

**PERSPECTIVES ON QUÉBEC-CANADA  
RELATIONS IN THE 1990'S:  
IS THE RECONCILIATION OF ETHNICITY,  
NATIONALITY AND CITIZENSHIP  
POSSIBLE?**

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## PERSPECTIVES ON QUÉBEC-CANADA RELATIONS IN THE 1990'S: IS THE RECONCILIATION OF ETHNICITY, NATIONALITY AND CITIZENSHIP POSSIBLE?<sup>1</sup>

A constitution may be analyzed in technical terms; ultimately, by its very nature, the fundamental law of a country leads, whatever the detours may be, to the harshness of juridical terminology and logic. Nevertheless, a constitution is first of all the expression of the nature of power-relations in a society, as well as the equilibrium of compromises that permits the establishment of a mode of politics for collective life that embraces various social components. A constitution is the more or less flexible political expression of a social pact in the context of certain rules which seem to have a life of their own, and which can dictate their own logic.

Constitutional conflicts have marked the last three decades in Canada. The debate began in the 1960s, when the Québec government demanded a new division of powers between the federal and provincial governments. A first compromise reached in Victoria, British Columbia, in June 1971, did not survive the last minute withdrawal of the Québec government. Discussions started anew in 1976, with the election of a sovereigntist government in Québec. The turning point in the debate came in the 1980 referendum on Québec sovereignty, which the Parti Québécois lost. In 1982, with the threat of Québec sovereignty eliminated, the federal government of Pierre Elliott Trudeau adopted a major constitutional reform, which was endorsed by all the provinces except Québec. Elected in

1984 with strong support in Québec, Conservative Prime Minister Brian Mulroney tried to convince the Québec government to accept the Canadian constitution. The first attempt, called the Meech Lake Accord, among other clauses, recognized Québec as a “distinct society” within Canada. In 1990, this Accord failed when two provinces refused to support it formally. A second round of negotiations resulted in the more ambitious Charlottetown Accord in 1992, but this latest attempt failed to receive public approval in a fall 1992 referendum. Subsequently, the constitutional question was postponed indefinitely.

The constitutional conflicts did not stem from an incapacity to find solutions to technical problems, and they were not even the result of a simple inability to agree on the definition of the collective Canadian identity. The constitutional debates reflect, in their own way and within a juridical constraint, the tensions and conflicts that strain the social fabric, in its various forms and in the unequal relations that constitute its material. For this reason it is difficult to deal with principles and juridical forms separately.

Three principles are juxtaposed within the institutional framework of the Canadian state and within the relations among the different peoples of Canada and the state: citizenship, ethnicity, and nationality. The difficulty of reconciling these three principles explains much of the ongoing Canadian constitutional debate. This essay examines these principles to determine whether they are as irreconcilable as is often thought.

The citizen and individual rights entered the constitutional scene triumphantly at the beginning of the 1980s. The judicial subject constituted the core of the modern state, but judicial-political ideology postulated that the unification of private individuals must occur under the political pact that ensured a free and equal participation of all under the auspices of the modern state, with its sovereignty founded in the parliament.<sup>2</sup> This interpretation was combined with the tradition of the British Bill of Rights.<sup>3</sup> In this framework, constitutional litigations do not revolve around the violation of individual rights or on the nature of their reasonable restriction, but address questions of jurisdiction. The question of individual rights arose in

certain decisions rendered by the Supreme Court, but this dimension was maintained only indirectly, often misleadingly.

The inclusion of the Charter of Rights and Freedoms in 1982, with priority over parliament, modified the fundamental principles of constitutional law. Legislative power may be contested, not only regarding questions of jurisdiction, but for its actions *per se* when it may be argued that they unduly violate or restrict individual rights and liberties granted by the Charter. The "citizen as subject" becomes a constitutional actor in the sense that, as a bearer of rights and freedoms, he can undertake a procedure leading to the contesting of parliamentary sovereignty in the name of "fundamental values."

In the Charter of Rights and Freedoms several kinds of rights may be distinguished. Rights may be defined on an essentially individual basis (fundamental freedoms and legal rights). Certain rights that apply to specific categories of individuals are exercised above all on an individual basis (such as the rights for the language of instruction). Collective rights apply to communities and are exercised not by individuals but by collectivities (such as the rights of Aboriginal peoples). The first two kinds of rights emanate from an essentially individualist vision. They constitute the core of the Canadian Charter.

The recognition of individual rights and freedoms is extremely significant legally and politically. Even if, in its implementation, the Charter does not always correspond to its noble aims, the inscription of these rights in Canada's fundamental law must not be underestimated. Rights are generally conceived and defined as individual. The Charter is virtually silent with respect to economic and social rights, not to mention other aspects of collective rights,<sup>4</sup> except that it deals with Canada's multicultural heritage and with the ancestral rights of Aboriginal peoples.

Following the 1982 reform, the only constitutionally acceptable way of unifying "citizens as subjects" is through the "people."<sup>5</sup> This "people" is coupled with the federal state, which alone has the political mandate derived from the entire Canadian body politic and the capacity to act upon all of the territory and its population. The multiethnic reality belongs within the scope of this realm. The

article on cultural heritage found its way into this juridical edifice precisely in the sense that it corresponded to the denial of national communities and to the restoration of the social totality. It reduced the “people” to a collection of individuals and, at best, the cultural diversity it recognized is so intermingled that no regional authority can claim to englobe, to represent, or to express the interests of one ethnic group or another. According to this principle, the whole may be reconstituted, because over the cultural heterogeneity reigns a society, a political whole, and a “people” with a tremendous capacity to integrate citizens of all “stock.”

In “Canada-outside-Québec,”<sup>6</sup> the assertion of the citizen’s sovereignty, to which Canada’s multiethnicity corresponds through the concept of multiculturalism, is conceived as a founding act, which adds important new fixtures to the Canadian constitutional edifice.<sup>7</sup> From a Québec perspective, however, this operation was perceived as a *coup de force* betraying long-standing national aspirations. This view, which in Québec transcends partisan affiliations, should not be associated with a rejection of the concept of citizenship, nor with some kind of antipathy directed against political liberalism, cultural minorities, or ethnic groups.

The 1982 reform represented a frontal assault against Québec’s traditional constitutional demands, because it invalidated the very principles upon which they were based. According to Trudeau’s juridical vision,<sup>8</sup> the citizen serves as the antidote to the Québec national question. Also, placing the “sociological nation of Québec” on the same plane as the other “sociological nations” in Canada reduces the former to the status of just one ethnic minority among many. To the negation of the nation—intermediated by the citizen and by multiculturalism—and to the reign of individual rights, Trudeau’s project adds the erosion of the political sovereignty precisely where the Québec national community’s political power is exercised: the modification of the principle of legislative supremacy, rights for the language of instruction, linguistic rights, and economic union.

Other more strictly political aspects of the 1982 reform left the Québec government isolated and made a mockery of Québec’s repre-

sentative institutions. Québec has repeatedly rejected it. Québeckers failed to see this reform as a founding act, and regarded it instead as an illegitimate operation. Historically, the adhesion of Québec to the "Pact of Confederation," and therefore to the Canadian federal regime, was accompanied by certain founding myths that have nourished the *imaginaire* and the universe of political representation. Among these myths, a central one was the idea of a pact between two nations, which had political and constitutional connotations. It could be argued that this myth was a fantasy, but a certain correspondence with reality existed. In fact, until 1982, the federal government had recognized *de facto* a Québec veto over constitutional changes. Whether or not it had a legal foundation, the pact myth associated with the veto was nevertheless useful politically. The 1982 constitutional reform rendered political and juridical vetos null and void and thus destroyed the myth. As a result, a constitutional imagery needs to be renewed in Québec. In contrast, in Canada-outside-Québec, the same reform is forming an important part of the elaboration of a renewed constitutional imagery, and giving rise to an adherence with its own mythical connotations.

The 1982 reform became highly symbolic, as it changed constitutional dynamics in a significant and long-lasting manner, and altered the conditions for subsequent revisions. The constitutional framework that was established could not accommodate Québec's national demands without substantial modifications (as opposed to complementary additions). This politics of the *fait accompli* with regard to Québec has encouraged decisions in favour of the citizen and individual rights, as well as rules of the game that render constitutional changes extremely difficult. The new constitution brought to light an interesting paradox. On the one hand, the Constitution is now the patrimony of the citizens and of the people, and has spawned a plethora of groups making claims for different sectors of society in the name of rights and freedom<sup>9</sup>—what may be termed "Charter Patriotism." On the other hand, a complex intergovernmental political process would have to be set in motion to modify the Constitution, and the process makes any such modifications practically impossible.<sup>10</sup>

Central to the Canadian constitutional debate, prior to the question of citizenship, is the question of national communities. Like a prince glorifying his bravery by depicting the dragon to be as hideous as possible, Pierre Trudeau presented an extremely narrow interpretation of the Québec national reality. It was accepted so wholeheartedly by English Canadians that the question seemed pointless.

This narrow vision that equates the nation with ethnicity is not the monopoly of politicians with their own specific agendas. Social and historical analysts of the nation have shown it to be a historical construction dating from the modern period and more often than not they have emphasized its ethnic roots.<sup>11</sup> Such an interpretation has a certain validity, but it provides only a partial understanding of the question of the nation.<sup>12</sup> In addition, the close association of nationalism with ethnicity could produce ethical judgments of virtually all nationalist movements, considering them bellicose anachronisms.

Sociologically, the question of nation should be approached from many perspectives. In fact, a nation is a social and political community that shares common characteristics and recognizes and identifies itself as such.<sup>13</sup> A nation's material and ideal dimensions are therefore consubstantial. The different characteristics of a nation provide important information, but they do not capture its essence; needed is an understanding of the relations that characterize them. This includes the interaction of the components of a population which has experienced the same social history, which occupies a common territory, and which has a shared place of origin and language, forms a socioeconomic organization, a similar religion, customs and traditions, and nourishes a national consciousness. These different features, however, do not all carry similar weight, and their relative importance can change significantly over time.

A nation is an imagined social and political community; it is based on an *imaginaire*, a symbolic system of identification and the creation of a feeling of belonging. But this does not mean that it is whimsical or that it is based on pure illusions lacking any real consonance. The political *imaginaire* and the universe of political representation are no less real than the more or less palpable material aspects of the



community. They have a genuine impact, in that they guide social and political practices and they demonstrate their pertinence through the deciphering of social power relations.

The national community, whether or not it occupies a subordinate position in the organization of social relations, necessarily refers to power relations and, by extension, political strength, as a point of reference. Multinational states illustrate well the disassociation between state and nation. The relations governing these communities may be based on subordination or on oppression. The result may range from open conflicts to various kinds of alliances, if not as equal partners, then at least as partners close enough to give rise to stable power relations.<sup>14</sup> In practice, the nation-state ideal has always remained out of reach because the state never corresponds exactly to the nation, even when the two appear to coincide.

Before dealing with the question of multiethnicity, the difficult relation between "nation" and "ethnicity" must be emphasized. Just as the state may not correspond to a single national community, a nation is not necessarily reducible to a specific ethnic identity. A distinction may be made on two levels. First, the social composition and the understanding of community that is proclaimed by movements claiming the right to national status must be considered. Secondly, it should be noted that there is a lack of consensus regarding the conception of the national community with which states have been associated historically, and this leads to different interpretations of the relation between nation and citizen.

The conception<sup>15</sup> which associates nationalism with ethnicity by underlining the political and symbolic process of the creation of the modern state and which considers that all present nationalisms must be basically considered as being "ethnolinguistic" has the advantage of simplicity. Tempering *a priori* with this reading of nationalism places on the same plane a series of dissimilar phenomena found in Western Europe or Canada (Welsh, Scottish, Catalan and Québécois nationalisms) as well as in Central and Eastern Europe (such as Lithuanian, Slovak, Serbian, and Croatian nationalisms).

The distinction that separates various kinds of nationalism is important to formulate. James Kellas<sup>16</sup> emphasizes vital differences that characterize ethnic nationalism, social nationalism, and official nationalism. The first two typologies are especially important for the discussion here. Whereas ethnic nationalism is exclusive, based on descent, is authoritarian and xenophobic, and is especially to be found in Eastern Europe, social nationalism is inclusive, based on a common culture, respectful of democratic values, and founded not on ethnicity but on the citizenship of a people sharing a common territory, generally to be found in Western Europe and Canada. Although these two forms of nationalism often lead to the division of multinational states, the political dynamics that ensue can also engender extremely different orientations. This sociological distinction of forms of nationalism brings to mind the different conceptions of the relation between nationality and citizenship that have existed in the states of the West.

Historically, two models of the nation have coexisted. First is the notion of a nation based on its ethnic dimensions, which amalgamates people with similar origins; this is the “blood” nation. The second notion of nation emphasizes the right derived from the land, which is based on a territorial definition of citizenship. The latter form appears more open, even though citizenship under it may be extremely difficult to obtain. In Europe, both types of traditions exist. Clearly, when a nation is founded on the basis of blood ties, the social production of nationality is concealed, and thereby renders the genetic factor an essential cultural and political issue. Such a society can develop various forms of exclusion, such as discrimination, expulsion, and genocide.<sup>17</sup>

In the course of the formation of the two nations stemming from European colonization in Canada, it has become clear that the representation of the national community was mainly influenced by ethnic origins—in other words, by “blood” ties. Successive immigration waves, however, have attenuated this form of collective recognition, especially in Canada-outside-Québec. Gradually, the Canadian population came to see itself less as a social and cultural community sharing common origins and more as a community established through a politically

defined status, namely, the rapid obtainment of citizenship with the context of immigration for purposes of permanent settlement.<sup>18</sup>

From a distance, it seems surprising that Canadians have so much trouble defining themselves, apart from their shared citizenship. The great power of attraction that the United States exerts upon Canadians might easily erode a sociocultural entity that Jacks the benefit of a linguistic barrier. In this regard, Gary Caldwell has written recently: "[T]here existed at that time (between the middle of the nineteenth and twentieth centuries) an English Canadian culture. In this day and age, English Canadian culture, or simply Canadian, is much harder to grasp, and those who are supposed to make up our [Canadian] cultural elite are for the most part interchangeable with representatives of American culture."<sup>19</sup>

Internally, the Canadian emphasis on multiculturalism may have contributed to a fractioning of identities and a weak sensibility regarding the historical background of the Canadian social and political community. The rejection from the outset of the notion of the two "founding peoples" is revealing. This notion did not mean to establish paternity rights, but to indicate that two communities of European ancestry were constituted during the eighteenth and nineteenth centuries, and that they established a modern state, partly freed from their original colonial ties. Of course, national communities are not immutable blocks that move through history; they tend to be aggregative, because they integrate new populations. Therefore, on the basis of the growth and diversification of their populations, the expression "two founding peoples" suggests that two national communities enriched themselves while maintaining their own identities and nourishing their respective social, cultural, and political solidarity.

For certain people, the notion of two founding peoples provokes an aversion to a single Canadian identity, as though it represents a "Britishizing cultural ostracism." The reaction of authors such as Y. Abu-Laban and D. Stasiulis,<sup>20</sup> for instance, is revealing. They find it disturbing that the Citizens' Forum on Canada's Future<sup>21</sup> called for the development of a "feeling of Canadian unity, especially among English Canadians" and suggested at the same time that the main

goal of multiculturalism should be “to welcome all Canadians to an evolving mainstream—and thus encourage real respect for diversity.”

On the other hand, one cannot help but notice that recent years—marked by the free trade debate, by the abandonment of important symbols of Canadian identity in the wake of the federal government’s disengagement, and by the constitutional controversy—have offered fertile ground for the development of a clearer Canadian identity and of a nationalism that can be asserted less hesitantly. Philip Resnick wrote recently: “I may be in a tiny minority, but it is my impression that the sense of being Canadian, indeed English Canadian, has developed over recent decades and may well be about to blossom forth in the 1990’s.”<sup>22</sup>

These observations seem to illustrate that the formation process of a national community and its representation in terms of national consciousness have followed a different path in Québec. The Québécois national community defines itself firstly in social and cultural, obviously linguistic, terms, taking into consideration its subordinate position in its relations with the English Canadian community. Although it has a privileged relation with provincial institutions, this community relies primarily on a network of social structures and local state or parastatal-religious institutions as vectors for integration, for cohesion, and for resistance. In this sense, even though the nation has historically tended to be embodied in the state, the Québécois community has preexisted the political order.

The “French Canadian Nation” designation undoubtedly underlines the ethnic roots of the Québécois identity. This observation must be qualified however. The Québécois community first designated itself as *Canadien*, a term which referred to the descendants of French colonizers. Dispossessed of the term through the creation of Canada, the French community had to be redefined by language and ethnic origins. This process engendered the expression *Canadien français*. Even if the term covered the entire French population of Canada, territory soon became a primordial dimension. From the moment when French Canadians became permanently destined to occupy a minority status with inadequate institutional protection outside of

Québec, it became clear that they could continue to exist and develop exclusively on the territory of Québec, their only homeland.

The territorial dimension of the French-Canadian national identity increasingly asserted itself to the point where, in the 1960s, the *Québécois* designation emerged and came to be accepted by everyone, as the confirmation of an already existing state of affairs. At the same time, ethnic connotations subsided. The network of structures and institutions cited above did not prevent the integration of people of non-French background: witness the English, Scottish, and Irish names of many public figures regarded as old-stock Québeckers. At the same time, the tremendous waves of non-Anglophone immigrants who settled in urban areas after World War II found a more welcoming structure with English Canadians in Québec. Integration into the Anglophone population was linked in large part to the desire to associate with the dominant group in society. In sum, although an ethnic understanding of "nation" did not cause any great exclusion, it should be noted that this comprehension has changed significantly over the past thirty years.

Several phenomena contributed to the redefinition of the Québec national question. Among these are economic development and the rise of a Francophone bourgeoisie, industrialization and urbanization, the decline of the Roman Catholic Church as an apparatus of social and ideological control, the strengthening of the Québec state and the democratization of its institutions, and the modernization of the state bureaucracy. The nation is now resolutely defined on a secular basis, in reference to the Québec state and its territory, and in a multiethnic perspective.

The new definition of the *Québécois* nation called for a valorization of the Québec state, and in return, the state helped to create the conditions that favoured its development. These conditions included the economic structure (especially with a model of partnership), demands for more constitutional room to manoeuvre, and the establishment of particular linguistic and immigration policies. Government policies entailed no linear evolution in these matters, and even less a historical consciousness transcending the parties. But the past three

decades established a clear desire to consider these dimensions, to such an extent that Québécois capitalism enlarged its bases, political autonomy increased, French was established as the language of usage (respecting the historical contribution to Québec society on the part of English Canadians), and immigrant populations contributed directly to the growth of the Québécois national community.

The Québec state has become a major agent in the formation of the national community that amalgamates the citizens of the territory of Québec. Its multiethnic composition is recognized; a society based on ancestry has yielded to a territorial community of citizens.<sup>23</sup> Two dimensions, language and integration, complement this territorial perspective. Language policy, the aim of which is to make French the language of communication and usage within the community, comes within the scope of policies targeting the integration—as opposed to the assimilation—of immigrant populations. The policy is based on the idea of intercultural rapprochement and the introduction of the expression “Québeckers of the cultural communities.” Integration is therefore conceived through the recognition of pluralism.

Three principles have shaped this policy: the Québécois community as “... a society in which French is the common language of public life; a democratic society in which the participation and contribution of all is expected and encouraged; a pluralistic society that is open to multiplicity of contributions within the limits of respect for fundamental democratic values and the need for intercommunitary exchange.”<sup>24</sup> This policy, which was not implemented by the party of sovereignty, but by the federalist Québec Liberal Party, clearly indicates that Québec society constitutes the point of reference. Replacing the concept of a homogeneous ethnic nation with that of integration facilitates the struggle against racism, against exclusion based on cultural differences, and against different forms of segregation at work, at school, and in other spheres of life.<sup>25</sup>

This conceptual and historical survey permits the qualification of the Canadian reality in terms of a multinational and multiethnic state. It shows how the routes taken by Canada's communities, as well as their respective representations and identity systems, diverge. This

contrast becomes even sharper when the history of Aboriginal peoples is considered. If, however, discussion is limited to Canada-outside-Québec and Québec, it becomes apparent that these two communities share several elements of a common political culture.

Charles Taylor's treatment of this question is particularly instructive.<sup>26</sup> The main features of Canada-outside-Québec's universe of political representation that distinguish it from that of the United States are (1) an attachment to the values of peace, order, and good government and for a less litigious treatment of conflicts; (2) a political society more committed to arrangements or measures of a collective nature; (3) an inter-regional solidarity whose aim is a certain degree of equal living conditions and opportunities between the regions; (4) an identity set in terms of the Canadian mosaic or multiculturalism; and (5) a Charter of Rights and Freedoms which acts as a reference point for a common identity.

These elements are also present in the universe of political representation in Québec, even if they are not always similarly interpreted. For instance, during the past few decades, increased use of collective measures translated into a positive vision of the role of the state. The notion of multiculturalism is compatible with the idea of a pluralist Québec nation, although Québécois staunchly opposed it when the Québécois national community is placed on the same plane as the multiplicity of ethnic minorities. The Charter, as a declaration of Rights and Freedoms, is also perceived positively, but when it intrudes in areas of provincial jurisdiction, such as linguistic rights, it is denigrated as being the negation of the Québécois nation in the name of the "citizen as subject." The Charter is therefore clearly insufficient, and potentially antagonistic, when it comes to founding a collective identity. Added to this, to use Taylor's terms, the survival and flourishing of the nation and of its language are regarded as the first duties of a political society. This dimension is central, in the sense that Canada will maintain its *raison d'être* only if it contributes to the development of the Québécois nation.

There is a social diversity that exceeds the cultural heterogeneity tolerated and transcended by Canadian citizenship. This diversity

means that Québeckers and Aboriginal peoples are Canadians by virtue of their belonging to their own national communities. In this sense, the *Canadian mosaic* would also be a *mosaic of identities*. The problem is that this mosaic of identities—rooted in a history of differently constituted national consciousnesses—is not easily compatible with a narrow vision that gives individual rights precedence and subordinates collective goals.

In recent years, this narrow vision, which proposed an identity based on Canadian citizenship without distinction, has become predominant in English Canada. Such an identity has the merit of defining a uniformity of condition for citizens stripped of social characteristics and inserted in normalized social interaction. It undermines, however, the premises upon which competing identities may be founded. English Canadians regard any efforts to reconcile the conditions for the development of national communities with the Canadian identity as anti-liberal, even anti-democratic.

Québec's state institutions are designed to participate actively in the reproduction of the Québécois nation and to bring together the conditions necessary for it to flourish as a community for future generations. Inserted into a larger political entity, a society that carries the collective interests of a national community and which has at its disposition the state institutions that contribute to its maintenance is completely justified in guaranteeing for the whole of the population the respect of its fundamental rights and should have no problem in recognizing and respecting diversity, most notably with regards to minority groups.

Can these two points of view, that of the citizen and that of national communities, be reconciled? It is not so much a question of political philosophy, but rather one of political sociology: in the present political conditions, can the conceptual opposition that came to light during recent constitutional discussions be transcended? The constitutional question has been on the Canadian political agenda for more than thirty years. The only major modification to the constitution was made against the will of Québec's government and political elites. This "founding act," which was supposed to have terminated the



issue, provoked at least one decade of vain reform attempts. It could be argued that the game is now over and that conclusion have to be drawn one way or the other, that is to say via submission or secession.

The question still merits attention. After a long struggle, one cannot act as though the terms of the problem were new; on the contrary, it is rather a tiresome case of *déjà vu*. However, the conditions under which the Québécois national community might be recognized have been significantly redrawn. The 1982 reform denied asymmetry in the conception of Canadian society, with the atomization of the naked citizen and the organization of the federal regime. The principles are consistent with the design.<sup>27</sup>

To argue that Québec's constitutional demands have become incompatible with existing constitutional principles when the rules of the game were changed without its consent is a sign of cynicism. The constraints, however, do exist, despite the moral judgements they may inspire. For that matter, Kenneth McRoberts concluded in a recent study that Canada-outside-Québec has hardened its attitude towards Québec, and that a renewal of federalism that takes into account Québec's traditional demands is less probable than ever. This hardening may be explained in part by demographic changes and by the economic rise of the Western provinces, but as McRoberts states, "the growth of English Canadian resistance to duality and distinct status was primarily the responsibility of governments, most notably that of Trudeau." He succeeded in convincing English Canadians to adopt his vision of the country and the place Québec should have in it.<sup>28</sup>

This clear-minded evaluation leads directly to a deadlock. In the same vein, several observers have maintained that constitutional negotiations should not have been held over the last ten years. But if such a conclusion is not to be accepted, whatever the motives may be, it must be kept in mind that one of the fundamental questions to be asked is: to what extent is it possible to introduce the recognition of national communities in the Canadian constitutional order, and to link this recognition with citizenship and multiethnicity? This question may seem abstract, but as Alan Cairns<sup>29</sup> has pointed out, since the

1982 reform, debates over constitutional questions have moved from pragmatism towards the stratosphere of grand principles.

One might rest content with the idea that the passing of time will take care of the problem, but this stance seems futile. Recent constitutional debates have favoured representatives defending rigid positions based on abstract principles rather than supporters of pragmatic changes stemming from negotiations. For instance, in 1982, Trudeau succeeded in introducing major elements that broke with constitutional tradition in Canada. Recently, the former premier of Québec, Robert Bourassa, adopted a flexible and hesitant negotiation strategy that achieved much less. Success may not only come through the promotion of grand principles—because many factors come into play—but such a strategy seems to have worked best.

The main objectives of Québec have been the recognition of the Québécois national community in the frame of a multinational state and the establishment of a political agreement guaranteeing concrete rights to minority populations associated with one community or the other (linguistic rights, control of health, or teaching institutions). Furthermore, in line with a territorial understanding of the nation, Québec's goal has been the granting of additional powers to its state institutions, not only on linguistic and cultural matters, but also with regard to the organization and structuring of the economy and the training and management of the work force. The approach has been undertaken differently from one Québécois government to the next and was recently pursued in a round-about-way by Robert Bourassa.

Bourassa's gamble in 1985-1987 may be summarized as follows: instead of undertaking labourious and uncertain negotiations on the status of the Québec state and its jurisdictions, he emphasized a vague interpretation principle—the “distinct society” clause—which left the arbitration of disputes to the courts. Political matters were to be handed over to judges, with the hope that gains could eventually be made. As a result, the constitutional debate became all but formally depoliticized. This bypassing of negotiations on the sharing of powers was not at all clear and aroused much suspicion, albeit for diametrically opposite reasons.<sup>30</sup> With all his great wisdom, Jean Chrétien, now

the Prime Minister of Canada, posed the problem in its fundamental simplicity: if the interpretative notion of a "distinct society" had no meaning then Québeckers were being lied to; if it meant a great deal, then the rest of Canada was being lied to.

The failure of Bourassa's approach, embodied in the Meech Lake Accord, and the expressed desire of English Canadians to specify in a restrictive fashion the notion of "distinct society," removed any attraction the notion might have had—even if it was only for illusory motives. Most analysts, experts, and observers in Québec have concluded that the restrictive definition of the notion of "distinct society" demonstrated the need to return to the question of the division of powers.

In later negotiations, Bourassa accepted the principle of legal equality between the provinces in order not to offend his interlocutors. However, he either had to bring his counterparts towards a federal regime which they did not desire and which did not correspond to their political vision, or he had to concentrate on less controversial domains (traditionally associated with provincial jurisdictions, for example) and to place discussions regarding arrangements on an administrative level. In the second case, the stakes risked proved to be too high for Canada-outside-Québec and too low for Québec. In the end, Bourassa had to try to sell propositions that resembled a defeat.

Such was the case with the Charlottetown Accord. all Bourassa could say was: "We weren't able to get more, but it's a beginning." More was required, but is more too much? Québec society has no singular and inevitable path to follow: Québec is neither destined to be a part of Canada nor to become an independent country. The route taken will depend on a multiplicity of factors, including the way in which the constitutional question is addressed. Many Québeckers are moving towards sovereignty, but only by default. This is the attitude, it would seem, of about 20 % of the electorate in the current context, with two polarized political parties dominating the field. To a large extent, hitherto undecided voters will decide Québec's future. In general, there remains a diffuse but deep attachment to Canada, but *only* to a Canada that recognizes Québec's sociopolitical reality and

one that allows its institutions to assure the conditions for Québec to flourish culturally, linguistically, and socioeconomically. If Québec is still in Canada, it is because a majority has believed, to date, that this challenge could be met. It would be presumptuous, however, for Canada-outside-Québec to take this belief for granted.

Negotiations involving three national communities, English Canada, Québec and the native Peoples (in all their diversity), might be the solution to the impasse. They would be fruitful, however, only if no single community tried to impose its vision of the nation on the others. The paths taken by these communities differ and, even if they have much in common—particularly a shared history—their universes of political representation and their identities are not similar<sup>31</sup>. Searching for a perfect symmetry would therefore be illusory.

Discussions on a political pact that would create a multinational and multiethnic state without eliminating the present constitutional edifice would be hazardous and full of traps. From Sir John A. Macdonald to Pierre Elliott Trudeau, the desire has been to forge not a state that reflects society, but one that shapes it. Perhaps the time has come for a definition of this state in terms of its actual social foundations. This would require dismantling many *Trudeauiste* certainties, but it should not be such an extravagant task.

In Canada-outside-Québec, the idea of negotiations involving the nations is considered increasingly. Philip Resnick, for example, has strong inclinations in this sense. He brings to light conditions for such negotiations:

*The English Canada I am interested in seeing as a sociological nation, living side by side with Québec, is an open one, where citizenship is based on common institutions and political loyalties rather than on ethnic pasts. This open English Canada is also one with a significant French Canadian minority... These minorities, wherever numbers warrant, will continue to have claims to educational and other governmental services in their own language... In similar fashion, the anglophone minority of Québec, which is linguistically and culturally at one with the*

*population of English Canada as a whole, will need to enjoy fair treatment and concomitant linguistic and cultural rights within an officially French Québec... Let me therefore suggest that sociological nationhood may well dictate a rethinking of our political categories as well. Two sociological nations ... may spell two political entities engaged in quite a different relationship with one another.*<sup>32</sup>

This stream of thought is represented by a minority in Canada-outside-Québec. Upon closer examination, however, the thick carapace of "Charter Patriotism," of a uniform notion of citizenship, and of judicial equality for all the provinces, appeared rather thin, in certain spheres at least, during the negotiations on Aboriginal questions. The rejection of the Charlottetown Agreement in Canada-outside-Québec (and in Québec for that matter) was not motivated by these issues, and it did not lead to the kind of public mobilization that had arisen earlier against the idea of Québec as a "distinct society." In fact, it became possible, with regards to Aboriginal peoples, to recognize ethnic nations in Canada and to subordinate the application of the Charter to ancestral rights and freedoms dealing with the protection of languages, cultures or traditions, and possibly to subordinate political citizenship to ethnicity (electoral body and eligibility), to establish a correspondence between a nation (even one founded on ethnicity) and a level of government with sovereign powers, and to permit, if necessary, judicial powers to define the jurisdictions and territories of these governments.

To satisfy Québec's demands, the cracks in the carapace need not be important: the nation is defined territorially and not ethnically; political citizenship is not restrictive; and there is already a correspondence between the provincial government and the Québécois community (recognized in the Meech Lake and Charlottetown Accords). Further, a preponderance could easily be granted to provincial governments in matters with shared jurisdictions,<sup>33</sup> such as regional development, social security, manpower training, or immigration.

The political *status quo* in Canada contains the seeds of a troublesome future. In fact, Canadians have placed between parentheses

the path to Québec's sovereignty; these parentheses, however, are artificial, as the incumbency of the Parti Québécois and the pending this referendum on sovereignty demonstrate. Whatever the result of the referendum might be, polls have consistently shown support for sovereignty by at least 40 % of the electorate. Even the Québec Liberal Party cannot advocate the status quo in the long run. What is more, Canadians may not much longer continue as the more or less passive spectators before multiple attempts are made by Native peoples to concretize a third level of self-government despite the failure of the Charlottetown Accord. Aboriginal peoples will not be convinced by calls for patience.

There is more. Canadian society faces this *fin de siècle* in a chaos. Besides the constitutional question, this chaos has been favoured by the virtual abdication of responsibility of most governments in Canada—and especially the federal government—and by the debilitating perspectives they have adopted for public action. The challenge of restructuring the economy by introducing productive practices, in view of the structural crisis of the previous growth model, has been taken instead as a bad turn of fate. Governments have rested content, keeping their eyes on the United States, while the Americans themselves were experiencing a decline. The globalization of the economy is not a choice, it is a certainty, and it is not the antithesis of nationalism.

The public debate centred on the Free Trade Agreement, and the NAFTA negotiations stirred up Canadian nationalism. In Canada-outside-Québec and Québec, however, the processes were sharply contrasted. In Canada-outside-Québec, the NAFTA commercial agreements have been regarded as direct threats to the political sovereignty of the Canadian state and to the social conventions that incarnate the Canadian identity, and they were associated with the decline of the Canadian economy. In Québec, these problems have been viewed from the perspective of a small society with an open economy that has to face the challenges of globalization. Questions undoubtedly arose about the terms of the Free Trade Agreement, particularly regarding social guarantees and the absence of a clear transition strategy. There was also an insistence on Québécois controls over the public levers

that could ensure a favourable insertion of Québec into the global economy.

Whatever the attitude adopted, defensive or optimistic, nationalism *per se* is not an anachronism. Rejecting protectionist nationalism and the cosmopolitanism of laissez-faire ideology, Robert Reich underlines the strategic benefit of a positive nationalism based on national objectives which, through historical and cultural ties, form the foundations of a common political effort. This nationalism valorizes public intervention, social solidarity, and the capacity to implement collective projects for the integration into the world economy. To use Reich's terms, globalization poses a question to all countries, that is: "How tight is the social and political bond when the economic bond unravels?" Considering a diversity of countries, including Sweden, Germany, Switzerland, Japan, and Austria, Reich explains that in certain societies, "national allegiances are sufficiently potent to motivate the winners and to continue helping the losers. The 'we're all in it together nationalism' that characterizes such places is founded not only on enlightened self-interest but also on a shared heritage and national destiny."<sup>34</sup> It is interesting to note that the countries listed above are generally the same ones as in Michel Albert's "Rénan" model of capitalism, which is contrasted with the "neo-American" capitalist model. The first model emphasizes collective success, consensus, and long-term concerns, whereas the second is based on personal success and short-term financial profits.<sup>35</sup> In this battle of "capitalism versus capitalism," the first model looks both fairer and more efficient.

For Canada, the end of the fight between national communities, which would come with a political pact that respected the "cultural and identity mosaic" in a multinational and multiethnic state, would allow the definition of a model of capitalist development that is responsive to the aspirations of the peoples of the country. National consciousness, without dissolving divergent and contradictory interests, could then become an asset?<sup>36</sup> Such a scenario, of course, does not represent a panacea, but it is a condition for success.

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- 1 I am grateful to my colleagues Alain Noël and Pierre Matin for helpful suggestions on a previous draft of this article. This text was translated from French to English by Robin Betting.
- 2 G. Boismenu, "Notes et propositions pour une étude sociologique du droit," *Procès, Cahiers d'analyse politique et juridique* (Paris) 15-16, (1984), 131-164.
- 3 A.-J. Bélanger, "La démocratie libérale comme règle du jeu," in G. Boismenu, P. Hamel, and G. Labica, eds., *Les formes modernes de la démocratie* (Montréal-Paris: PUM-L'Harmattan, 1992), pp. 17-27.
- 4 P. MacKay, "La Charte canadienne des droits et libertés de 1982: une phare aveuglant contre la grande noirceur," in Y. Bélanger and D. Brunelle, eds., *L'ère des libéraux. Le pouvoir fédéral de 1963 à 1984*. (Quebec City: PUQ, 1988), pp. 109-125.
- 5 G. Boismenu and F. Rocher, "Une réforme constitutionnelle qui s'impose ...," in Y. Bélanger and D. Bélanger, eds., *L'ère*, pp. 77-107; and G. Boismenu, "Le Québec et la centralisation politique au Canada," *Cahiers de recherche sociologique*, 3 (1985), 119-138.
- 6 Expression used by Charles Taylor in C. Taylor, "Shared and Divergent Values," in R.L. Watts and D.M. Brown, eds., *Options for a New Canada* (Toronto: University of Toronto Press, 1991), pp. 53-76.
- 7 A.C. Cairns, "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake," *Canadian Public Policy*, 14 (1988), 122-145; K. McRoberts, *English Canada and Quebec: Avoiding the Issue* (York: Roharts Centre for Canadian Studies), 1991; and F. Rocher and M. Smith, "Le Canada anglais face à lui même," *Possibles*, 16 (1992), 49-61.
- 8 Boismenu and Rocher, "Une réforme constitutionnelle," pp. 77-107.
- 9 R. Knopff and F.L. Norton, *Charter Politics* (Scarborough: Nelson Canada, 1992).
- 10 Cairns, "Citizens."
- 11 C. Calhoun, "Nationalism and Civil Society: Democracy, Diversity and Self-Determination," *International Sociology*, 8 (1993), 394.
- 12 A.D. Smith, *The Ethnic Origins of Nationalism* (Oxford: Blackwell, 1986); C. Calhoun, "Nationalism and Ethnicity," *Annual Review of Sociology*, 19 (1993), 211-239; W. Safran, "Ethnicity and Pluralism: Comparative and Theoretical Perspectives," *Canadian Review of Studies in Nationalism*, 18, No. 1-2 (1991), 1-12; and P. James, "The Janus Faces of History of Nation and Nationalism," *Canadian Review of Studies in Nationalism*, 18 No. 1-2 (1991), 13-24.
- 13 D. Juteau and M. McAndrew, *Projet national, immigration et intégration dans un Québec souverain*. Paper presented to the Commission d'étude des questions afférentes à la l'accession du Québec à la souveraineté (February, 1992); Calhoun,



- "Nationalism"; G. Bourque, "La sociologie, l'État et la nation," *Cahiers de recherche sociologique*, 14 (1990), 153-160; G. Bourque, *L'État capitaliste et la question nationale* (Montréal: PUM, 1977); and G. Haupt, M. Lowry, and C. Weill, *Les marxistes et la question nationale* (Montréal: Editions l'Étincelle, 1974).
- 14 J. Breuilly, *Nationalism and the State* (Chicago, IL: University of Chicago Press, 1985).
- 15 E. Hobsbawm, *Nations and Nationalism since 1780. Programme, Myth, Reality* (Cambridge (England) and New York, NY: Cambridge University Press, 1990).
- 16 J. Kellas, *The Politics of Nationalism and Ethnicity* (London, Macmillan, 1991).
- 17 Juteau and McAndrew, *Projet national*, p. 5.
- 18 In contrast, in France, for example, which maintains the territorial definition of nationality, the restrictive nature of citizenship makes its granting appear to be the culmination of the assimilation of an identity, a culture, and a language.
- 19 G. Caldwell, "Le Québec anglais: prélude à la disparition ou au renouveau," in C. Daigle, ed., *Le Québec en jeu. Comprendre les grands défis* (Montréal: PUM, 1992), p. 500.
- 20 Y. Abu-Laban and D. Stasiulus, "Ethnic Pluralism under Siege: Popular and Partisan Opposition to Multiculturalism," *Canadian Public Policy*, 18 (1992).
- 21 Citizens' Forum on Canada's Future, *Report to the People and Government of Canada* (Ottawa: Ministry of Supply and Services, (1991), pp. 122 and 129.
- 22 P. Resnick, *Toward a Canada-Québec Union* (Montréal: McGill-Queen's University Press, 1991), p. 26.
- 23 Two examples illustrate this well. First, certain marginal nationalist groups put forth the narrowly ethnic vision of the nation that the 1980 referendum should address the needs of the francophone population only, in the name of the right to self-determination. This hypothesis was not even considered because it does not correspond to the Québécois national project at all. Political citizenship gives civic rights to any individual who does not refuse them and, at the same time, the Québécois national community cannot be summed up as an ethnic group, even if it is numerically important. Secondly, one dozen years later, the leader of the Assembly of First Nations came to Québec City as part of a parliamentary commission and declared that the Québécois did not comprise a people or a nation because the term would not be valid for French Canadians living in all the provinces. The Minister of Native Affairs, Christos Sirros, refuted this vision, insisting that Québec consists of a society over and above ethnic origins.
- 24 Juteau and McAndrew, 8-9; translator's version.

- 25 Research Group on Ethnicity and Society, "Immigration et les relations ethniques au Québec: un pluralisme en devenir," in G. Daigle, ed., *Le Québec enjeu Comprendre les grands défis* (Montréal: PUM, 1992), pp. 451-476; and M. Labelle, "Immigration, culture et question nationale," *Cahiers de recherche sociologique*, 14 (1990), 143-151.
- 26 C. Taylor, "Shared and Divergent Values," in R.L. Watts and D.M. Brown, eds., *Options for a New Canada* (Toronto: University of Toronto Press, 1991), pp. 53-76.
- 27 A.C. Cairns, "Constitutional Change and the Three Equalities," in Watts and Brown, eds., *Options for a New Canada*, pp. 77-100.
- 28 McRoberts, *English Canada and Quebec*, p. 14.
- 29 Cairns, "Constitutional Change," pp. 77-100.
- 30 G. Boismenu, "Le théâtre constitutionnel: L'épilogue reste à écrire," in D. Monière, ed., *L'année politique au Québec 1989-90* (Montréal: Québec-Amérique, 1990), pp. 61-79; G. Boismenu, "Les écueils du Lac Meech," in Monière, ed., *L'année politique*, pp. 79-99; idem, "Requiem pour l'Entente constitutionnelle de 1987," in Monière, ed., *L'année politique*, pp. 57-66.
- 31 Greg Marc Nielsen writes: "The symbolic representation of each event differs depending on which one of the existing political cultures one belongs to. The two societies are thus relatively separated. At the same time, however, symbolically their discourses are profoundly inseparable, given their common institutional history. How can one be explained without reference to the other?" (Translator's version). G. M. Nielsen, "Misère symbolique," *Possibles*, 16 (1992), 67-68.
- 32 Resnick, *Toward a Canada-Québec Union*, pp. 29 and 31.
- 33 This idea was proposed by the Canadian Unity Commission in its report entitled *Se Retrouver. Observations et recommandations* (Ottawa: Ministère des Approvisionnement et Services, 1979).
- 34 R. Reich, *The Work of Nations: Preparing Ourselves for 21st Century Capitalism* (New York, NY: Alfred A. Knopf, 1991), p. 304.
- 35 M. Albert, *Capitalisme contre capitalisme* (Paris: Seuil, 1991), p. 25. Albert's analysis resembles Lester Thurow's vision of Europe: *Head to Head: Coming Economic Battles among Japan, Europe, and America* (New York, NY: Morrow, 1992).
- 36 Calhoun, "Nationalism," 406-408.