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Author(s): Gordon Laxer

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Constitutional crises and continentalism: Twin threats to Canada's continued existence*

Gordon Laxer

We have only been in power for two months, but I can tell you this: give us 20 years, and it is coming, and you will not recognize this country. Moreover, the whole area of federal-provincial-relations will also be changed. Brian Mulroney (House of Commons Debates: Nov 7, 1984: 40)

The 1980s and early 1990s have been a tough time for Canada, and especially for English-speaking Canada. Recurring constitutional crises combined with victories for continental economic integration and the dismantling of the power of the Canadian state in the name of the "marketplace," have called into question the long-term independent existence of a separate country or countries to the north of the United States.

The 1980s began with a referendum on whether Quebecers wanted to separate from Canada.¹ By voting "no," a majority of Quebecers said yes to Canada and set off a series of constitutional changes, either made or proposed, that ironically drove many federalists in Quebec to adopt sovereignty-association positions,² previously held by their separatist adversaries. The terms for Quebec's staying in Canada may well be both a shift of powers from the central government to the provinces and "market"-oriented constitutional restrictions on the powers of all levels of government in Canada. At the same time the state-based projects of English-speaking Canadians, projects which expressed the essence of their sense of shared nationality and difference from the Americans, were weakened or

* Thanks to Claude Denis and David Schneiderman for comments on earlier drafts of this paper. Please address all correspondence and offprint requests to Professor Gordon Laxer, Department of Sociology, University of Alberta, Edmonton, Alberta, T6G 2H4.

1. The question asked for a mandate to negotiate sovereignty-association.
2. See the Quebec Liberal Party's Allaire Report and the National Assembly's Belanger-Campeau Report, both written in 1991.

dismantled. The defeat of attempts to Canadianize the oil and gas industry, the weakening of social services and Canadian broadcasting in a deficit-driven political agenda, and the adoption of the Canada-US Free Trade Agreement were successive blows to the heart of (English) Canadian nationality. Using the argument of “economic efficiency,” the economic package of the 1991-2 constitutional proposals and a trilateral North American Free Trade Agreement promise to further dismantle the powers of the Canadian state.

The constitutional crisis and the important victories for neo-liberal ideology (or neo-conservatism, the terms will be used interchangeably³) are not unconnected. The dismantlers of the power of the Canadian state are bringing us their version of “national unity.” If they succeed, the prospects for a long-term accommodation between Quebec and Canada will be dim, as will the continued survival of distinctive societies and an independent country on the northern half of North America. The separation of Quebec and the triumph of neo-liberalism threaten all or almost all of the characteristics that differentiate English-speaking Canada from the United States. Can Canada survive in the face of these twin pressures? This is the perennial Canadian question.⁴

This paper will examine the basis of English-Canadian nationality, propose a new foundation for a relationship with Quebec and assess the long-term prospects for Canada as an independent country.

Nation and state

Philip Resnick (1987) argues that there are two kinds of nations: those fostered from above, from the state and those that have grown up from below, from civil society. English Canada is the first kind of nation while Quebec is the second kind.

[Quebec nationalism] remains a libidinal factor, rooted in civil society and popular consciousness, one moreover which can well up from below at any moment, whatever the formal division of powers between Ottawa and Quebec, whatever the current state of English-French relations . . . its origins predate 1867. . . . Conversely, on the English Canadian side, nationalism remains closely tied to the federal state. There may be a little more vibrancy to English Canadian culture today (that part that has survived American bombardment); patriotism evokes a measure of spontaneous support within the population. English-Canadian nationalism, however, is linked to governmental programmes and policies, and the key debates from free trade to foreign policy to public vs. private ownership, typically revolve around the proper use (or misuse) of state power. (1987: 19-20)

The tensions arising from these different bases of nationhood, Resnick argues, are unlikely to subside, at least in the present type of constitutional arrangement.⁵ Let's explore the relationship between nation and state.

3. Neo-conservatism became the operative term in the 1980s for a diverse set of right-wing politics, the economic basis of which is classical liberalism. See Lipset (1988) and Nisbet (1986).
4. Canada faced similar threats from a nationalist Quebec government and for proposals for commercial union and even annexation to the United States in the late 1880s. See Goldwin Smith (1971 [1891]).
5. Resnick was categorical about the inevitability of tensions in French-English relations in his 1987 article, but in *Toward a Canada-Quebec Union* (1991) he is more optimistic that the bases for tensions could be resolved in a new arrangement that recognized the two sociological nations as a starting point.

Many nations have existed for long periods without having their own states. Statehood was sometimes achieved after long struggles against foreign domination or to unite many smaller states that, in diaspora fashion, constituted a nation in the sociological sense.⁶ Poland, non-Russian nations of the former Soviet Union such as Ukraine or Lithuania are examples of the first pattern while Germany and Italy are examples of the second. But we must not assume in nineteenth-century teleological fashion, that all sociological nations are destined to gain their own separate states. The Kurdish people, spread over several Middle Eastern countries, may or may not eventually achieve their own single state. Many states such as India or Switzerland either encompass several nations or else, like Germany, Austria, and part of Switzerland, they fail to encompass the whole of what was once the sociological nation of German-speaking peoples. Sociological nations that developed from the bottom up, have often done so in opposition to the states in which they existed.

Other nations have evolved from above, as monarchs and bureaucracies fostered loyalty, mobilization, and cultural assimilation amongst their subjects to provide some glue to the territories where they happened to rule (Rokkan, 1970: 101). Could they develop a single genuine sociological nation or perhaps several larger sociological nations out of the diverse peoples and local communities who shared a state territory? The successful transition from state to nation or nations depended upon several things: state-sponsored persuasion and coercion, the history of relations amongst the peoples in the single state, perceived economic benefits from the union, the degree of internal cultural distance, and other factors. Resistance to assimilation into the dominant, state-sponsored culture has almost always occurred when sociological nations were incorporated into the modern state by conquest (Liebersohn, 1961).

The experience of belonging to the same state over a long period can produce a sense of shared collective memory, the most powerful of which are wars and invasions.⁷ But as the histories of the Soviet Union and Austria-Hungary attest, shared experiences are not enough in themselves to generate a desire amongst citizens to remain in the same state. Several European countries including Britain, France, and Russia, began as kingdoms encompassing diverse groups of peoples. Through state sponsorship there developed sociological nations amongst large majorities of the population. But in none of these countries has the process of homogenization been complete. Each have unassimilated minority nations for which claims have been made for independent statehood.

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6. I use the term "sociological nation" in the empirical sense of a people who share a number of objective and subjective characteristics. See pp. 203-4 regarding a full treatment of this meaning of "sociological nation." The term is not meant as the sociological use of the concept of nation.
 7. Such experiences are not necessarily enough to produce a sense of unity, witness the Soviet Union's determined resistance to Nazi Germany's invasion and the subsequent dissolution of the Soviet state.

In its present borders Canada will not become a single sociological nation, at least not in the foreseeable future. Historical attempts to assimilate Francophones and Natives, the two sets of peoples incorporated into Canada by conquest, have not, for the most part, succeeded.⁸ Instead, assimilation pressures produced the reactive nationalisms that Lieberman outlined. This is Canada's colonial legacy. Any attempt to renew assimilation policies or even to deny the legitimate "national" claims of these nations will surely lead to the breakup of Canada.

English Canadian nationality

Our concern here is to determine the nature of that other entity, if it can be considered a single entity, English-speaking Canada. It is usually referred to as the "rest of Canada." Has a state-centred nationalism succeeded in creating a sociological nation out of this residual category or is English-speaking Canada an integral part of North American society that by historical accident just happens to be housed, with Quebec and Native peoples, in an independent state?

There is widespread agreement that English-speaking Canada was not a sociological nation in 1867. A.A. Dorion's characterization of confederation as "this railway scheme" that was "not brought down in response to any call from the people" (Waite, 1963: 90-1) and Robert Haliburton's lament that Confederation "created as little excitement among the masses as they would feel in the organization of a joint stock company" (1869: 1), capture the essential top-down, state and business character of the act of confederation. But that was over a hundred years ago. Has a genuine bottom-up nationalism developed in English-speaking Canada in the meantime? In my view English-speaking Canada is in transition to becoming a sociological nation. We no longer have many remnants of a top-down, state-imposed nationalism, artificially attempting to stir some loyalty amongst Canadians. In fact the Canadian state and the closely allied economic elites have recently become anti-nationalist, at least in relation to Canadian economic, social, and cultural independence vis-à-vis the United States. The calls to maintain state-sponsored programs such as medicare; CBC funding; or controls on foreign ownership, that keep Canada distinct, are calls from below. By and large they are resisted by an anti-nationalist state and the business class.

Whether English-speaking Canada will ever fully complete the transition to sociological nationhood with a strong consciousness of itself, has not yet been decided. The outcome depends upon several things: the relations worked out with Quebec, the extent of economic and political integration with the United States, and the future of neo-conservatism in Canada. The next few years will be crucial.

8. There has been a great deal of assimilation of Francophones outside Quebec. See McRoberts (1989: 154).

The predominant conception of “nation” in English-speaking Canada is the formalistic, territorial one. Nation is viewed as a synonym for an independent country. In this sense English Canada is not a nation and will not become one until Quebec separates. English Canada may become a formal nation in this sense rather soon.

On the other hand “nation” has been widely accepted internationally in the sociological sense as a people who share a number of characteristics which usually include: inhabiting a contiguous territory (not necessarily coincident with a state), a common language, often a common religion, a shared history, and above all a consciousness of themselves as a people. Karl Marx, the great tribune of internationalism, accepted this definition of nation and was the first to formulate the concept of “self-determination of nations” in 1865 in the First International’s *Proclamation on the Polish Question* (Connor, 1984: 11). It is unlikely that when George Bush called on the still-existing Soviet state in 1989 to observe Lithuania’s “right of national self-determination,” that he was aware that he was endorsing a concept of Marxist origin. It shows how widely the sociological concept of nation and national rights have diffused.

The sociological definition of nation is the one most widely held amongst francophone Quebecers because they constitute a sociological but not a state-based nation. English-speaking Canadians on the other hand have been reluctant to accept the validity of this concept. Partly it’s that the formalistic nation-as-state definition is predominant in English-speaking countries. But the vehemence with which many English Canadians reject the sociological concept of nation shows that the issue is not simply a quibble over definitions. Acceptance of Quebecers’ assertion that they are a nation is disturbing to many English Canadians because it contradicts the idea that Canada is comprised of individual citizens in equal provinces. It would also mean that Quebecers have a right to choose independence.

There is another reason that many English Canadians reject the idea of nation as a sociological rather than a legal entity. English-speaking Canadians are very heterogeneous in their ethnic and racial origins. Any concept of nation that implies that people of a privileged ethnic origin, for example Anglo-Saxon or Celtic, are more genuinely Canadian than citizens from other origins, smacks of the nativism and racism that was prevalent in Canada before the Second World War (Palmer, 1982). There is no doubt that the sociological concept of nation has a “tribal” connotation. When it is predicated on a myth of common descent, as in the idea of “pure laine” Quebecers, held by some Francophones, it is exclusivist and intolerant of outsiders. Sociological nations have often had trouble welcoming diverse groups of outsiders into their midst. But this is not always the case. Francophone Quebec has not been restricted to those of ancient French origin as the following surnames of recent prominent francophone politicians attests: Johnson, Burns, and O’Neil in the Parti Québécois and Ryan

of the Liberal Party. Of course francophone Quebecers, like their English Canadian counterparts, have had more trouble accepting visible minorities into their ranks.

For the reasons given above, English Canadians will be reluctant to recognize Quebec as a nation until Quebec separates. This is the point at which the formal and sociological definitions of nation merge and also the point at which it will be too late to put Canada back together again.

Is English-speaking Canada a nation in the sociological sense? Yes and no. It is not yet a nation in the subjective sense of a strong identification with an entity called English Canada. Most English-speaking Canadians identify with Canada as a whole and often as well with their province, region, and ethnic group. Not many think of themselves as “English-speaking Canadians,” but this is likely to change the more Quebec is defined as a distinct entity, especially if it gains different powers compared to other provinces. The subjective side of nationality would develop quickly if English Canada were given a separate political expression in the alternative of Quebec-specific asymmetry (see below), two confederal states which would include a parliament for English Canada (Resnick, 1991), or Quebec independence.

English Canada is objectively a nation already. It has a common language for people of diverse ethnic and racial backgrounds, shared understandings based on the broad heritage of western, predominantly Christian but also secular values, with distinctive Canadian twists to these (see below). Despite important and enduring regional variations, a common political culture in English Canada has evolved from a shared political history for the dominant, non-Native population dating back to 1867 and the early 1870s period. Only Newfoundland and Labrador with its 1949 entry into Canada is an exception. But even in the case of Newfoundland as well as for the other areas of the rest of Canada, there is the commonality of a much longer history as English-speaking colonies of the British Empire. This implied identification with and loyalty to things British: laws, language, the Empire and traditions including structures and attitudes to racial and ethnic groups, to colonial economic relations, and to capitalist and patriarchal social relations. It implied early, formative immigration from Britain and Ireland and the privileged position of these immigrants in shaping Canadian society (Pentland, 1981: 80; Creighton: 1977: 222).

English Canada is a regionally, ethnically, and racially diverse nation with a culture broadly similar to that of the United States, the dominant nation on this continent. Hence English Canadian culture is somewhat amorphous and ill-defined. Nevertheless English-speaking Canada is distinct from the United States.⁹ Canadians know it and most do not want to join the U.S.A. There was the older sense that we were British and conservative in contrast to the

9. For a start on the considerable literature on this theme see Cook (1977) Atwood (1972) Mandel and Taras (1987) and Lipset (1991).

Americans. That conception became unacceptable in the past 30 years because it implied that Canadians of British origin were somehow more genuinely Canadian than those who were not of British origin. The British Empire collapsed and British influence on Canada waned. The Cold War made conservative anti-Americanism unacceptable because there was seen to be a higher loyalty to the western way of life led by the Americans against the “godless communists” than there was to country (Marchak, 1988: 158-74). Traditional conservatism weakened under the assaults of capitalism and individualism (Taylor: 1991). But some of the British character of English-speaking Canada remained regarding the sense of public order, civility, and less (extreme) violence than in the USA.¹⁰

There is a long history in Canada of government-sponsored projects to build an east-west transportation and communications system to provide the political union with a coherent economic and cultural foundation. Economic backwardness compared to the United States and the need to develop a unified and competitive economy was the rationale for a positive state role. Hugh Aitken (1967: 183) called it “defensive expansionism.” In the cultural field, it was recognized that Canadians would not “come to know ourselves” without a publicly supported system. American culture as the “entertainment business” would be almost totally dominant. As Graham Spry put it in 1932 on the need to create a publicly owned CBC, “the question is, the State or the United States” (Peers, 1969: 91). The government-sponsored projects ranged from canals and railways to the CBC and Trans-Canada Airlines to oil and gas pipelines and satellite communications systems. Sometimes the projects were done directly through Crown corporations, sometimes by private corporations with government help. Whatever the era, it was widely recognized that governments must foster such projects or else private companies would have followed the more lucrative route of attaching Canada to the larger markets of the United States. An activist state was central to making sure that in each generation Canada was a viable economic entity. As Harold Innis (1973: 260) put it “the state became capital equipment.”

As English-speaking Canadians, we have also been peculiar in the extent to which we identify Canadianness with geography and territory. We couldn’t arrive at a common cultural or symbolic definition of panCanadianness, so we identified it with the land — the territory. Abe Rotstein (1978) has called this “mapism.” Quebec nationalists seem to be equally attached to the territory of Quebec.¹¹

Pierre Trudeau was more successful in redefining English Canada’s consciousness than Quebec’s. Starting in the late 1960s, English Canada’s

10. Canada has an unacceptably high level of public as well as domestic violence. It is not the “peaceable kingdom” that some writers have tried to project. Nevertheless the level of violence in Canada is significantly lower than in the USA (Lipset, 1991: 95).
11. Many Quebecers were outraged when, at the federal constitutional conference in Toronto in February 1992, a Native leader showed a map of Quebec with the northern two-thirds in Native hands.

distinctiveness became identified with bilingualism and the French fact. Multiculturalism grew directly out of the bilingualism and biculturalism debates of the 1960s and as an official policy, adopted in 1971, was thought to distinguish us from the American melting pot (Burnet: 1989: 223-8). These state-sponsored policies produced a fair degree of support as the popularity of French immersion and multicultural festivities demonstrated. But they were never fully accepted. Responding to the growth of the Reform Party and a resurgence of a mild form of nativism, Don Getty of Alberta rejected both state programs in January 1992.

There is a problem with multiculturalism, though not on Getty's and the Reform Party's grounds. Multiculturalism is worthy of support and should be taken much farther to combat persistent racism in Canada and to demonstrate respect for and understanding of minorities, but in a cultural sense it has been taken too far. It is almost as if Canadian culture doesn't exist and our culture is no more coherent than that of the United Nations. English-speaking Canada has been defined as otherness.

Since the 1982 Charter of Rights was inserted into the Constitution as Trudeau's crowning achievement, Canada has moved a little away from the British parliamentary tradition of legislatures and cabinets as supreme bodies. By embracing the politics of rights, the courts and constitutional interest groups, each with "their" own constitutional clause, have become part of the fabric of English-speaking Canada. The result has been some Americanization of Canadian jurisprudence. As Chief Justice Antonio Lamer put it regarding the effects of the Charter: "We've had to change our libraries, and start reading a lot of American stuff . . . and European stuff . . . it would be ridiculous if we wanted to reinvent the wheel here [in Canada]" (*Globe and Mail*, 1992: A17). The politics of rights have also had centralizing and homogenizing consequences as a "conception of citizenship that defines Canadians as equal bearers of rights independent of provincial location" has taken hold (Cairns, 1991: 79). No such effect has taken place in Quebec, where the Canadian charter was widely seen as an attempt by Trudeau to strike down Bill 101, Quebec's "charter" of the French language (Bissonnette, 1992). Quebecers have always been wary of the assimilationist assumptions behind equal rights as "same treatment." The development of an American and French discourse of "rights" has been tempered by the notwithstanding clause, put there at the insistence of Sterling Lyon of Manitoba, to allow Parliaments to overrule charter protections. This clause was meant to preserve parliamentary democracy and guard against American and republican tendencies (Milne, 1991: 89). Thus we have moved only partly away from British parliamentary traditions.

Threats to Canadian distinctiveness

The separation of Quebec would damage three of the pillars of the English-Canadian identity by largely removing the French fact, weakening the

heterogeneous basis for multiculturalism, and destroying the sense of geographical coherence (see table). If Quebec left Canada, would English-speaking Canadians still feel that Canada was a viable and distinctive country? We don't know. I hope so if it comes to that.

Other forces threaten to extinguish the remaining distinctive characteristics of Canada. The advocates of neo-conservatism, backed by the power of Canadian and American capital and the influence of American culture, want to make Canada indistinguishable from American society. In contrast to Quebec and the U.S.A., where business is at least somewhat nationalistic,¹² we have in English Canada an anti-nationalist economic elite. The core of this elite is made up of three groups: the 32 or so Canadian families¹³ who own one-third of all non-financial assets in Canada, the Canadian banks, and the large foreign transnationals who own an additional one-fifth or so of all assets (Francis, 1987).¹⁴ The latter play a leading role in the Business Council on National Issues (BCNI) and are an integral part of the "Canadian" economic elite. This economic elite does not want Canada to be independent and certainly not social democratic. For the economic elite the border is a nuisance to the free flow of capital, labour, and services between the Canadian part of the global company and the American part. In addition, the Canadian sense of community has certain anti-capitalist assumptions and is a threat to the market power of the big corporations.

The economic elite wants to reduce the capacity of the Canadian state to take actions in a wide range of areas it sees as anti-market, anti-business. The main targets have been economic nationalist measures such as Canadianization of the oil industry, restrictions on foreign ownership, energy self-sufficiency, and the introduction of new social services. The Canada-US Free Trade Agreement was used to reduce the power and capacity of the Canadian state in precisely these areas. The Agreement pledged future Canadian governments to these restrictions on state capacity and policy options. That was its purpose. Speaking to the Canadian Petroleum Association in 1987, Pat Carney, Canada's Trade Minister, promised that the energy chapter of the agreement would ensure that no future government would be able to bring back the National Energy Program (Barlow, 1990: 132).

The Canadian state and government are for the most part now anti-nationalist. It sounds like a contradiction in terms but that is how they act. The Conservative Party has dropped the Canadian nationalism of John A. Macdonald and John Diefenbaker and followed their real interests — their class interests — in the same direction of continentalism and neo-liberalism as the economic elite.

12. Regarding Quebec's "market nationalism," see Thomas Courchene (1990) and business submissions before the Belanger-Campeau Commission (Fidler, 1991).

13. Some of the 32 families have not fared that well since 1985 but I have not seen a more recent figure regarding corporate concentration.

14. Foreign direct investment accounted for 25 percent of all assets and 31 percent of equity in Canada in 1987 (Statistics Canada: 1990).

Through deregulation, the Free Trade Agreement, and other neo-liberal policies, the Canadian state has been dismantling its own powers over Canadian economic space and turning them over to the “marketplace.” The latter is largely a euphemism for the large Canadian and foreign corporations.

How do neo-liberalism and continentalism threaten most of the non-Quebec related characteristics that distinguish Canadian from American society? In the past 30 years Canadians have defined themselves as distinct in political and ethical ways. This was revealed in the election of 1988 in which, despite the overall victory of the Conservative Party, Canadians outside Quebec rejected the Free Trade Agreement by a margin of 55 percent to 42 percent.¹⁵ As English Canadians, we see our social services, particularly medicare, as embodying the spirit of a more caring and sharing society, compared to that of the United States. The majority of English Canadians have continued to support political parties advocating a government-activist role in promoting a Canadian-oriented economy and regional economic development. This social-democratic sensibility, combined with the remnants of the older British-Canadian sense of order and an international peacekeeper role, are enough to distinguish ourselves from the Americans. We have gone from conceiving our identity as British and conservative to tentatively identifying it as multicultural and mildly social democratic.¹⁶ It is this new English Canadian identity that is under siege from the new right and the economic elite.

Table 1. Threats to the English Canadian identity.

<i>Characteristic</i>	<i>Threatened by</i>
1) French fact/bilingualism	Quebec separation
2) Multiculturalism	Quebec separation
3) Identification with the land (mapism)	Quebec separation
4) Social services eg. Medicare (a caring / sharing society)	neo-conservatism
5) Active state role re Canadian economic development	neo-conservatism
6) Canada as a peacekeeping nation	neo-conservatism follow U.S lead
7) British political institutions, e.g., Parliament and responsible government	US and French concept of rights i.e., Charter of Rights
8) Public order/less violence than in U.S. (Canada’s “British conservatism”)	

15. The total number of votes for the Conservative (3,823,284) and Reform parties (275,767) outside Quebec was 4,099,051 or 42 percent while the total number of votes for the Liberals (3,146,120) and New Democrats (2,196,675) outside Quebec was 5,342,795 or 55 percent (Canada, 1988).

16. Compared to most advanced capitalist countries, Canada does not have a very social democratic or developed welfare state regime. See Esping-Andersen (1990).

A new accommodation with Quebec

The neo-liberal challenge to the distinctiveness of Canadian society has been enshrined in what Ronald Reagan called “an economic constitution for North America,” the Canada-US Free Trade Agreement. Those principles are likely to be taken further in the trilateral talks that include Mexico. The political decision to support or reject a North American Free Trade Agreement will probably occur in 1993 as will a future federal government’s decision about abrogating or continuing the Canada-United States Agreement. I will have more to say about this in the conclusion.

The immediate threat to the distinctive features of Canadian society lies in the separation of Quebec. Is it possible to reconcile Quebec’s vibrant but insecure nationalism with English-speaking Canada’s more sedate, state-centred nationalism? Can Quebec and Canada-outside-Quebec remain in the same state and develop a mutually supportive rather than a mutually destructive effect on the foundations needed for the survival of their respective sociological nationalities? Many perceptive observers in Quebec and outside of it, do not think so and have thus advocated the benefits of separation (Brym, 1992; Fournier, 1991). They may prove in the end to have been right. But before we give up the dream of Canada, let’s explore the bases on which reconciliation would have to be based.

We have explored the sense of nationality in English-speaking Canada and seen the importance of retaining a strong and active federal government in the survival of a distinctive (English-speaking) Canada. Quebec’s needs are not the same. Most francophone Quebecers feel their nationality is fragile and continually under siege by the overwhelming assimilation pressures of the English language and culture in North America. This has been a constant in the Francophones’ 230-year struggle for “*la survivance*.”

Quebecers conceive of Canada differently than English-speaking Canadians. Rather than viewing Canada as one nation of ten equal provinces, two territories and composed of people from many ethnic and several racial backgrounds, most francophone Quebecers (and Native peoples) relate to Canada through belonging to their collectivity within Canada. They have a different understanding of how Canada was formed as a country. For most Quebecers, Canada has been a compact between two peoples — one English speaking and the other French speaking. (This conception ignores the collective rights and histories of Natives as a third national entity).

There is a reality to the Quebec conception which the 20-year-old policy of multiculturalism tends to hide: the Francophone community was started by settlers who came to a French-speaking society before the English language was established here. In this sense Quebecers have a right to recognition as a distinctive collective group and were in fact granted this status by the British government as early as 1774 when French civil law and the status of the Catholic Church were recognized in the Quebec Act.

For the past 30 years Quebec governments have consistently asked for recognition of Quebec as a sociological nation and increased powers to accompany this recognition. Recognition as a nation has gone under the older labels “*deux nations*,” “founding peoples,” and “special status” and the newer terms “distinct society” and “asymmetrical federalism.” During this period, Quebec has not received its main request and that is why it is on the verge of leaving. Led (ironically) by Pierre Trudeau, English-speaking Canada has done everything to deny the legitimacy of Quebec’s demand for national recognition. Official bilingualism and the Charter of Rights reduced “nation” in the sociological sense to language rights, which do not inhere in communities or nations but in individuals residing anywhere in Canada. This has been called language rights according to the personality principle (McRoberts, 1989). While multiculturalism has been positive in affirming the cultures and position of Canadians from a diversity of backgrounds, it was also adopted as a way to deny Quebec’s claims to nationality. In this view, never accepted in Quebec, Canada was not composed of two or three nations because Canada had many cultures.

Several policies were adopted to deny that Quebec was a distinct national community. Many people in English-speaking Canada interpreted changes such as bilingualism as an imposition by Quebec upon them and evidence that Quebec was getting too much power. Nothing could be farther from the truth. Quebec governments never asked for official bilingualism in the English-speaking provinces (although they have supported Francophone education rights outside Quebec). Official bilingualism was promoted by those opposed to Quebec nationalism as a way of trying to undercut Quebecers’ sense of themselves as a sociological nation and ensure their loyalty to Canada as a whole. These policies have not changed Quebecers’ views but they have misled English-speaking Canadians about what changes were necessary to satisfy Quebec.

In the past ten years Quebec has lost powers. It lost the *de facto* constitutional veto it had before the 1982 Constitution. Alone of all the provinces, Quebec did not endorse this constitution and most of the federalist, Liberal Members of the National Assembly joined the Parti Québécois in rejecting it (Milne, 1991: 156-7). Quebec’s power to legislate in the area of language within its own borders was reduced by the Charter of Rights (Dufour, 1990). The 1982 constitutional changes were supposedly made to support Quebec’s affirmation of Canada by voting “No” in the 1980 referendum. Yet those constitutional changes reduced Quebec’s power to confront the assimilation pressures towards the English language within Quebec itself. No wonder they have felt rejected by English-speaking Canada.

Can Quebec’s and English-speaking Canada’s conceptions of the nature of the country be reconciled? Yes, but only if we in English-speaking Canada are generous enough to alter our conception of Canada and say that Quebec is not a province like the others. Quebecers can relate to the country as a national

collectivity within Canada while the rest of us relate to Canada as a whole. English-speaking Canadians can retain “national” standards for such matters as social services and education only if we make an exception for Quebec (and for Native peoples). We must resist the temptation to loosen the glue that holds English-speaking Canada together, on the rigid principle that if Quebec gets certain powers and collective status to promote its distinctive identity, such powers must be offered to all provinces.

Quebec-specific asymmetry

Leaving aside the issue of aboriginal peoples’ “inherent right” to self-government, the recognition of which is of the highest priority, what we need are proposals that satisfy three long-standing constitutional goals: 1) leaving the federal government with adequate powers to maintain a unified economy and a sense of shared Canadian citizenship; 2) provide greater influence for Outer Canada in Ottawa; and 3) recognize that as a sociological but minority nation, Quebec’s interests are better represented by the Quebec government than by “French power” in Ottawa and that a transfer of power must be made from the latter to the former.

None of the federal government proposals since the 1982 Constitution satisfy these goals. The combination of “distinct society” and the “equality of the provinces” is at the heart of the problem. “Distinct society” is a way of recognizing goal number 3 — that Quebec is a sociological “nation,” but is done deceptively so as not to overtly contradict the idea of equality of the provinces. All of the post-Meech Lake proposals have tried to gloss over these contradictions but have foundered on the fundamental problem: “For the rest of Canada, then, the proposals are at best a generous maximum, while in Quebec, they are not even a minimum” (Dubuc, 1992).

The federal proposals of the post Meech-Lake era¹⁷ would, if adopted, substantially weaken the power of the federal government in relation to the provinces. (The power of all governments, provincial or federal, would be curbed by neo-liberal constitutional proposals for the economic union.) There is plenty of room for the provinces to negotiate extra powers under the formula of “concurrency with provincial paramountcy.”¹⁸ This is the “menu” approach to serving up federal powers to offer to the provinces and is meant as a hidden asymmetry to satisfy Quebec’s aspirations.

Hidden asymmetry is beset with problems. First it is likely to be undemocratic. If Quebec were to choose many extra powers that other provinces left to the federal government, Quebecers would have gained certain exclusive powers

17. The September 1991 proposals were entitled *Shaping Canada's Future Together*, while the February 1992 proposals were known as the Beaudoin-Dobbie Report.

18. This piece of constitutional jargon means that existing federal powers will be made concurrent for both levels of government. Either level can legislate in the area. But if there is a jurisdictional dispute between levels of government, the provincial government holds sway.

over themselves and yet continued to exercise strong influence over these questions in Canada-outside-Quebec. Second, besides the probability that Canadians-Outside-Quebec are unlikely to be deceived by this sleight of hand, the problem with this fiction is that in the long run, other provinces would likely seek at least some of the federal powers too. There is little likelihood that there would ever be a reverse flow of powers to Ottawa. Thus hidden asymmetry and decentralization-by-menu would weaken the goal of a sufficiently strong federal government.

When delegates to the first of five constitutional conferences met in Halifax in January 1992 to discuss the division of powers, the majority were reported to have favoured a creative way of cutting the Gordian knot. How could a strong federal government for Canada-outside-Quebec be reconciled with greater powers for Quebec? They concluded that both goals could be achieved only by discarding the Trudeau-Lougheed concept of equal provinces and explicitly allowing Quebec alone to have more powers. The final constitutional conference held in Vancouver in February reaffirmed this position (*Globe and Mail*, 1992: A5)

“Quebec-specific asymmetry” or “parallel status” is different from the 1960s concept of “special status” for Quebec. Pierre Trudeau (1968: xxiv) raised an irrefutable objection to special status when he asked “how can a constitution be devised to give Quebec greater powers than other provinces without reducing Quebec’s power in Ottawa”? Parallel status proponents take off from Trudeau’s question and accept that there must be such a trade-off. But contrary to Trudeau’s solution of “French power in Ottawa” as the answer to the demands of Quebec nationalism, parallel status advocates suggest that the Quebec government better represents Quebec interests than French power in Ottawa (Johnson, 1991; Kent, 1992; Laxer, 1992). Their answer then is to shift power from Quebec parliamentarians in Ottawa to Quebec MNA’s in Quebec City. Expressed in this way, there would not be a net shift of power to Quebec, as critics in Canada-outside-Quebec rightly fear with hidden asymmetry-by-menu. Rather, the cost to Quebec’s gaining more power as a province would be a commensurate loss of influence at the federal level.

However appealing the solution, parallel status has been under-conceptualized. Very little work has been done to flesh it out. I will outline three ways parallel status could be implemented, discuss the alternative which seems most promising and raise some questions that need to be worked out.

Three alternative ways of granting parallel status to Quebec are:

1. reduce the number of Quebec members of parliament for all matters (Council of Canadians, 1991).
2. make a reformed Senate into a legislature exclusively for Canada-outside-Quebec. Instead of concurrent powers with the House of Commons, such a

Senate would have separate powers. These powers would be exactly the same as the extra powers that Quebec would obtain as a province.¹⁹

3. establish the rule that for every power that Quebec gains as a province, Quebec's parliamentarians in Ottawa lose the right to vote on those matters. It would mean two parliamentary sessions, one to deal with all-Canada business and a separate session to deal with Canada-outside-Quebec issues. The powers of the latter session would be exactly the same as the extra powers Quebec gains as a province.

The first two alternatives are cleaner and more elegant but are fraught with greater political difficulties than the third solution. The first proposal of fewer Quebec MPs would reduce Quebec's influence over the federal government in a manner roughly equivalent to the enlargement of Quebec's powers as a province. This idea has the virtue of avoiding the creation of parliamentarians with different voting capacities. The disadvantages though are great. As a province, Quebec would gain exclusive control over jurisdictions such as broadcasting, immigration, or culture and yet Quebec's remaining MPs would still be voting on these matters that applied exclusively to Canada-outside-Quebec. Politicians in Quebec, but in no other province, would thus gain a double vote. On the other hand Quebec would not have its fair share of MPs to vote on issues of common federal jurisdiction such as external affairs, defence, or international trade. In these areas Quebecers would have less power than they deserved. In both cases representation from Quebec would be seen to be unfair.

The clear functional separation of the Senate from the House of Commons, alternative number two, has its merits. 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-Canadian identity. Quebec's MPs would have exactly the same powers as MPs outside Quebec so that the House of Commons could operate smoothly. Outer Canadian senators would outnumber Ontario senators by a wide margin and help redress the regional balance of power for matters under Senate control. The disadvantage is that such an arrangement would mean the creation of another level of government, a government for English Canada with powers parallel to Quebec's extra powers.²⁰ This is the major folly of this alternative. In this period of high government debt, tax revolt, and neo-conservative ideology, Canadians are in no mood to entertain yet another level of government. As well, such a reformed Senate could not perform its original purposes of regional balance and sober second thought.

The best solution would appear to be number 3. It has a simple ring of justice to it which is understandable to all. For every extra power that Quebec gets as a

19. To my knowledge, no one has written about this alternative but it is a logical possibility.

20. In a different formulation, Philip Resnick (1991) advocates the creation of a government for English Canada to operate within a wider "Canada-Quebec Union."

province, its federal parliamentarians do not vote on these issues. But Quebec would not simply be allowed to choose any powers it wants in return for giving up federal representation. Enough powers would be retained by the federal government over all of Canada to maintain a viable country. The removal of Quebec's MPs and senators from sessions dealing with issues applying only to Canada-outside-Quebec would mean the creation of parliamentarians with different capacities. This would produce some problems for the workings of Parliament and cabinet which I have discussed elsewhere (Laxer, 1992). But it would not mean the creation of another level of government.

The regional implications of parallel status via proposal number 3 are amongst its most interesting features. With Quebec's 75 MPs removed from votes on important matters, western; Atlantic; and northern MPs would outnumber Ontario's MPs by a margin of 121 to 99. For the first time in history, the "hinterlands" would have a majority in the powerful House of Commons for important issues. In this way, depending on the powers of the Canada-outside-Quebec sessions, some of the long-standing grievances of Outer Canada for more influence in Ottawa could be achieved without any redistribution of seats and without the illusions created by schemes to reform the Senate.

But Outer Canadians' gain would not be Ontarians' loss. The latter's representation would increase from one-third to 45 percent in the Canada-outside-Quebec sessions and Ontarians have always favoured a strong federal government, something these proposals are designed to keep. Quebec too would gain what it always wanted — recognition as a sociological nation and greater powers. But this would be fair because the more power Quebec gains as a province, the more power its parliamentarians lose in Ottawa.

A number of sets of questions remain regarding parallel status. The technical and broad political issues are these:

- Can Parliament work effectively when Quebec MPs and Senators are involved in only part of its operations? How would votes of confidence work? Would they be restricted to the sessions with all MPs present or restricted to those with only ROC MPs?
- Could the influence of Quebec cabinet ministers be effectively curbed on issues that applied only to ROC? Would this apply to a Prime Minister from Quebec too? Would there ever be a Prime Minister from Quebec under these proposals?
- How attached to Canada would Quebecers feel in this new arrangement? How attached do they feel now?
- How would federal powers be transferred to Quebec? Would it be through a devolution of powers to Quebec, a delegation of federal powers, intergovernmental arrangements or concurrency with provincial paramountcy?

- How would federal programs transferred to Quebec be paid for? Would it be through tax points transferred to Quebec, block grants, or other means? Would the transfer of powers and revenue to Quebec meet its long-standing objection to the use of the federal government's spending power?
- How would a transfer of tax points to Quebec affect the political basis for equalization payments?
- If Quebec was offered extra powers only on the condition that it give up influence in Ottawa, would Quebec moderate its demands for greater provincial powers?
- What about the concept of equality of provinces? Should the offer of extra provincial powers in return for reduced federal influence be offered to other provinces too? Would they turn down the offer? If so, would this legitimize a Quebec-specific asymmetry? If they didn't turn down such an offer, would we not end up with checkerboard federalism?
- 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?
- Is the goal of increased influence in Ottawa for small-population provinces in a reformed Senate incompatible with the removal of the MPs and Senators from these provinces on certain votes?
- Transferring powers to Quebec would weaken the influence of Quebec MPs and Senators and many francophone civil servants in Ottawa. These people provide much of the power base of the present federal government. How can their vested interests in the status quo be overcome? By a provincially sponsored initiative?

These issues are not insurmountable obstacles but are questions that can be worked out given the political will. The important point is to replace the present weasel compromises, that satisfy no one, with proposals that reflect the reality of Canada. Quebec is a sociological nation. Why continue to deny the nationality of Quebec? This will surely lead to the end of Canada. The only way to retain the integrity of Canada is to let Quebec be more Quebec and let English-speaking Canada be more itself too. Both sides gain when we recognize the social-cultural reality that is Canada.

Long-term prospects for Canada

I have examined the nature of English-Canadian nationality, discussed the basis of its fragility and looked at what made it distinct. How English-Canada manages its relationships with both Quebec and with the United States has always been crucial for its health and even its survival. The two basic relationships have often

been stable for considerable periods and English-Canadians have been complacent, if a little insecure in their sense of identity. But we are now going through critical turning points in both relationships simultaneously. Most of the features that distinguish English Canada are threatened.

Will Canada survive as an independent country if it becomes indistinguishable from American society? George Grant (1965) asked this question almost 30 years ago. His answer was no, now that, in his view, we had adopted the American culture of classical liberalism, technological progress, and corporate capitalism. But there would be a time lag. "Technological culture [is] a dissolvent of all national and religious traditions," Grant wrote. "Canada has ceased to be a nation, but its formal political existence will not end quickly" (Grant, 1965: 82, 86). Grant's logic is clear. Convergence or homogenization dissolves the basis for political independence. Canada cannot remain separate from the United States in the long term if it does not have a substantially different culture, political philosophy, and tradition.

Writing a quarter of a century later, Charles Taylor (1991) argued that the historical differences such as those based on ultramontane Catholicism and the mythical rural character of French Canadian society, that used to divide Quebec from Canada-outside-Quebec, have disappeared today. English-speaking Canadians and Quebecers, he states, have been swept up into the "liberal consensus" of the whole western world (1991: 53). But Taylor's conclusion is almost the opposite of Grant's. Cultural convergence has coincided with political disunity. "Ironically, at the very moment when we agree upon so much, we are close to breakup" (1991: 54). Taylor sees the conflicting visions of "what is a country for" as the cause of constitutional tensions. Why should cultural convergence lead to political integration between Canada and the United States and yet be associated with political disintegration within Canada?

Can Grant and Taylor both be right? In a sense they can if we concede to them the accuracy of their respective descriptions of cultural convergence, because we must consider these matters within the context of economic and political power. Quebec's cultural convergence with the values of Canada-outside-Quebec became obvious with the quiet revolution of the 1960s²¹ and coincided with Quebec's growing economic independence from the corporate power structure of English Canada. In a manner reminiscent of Japan's modernization in the late nineteenth century (Norman, 1940), part of the reason Quebecers became more like "us" and decided to fully participate in the materialist, capitalist world was so they could gain more collective control over their society and maintain their language and culture in a modern setting. Quebec governments of the 1960s and 1970s established important institutional bases to strengthen an already existing

21. Claude Couture (1991) argues that the secularism and economic liberalism that has been associated with the "quiet revolution" of the 1960s was not a great departure for Quebec but the culmination of a long-term historical development.

francophone bourgeoisie (Fournier and Belanger, 1987: 122-31). Acceptance of “foreign” capitalist values within a Quebec context was also a way ambitious francophone Quebecers could hope to make it to the top of the corporate ladder without losing their francophone identities. Cultural convergence in the sense of accepting materialist individualism but not in the sense of giving up their language or other cultural distinctions, was seen by many Quebecers to be necessary for their economic independence as a collectivity and as individuals.

In contrast, the cultural convergence of English-speaking Canada with that of the United States, as seen by George Grant, whereby conservatism gave way to liberalism, coincided with the English Canadian elite’s abandonment of an independent economic strategy. After the National Policy had ironically encouraged the emergence of a branch plant economy (Laxer, 1989) and the Cold War made anti-Americanism seem disloyal to the “western” way of life, the Canadian economic elite threw in their lot with continental capitalism, giving up their desire for an independent Canadian economy and an independent Canadian state.

If my reasoning is correct then it is not only the convergence of values or cultures that must be considered in the issue of political integration or disintegration but also the political and economic inclinations of those who hold economic and political power. This is not a point with which George Grant or Charles Taylor would disagree. Indeed Taylor explains the current popularity of the independence option in Quebec, in spite of substantial cultural convergence with Canada-outside-Quebec, as due in part to the confidence, perhaps the overconfidence,²² that Quebec has, for the first time, developed a sufficient number of successful Francophone corporations and business leaders (Taylor, 1991: 63). If Taylor is right, then the independence of economic structures and the strategies and loyalties of the economic and political elites can influence public perceptions about the viability of political and economic separateness.

Taylor argues that political unity in Canada requires an explicit recognition of Quebec as a sociological nation. Such a recognition would move English-speaking Canadians towards Quebecers’ conception of the nature of the country and that would be a politically specific form of cultural convergence.

George Grant is undoubtedly right that to remain an independent country in the long run Canada, specifically English-speaking Canada, must have historical traditions, values, and identities which are distinct from those in the U.S.A. Total cultural convergence would leave Canada without a *raison d’être* for a separate political existence and the pull to the United States is always strong. But Grant exaggerated the cultural and philosophical differences between English-speaking Canada and the United States before the Second World War and underesti-

22. The severity of the 1990-2 recession in Quebec and the collapse of several high profile francophone businesses, undoubtedly eroded some of this confidence. Taylor recognized this even as he wrote in 1990.

mated Canada's capacity to generate new cultural and institutional differences.

Nineteenth-century Canadian society was essentially liberal, if somewhat whiggish, in its assumptions. The Canadian economic and political elites were in agreement with their American counterparts on the essentials: progress, protection, technological development, capitalism, individualism, and consumerism (Bliss, 1974: 134-44). If so, Canadian society was not as different from American society before 1940 as Grant makes out. We know that these relatively minor national differences were enough to provide Canada with a *raison d'être* for political separateness.

But cultural differences of this order may not be enough by themselves to prevent eventual political absorption. Two other factors must be considered: the balance of power amongst countries and the economic and political strategies of the economic elites and other groups in society. Countries with small populations have historically been able to maintain a fair degree of sovereignty in the context of a balance of power amongst major countries. What they have traditionally feared the most was a breakdown in that balance and domination by one major power (Morgenthau, 1962: 295). These are the conditions under which smaller powers have lost their sovereignty, as in Eastern Europe under Soviet domination. In the context of a balance of power, minor cultural and identity differences have provided enough of a *raison d'être* for separate statehood. But minor cultural differences are unlikely to provide a basis for separate statehood when there is both domination by a single great power and when the economic and political elites are intent on dismantling the power of the state in the less populous country.

Canada was able to achieve the status of an independent state in the 1920s and 1930s when it was balanced between Britain and the United States, two of the world's great powers at the time. This balance collapsed after 1945 as Britain declined and its Empire vanished. At the same time the United States became the pre-eminent world power because of the vacuum caused by the defeat of Germany and Japan and because Cold War rivalry created a bifurcated world in which the capitalist world rallied around American leadership. Canada faced the full power of the United States largely on its own (Pratt and Keating, 1989).

At the same time the Canadian elites gave up on the partially independent economic strategy of the National Policy²³ and settled on junior partnership in the North American economy. The viability of an east-west resource economy based on exports to Britain and Europe had eroded and American ownership of so much of the manufacturing and resource industries had gradually integrated American transnational corporations into the Canadian economic elite. What the economic elite feared most by the 1980s was state-led economic nationalist

23. The National Policy was a strategy for trade independence but did not attempt to ensure a Canadian-owned economy or create financial structures conducive to promoting Canadian-controlled technological and industrial development. See Naylor (1975); Laxer (1989).

projects and an extension of social democratic social and economic policies. The economic elite was intent on dismantling the power of Canadian governments in the name of market efficiency in both the Canada–US Free Trade Agreement and in the economic package of the post Meech-Lake constitutional proposals (Schneiderman, 1991). The consequence, though not always the intent of curbing the power of the Canadian state, both federal and provincial, was the weakening of the fundamental bases of what made Canada distinct vis-à-vis the United States.

The business agenda, whose centrepiece was the Canada–US Free Trade Agreement, was aimed at the heart of what has made English-speaking Canada distinct: attempts to diversify the economy beyond resources, a positive government role to build cultural and physical bridges on an east-west basis through the CBC and other communications links; the maintenance of a high level of social services; and Canadianization of a highly foreign-owned economy.

Can Canada survive the twin threats of the continued leadership of the neo-liberal economic elites and Quebec separation? Not likely. Both threaten most of the characteristics that make English-speaking Canada distinct. To survive and indeed to develop into a vigorous society, English Canadians must do two things. First we must be generous enough to alter our sense of nationality to include Quebec and Native peoples as national collectivities with their own rights of self-determination and abandon the idea of equality as “same treatment.” Second we can learn from Quebec history that the road to substantial economic independence lies through the development of public capital funds and other industrial policies that can overcome the economic blackmail of a continentalist economic elite. These things will happen only if Canadians-outside-Quebec take the leadership away from the economic elite and make the political system more responsive to the will of the people. This may happen. English Canadians are fed up with rule by our elites.

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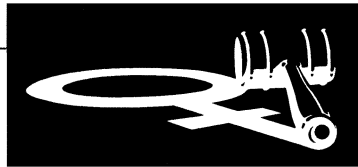
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