

Alternatives to Secession

by

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Abstract

The author proposes the option of Québec's asymmetry and explores the conditions that would render such an arrangement politically viable. He maintains that the formation of a tripartite alliance of English Canada, Québec, First Nations, would make it possible to counter global corporatism and market forces.

After Canadians voted No in a country-wide referendum on the Charlottetown Accord's proposals to revise the constitution in 1992, a newspaper cartoon showed an English-speaking Canadian talking to a Quebecker. The English Canadian says I voted No because the Accord gave Quebec too much. The Quebecker says I voted No because Quebec got too little. Then they both say in unison: "Good, we agree". The cartoon captured the essence of the debate about Quebec's place in Canada.

In this chapter I argue that asymmetrical federalism is the best solution to affirm the national aspirations of both Quebec and English-speaking Canada. By giving greater powers exclusively to Quebec, to be balanced by less Quebec influence in Ottawa, Quebec-specific asymmetry would accommodate Quebeckers' aspirations for greater self-determination. At the same time, asymmetry would benefit English-speaking Canada by preserving a strong federal government, which could get back into a social and economic activist role that is essential for the long-term existence and flourishing of English speaking Canada. It can also enhance the influence of the West, Atlantic Canada and the North in the federal Parliament. Instead of looking for uniform unity solutions that deny the aspirations of each party, as the Calgary Declaration, the Charlottetown Accord and Meech Lake Accord did, asymmetry can affirm the different needs of each.

This chapter explores two themes. First it puts middle positions back on the operating

table, by examining the merits and flaws of asymmetrical arrangements. Secondly, it explores the conditions in which consideration of middle positions would be politically possible again. I am not optimistic about the political prospects for middle positions at this historical juncture, but the prospect of rapid changes that will make them possible again, are much greater than a few years ago.

I do not discuss the place of aboriginal peoples within Canada and how the creation of a third order of government for natives would affect asymmetrical relations between Quebec and English-speaking Canada. Native self-government agreements involve particular arrangements not applying to non-native Canadians. Treaties are unique historical documents and differ from agreement to agreement. They are by their nature asymmetrical. It is interesting that asymmetry for Natives was endorsed in the failed Charlottetown Accord, but was denied for Quebec. In any new arrangement between Quebec and English-speaking Canada, First Nations rights to national self-determination must be recognized and aboriginals must be full partners to negotiations between Quebec and Canada-outside-Quebec.

Politicians Polarize the Debate

In the first half of the 1990s, two attempts failed to “bring” Quebec into the 1982 Constitution by recognizing Quebec as a “distinct” society. These were compromise agreements: the Meech Lake Accord in 1990 and the Charlottetown Accord in 1992. Compromises can be good ways to resolve differences for peoples determined to live together. But there are good compromises and bad compromises. Rather than denying that important differences exist, good compromises acknowledge differences and affirm the aspirations and identities of each. They work out solutions that meet their different needs. Bad compromises, on the other hand, paper over differences, deny the needs of each party and make compromises that neither party wants. The Meech Lake Accord was minimally satisfactory to most Quebeckers, offended much unsympathetic opinion outside Quebec and would have weakened English-speaking Canada. The Charlottetown Accord was mainly bad compromise, and neither party was satisfied.

Recognition of “an inherent right to self-government” for aboriginal peoples and declaring aboriginal governments to be “one of three orders of government in Canada”, were the only fully positive things about it.

In the aftermath of these failures, came polarization. The Parti Québécois government held its own referendum on sovereignty-association in 1995. It was very narrowly defeated in a cliff-hanger vote. The failure of the bad compromises, followed by the near victory for a Quebec sovereignty vote, pushed middle positions of renewed federalism off the table, at least temporarily. We have been left with the unpalatable and stark choices of secession without association and the status quo.

A counter productive verbal war was waged. “Canada is not a real country”, thundered Lucien Bouchard when he was premier. A majority of Quebecers in a democratic referendum is not enough for Quebecers to choose their future, says Jean Chretien, and furthermore the federal government will not recognize Quebec’s question unless approved by Ottawa. On the night of the 1995 Quebec referendum, Quebec Premier Jacques Parizeau attributed the narrow defeat for sovereignty-association to “money and the ethnic vote”. Foreign observers could be forgiven for thinking that such inflated rhetorical wars could lead to real war.

While verbal wars continue amongst politicians, on the ground, amongst ordinary citizens, there is surprisingly little hostility. A poll released by Montreal’s *L’actualité* magazine on November 1, 1998 asked Quebecers and “Canadians” how each saw the other. Quebecers evaluating English-speaking Canadians gave the highest percentage of good qualities to “honesty”, “ambition”, “loyalty” and “friendliness”. Canadians rated Quebecers most highly as ambitious, honest, loyal and having respect for the environment. This looked less like civil war than two peas in a pod. But like divorce lawyers, the poll invited respondents to name the flaws in the other. What an opportunity at hurling insults. They could have come up with “ignorant”, “lazy” and “incompetent”. Thirty-nine per cent of Quebecers thought Canadians outside Quebec were hypocrites and 57% of Canadians returned the favour. But the largest number of Quebecers managed only epithets as insulting as “hedonists” (75 per cent), and

“spendthrifts” (50 per cent) about Canadians. Canadians managed to hurl back equally pathetic accusations. The number one flaw of Quebecers was - “hedonism” again (82 per cent), followed by “carefree ways”. Even if politicians fight rhetorical wars of polarization, most Quebecers and English-speaking Canadians do not want to follow them into the trenches.

However, despite good will at the individual level between Quebecers and English speaking Canadians, there is universal constitutional fatigue and an unwillingness to accommodate each other’s differing visions of Canada. In their frustration about what is seen as the irrational and intransigent position of most Quebecers, English-speaking Canadians ask “what does Quebec want”. The answer is simple. Most Quebecers want their “nation” (Quebec) and their country (Canada) and do not want to be forced to choose one over the other. But that is precisely what hard liners on both sides demand.

The fortunes of Preston Manning’s Reform Party thrived whenever popular opinion in English-speaking Canada was whipped up against Quebec. Their position to Quebecers was - live in Canada as a province just like the others or leave. We will scare you into submission. It was a variation on the old Chicago blues song “I told you I love you - now get out”. In changing its skin to the Alliance Party, Reform’s anti-Quebec rhetoric was replaced by a vision of radical weakening of federal powers and greater jurisdiction for all provinces. In this twist, Quebec was still treated as a province like the others and not as one of Canada’s “nations”.

Jean Chretien and Stéphane Dion, and Pierre Trudeau before them, share with the Reform / Alliance incarnations a policy of denying Quebec recognition as a nation. On the other side, hard-line separatists like Jacques Parizeau, have a similar message for Quebecers. You must choose your nation - Quebec - over your country. Poly-nation federations like Canada are not “normal”. In this atmosphere, no one is putting forth middle positions between secession and the status quo.

Globalism and differing Aspirations of Quebecers and English-speaking Canadians

We live in an era where ‘globalization’ is assumed to be inevitable. The *Washington Consensus*

or neo-liberal globalism [henceforth globalism], is the regime of governance of this corporate world, where international “trade” agreements curb the power of elected governments and guarantee constitution-like rights of entry to transnational corporations. Under globalism, economic and cultural nationalisms are deemed to be passé and reactionary. Lawrence Summers, former Secretary of the U.S. Treasury under Bill Clinton, called anyone who opposes “Washington’s globalist consensus”, a *separatist*. The aura of inevitability about the Washington consensus was tarnished by the failure of the Multilateral Agreement on Investment (MAI) at the OECD in Paris in 1998, and by popular street resistance against the World Trade Organization (WTO) in Seattle in 1999 and the Free Trade Area of the Americas [FTAA] in Quebec City in 2001. Despite the rise of citizen opposition, globalism is still the dominant ideology of world governance.

I argue elsewhere that globalism threatens the continued existence of multi-nation states like Canada, where shared citizenship is the glue holding diverse, democratic communities together. In more homogeneous ‘nation-states’ where the dominance of one presumed ethnic or linguistic group is relatively uncontested, citizens get a sense of connection from shared ethnic and cultural heritage and from presumed kinship ties. In contrast, in multi-nation states, citizens sense of belonging comes from sharing democratic institutions such as universal public services including medicare and public cultural institutions. By putting consumerism and corporate rights above that of active citizenship, neo-liberal globalism takes aim at the heart of state-nations. On the other hand, globalism has strengthened many ethno-cultural nationalisms. People still yearn for a sense of belonging to a community smaller than the globe and when their civically-oriented state becomes the corporate-oriented state, some seek community in narrow, homogeneous cultural or linguistic national ties.

English-speaking Canada has moved a great distance along the continuum from the British cultural and ethnic sense of nationality of its beginnings, towards becoming a civic, multicultural nation dependent on an activist state and strong federal government. In contrast, it can be argued that the notion of French Canada was based on ethno-cultural membership space

tied to individuals of French Canadian origin living anywhere in Canada. A Quebec conception of nation in contrast to the French Canadian, is territorially-based. It includes equally, at least theoretically, all who live there, and who, regardless of ethnicity, live in a predominantly French language milieu. The move from the conception of a shared French-Canadian ethnic membership space towards a territorially defined Quebec, is in theory at least, a change towards a civic rather than an ethnic sense of who belongs to the 'nation'. But, under pressure from globalism, an activist Quebec state is no longer the heart of the Quebec nation, as it was in the days of the Quiet Revolution in the 1960s and 1970s. The momentum towards a civic sense of Quebec nationality seems to have been halted or possibly reversed. Comments made by prominent Quebec politicians during and in the aftermath of the 1995 sovereignty referendum campaign, made it clear that Quebec nationalism can be a thin civic veneer over an ethno-cultural basis of nationhood.

Philip Resnick calls English speaking Canada the nation that dare not speak its name. Most English-speaking Canadians identify with Canada as a whole, not with an entity called *English Canada*. Nevertheless, even if they do not know or acknowledge it, their nationalism applies only to English-speaking Canada.

Because English-speaking Canada shares a language with the most powerful country in the world, its long-term survival, as George Grant argued in his landmark, *Lament for a Nation. The Defeat of Canadian Nationalism*, in the 1960s, depends on Canada retaining a distinctive ethos. The touchstones of that ethos are a broader public life and a more activist state than in the U.S. Such an entity has been held together in recent decades through a positive nationalism of civic inclusion, built around universal, high-quality public services. A national, publicly-based medicare system is central to English-speaking Canadians sense of their nationality and distinctiveness. But it is broader than that. The sense of belonging is based on a social union, which enforces 'national' [i.e. federal] standards for a wide range of public services and the right to move to other provinces and receive the same citizenship rights.

People are proud of prominent Canadian artists, many of whom got a chance to shine,

because of publicly-funded cultural policies. Canadian content regulations in music and television, support for the Canadian Broadcasting Corporation and aids to Canadian magazines and book publishing are crucial in developing Canadian talent. Even if the economic elites have sold out Canadian private and public corporations to foreign owners and waged a massive propaganda campaign to convince the public that globalization makes the nationality of ownership irrelevant, Canadians have not given up on the need for Canadian ownership and control. To stay together, English-speaking Canada needs a strong, activist federal government that makes the whole greater than the sum of the provinces. Because of this, English speaking Canada's national existence is highly vulnerable to the anti-statist fundamentalism of American-style globalism and neo-liberalism.

Most English speaking Canadians view Canada as one, multiculturally diverse nation of ten equal provinces and three territories. They relate to Canada as individuals or as members of such groups as visible minorities, women and rights bearers, in categories indifferent to federalism's spatial construction of communities. Most Francophone Quebecers in contrast, relate to Canada through the collectivity of Quebec and have an understanding that Canada was formed as a compact between two peoples, one French speaking and the other English speaking. This conception is more accurate than English-speaking Canada's *one-Canada with lots of diversity* conception, but it shares with the dominant view in English Canada, a blindness to the national collective rights of native peoples.

For the past 40 years, all Quebec governments, whether federalist or separatist, have consistently asked for recognition of Quebec as a nation and greater powers. Most Quebecers support these aspirations because they feel that only the Quebec government, rather than Ottawa, can be counted on to represent their collective, *national* interests. There is little confidence that 'French power' in Ottawa, the influence of Quebec politicians in the federal government, can defend Quebec's national needs against majority opinion in English-speaking Canada.

If English-speaking Canada needs to maintain a strong central government and Quebec needs stronger provincial powers, is it possible to satisfy both and remain in the same country?

Yes, but only if Canada adopts some form of Quebec-specific asymmetry.

Quebec-specific asymmetry

Several middle positions between secession and the status quo were articulated before the impasse and polarized choices of the 1990s. I first discuss the mildest versions - informal and formal asymmetries which affirm Quebec's distinctiveness. They do not formally give Quebec more powers than other provinces and do not affect the influence of Quebec members of Parliament in Ottawa. Then I examine more radical asymmetries which give greater powers to Quebec only and at the same time, diminish French power in Ottawa.

Formal and informal asymmetries have existed ever since Francophones and Anglophones began to live in the same political entity, that is - since the Conquest of Quebec in 1760. The 1774 Quebec Act recognized Quebec's distinctive civil law code and Catholicism, a religion which was forbidden in the rest of the British Empire. In 1867, Confederation joined British colonies as a defensive measure against aggressive American threats, but gave the provinces a considerable degree of autonomy, mainly because of religious, linguistic and educational conflicts between what is now Ontario and what is now Quebec. The British North America Act recognised French and English as languages for use in the Legislature, only in Quebec and at the federal level. Under section 133 of the BNA Act, Quebec assumed protection for the province's Protestant (mainly English) minority's school rights. French or Catholic minority rights in other provinces were not constitutionalized in 1867.

After Confederation, many informal asymmetries were established, such as separate collection of Quebec taxes (1950s) and a separate Quebec Pension Plan (1960s). In 1999, Quebec excluded itself, opted out, from the *Social Union* agreement between the federal and provincial governments. The Social Union commits governments to ensuring adequate funding and access for all to essential social programmes wherever they live or move. Quebec receives fiscal compensation from the federal government for similar programmes in the province. Quebec has opted out with compensation from other federal programmes as well.

The failed Meech Lake (1987) and Charlottetown Accords (1992), as well as the Calgary

Declaration (1997), added a purely symbolic recognition of Quebec as a distinct society, but asserted no extra powers for Quebec. Such mild asymmetries are compatible with the constitutional status quo of Quebec's representation in federal politics, but they do not go far enough to satisfy most Quebecers' aspirations.

Stronger asymmetries would grant Quebec substantially more powers than other provinces, balanced by less Quebec influence or 'French power' in Ottawa. Such asymmetries cannot be accommodated by mild informalities and formalities. They would run up against the political legitimacy problems Pierre Trudeau pointed out so clearly in the 1960s: "How can a constitution be devised", he asked, "to give Quebec greater powers than other provinces without reducing Quebec's power in Ottawa?" How indeed? We take up Trudeau's question below.

On the other hand, many, perhaps most, Quebecers would be attracted to a radically decentralized vision of Canada where Quebec, and every other province, would gain 'sovereignty-association' status with each other under an umbrella called Canada. The Allaire Report, prepared by the provincial Liberals in Quebec after the failure of the Meech Lake Accord in 1990, articulated this vision. The Allaire vision is not asymmetry because every province, including Prince Edward Island with its 138,900 people, would get the same sovereignty-association powers. The Allaire Report proposed that the federal government retain powers only over defence, customs, currency and the debt. It was the worst of all proposals, combining Quebec nationalism with equality of the provinces. If implemented, it would not only sever meaningful ties between Quebec and the rest of Canada, but it would break up English-speaking Canada into mini states. To give powers to Quebec as great as the Allaire Report suggested, solutions would involve sovereignty-association or a confederal union of two associate states and Canada would be a country in name only, just a shell that hid the reality of ten or two countries respectively. Such arrangements would not likely last long. When they ran into economic difficulties, some provinces would likely seek to join the United States. If so, Quebec would have no entity to associate with in 'sovereignty-association'. I see such scenarios as politically possible only after Quebec votes Yes to sovereignty in a referendum. But it is more likely that a

Yes vote would lead to an aftermath of bitterness in which English-speaking Canadians would be in no mood to negotiate close ties with an independent Quebec. I do not explore these options here.

In English-speaking Canada, asymmetry has always had more support among political elites, social activists and those immersed in Quebec - Canada relations than amongst ordinary people. If the demands of one part of the country are anathema to another part, what better way to resolve the issue, than to say “this arrangement applies only to this part of the country and another arrangement applies to another part”. It is sensible and practical and works in personal relations. But it does not have the simple elegance of the polarized alternatives - *equality of the provinces* or an *independent Quebec*. As well, asymmetry has natural opponents in the provincial governments outside Quebec, which want to aggrandize powers for their own narrow reasons.

Quebec-specific asymmetry has been the dominant policy choice of many intellectuals and activists from the political Left, and has commanded a solid following amongst constitutional experts in English-speaking Canada. It is acceptable to many soft nationalists in Quebec, but is second best for them. Much preferred by people like Gilles Bourque, Gilles Duchastel and Jean-Marc Poutine is a confederal union of two associate states. Asymmetry has little support amongst ordinary English-speaking Canadians, but has never been put to them in a serious way.

It is problematic for political forces outside of the corporate elite to champion a position with little popular support. The political Left can counter the power of corporate and other elites only by mobilizing popular opinion. But, lacking support from institutions with vested interests in the idea of equality of the provinces, such as provincial governments, asymmetry proponents have been unable to popularize the concept in English-speaking Canada. The popular ideas have resided with Reform / Alliance incarnations and their bed partners in Plan B's hard line against Quebec - the federal Liberals.

Pierre Trudeau halted the move toward formal and informal asymmetries for Quebec and put Canada in a constitutional strait-jacket by asserting a new principle - the equality of the

provinces. Asserting this principle was central to Trudeau's efforts to defeat Quebec separatists at all costs. In the 1970s, Trudeau found an ally of sorts in Peter Lougheed, Conservative Premier of Alberta, who was a forceful advocate for the equality of the provinces, from the perspective of Western, provincial control over resources. The Trudeau – Lougheed alliance was replaced by the Jean Chretien - Preston Manning duo, who in competitive interaction, pushed for Plan B's hard line against Quebec. No special status for Quebec, they said. Will a new competitive pair appear on the scene to prevent a sensible reconciliation of the different aspirations of Canada's peoples?

The term asymmetry came into general use amongst constitutional aficionados in the 1990s as a new way of saying 'particular' or 'special' status for Quebec - terms widely used in the 1960s. Before sovereignty-association replaced it in 1967 as the main positions of soft Quebec nationalists, 'special status' was widely supported in Quebec.

Trudeau, Manning and the provincial premiers of English Canada proclaimed the "equality of the provinces" as a constitutional principle. For them, equality means uniformity. This is the main stumbling block to recognizing the different needs of English-speaking Canada and Quebec. To affirm their different needs, we must satisfy three constitutional goals: **first**, maintain adequate federal powers to promote the social union and a sense of shared Canadian citizenship, a unified Canadian economy and resistance to absorption by the United States. **Second**, provide greater influence in Ottawa for regions outside central Canada and **third**, recognize that Quebec is a nation in the sense of being a people, and requires greater powers as a province and less influence over the federal government.

Trying to combine *distinct* or *unique* society with the 'equality of the provinces' is the kind of bad compromise that denies the aspirations of each side. Recognizing Quebec as a distinct society is a cowardly affirmation of Quebec as a nation. Such recognition is immediately taken away when Quebec is denied a different set of powers because of the equality of the provinces concept. When combined with more powers for Quebec, recognizing 'equality of the provinces' would weaken the first goal - maintaining a strong federal government. Whatever

powers Quebec demands and is given, will be demanded by all the other provinces as well. Equality of the provinces fails to meet the second goal - give greater voice for the regions outside central Canada in the strongest federal forum - the House of Commons.

The idea of asymmetry takes off from Trudeau's excellent question of how you can give Quebec greater powers than other provinces without reducing Quebec's power in Ottawa. The answer to Trudeau's question is that greater powers to Quebec would be counterbalanced by a commensurate decline of 'French power' in Ottawa. At its heart, **Quebec-specific asymmetry involves a transfer of influence and power from one group of Quebec politicians to another - from Quebec members of Parliament in Ottawa to Quebec MNA's in Quebec City.** This is what makes the recent versions of Quebec-specific asymmetry different from the special status positions of the 1960s. The latter were seen in English-speaking Canada as Quebec, and Quebec alone, gaining more provincial powers but maintaining strong influence in Ottawa – in popular vernacular 'having their cake and eating it too'. Quebec-specific asymmetry is potentially more appealing to English-speaking Canadians than special status, because there is not a net transfer of powers to Quebec politicians, just a redistribution from one set of Quebec politicians to another. At the same time, it is likely that it would satisfy the majority of Quebecers.

If done intelligently, Quebec-specific asymmetry would also benefit the West, and other regions outside central Canada, which have always felt their voices in Ottawa were marginal to Ontario's and Quebec's. For these regions, gaining power at the centre holds more appeal than does greater provincial powers. In the 1993 federal election, Preston Manning's Reform Party rocketed from nowhere to 52 seats, using the slogan "The West Wants In". The appeal was for Western power in Ottawa rather than greater provincial rights. How would Quebec-specific asymmetry "bring" the West and Atlantic Canada "in" to power in Ottawa? If Quebec's 75 MPs were absent from many of the decisions in the House of Commons, 'Outer Canada' [The West, North and Atlantic provinces] would for the first time command a majority of seats in Ottawa -123 seats compared to Ontario's 103.

If Quebec-specific asymmetry were to be constitutionalized, the imbalance of seats

between Ontario and the other provinces in English-speaking Canada would not likely hold. With half the Canada-outside Quebec population [49.92%], Ontario would undoubtedly demand a redistribution of seats in the House of Commons to reflect representation by population. But even if this happened, 50 per cent of House of Commons seats for Outer Canada would be a major gain from the present 41 per cent of seats.

Quebec-specific asymmetry holds much promise, but is underconceptualized. If implemented as a bad compromise that combined distinct society with equality of the provinces, it would be fraught with dangers to the coherence and survival of English-speaking Canada. The danger that negotiations could careen out of control and greater powers be given to all the provinces, would be ever present, is an issue discussed below.

I have argued elsewhere that there are three or four ways to grant Quebec-specific asymmetry:

1) Reduce the number of Quebec MPs. Cut the number of Quebec MP's for all matters, roughly in half, to 35 to 40 MP's from the present 75. This proposal was made by the Council of Canadians in 1991.

2a) Senate Reform - a. Scrap the existing and useless, unelected Senate and turn it into an elected legislature for Canada-outside-Quebec. The reformed Senate would have entirely separate powers vis-a-vis the House of Commons, not concurrent ones. The powers of the reformed Senate would be the same as the extra powers granted to Quebec.

2b) Senate Reform - b. Alternatively, the Senate could be transformed from its current role as the house of patronage to an elected second House with concurrent powers with the House of Commons. Quebec would have zero or reduced representation in the Senate, in return for greater powers as a province. To get this compromise, there would have to be a trade-off between the West's desire for greater representation in the Senate (Triple E Senate) and Quebec's desire for greater powers as a province.

3) House of Commons Restructuring. The third alternative and the one I favour would require a 'Triple A' Senate - *abolish, abolish, abolish*. Instead of Senate reform, this alternative would

establish the principle that for each unique power that the Quebec National Assembly gains, Quebec's federal members of the House of Commons lose the right to vote on those matters in the House of Commons. It would mean two parliamentary sessions, one to deal with all-Canada issues and a separate session to handle Outside-Quebec business.

The first two alternatives are neater legislative solutions, but pose major political difficulties. Reducing the number of Quebec MP's for all issues would decrease the influence of Quebec over the federal government on a scale roughly equivalent to the greater powers the Quebec Assembly would gain. It has the advantage of maintaining all MP's with the same capacities. However it would be unfair in two ways. The smaller number of Quebec MP's would still vote on matters that applied only to issues outside Quebec. On the other hand, Quebec would not have its fair share (about one quarter) of federal MP's when it came to all-Canada business such as Foreign affairs, defence and other matters that affect Quebeckers as much as other Canadians.

The clear functional separation of the Senate from the House of Commons, alternative 2a, has merit. A Senate without Quebec senators would, for the first time, give English-speaking Canada an institutional voice and be the focus for the development of an English-speaking Canadian identity. If so, this would be a positive development. Quebec MP's would have exactly the same powers as MPs outside Quebec, so that the House of Commons could operate in uncomplicated fashion. The disadvantage is that the arrangement would create a fourth level of government in English-speaking Canada: The Canadian, the English-speaking Canadian, the provinces and local governments. This is the major flaw of this alternative. No one wants four levels of government.

The best alternative appears to be number three – restructuring the House of Commons. It has a ring of justice, understandable to all. For each extra power Quebec gains provincially, its federal MPs lose the right to vote on those issues. But Quebec would not be allowed to choose any powers it wants in return for giving up federal representation. The federal government would retain enough powers over all of Canada to maintain a viable country.

Alternative number three would create complications to the workings of Parliament and unless these complications are resolved satisfactorily, could doom the scheme. The removal of Quebec MPs from sessions dealing only with Outside-Quebec jurisdiction, would create MPs with different capacities, but not another level of government.

To work, alternative number three would require adjustments to the way the House of Commons operates.

1) The House of Commons would need separate sessions: an all Canada session and an Outside-Quebec session. These sessions could be held on the same day, say one in the morning and the other in the afternoon or on alternate days. Bills would be grouped according to whether they applied to all of Canada or Outside Quebec.

2) Only the all-Canada or the Outside Quebec session could be a confidence chamber, where the government could fall in votes of confidence. Confidence votes could not be held in both chambers or there would be two levels of government. The Chretien governments elected in 1993, 1997 and 2000 would have had majorities in both the all-Canada and the Outside-Quebec chambers. But the Mulroney government of 1988 to 1993 would have had a majority in the all-Canada session, but a minority in the Outside-Quebec session. It would have had to act as a minority government in the Outside-Quebec session and ally with at least one other party in order to pass bills. Joe Clark's short-lived government of 1979 would have been in the reverse position - a minority in the all-Canada sessions but a majority Outside-Quebec. Because this proposal increases the likelihood of minority governments, it would have the positive effect of increasing the power of MPs in relation to the Cabinet and forcing cooperation and alliances that are familiar to many European Parliaments.

What extra powers would Quebec get? At a minimum: immigration, broadcasting, culture, social services and perhaps increased jurisdiction over the economy. But Quebec would not simply be given all the extra powers it asked for in return for reduced influence in Ottawa. For one thing, the extra powers that Quebec gained would determine the powers of the Outside-Quebec sessions. In this sense, there is symmetry to this version of Quebec-specific asymmetry.

English-speaking Canada and especially the Outer Canada part, would have its own list of powers that it wanted the Outside-Quebec sessions to have and these are not likely to coincide exactly with those that Quebec would want. Outer Canada's grievances have traditionally been, not cultural, but economic: interest rates, control over resources, transportation and regional development policies. To determine the extra powers that Quebec and the Outside-Quebec session got, there would have to be negotiations, which settled, that is, constitutionalised the powers, so they could not be moved back and forth after every election. And the federal government would have to retain enough powers to maintain a viable country. At a minimum, the all-Canada session must have exclusive or primary control over foreign affairs, defence, citizenship, aboriginal affairs, monetary policy and international agreements on corporate rights and trade. As well, the federal government must retain substantial, but not exclusive powers over the economy and regional development.

The above is a brief outline of how the restructuring of the House of Commons would work, but major questions remain to be settled:

1. Can Parliament work effectively when Quebec MPs are involved in only part of its operations? Would votes of confidence reside in the all-Canada Session or the Outside-Quebec Session?
2. Could the influence of Quebec cabinet ministers be effectively curbed in areas of jurisdiction that applied only outside Quebec? Would this restriction apply to a Prime Minister from Quebec? Would there ever be a Prime Minister from Quebec?
3. How attached to Canada would Quebecers feel in this new arrangement? Would they feel more or less attached to Canada than now?
4. How would federal powers be transferred to Quebec - through a devolution of powers or through the use of concurrency with provincial paramountcy?
5. How would federal programmes transferred to Quebec be paid for - through tax points transferred to Quebec, block grants or other means?
6. What about equality of the provinces? Should the offer of extra powers in return for reduced

federal influence be offered to other provinces too. Would they turn down the offer and by doing so legitimate Quebec-specific asymmetry? If some of the other provinces surprised us and accepted greater provincial powers and less federal influence, what would this do to the viability of English-speaking Canada?

7. Is there a conflict between Native peoples' inherent right to self-government and an asymmetric shift of powers to Quebec? Would greater powers for Quebec differentially affect Native self-government compared to the situation in other provinces?

At the outset, I remarked that Quebec-specific asymmetry is underconceptualised. The sorts of questions raised above need to be addressed at both the intellectual and popular levels. Intellectuals from the three national categories and regions of Canada would have to get together in various venues to debate and discuss how Quebec-specific asymmetry could work. But we could not leave the resolution to such questions up to academics. Popular fora, along the lines of the five constitutional conferences that Joe Clark organised in the winter of 1992, before the Charlottetown Accord, but this time including many Quebec nationalists, would be the best way to resolve questions in developing a new, people-to-people understanding that needs to underlie a democratic Canada for the 21st century. In the Meech Lake and Charlottetown Accords, we saw that the worst way to restructure Canada, would be to leave it in the hands of inter-governmental negotiators. Governments have narrow interests in enhancing their own jurisdictions and powers; they abhor citizen participation and prefer haggling behind closed doors. For the most part, government leaders have little vision for the country. Of course, the work I suggest here will remain hypothetical and undone until there is the political will to undertake it. What conditions could lead to such political will simultaneously in Quebec and English-speaking Canada. This is the subject of the next section.

Possible Scenarios for the Revival of Quebec-Specific Asymmetry

Outside Quebec, close observers saw the rise of sovereigntist support over several decades and took it seriously especially after the defeat of the Meech Lake Accord in 1990. But most

English speaking Canadians were in denial. For most, the response had been that Quebeckers are whiners; they won't really do it; the Quebec media and politicians have fooled ordinary Quebeckers. In this naive and ungenerous view, ordinary Quebeckers are seen as easily manipulated, whiney children.

The 1995 referendum result shocked the majority in English Canada. At last, they took Quebec secession seriously and the reaction was anger, be tough, don't allow it, rather than accept Quebec's right as a nation to choose its own future. The dominant mood was certainly not reconciliation and accommodation. Asymmetry was not presented to English-speaking Canadians then, but the mood was hostile to "special status" for Quebec. It was love it or leave it. In other words, take Canada on English-Canadian terms, or leave. Scare hell out of Quebeckers.

The Reform Party articulated this position before the 1995 Quebec referendum and the federal Liberals denounced them as negativists. After the extremely close call for federalists in the referendum, the federal Liberals did a complete about face, jumped on the Reform Party's hard-line against Quebec and called it *Plan B*.

From the vantage point of 2001, I list the changes in political fortunes that would be necessary to put Quebec-specific asymmetry and reformed federalism back on the table. A few years ago, the requirements were steep and hence my lack of optimism at that time. But the political bases of polarization that rose after the defeat of the Meech Lake Accord and the 1995 Quebec referendum are receding and the situation could look a lot rosier in a few years.

1. *The Retirement of Jean Chretien*. Success for Quebec specific asymmetry requires a firm alliance between soft Quebec nationalists and the supporters of a strong federal government in English Canada - that is the Canadian nationalists of the political left and centre. The great danger is that, given the entrenched institutional power of the provinces and their historical role in constitutional negotiations, asymmetry talks could be taken away from a centralist English-speaking Canadian - Quebec nationalist axis and shifted to a provincial rights - Quebec nationalist axis. The New Right's preference in dealing with weak provincial governments, is

the likely power bases for the latter axis. If such actors were to gain the upper hand, the extra powers offered to Quebec as asymmetry, would be offered to other provinces as well. It is quite possible that several would take up some or all these powers. The three, big rich provinces of English speaking Canada – British Columbia, Alberta and Ontario, now all in the hands of New Right premiers - are the most likely candidates. In this case, English-speaking Canada would be worse off than now, with the federal government and ‘national’ standards for social programmes considerably weakened.

To counter a provincial rights - Quebec nationalist alliance, would require leadership from a Prime Minister firmly committed to Quebec-specific asymmetry and to its political base - a centralist, English-speaking Canadian - Quebec-nationalist alliance. The last time we saw anything like this was from Liberal Prime Minister, Lester Pearson, in the 1960s. It is not a coincidence that such an orientation came from the last elected, Liberal Prime Minister from English-speaking Canada.

The lead up to the Charlottetown Accord, taught us that Quebec-specific asymmetry can thrive in constituent assemblies made up of individuals, not politicians, from all over Canada. The 1992 Halifax conference in particular, supported it strongly. But as Reg Whitaker argued, as soon as the provincial premiers took over from the constitutional conferences, asymmetry was discarded. Thus, to be successful the constituent assembly route would have to be taken much farther. A constituent assembly could be asked to recommend a solution, which would be put to a cross-Canada referendum, before the premiers got their hands on it. This strategy requires a skilful Prime Minister committed to Quebec-specific asymmetry.

The initiative would have to be taken by a Prime Minister from English Canada. Prime Ministers from Quebec are too close to the polarized Quebec debate, and in any case, lack the legitimacy in English-speaking Canada to sell what would be seen widely as a pro-Quebec proposal. A Quebec government is also very unlikely to propose Quebec-specific asymmetry. A Quebec Liberal government might eventually support it, but could not take the initiative because it would be made to look too weak by a still powerful sovereigntist Opposition.

Thus the first requirement for the politics of support for Quebec-specific asymmetry is the retirement of Jean Chretien and that whole generation of Francophone, anti-Quebec nationalism warriors who have surrounded the Trudeau-Chretien crusade.

2. Revival of the Conservatives as the Dominant party of the Right.

According to Susan Delacourt, Joe Clark was surprised at the January 1992 Halifax constitutional conference which proposed asymmetry. The idea had been raised in Mulroney's cabinet in 1991 and simply dismissed. After the Halifax conference, Clark got on the phone and called politicians across the country. "I really thought we had something here", he is reported to have said. "But I kept going around, and I could not find anybody ... including NDP leaders in the provinces, and Liberal Opposition leaders, Conservative opposition leaders". The conversation was generally brief: "What about asymmetry? Could you buy it?" The answer was universally "No".

After the defeat of the Charlottetown Accord, Clark said: "There may well come a time when people will say, that [asymmetry] makes sense ... But it's not a case I think is viable now." Thus, it is conceivable that under the right circumstances, Joe Clark could again be convinced of the need for asymmetry. But even if Joe Clark championed asymmetry, he would likely ally himself with the provincial premiers outside Quebec and offer a very decentralized version of asymmetry. After all, this is still the "Canada is a community of communities" Joe Clark of 1979, who later endorsed the 1997 premiers' proposals for a decentralized social union.

In the fall of 1999, Joe Clark showed his continued commitment to renewed federalism rather than confrontation when he courageously opposed Chretien's imposition of hard-line federal rules on the terms of Quebec's separation. At the time of writing, in the summer of 2001, the politics of the Right in English-speaking Canada were in turmoil, with the rupture of the Alliance Party under the leadership of Stockwell Day. The weight of Joe Clark and the traditional Tories in a restructuring of the Right, was uncertain. A revival of Quebec-specific asymmetry hinges greatly on a victory for Conservative Party forces over those of Reform /

Alliance incarnations.

3. Decline of the Reform /Alliance and the Bloc Québécois.

After the defeat of the Meech Lake and Charlottetown Accords, the Reform and the Bloc *Québécois* parties rose in the heartlands of Tory support - Alberta and Quebec. That is why the Conservatives had a catastrophic decline from 169 to two seats in the 1993 federal election. These parties represented the politics of polarization on Quebec-Canada questions. Their decline is necessary if a politics of accommodation is to recur.

As the successor party to Reform, Alliance Party incarnations are the major roadblock to acceptance of Quebec-specific asymmetry in English-speaking Canada. The Chretien government followed, in milder form, the Reform / Alliance lead on many policies - the debt, tax cuts and cuts to social spending. As discussed earlier, the Liberals also adopted Reform's combative strategy against Quebec after the 1995 referendum and called it Plan B. Much of the Reform Party's strength was dependent on mobilizing hostility to Quebec in the West. Analysing Reform Party prospects in 1996, Link Byfield, publisher of the right-wing magazine, *Alberta Report*, wrote:

The Reform Party assumed that either the fiscal problem or the Quebec problem would surely reach a critical stage within 4 years and that "if the Quebec problem did blow up, English Canada would almost certainly unite behind the one party that undividedly championed English Canadian interests. This would bring Reform to power ... Neither issue blew up and Manning plainly cannot figure out what to do ... The immediate fate of the Reform Party is in the hands of Lucien Bouchard

As the visceral level of hostility to Quebec declines, as it has been doing recently, Reform / Alliance forces lose much of their *raison d'être* and momentum. The strength of Reform / Alliance incarnations hinder the federal Liberals from taking a more accommodating position on Quebec. Thus a major step towards creating a space for Quebec-specific asymmetry is the weakening of Reform / Alliance forces.

Conservative Party revival is also dependent on a steep decline of the Bloc Québécois, which stole its party's base in Quebec. The Bloc's fortunes were partly dependent on the strength of Reform and its anti-Quebec bashing. In the 1997 federal election campaign for example, Jean Charest, the then leader of the federal Conservatives, 'won' both the English and French television debates. In the aftermath, it looked like the Tories would make major breakthroughs in both English-speaking Canada and Quebec. In response to the Conservative threat, Preston Manning's Reform Party unleashed television ads asking if Canadians wanted to elect another Prime Minister from Quebec. This campaign revived Reform's fortunes in its Western base, but also had the inadvertent effect, of resurrecting the Bloc and limiting what had appeared to be Charest's big breakthrough in Quebec.

Closer to home, the Bloc's fortunes are contingent on the likely prospects of a sovereigntist referendum victory. In 2001, sovereigntist support had been weakening and the prospect of another referendum, let alone a sovereigntist victory, seemed remote. The Conservatives, as well as the federal Liberals, could benefit from a weakening of the Bloc

4. *The Rise of the Left in English-speaking Canada.* The 1993 federal election saw the near collapse of the Conservatives and the New Democrats - the two parties in English-speaking Canada that were most open to more flexible accommodations with Quebec. We have discussed the situation on the Right, what about that on the Left? At its founding convention in 1961, the NDP endorsed a two nations policy, but in practice had great difficulties overcoming its centralist-uniformity orientation and even some anti-Quebec sentiment in its support base in Western Canada. Stuck in the Keynesianism of the 1950s and 1960s, the conditions for which corporate globalism has swept away, an unrefashioned New Democratic Party is on life-support systems. The social movements Left is much more dynamic and has championed Quebec-specific asymmetry. In the early 1990s, the Council of Canadians adopted a three nations policy, and the National Action Committee on the Status of Women and several labour leaders took leadership roles in recognizing Quebec as a nation. These groups continue to forge strong ties

with the Left in Quebec, which is overwhelmingly sovereigntist, but which is increasingly alienated from the steady right-wing shift of the sovereigntists since the days of Rene Levesque. Left initiatives for Quebec-specific asymmetry would be necessary to give the idea the dynamism it needs to get relaunched and back on the political agenda.

5. *Defeat of the Parti Québécois Government.* A Péquiste government would not support Quebec-specific asymmetry because a majority of Quebecers would like it much better than secession. At the time of writing, the Parti Québécois was in decline. Its fortunes could revive in future.

6. *Knife at the Throat.*

Reg Whitaker suggested a sixth necessary condition - Professor Léon Dion's 'knife at the throat' strategy, which was also evoked by Guy LaForest in the early 1990s. This strategy asserted that English-speaking Canada would negotiate renewed federalism with Quebec only when threatened by separation. Without the knife, English-speaking Canada would fall asleep again. Such a threat is only credible, if it appears that a Quebec government would carry through on the threat to separate if it did not get, say asymmetry. Only a Quebec Liberal government, faced by a strong challenge from the Parti Québécois, would use a knife at the throat strategy. The PQ wants sovereignty or sovereignty-association, not renewed federalism. Whitaker argues that Liberal Premier Robert Bourassa's threat to separate after the death of the Meech Lake Agreement, quickly turned into a knife at Bourassa's own throat. It became: If English Canada does not negotiate to the satisfaction of Quebec's demands, it will be political suicide for me. *Your money or your life* is a much more effective negotiating tactic than *Your money or my life*. I'm not sure the knife-at-the-throat strategy is a necessary condition for the success of Quebec-specific asymmetry. It may be. But it is hard to see this scenario unfolding credibly after Bourassa's botched use of it.

In sum, five or six major political changes would be necessary to put Quebec-specific

asymmetry back on the table. We have to finish getting through the politics of polarization first. It could happen in the next few years. Meanwhile, it is important to think through alternatives to the stark choices of secession versus the status quo strait-jacket.

Conclusion

In this paper we have discussed the differential needs of Quebec and English-speaking Canada and how uniform constitutional principles, applied to both are bad compromises which hinder the full flowering, and perhaps even the survival, of each nation within Canada. We saw that the principle of 'equality of the provinces', a relatively recent invention, is the main stumbling block to reaching a positive accommodation. To avoid being sucked into the neo-liberalism and corporate rule of the American model, English-speaking Canada needs a strong and activist federal government to set 'national standards' and to create a sense of unity and a 'sharing and caring' ethos, distinct from that of the United States. Quebec, on the other hand, needs to avoid being sucked into the English-speaking Canada's vortex of strong central government and 'national' standards.

Will Quebec and English-speaking Canada continue to thwart each other's aspirations, "two nations warring within the bosom of a single state"? This paper presents Quebec-specific asymmetry as a means to give Quebecers recognition as a nation and different, but not more powers, as the way out of the long-standing, historical impasse. At its heart, **Quebec-specific asymmetry involves a transfer of influence and power from one group of Quebec politicians to another - from Quebec members of Parliament in Ottawa to Quebec MNA's in Quebec City.** As well, it could enhance the development of a specifically English-speaking Canadian identity and increase the influence of Outer Canada in Ottawa. Quebec-specific asymmetry is a good idea, but is underconceptualised. Major problems are outlined that need to be resolved both intellectually and politically.

However Quebec-specific asymmetry will remain a hypothetical concept stuck on the shelves of a few academics, until political will develops in many quarters to dust it off, refine it

and put it to use. For political will to develop, several changes must occur: the retirement of Jean Chretien, the revival of the Conservatives as the dominant party of the Right, the decline of Reform / Alliance incarnations and of the Bloc Quebecois, the defeat of the Parti Quebecois government and perhaps use of the knife-at-the-throat strategy. It would also require either a Liberal Prime Minister from English-speaking Canada who is committed to the project or perhaps a Conservative government led by Joe Clark or someone of similar views.

Is there a role for the English-speaking Canadian Left in all this? Yes. Their influence is crucial in resurrecting a strong leadership role for the federal government, in preserving Canada as an entity distinct from the United States, in recognizing Quebec as a nation and in forging ties with the new Quebec Left. The latter is becoming increasingly alienated from a conservative sovereignist movement and finds itself in common cause with its English-speaking counterparts in the social movements Left, in opposing neo-liberalism, corporate rule agreements, global poverty and global environmental disaster. For the first time in decades, the Lefts in Quebec and English-speaking Canada marched together in tens of thousands against the global elites, hidden behind fences in the FTAA, the Free Trade Area of the Americas, Summit in Quebec City in April 2001. They marched against the 'Washington Consensus'.

In conclusion, as Louis Balthazar states, "it is difficult to conceive of any *raison d'être* for Canada apart from it being an alternative to the United States. The very existence of this country is predicated on its refusal to join the U.S.A". For Canada's three national groupings - Quebec, English-speaking Canada and the many First Nations, Canada is still a place in which to work out a more collective provision, a broader public life and respect for deeper cultural and national diversity than in the corporate melting pot to the south. Whatever arrangements we work out amongst ourselves, the nations on the northern part of North America are small and always face the danger of being pulled fully into the Washington consensus. To counter corporate globalism and life as measured by pure market values, we need tri-national alliances within Canada. The chance may yet come to build fruitful alliances that meet, rather than deny, the different needs of the partners.

