libertarians, the religious right, and advocates of family values" (2008, 115).

In terms of policy choices, Haussman and Rankin contend that the different wings of the party have significantly different priorities. As they describe,

Keeping the two elements of the coalition together also involves selling different things to different people, since the fiscal conservatives appear to be mainly a "bottom-line" bunch, interested in numbers such as tax rates and reduction in

government spending, while the social group often invokes other worldly types of examples and rarely has a hard-numbers argument on its side (2009, 241).

Moreover, rather than playing an equal role in the party's public appeal, those policies favoured by the fiscal conservatives are seen to be much more important to its electoral success: "Simply put, fiscal conservatism and a calming allusion to "soundness" in economic policy is what draws in the marginal votes (including women) to a Conservative coalition. These votes are crucial for balancing those who would be scared off by the socially-conservative agenda..." (Hausman and Rankin 2009, 250–1).

Similarly, Farney (2012) points out that while social conservatives' are still accepted in the party, their influence has diminished as their electoral appeal has declined:

Social conservatives have continued to be seen as legitimate by others in the party, but their positions are less central to the party's overall appeals than they were during the debates over same-sex marriage. This is not surprising – social conservatives were defeated on a core issue and did not attract the voters to the party they had hoped to, but the very reasons for their decline point to their achievement of 'normal' status. No longer is their role minimized because they are seen to be illegitimate. Rather, their prominence within the party, like that of any other group, is dependent on their ability to achieve political success (2012, 115).

However, while agreeing on the limited position of the social conservatives within the party, these authors seem to be divided over Harper's own commitment to social conservatism. For their part, Hausman and Rankin (2009) appear to agree with McDonald, noting that Harper along with cabinet Ministers such as Peter McKay, Peter Van Loan, and Vic Toews were reported as members of the Cross-Party Parliamentary Pro-Life Caucus. On the other side, Farney contends that Harper tends to "lean towards a laissez-faire stance on such issues," and was seen to be "ambivalent" to social conservative issues prior to becoming party leader (2012, 117–8).

2.2 *Instances of social conservative influence since 2006*

Farney contends that social conservatives have not reacted angrily to their declining role within the CPC. Instead, they have deliberately pursued a conciliatory strategy that seeks to maximize what influence they have by identifying what changes they can reasonably obtain and accepting that some lie beyond their reach:

No longer do social conservative elites in the party feel it appropriate to articulate their views at any cost, nor do they see the articulation of principles as their primary purpose in politics. Instead, the vision they pursue is one that seeks incremental change in their favour, but only when the pursuit of that change does not endanger the party's chances of staying in office. They have come to believe that they ought to focus their attention primarily on goals they have a chance of achieving (Farney 2012).

Yet while social conservatives may have adopted an incrementalist strategy towards the CPC, a review of government actions since 2006 instead suggests that the party has so far failed to develop a concrete stance regarding key policy issues of particular importance to social conservatives. For instance, on the politically charged question of sexual diversity, signs of social conservative influence can be found in a number of government decisions, such as Prime Minister Harper's decision not to attend the 2006 International AIDS Conference in Toronto as well as the defunding of the Toronto Pride Parade (Bryden 2010). In addition, Harper and the vast majority of Conservative MPs recently showed their opposition to transgender rights by voting against the inclusion of gender identity and gender expression in the *Canadian Human Rights Act* (The Canadian Press 2013b). On the other hand, social conservative marginalization could be inferred from Foreign Minister John Baird's international advocacy on LGBT rights (Galloway 2011), the government's rapid response to concerns regarding access to divorce for foreign same-sex couples who married in Canada (Makin 2012), and also the Canadian International Development Agency's (CIDA) decision to suspend funding to Christian Crossroads Communications after homophobic statements were found on the organization's website (The Canadian Press 2013a). However, despite this inconsistency, the government has provided social conservatives with at least some policy domestic policy victories on the question of sexual diversity, in sharp contrast to the issue of abortion.

3.0 Abortion activism and the Conservative Party

Securing restrictions on access to abortion has long been a priority for conservative faith communities in Canada. A wide range of religious organizations conduct advocacy on the issue, including most notably the Campaign Life Coalition, the Canadian Centre for Bioethical Reform, and the Association for Reformed Political Action, which operates the "We Need a Law" campaign. Together these organizations span both the Protestant and Catholic sides of the Christian spectrum. The Campaign Life Coalition also holds an annual "March for Life" rally at the Parliament buildings. The 2013 edition, held on May 9, reportedly attracted some 25,000 people (Campaign Life Coalition 2013).

Despite this activism by faith communities, the CPC has no official position on abortion. Instead, in March 2005 the party convention passed a resolution stating that "a Conservative government will not initiate or support any legislation to regulate abortion" (Hausman and Rankin 2009, 242). This commitment not to raise abortion was evident in the following 2006 election, during which Stephen Harper stated that "A Conservative government will not be bringing forward, will not be supporting, and will not be debating the abortion laws in the country" (CBC Radio 2012). In the 2008 election Harper reiterated this position, declaring "I have been clear throughout my entire political career. I don't intend to open the abortion issue. If I haven't in the past, I'm not going to in the future, and I simply, I simply have no intention of ever making that a focus, the abortion question a focus, of my political career" (CBC Radio 2012).

Yet as Hausman and Rankin (2009) point out, the party's commitment not to introduce any legislation does not necessarily prevent backbench Conservative MPs from taking

independent action on the subject. Since private members' bills are not government legislation, and therefore not matters of confidence, they are typically considered to be free votes for all MPs. Furthermore, the CPC officially allows its MPs free votes on conscience issues, such as abortion (Farney 2012). Private members bills would therefore appear to provide an excellent way for individual Conservative MPs to pursue their personal desire to restrict access to abortion while not violating the party (and party leader's) commitment not to introduce legislation on the issue. The introduction of such initiatives could also in many ways be seen as a continuation of established practices, with several Conservative backbenchers having brought forward a number of private members' bills pertaining to abortion during the party's time in opposition (Hausman and Rankin 2009).

Several authors further suggest that the CPC has an unofficial policy of using private members' bills as a way to pursue socially conservative causes. For instance, Hausman and Rankin draw on the example of C-484 (described further below) to argue that the government's main strategy for "keeping its pro-life caucus majority happy" was to give "backbenchers... a fairly free reign in introducing items but then in blocking final passage of those items (2009, 242). Notably, prior to the 2006 election, CPC National Chairman Don Plett reportedly sent an email to a party member indicating that a private members' bill would likely be used to bring forward anti-abortion legislation if the party formed government (Abortion Rights Coalition of Canada 2006).

4.0 Funding for abortion services through Canada's foreign aid spending

Despite CPC policy pronouncements, the abortion issue has never gone away within the Conservative caucus. Like a specter, it has haunted the government in its members' private motions, anti-abortion rallies, and Pro-Life Caucus. One significant piece of evidence seemingly pointing to Harper's strategy of appeasement with social conservatives was his government's decision to limit funding for abortion services in its 2010 G8 Maternal Health Initiative. Our research demonstrates, however, that while the G8 initiative came to be seen by the media and opposition as a concession to social conservatives on abortion, the Harper government's motivations were less clear.

A maternal health initiative was originally proposed in a letter to the prime minister by a coalition of nonprofit organizations working abroad, including UNICEF Canada, Save the Children, CARE Canada, and World Vision (Galloway 2010). As a Millennium Development Goal (MDG), maternal health had seen less progress in meeting its goals than other MDGs. Sold as a "signature initiative" for the Conservative government as it hosted the G8 in Huntsville, the nonprofit coalition believed it would appeal to Harper politically for domestic and international reasons. According to one nonprofit strategist close to the file, domestically "if it was true that his support base was largely male, largely interested in hard security issues – [then] a maternal and child health piece would allow him to speak to another side of the potential support base. So appeal to women, appeal to mothers, so that it would be politically attractive to him as well" (Confidential interview, May 2012). Internationally, a literal "motherhood" initiative would appeal widely and soften Canada's increasingly hard foreign image.³

³ The Harper government had been leading a high-profile campaign to win a seat on the United Nations' Security Council (Ibbittson, 2010).

When the G8 initiative was announced in January 2010, no statement was made as to whether abortion services would be supported. Within days of the announcement, the Liberals were asking if abortions would be covered, with Michael Ignatieff stating: “If we’re going to improve maternal health and child health around the world, women need access to the full gamut of reproductive health services” (Clark 2010c). The Conservatives remained silent on the issue until then Foreign Minister Lawrence Cannon stated that the G8 initiative would “not deal in any way, shape or form with family planning” (Clark 2010a). The prime minister quickly clarified that the CPC would not rule out condoms, but that the initiative was not intended to open the abortion debate (Ibbitson 2010).⁴

Several Conservative political activists indicated that abortion services were left out of the initiative not to appease anti-abortion activists, but to avoid controversy. As one activist put it:

I think their original plan when the PM rolled out the expanded programs hadn’t thought this one through, how this would tie into abortion... I got a phone call from PMO on this one, and I was like, ‘You guys do realize you’re probably going to tick off both sides of the issue where you’re going with this one’. And the guy said, ‘Yeah, I sort of told them that but no one had clued in at that point.’ I don’t think when they rolled out maternal health care, whoever was handling this issue, had no grasp of the abortion politics on either side. Someone put a proposal [forward], it would have looked good, and they said, ‘Ah, backdrops of the PM and third world children, you know – third world stuff, how Canada cares’ (Confidential interview, May 2012).

Other activists described the maternal health initiative’s rollout as farsighted in its original approach to abortion. Some argued the messaging was poor and abortion should never have been an issue in the first place: “The messaging was wrong, because the reality is you were dealing with Africa and there are only two countries on the continent that allow abortion, period. It was a non-player... So it should have been managed better to let folks know that” (Confidential interview, May 2012).

Reaction within Canada and abroad was swift. Both the United States and Great Britain condemned the decision. Feminist groups within Canada sounded the alarm, particularly after Senator Nancy Ruth told a group meeting with her that their best strategy was to “shut the fuck up” (Clark 2010b). On the other hand, anti-abortion activists were thrilled with the Maternal Health Initiative, praising the decision at the annual March for Life (“Anti-abortion Activists Praise...” 2010). By the time the G8 got underway, the controversy was at a full boil. The final maternal health initiative, agreed to at the meetings, allowed for leeway on abortion amongst the partners. While Canada would not be actively supporting abortion services, its partners were free to do so.

⁴ A family planning motion put forward by the Liberals was voted down by the Conservatives on the grounds that it was “anti-American”. It stated: “the Canadian government should refrain from advancing the failed right-wing ideologies previously imposed by the George W. Bush administration in the United States, which made humanitarian assistance conditional upon a ‘global gag rule’ that required all non-governmental organizations receiving federal funding to refrain from promoting medically-sound family planning.”

Incrementalist successes through direct policy action by the Harper government grew increasingly difficult to attain following the maternal health storm. For example, even after a prolonged campaign, activists within the party still failed to have International Planned Parenthood fully defunded by CIDA. After a year and a half of waiting for its funding to be renewed by the federal government, MP Brad Trost announced to his supporters during the 2011 federal election campaign that the government had “defunded” Planned Parenthood (Wherry 2011b). The Prime Minister’s Office quickly suggested that Trost’s comments were untrue and that it was “still reviewing” the file. Several months later, Bev Oda signed an order renewing Planned Parenthood’s funding, but “only for project that do not advocate or provide abortion, and only in countries where abortion is usually illegal” (Wells 2011). Anti-abortion activists were not satisfied with that outcome, however, believing the all money going the organization would promote abortion and support abortion services, even if only indirectly (Wells 2011).

While the G8 initiative had the appearance of a victory, it was one won by happenstance and not design. As later policy demands would demonstrate, such as for the full defunding of Planned Parenthood, the Harper government had become increasingly closed to decisive action. As MP Bard Trost put it: “The battle over [International Planned Parenthood] continues. Pro-Life politicians have been taught a lesson. The government only responds to Pro-Life issues and concerns when we take an aggressive stance. We will apply this lesson” (Wherry 2011a). As will be demonstrated in the next section, far from signaling a turn in social conservative fortunes on abortion, the initiative was a high-water mark for their effectiveness on the issue.

5.0 Private members initiatives on abortion and fetal protection

5.1 39th Parliament – 2006 to 2008

The first private members’ initiative relating to the protection of fetuses came soon after the Conservative victory in January 2006 (see Table I for a summary of private members initiatives related to abortion introduced since 2006). MP Leon Benoit came second in the ballot for private members’ business and used the opportunity to bring forward Bill C-291, which would have imposed punishments on offenders who also harmed a fetus during an attack on woman.⁵ However, the Commons’ Subcommittee on Private Members’ Business ruled the bill to be unconstitutional and are therefore non-votable since it would impose penalties even if the offender did not know the woman was pregnant (LifeSiteNews.com 2006; Moore 2006). An appeal to the Committee on Procedure and House Affairs was also unsuccessful. Some pro-life activists contend that the discussion of constitutionality was just a way for the government to bury the bill (Farney 2012). Notably, just minutes before the appeal was heard the committee received a rushed letter from Justice Minister Vic Toews which supported the view that the Bill was unconstitutional (Canada. Standing Committee on Procedure and House Affairs 2006).

In contrast to C-291, the government initially expressed strong support for the next private members’ Bill, C-484, which was introduced by outgoing Conservative MP Ken Epp. Unlike its predecessor, the text of the Bill, which was known as the *Unborn Victims of Crime*

⁵ The order in which private members’ bills are debated at the Canadian Parliament is determined by a lottery at the beginning of each legislative session.

Act, limited its application only to those instances where the offender knew the victim was pregnant, and also specifically excluded “conduct relating to the lawful termination of the pregnancy” (Canada. House of Commons 2007, 3). When the Bill came to vote at second reading in March 2008, it received massive support from the Conservative caucus, with only four Tory MPs voting against and two abstaining (“Vote #58 on March 5th, 2008” n.d.).⁶ McDonald (2010) notes that pro-life activists were in the House of Commons gallery to cheer on Conservative MPs as they voted for the Bill.

Table I: List of private members initiatives relating to abortion or the protection of fetuses since the 2006 Canadian general election⁷

Title	Sponsor	Date Introduced	Issue	Progress
C-291	Leon Benoit	May 2006	Would impose “on a person who injures or causes the death of a child before or during its birth... the same punishment that the person would have received had the death or injury occurred to the mother.”	Deemed non-votable
C-484 (<i>The Unborn Victims of Crime Act</i>)	Ken Epp	November 2007	Creating an offence for those who deliberately harm a fetus in an attack on the mother.	Passed second reading and referred to committee
C-537	Maurice Vellacott	April 2008	Creation of legal protection for medical professionals who chose not to conduct procedures which violate their conscience.	Not debated
C-510 (<i>Roxanne's Law</i>)	Rod Bruinooge	March 2010	Making “it an offence for someone to coerce or attempt to coerce a female person to have an abortion.”	Defeated at second reading
M-312	Stephen Woodworth	February 2012	Creation of a parliamentary committee to review “Subsection. 233(1) of the Criminal Code, which states that a child only becomes a human being at the moment of complete birth.”	Defeated
M-408	Mark Warawa	September 2012	Calls on House to “condemn discrimination against females occurring through sex-selective pregnancy termination.”	Deemed non-votable

⁶ The four voting against were MP Sylvie Boucher, and cabinet Ministers Lawrence Cannon, Gordon O’Connor, and Josée Verner. The two abstainers, Jim Flaherty and Maxime Bernier, were also cabinet members.

⁷ Data gathered from the website of the Canadian Parliament (www.parl.gc.ca).

However, the government's support for C-484 quickly evaporated. Despite being referred to committee, no hearings were held before Parliament's summer recess began. In August 2008 the Bill became a political issue in two Quebec by-elections, with women's groups and some doctors arguing that it could lead to "a possible slippery slope to criminalizing abortion" (Campbell 2008). Similar statements were also made by Liberal Leader Stephane Dion, who challenged Prime Minister Harper to publicly state his own views on abortion (Campbell 2008; Gyapong 2008). These developments appear to have unnerved the government, such that the week after Dion's statements Justice Minister Rob Nicholson held an "unusual, quickly arranged press conference" where he announced the government would pre-empt C-484 by introducing its own legislation (Campbell 2008). However, rather than creating a separate offence for harm to the unborn, the government bill would instead only make pregnancy an aggravating factor in sentencing. Nicholson argued the change was necessary to avoid any misinterpretation, and further stated that "'The government and the Prime Minister [have] been very clear on this, that we are not reopening the debate on abortion'" (Campbell 2008). Unsurprisingly, the move was widely criticized within the anti-abortion community (Gyapong 2008).

5.2 40th Parliament – 2008 to 2011

The next private members' measure dealing with abortion to reach the House of Commons was Bill C-510, which had been introduced by Rod Bruinooog, Co-Chair of the Parliamentary Pro-Life Caucus (Hausman and Rankin 2009). The Bill, known as *Roxanne's Law*, would have made it an offence to coerce someone to have an abortion, and was named for Roxanne Fernando, who was murdered by her boyfriend after she refused to terminate her pregnancy (Bruinooog 2010). In contrast to C-484, the Bill never received any government support. Instead, when C-510 came up for debate in November 2010, the Parliamentary Secretary to the Minister of Justice argued that the proposed offence was already covered by the *Criminal Code* (Petit 2010). The Bill went on to be defeated at second reading by 178 votes to 91 (Lilley 2010). Of those opposed, 49 were Conservative MPs, a dramatic increase from the four who had voted against C-484.

5.3 41st Parliament – 2011 to present

After the defeat of C-510, the abortion issue remained dormant until February 2012 when Stephen Woodworth introduced private members' motion (M-312), which called for the Commons to establish a special committee to "review the declaration in Subsection 223(1) of the Criminal Code which states that a child becomes a human being only at the moment of complete birth" (Canada. House of Commons 2012). While not proposing to change Canadian law, the motion still received a remarkably harsh reaction from the government. Chief Conservative Whip Gordon O'Connor personally spoke against the motion in the House, giving what one journalist described as "one of the most amazing defences of abortion rights that I've heard in the Commons" (Confidential Interview, May 2012). Moreover, according to a Conservative Senator, this rough reception in Parliament was paralleled by a forceful response from the Prime Minister, who warned the party caucus that "If anyone raises this issue of fetal rights again, he will use every power that's in his possession to stop it" (Confidential Interview, May 2012). Despite these efforts, the vote on Woodworth's motion in September 2012 still proved to be quite distracting for the government. Although the vote failed by the wide margin of 203 to 91, several

Conservative Ministers, and particularly Status of Women Minister Rona Ambrose, were criticized for supporting the proposal (Mackrael 2012). Questions were also raised about Harper's ability to control the caucus.

Rather than letting the issue rest, the day after the vote on Woodworth's motion, Conservative MP Mark Warawa introduced a further motion, M-408, which called on the House to "condemn discrimination against females occurring through sex-selective pregnancy termination" ("MP Mark Warawa Introduces..." 2012). As with M-312, the new motion was strongly opposed by the Prime Minister, who instructed cabinet to vote against it (Thompson 2013). However, such instructions turned out to be unnecessary since the motion was ruled non-votable before it could come up for debate. The Subcommittee on Private Members' Business justified the ruling on the grounds that health was a provincial jurisdiction and that the issue of abortion had already been discussed during the debate on M-312 (Craine 2013). Warawa responded by filing an appeal, noting that the Subcommittee's decision violated the advice of its own Library of Parliament researcher. He also suggested the committee may have been subject to outside interference (O'Malley 2013b)

While having already attracted significant attention, the battle over M-408 soon turned into an even larger conflict between the party leadership and its own backbenchers. After the motion was deemed non-votable, Warawa attempted to use a Member's Statement to complain about the outcome in the House of Commons. Such statements are brief, one-minute speeches that occur in a 15 minute time slot each day in Parliament prior to Question Period. Given the limited number of statements available, parties usually provide the Speaker with a list indicating which of their MPs are scheduled to speak that day. While he was initially given a spot on his party's list, Warawa was later removed before he could speak. To protest this treatment, Warawa then took the unprecedented step of raising a question of privilege to the Speaker on the grounds that his rights as an MP had been violated by his own party (Payton 2013). Conservative Whip Gordon O'Connor responded by arguing that parties were like teams, with the party whips being able to decide which MPs to call on at which time (Kennedy 2013a).

Warawa eventually withdrew M-408 after losing his appeal, and instead introduced a private members' bill that would toughen the rules around house arrest in cases where the victim and offender live nearby (Kennedy 2013b). However, Speaker Andrew Scheer ultimately ruled in late April 2013 that the party whips do not have control over members' statements, with MPs unable to make it onto the list instead being able to stand and be recognized directly by the Speaker (O'Malley 2013a). Warawa soon took advantage of this new opening, rising on May 9 – the day of the 2013 March for Life – to denounce the practice of sex-selective abortions and call for government action (Cross 2013).

6.0 Discussion

6.1 Increasing hostility to action on abortion

Although not evident at the time, the Conservative government's sharp change in position on Bill C-484 in the summer of 2008 marked the end of its patronage for measures dealing with abortion or the protection of fetuses in Canada. Moreover, this policy change appears to have

been quite deliberate. While the government could have simply let C-484 die off when the 2008 election was called the following month, it instead took deliberate steps to distance itself from its past support for the bill, and to stress that it would not do anything to affect abortion rights in Canada. As one journalist put it, “Mr. Harper... showed up for that Bill [C-484], and sat in the House and grinned apparently at the Liberals across floor from him saying, ‘I’m going to vote in favour of this... But then somewhere between that and [August] 2008 he had an epiphany” (Confidential Interview, May 2012). This revelation seems to have been sparked by the negative media reaction engendered by the CPC’s support for C-484, and the damage it had done to his efforts to downplay the abortion question.

All private members’ initiatives after C-484 were either given a cold shoulder (C-537) or were actively repressed. On the latter point, the depth of the party leadership’s opposition to M-312 can be seen both in the harshness of its response and in the messenger who delivered it. As one journalist put it, “I was surprised that it was A) the whip [Gordon O’Connor], and B) so thorough an evisceration of something as I’ve ever seen. It just took the wind out of the place” (Confidential Interview, May 2012). Moreover, a source close to the party leadership stressed that such a firm reaction would have been conducted with the centre’s approval: “The response from the Whip, Gordon O’Connor, was so strident in asserting the other side of the issue... And that almost certainly would have been with the approbation of the Leader or at least the Leader’s Office” (Confidential Interview, May 2012). Similarly, the party’s willingness to endure weeks of negative headlines regarding Mark Warawa’s question of privilege demonstrated the extreme lengths to which it would go rather than let one of its MPs speak on an abortion related subject.

However, while the government has grown more aggressive in attempting to repress private member’s initiatives, the initiatives themselves have become more moderate over time. None of the initiatives has actually sought to recriminalize abortion. Instead, as Haussman and Rankin (2009) argue, the measures introduced since 2006 have followed an incremental approach that raises issues related to abortion without tackling the question head on. Moreover, the legal impact of each motion appears to have been more mild than the last, with the final initiative, M-408 simply calling on the House of Commons to condemn a practice that had already been heavily criticized by, for example, an editorial published in the *Canadian Medical Association Journal* (Viatteau 2012).⁸ This tactic appears to have been deliberate, with MP Brad Trost claiming that Warawa had chosen to address the issue of sex selective abortions because he thought it would be “some sort of common ground place we could build off and have an honest discussion” (Stone 2013).

Importantly, there are signs that this incremental strategy has made it harder for the party leadership to limit the debate on the initiatives. As one Senator described:

That is not an easy bill in the caucus... A) the Prime Minister has made it clear that he doesn’t particularly like it... but secondly to Steve’s credit he’s found a way to put the question in a fashion that you can’t give the back of your hand to

⁸ C-484 contained exemptions lacking in C-291; C-510 did not actually recognize the fetus in law, but rather dealt with coercion of the mother; M-312 would not have changed any laws directly, would instead have established a committee to investigate them.

easily. He's not saying, 'This is when life begins.' He's saying 'Why are we afraid to have the discussion?' (Confidential interview, May 2012).

There are also signs that the moderation of the initiatives has made the government's reaction seem even more unjust within pro-life circles. One pro-life activist expressed exasperation that after failing to take action on abortion since 2006, the CPC could still consider whipping the cabinet to vote against M-408 (Confidential Interview, March 2013).

Finally, the Conservative government's efforts to stop Mark Warawa from addressing the issue of sex-selective abortion would appear to end any suggestions that the party has a semi-official strategy of using private members' bills as a way of addressing the concerns of social conservatives. Even before the events surrounding Warawa's motion, those interviewed expressed doubt that there was a deliberate strategy at play. In particular, the words of one journalist proved to be prophetic:

My general read on it is, [Harper]'s willing to let MPs put forward motions and propose bills and speak out to a certain degree for a couple reasons. One, it's unlikely it's ever going to become law... Even if it passes the House, it's unlikely it's going to pass the Senate... And it would more – it would be far more trouble for him if he didn't let these things happen. Because then he'd have a revolt I think on his hands.

We argue that Warawa's motion – along with the strong reaction to his silencing in the House of Commons – represent the beginnings of that rebellion both within and beyond the Conservative caucus. At the 2013 March for Life, twenty-two Conservative MPs were in attendance, including Dean del Mastro, Harold Albrecht, Rob Anders, Maurice Vellacott, Brad Trost, Stephen Woodworth, and Mark Warawa (Wingrove 2013). Anders spoke to the marchers and referred to the Conservative parliamentarians in attendance, stating: "The men behind me have taken strong stands and have made enemies for doing so" (Wingrove 2013). The PMO demurred, stating that "Canadians are free and welcome to express their beliefs on Parliament Hill. That said, the Prime Minister has been clear that we will not be reopening the debate" (Wingrove 2013).

6.2 *Stephen Harper's social conservative credentials*

Throughout each of these challenges, the prime minister has maintained his commitment to the economy over other "distractions". Harper's focus has been the implementation of fiscally conservative policy – a focus that has been exemplified in Cabinet with the appointment of prominent ministers from Ontario and within the PMO with the hiring of Nigel Wright. While his support for C-484 demonstrates that he was initially focused on reaching out to his socially conservative constituency, as we have shown, he has grown increasingly hostile to its positions around abortion. This hostility has damaged his position within the conservative movement as a defender of social conservative positions, with even the *National Post* describing him as "Canada's pro-choice activist-in-chief" (2013).

Those within his caucus no longer believe that he is a social conservative. As a backbench MP argued, “[Harper]’s never been a so-con, ok? ... He’s dead set opposed for personal, ideological, whatever reasons” (Confidential interview, May 2012). This does not mean, however, that social conservatives are not a significant voice within the party that he can afford to ignore. Indeed, two factors prevent him from disregarding social conservatives: his strong courting of their support during the early years of his leadership; and, the risk the party could split along ideological lines. One journalist observed:

He knows that he can’t completely turn it off, having turned it on... He can’t reverse himself entirely from it, or he’d look hypocritical. That hasn’t bothered him on everything. But on this he still needs them. He also faces the problem that you could have, theoretically, the party could split again. He’s seen it split once. He has to keep those people in the fold somehow. He has to make sure that he is the only party, even if they don’t agree with him all the time, the only one they could vote for. He can’t have a faction breaking off. If he did, then he’s done (Confidential interview, May 2012).

The prime minister may want to ignore the demands of anti-abortion activists for pragmatic and ideological reasons, but doing so could risk his electoral success and the unity of his party.

6.3 *Beliefs among conservative MPs*

While Harper’s views are certainly important, it should also be noted that the change in the party’s stance on abortion issues may not only be driven by the Prime Minister. Instead a change in the party’s position is evident in its voting patterns on different measures, as shown in Table II. While it is somewhat dangerous to extrapolate a trend based on just three parliamentary votes, the massive decline in Conservative support for anti-abortion private members’ initiatives from 94% in 2008 to just 53% in 2012 suggests there was a significant change in opinion in the party’s caucus. Importantly, a closer examination of the votes reveals that this change has been driven in large part by personnel replacement. All but one of the 22 MPs who did not return after the 2008 election had supported C-484, and the one outlier was officially absent on the vote. However, in the next session just 55% of Conservative MPs first elected in 2008 supported C-510 as compared to 63% of incumbents. The situation was even more stark for the vote on M-312, with just one-third of MPs first elected in 2011 supporting the initiative compared to nearly two-thirds of those in parliament since 2006.

Table II: Voting record of Conservative MPs on abortion related private members’ motions, 2006 - 2012

	In favour	Opposed	Abstaining
C-484	118	4	2
C-510	87	49	7
M-312	86	74	3

Admittedly this data could be misleading since past research has found that backbench MPs become more rebellious the longer they serve in parliament. As such it could be argued that the newer MPs are not actually less socially conservative, but were instead easier for the party whips to intimidate. Time and possibly further interviews will make it easier to tell to what extent this lack of parliamentary experience may have played a factor. It should also be recognized that despite the social conservative majority, there were also many MPs from the first minority who changed their views over time. In particular, there were 32 MPs who had supported C-484 who then either abstained on C-510 or voted against it. Nevertheless, Conservative Whip Gordon O'Connor has the distinction of being the only MP to vote against all three private members' initiatives examined.⁹

However, despite the seeming decline in the number of social conservatives in the Conservative caucus, there are still 10 to 20 Conservative MPs who are very committed to the pro-life cause, and who in turn are supported by a "huge chunk of [Conservative party] rank-and-file membership [who] are pro-life" (Confidential Interview, May 2012). This connection between the anti-abortion grass roots and MPs means that the abortion debate is not going to go away. In the words of the same backbencher:

Also in a party where really the rank-and-file majority are socially conservative, you're going to have a friction between the leadership that isn't and the membership that is. The MPs are sort of half-way between the two, so naturally you're going to have friction. Even if they want to, Harper doesn't have the votes, the ability, the strength, the political clout to stop this issue. He just doesn't. What's he going to do? Go against the majority of his caucus? Go against the majority of his National Council? Go against the majority of his membership? He doesn't have the political strength to do that. Everyone has their political boundaries of what they can and cannot do. And this is an issue, no matter how much he wants to try shut down, he doesn't have it. And people talk about, 'they're all-powerful, etc.' You get 15-20 MPs who decide they want to do something different, what's he going to do? It's just that simple

Moreover, the social conservatives actually have party policy on their side. As one socially conservative MP argued:

Our policy statements are very clear as a party – in fact it's one of the reasons I agreed to run as a Conservative candidate – that on issues... like life, abortion, marriage, we have the right to vote our conscience. That's clear in our policy statements. So, while there can be varying degrees of pressure brought to bear, in my opinion the policy statements are clear, and there are a large number of us within the Conservative caucus that will continue to be sure those policy statements are honoured (Confidential Interview, May 2012).

The government has made clear that it will not support in any way the introduction of private member's bills concerned with abortion. Precisely why the Harper government has taken the

⁹ Jim Flaherty and Maxime Bernier both voted against C-510 and M-312 after abstaining on C-484.

stance on foreign aid that it has is unclear, but it cannot be seen as part of a wider campaign against the Canadian status quo on abortion.

7.0 Conclusion

As we have demonstrated in this paper, the Harper government has become increasingly hostile to the anti-abortion activism of Conservative caucus members. This hostility has been met with resistance both within and outside the CPC. While social conservatives have seen incremental gains in many policy domains, this has not been true with abortion. The prime minister has stated repeatedly throughout his time in office that he has no intention of reopening the debate on abortion. It has become increasingly clear that he will not allow members of his party to reopen that debate either.

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