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Québec Politics: Searching for a Solution*

Zusammenfassung

Das Seelsorger der Verfassungsvereinbarungen von Meech Lake und Charlottetown unterstreicht die Notwendigkeit, Institutionen zu entwickeln, die sowohl die kollektiven Rechte als auch die der Individuen berücksichtigen.

Wenig die kanadische Föderation Bestand haben soll, bedarf es eines "asymmetrischen" Föderalismus, so wie im Bericht Pepin-Robarts aus dem Jahre 1979 vorgeschlagen.

Wie auch immer die Lösung der gegenwärtigen Verfassungskrise aussehen mag, sie läßt sich nicht ohne die Respektierung einer eigenständigen Quebecker Gesellschaft lösen.

Résumé
L’expérience des trois dernières décennies démontre que le Québec a connu ses plus grands succès dans le cadre des négociations constitutionnelles bilatérales. On fait l’hypothèse qu’une représentation importante au sein du gouvernement fédéral a permis au Québec d’obtenir certaines concessions et de signer des ententes administratives. Il faut noter la difficulté de transformer ces arrangements ponctuels en accords formels. Les succès administratifs ne se sont cependant pas traduits par un réaménagement de la fédération canadienne qui répond définitivement aux besoins du Québec.

L’échec des ententes du lac Meech et de Charlottetown démontre l’urgence de développer des institutions qui soient aussi respectueuses des droits collectifs que des droits individuels. Si le Canada veut survivre comme société pluraliste, il faudra proposer un fédéralisme plus généreux, fondé sur une vision qui accepte l’asymétrie, telle que le proposait déjà le rapport Pepin-Robarts en 1979.

Quelle que soit la conclusion de l’actuelle crise politique, elle ne pourra certainement pas être résolue sans une reconnaissance explicite de la société distinctive québécoise.
Québec, to use a cliché, is not a province like the others. This calls for a different analytical focus in the study of Québec politics. Indeed, in Québec, constitutional politics has shaped federal-provincial relations, intergovernmental affairs, economic relations, party politics and political culture.

Since the early 1960's, Québec has undergone profound transformations: rapid democratization of its political institutions, creating and adjusting economic structures that are competitive within a globalizing world economy, and protecting and promoting the French language, both to give Québécois a sense of national purpose in North America and to acquire greater control over the provincial economy.

To most observers of Canadian politics, since 1960 Québec has been more successful than other members of the federation when negotiating with Ottawa. As agreements were struck between Ottawa and Québec City, the other partners in the federation would be offered the same deal so as not to create an asymmetrical set of relations between political units. The view that prevailed was that "a province is a province." Symmetry was gradually instilled and became a central operative principle of federal-provincial relations in Canada. To distance oneself from it has been viewed as endangering the federation and fanning the flames of regionalist, nationalist or secessionist movements.

This position against asymmetry (defined as the pursuit of a special status aimed at promoting Québec's role as the legitimate protector of francophone interests) has rarely been well-received in Québec by the vast majority of French-speaking Québécois and their political spokespersons whereas in the rest of Canada inspiration is often drawn from the "one-nation" concept which rejects the right to diversity and calls for an hierarchical division of powers between the two orders of government in favour of Ottawa. Asymmetrical federalism could go a long way in reconciling the solitudes, and in supporting language, education and manpower training policies, for instance, elaborated by the Québec state to ensure épanouissement and survival of its people in a globalizing world. The disagreement surrounding the legitimacy and usefulness of asymmetrical federalism is very much at the roots of current-day conflicts between Québec and Canada and needs to be settled if the future of the federation is to be assured. Asymmetrical federalism can instil flexibility in the political system in molding its structures and encouraging institutional arrangements that would stop pitting Québec against the rest of Canada. During the Meech Lake discussions and Charlottetown negotiations, symmetrical federalism was often times viewed outside of Québec as the only acceptable means of proceeding with constitutional reform and the only doctrine upon which to base the affairs of the country.

The failure of Meech Lake and the clear defeat of the Charlottetown proposals in the October 1992 referendum reveals the difficulty of crafting political institutions that are sensitive to Canada's historical foundations and in tune with the political reality of Québec as well as Canada outside of Québec. Whether a rapprochement across this chasm can be accomplished, and how, is the question that inspires this chapter. To do so it is essential, in the first section, to return to our common history to see how the "partial visions" of our respective political communities have been developed over the years. In the second section, a closer examination will be made of political developments in Québec which have had a significant imprint on Québécois-Canada relations over the years, particularly the period stretching from the Quiet Revolution to the federal election of the 25 October 1993.

The Weight of History

It is never very easy to identify the key formative events of one's own history. From a Québec viewpoint, there are perhaps five fundamental moments before the beginning of the Quiet Revolution: the Conquest of 1759-1760, the Rebellions of 1837-1838, the Confederation of 1867, the Conscription crises of 1917 and 1942, and the 1982's patriation of the Constitution Act against Québec's will. These constitute five markers that would not easily disappear from the Québec psyche and that continue to affect how Québécois view themselves at the present time.

To understand contemporary Canadian politics one needs to go back to those moments of our common history. The Conquest is surely the moment which everyone agrees had an indelible impact on Québec society and on power relations between French and English in North America. This was reinforced by the later failure of the Patriots in the Rebellion of 1837-1838 to provide Lower Canada with its own autonomous political and economic institutions. This latter defeat had especially clear implications for French Canadians: it indicated that the French Canadian nation would have to continue abiding by rules set by the English; it led to the tabling of Lord Durham's report and the promulgation of the Act of Union in 1840 which wed French Lower Canada to English Upper Canada. Political and economic domination was to continue under various guises for the next century.

Confederation is the next key moment in Québec history. It established powers that were to be exercised respectively by the federal (read central) government and the provinces. There have been many contradictory views of the Confederation agreement. Establish trust and respect between French and English required that a healing balm be found, possibly in the form of some sort of asymmetrical federalism which would be a corrective to French Canada's sense of unequal partnership. It is of interest to note that, in 1993, a document entitled Partners in Confederation, was released by the Royal Commission on Aboriginal Peoples. It stated that:

The distinct identity of Québec was a cornerstone of the Constitution Act, 1867, which reversed the earlier attempt to unite Lower and Upper Canada into a single province. The phraseology of the Quebec Act was carried forward in a provision giving the provinces the exclusive right to make laws regarding Property and Civil Rights in the Province. The distinct character of the Québec civil law system was reflected in a clause that allowed the Parliament of Canada to make provision for the uniformity of laws in all federating provinces except for Québec, thus recognizing an asymmetrical element in Confederation.2

Whatever conclusion one can draw from this excerpt, it remains that different views of Confederation have been competing with one another since 1867. The two
main visions suggest either that Canada is constituted of many competing regional/national communities with the provincial governments as their principal representatives and protectors or that the federal/canadian government has the obligation to protect all Canadians and confer similar rights and status on all Canadians, whatever the political consequences. According to Robert Vipond, and contrary to conventional wisdom, provincial rights theorists, among them the Québec Justice Thomas-Jean-Jacques Loranger, felt that the protection of national communities and the defense of the rights of individuals were not antinomical but rather each built upon the other. This too often has been obscured or overlooked by students of Canadian politics.

In 1867, French Canadians tended to see Confederation as a compromise allowing them to dominate those institutions that were ancillary to Québec: Québec’s legislative assembly was later named the National Assembly; Québec’s distinct legal system, the civil code, was confirmed; the official status of Québec’s French language and Catholic institutions were also recognized. A convention developed that the British North America Act provided both the federal and provincial governments with exclusive jurisdiction in those domains that were essential to their particular interests. This interpretation emerges clearly from the Québec resolutions (known also as the Confederation proposal), as Vipond aptly demonstrates in his Liberty and Community. Québecers founded their own worldview on this interpretation of Confederation and have continued to this day to ask that the spirit of 1867 be respected and translated into appropriate political institutions and relations.

The most refined depiction of Canada’s compact theory of provincial rights was provided by the above-mentioned Justice T.J.J. Loranger. This interpretation continues to provide Québécois “autonomist federalists” with a solution to Canada’s constitutional travails based on a political and economic association between Québec and the rest of Canada (rather than outright secession). Loranger’s influence on Québec constitutional experts, political scientists and political leaders can be discerned in many documents, most notably the Tremblay Report (1956), party platforms during and after the Quiet Revolution and, more recently, the Bélanger-Campeau Report (1991) on Québec-Canada relations. The basic premises of Loranger’s thought are as follows:

1. The confederation of the British provinces was the result of a compact entered into by the provinces and the United Kingdom.
2. The provinces entered into the federal Union with their corporate identity, former constitutions, and all their legislative powers intact. A portion of these powers was ceded to the federal Parliament, to exercise them in common interest of the provinces. The powers not ceded were retained by the provincial legislatures which continued to act within their own sphere according to their former constitutions, under certain modifications of form established by the federal compact.
3. Far from having been conferred upon them by the federal government, the powers of the provinces are the residue of their former colonial powers. The federal government is the creation of the provinces, the result of their association and of their compact.

Loranger argued that these three central tenets defining the relationship between the provinces and the federal government were based on the rule of continuity, suggesting that provinces, or aboriginal communities for that matter, did not relinquish any powers to the federal government unless they formally and legally gave their consent to such a transfer. The constitutional view that Loranger professes is that although Canada obtained its official status in 1867, the political arrangements that preceded Confederation remain relevant to the settlement of ongoing differences between aboriginal nations, Québec and Canada outside of Québec.

This interpretation of the compact theory has exercised much influence in Québec and some quarters of English Canada and, of late, from Abénaquish leaders. It is noteworthy that in Québec Loranger’s analysis has gone virtually unchallenged within the francophone community, while at best receiving lip service from anglophone Québécois. Most of the time, however, anglophone political leaders and centralists have rejected outright this view and argued that provinces are simply the creation of the federal government, and therefore subservient to it. At times this created uneasy relationships between the provinces and the federal government, as illustrated time and again by conflicts between Ontario and federal governments from the 1870s to the 1940s.

The 1956 report of the Québec Royal Commission on Constitutional Problems (The Tremblay Commission) was very much inspired by the Loranger doctrine. In this report, emphasis was given to the concepts of provincial autonomy and coordination between the two orders of government. Both autonomy and coordination were to operate in tandem otherwise the federal spirit would not be fully expressed. Based on this understanding, it is possible for a member state of a given federation to refuse assistance and exercise fully its responsibilities as agreed to in the original compact. Building on the principle of subsidiarity and influenced largely by the social doctrine of the Catholic Church, the Tremblay report argued that higher levels of authority should not exercise powers that can be dealt with by lower levels. The Report stated that:

Only federalism as a political system permits two cultures to live and develop side by side within a single state: that was the real reason for the Canadian state’s federative form. (...) So, therefore, there can be no federalism without autonomy of the state’s constituent parts, and no sovereignty of the various governments without fiscal and financial autonomy.

It is important to stress that the Tremblay report provided philosophical support to earlier legal arguments made by Loranger. It is this combination that has made Québec’s constitutional claims so powerful and persistent. The instigators of Québec’s Quiet Revolution would get inspiration from these two sources when in the early 1960s they developed a three-pronged strategy – with cultural, social and economic elements – aimed at redressing past injustices.
The 1960's

The beginning of Quiet Revolution in 1960 which saw a shift of power from the Union Nationale government of Maurice Duplessis, who was Premier of Quebec from 1936-1939 and again from 1944 until his death in 1959, to the Liberals under Jean Lesage heralded a change of major proportions. Quebec had felt threatened by the dominance of English Canadian and American corporations over most sectors of economic activity in the province. For most of their history, Quebecers had been viewed as porteurs d'eau by the English and not equipped to do managerial or highly technical jobs. As a result, Quebecers were found in the lower strata of employment and were largely absent from the ownership and management levels of the private sector. Indeed, in 1961, francophone Quebecers were the second to last worst paid "ethnic" group in Quebec.

To transform Quebec's society and economy, a vast overhaul was launched by the provincial Liberals led by Jean Lesage (1960-1966), and including such key cabinet ministers as Paul Gérin-Lajoie (education), René Lévesque (natural resources), and Eric Kierans (health). The intention was to develop Quebecers' skills, to take control of the economy, and to bring Quebec fully into the North American economy. To achieve this, it became obvious to the Lesage Liberals that the state's control over the public sector should be put to work as the best available option. Several initiatives were taken and provincial state corporations - among them the Caisse de dépôt et placement, Société générale de financement, Hydro-Québec, Sidbec - were set up with a view to assuming greater control of the Quebec economy. This was the time of "Maîtres chez-nous", the rallying cry of the new provincial government.

Quebec demanded its rightful place in the Canadian federation and was willing to challenge Ottawa if necessary to overturn its dependent status. It became obvious that this transformation could only be successful if Quebec had greater control over its jurisdictions. This led to a series of unprecedented conflicts between Quebec and Ottawa, as the former tried to provide corrective measures to an economy that had been shaped without the full participation of francophone Quebeckers.

An admission of unfair practices with regard to French-speaking Canadians was made in 1963 when Prime Minister Lester B. Pearson decided to appoint the Launderneau-Dunton Commission (Bilingualism and Biculturalism Commission, 1963-1969) to resolve a growing potential crisis. The intention was to find ways and means to provide the same opportunities to what was viewed then as the two founding peoples through constitutional reforms. From approximately that moment onwards, two competing political strategies were developed. On the one hand, there were those in Quebec who felt that the Quebec state was the best order of government to protect and promote francophone interests. These individuals rallied behind provincial governments led by Liberals (1960-66, 1970-76, 1985-1994) and the Parti Québécois (1976-1985). On the other hand, there were those who mobilised at the federal level, first in support of the Liberals (1963-1979, 1980-1984) and later the Conservatives (1984-1993).

The 1960's revealed a willingness on the part of Quebec to act in concert with other provincial governments to obtain additional powers from the federal government. Indeed, this led to a common front strategy to avoid the "divide and conquer" scheme that had coloured federal-provincial relations for most of the last half-century. Ottawa-Quebec bilateral negotiations were rare during Lesage's tenure, a significant exception being the establishment of the Quebec Pension Fund. With the setting-up of its own pension fund, Quebec's strategy to guarantee a better place to Quebeckers in the federation was starting to show positive results. The Quebec Pension Fund was also confirming the province's claim that it had historical paramountcy in the social welfare field. This initiative should not be viewed as being limited only to constitutional politics since it provided Quebec with immediate access to huge sums of money that could be channelled through various economic projects to ensure its economic growth. Funds made available to the Quebec government through the pension plan would then be invested in Quebec enterprises by the Caisse de dépôt et placement, the gem of Quebec's home-grown economic institutions. The fight to gain control over the pension fund illustrates the extent to which Quebec's constitutional politics and economic strategy were intertwined. In other words, economic advancement for the province - thereby securing the well-being and future of the only francophone nation in North America - was the primary determinant in constitutional negotiations.

At Lesage's invitation, the provincial premiers decided to meet annually and to strike common positions to be presented to the federal government, as a way of pre-empting unilateral by Ottawa in areas of concern to the provinces. In turn, this action goaded the federal government into launching a series of federal-provincial conferences. Among Ottawa's key objectives was to secure agreement on a savings formula for the Canadian constitution. Ultimately, this would precipitate a fundamental clash over the nature of the Canadian federation. Was it two founding nations? many ethnic groups? five main regions? ten equal provinces? And what about the place of Aboriginal nations who had been left to themselves or segregated on reserves?

Inspired by the Tremblay report, the Quebec government elaborated a doctrine of provincial autonomy that went further than anything envisaged by previous provincial administrations. This approach, known as the Gérin-Lajoie doctrine, argued for the extension of provincial responsibilities externally, that is that any provincial jurisdiction could be exercised vis-à-vis other provinces or other nations-states, so long as the provincial government in question was willing to take on the task. In short, the Gérin-Lajoie doctrine proposed allowing Quebec to assume exclusive sovereign powers in areas of exclusive provincial jurisdiction.

The Gérin-Lajoie doctrine constitutes the first serious attempt to give meaning to Quebec's special status within Confederation. This doctrine was elaborated toward the end of Lesage's tenure as Quebec Premier when a revamped Union nationale under Daniel Johnson threatened to regain power (which it did in June 1966 after a six year absence). The elaboration of this doctrine was a response to the two failed attempts to provide Canada with an amending formula that could attend to Quebec's historical claims: first, in 1961, Jean Lesage refused the amending formula
The Gérin-Lajoie doctrine remains to this day a constitutional position agreed to by all key provincial actors in Quebec. According to Daniel Latouche, the implementation of this doctrine, especially at the international level, was viewed as a way to confirm Quebec's special status in the Canadian federation. Quebec's pursuit of its own implementation became a major issue in Canadian politics as the federal government sought ways to counteract Quebec's more affirmative, and at times confrontational, stance. The doctrine derived legitimacy and momentum from the Laurendeau-Durton commission, which described Canada as the sum of two founding nations, a compact between the two collective personalities, and proposed to interpret the Constitution in a way consistent with such a premise.

At the 1967 Quebec Liberal convention, a document titled Quebec, une société distincte was released. It demanded an end to overlapping jurisdictions and the necessary powers for Quebec to promote its collective personality. This required that Quebec assume additional responsibilities in the areas of culture, arts, immigration, social welfare, manpower training and employment, fiscal policy, public investments, etc. The document also proposed that Quebec be allowed to exercise a stronger role with respect to monetary and tariff policies. Quebec's international mission was clearly stated and its central place in international affairs was noted as a must in the Rapport du comité des affaires constitutionnelles of the Quebec Liberal Party.

The Gérin-Lajoie document, however, is more circumspect when it comes to concrete propositions and suggests that additional powers granted to Quebec need not to be given to other provinces if they do not wish to assume them. The intention was in any event to provide Quebec with a special status within the Canadian federation. Such proposals clearly come short of political separation; rather, it projected enhanced autonomy in the economic, social and cultural spheres.

With hindsight Quebec was not totally stonewalled during the sixties. Deals were made between Quebec and Ottawa on tax revenues and an opting-out formula was implemented in the area of shared-cost programmes. In addition, Quebec began playing an important role internationally in la francophonie while informal agreements with the federal government allowed the province to expand the small immigration bureau set up under Lesage into a legitimate department. These initiatives illustrate the extent to which asymmetry has not only been present and functional in Canada, but added to overtime. However, Lester B. Pearson (Prime Minister, 1963-1968) was more accommodative than would be his successor Pierre Elliott Trudeau.

Quebec would continue its quest for more encompassing agreements with Ottawa under Robert Bourassa (1970-1976) and René Lévesque (1976-1985). Because the other member states of the Canadian federation did not demand a similar role in immigration or, for that matter, international relations, Quebec was becoming more distinct as a province. However, neither Ottawa nor the other provinces have agreed to entrench constitutionally Quebec's role in these domains, thereby heightening uncertainty and provoking unnecessary federal-provincial battles.

The 1970's

The search for greater autonomy continued during the seventies with both Robert Bourassa and René Lévesque asking for additional powers and revenues in order to express fully Quebec's distinct status. In the first half of the decade, Bourassa attempted to pursue special status for Quebec under the guise of "profitable federalism" and "cultural sovereignty". His views were tested during the constitutional negotiations which failed with Quebec's rejection of a draft agreement, the Victoria Charter, in 1971. Bourassa was willing to accept a constitutional deal as long as special provisions were made to accommodate Quebec's needs: Quebec's right to veto constitutional amendments, opting-out of federal programmes with compensation, control over education and culture, added responsibilities in immigration, limitation to the federal spending and declaratory powers. Proposals developed were not to Quebec's liking and Bourassa, facing intense pressures at home, was forced to reject the Victoria Charter.

As Quebec Premier, Bourassa was quickly faced with a series of crises and setbacks that raised the extent of political turmoil within the province and within the Canadian federation: the October crisis of 1970, the failure of Victoria in 1971, the Quebec labour movement's common front against the provincial government and the rapid rise of nationalist forces aiming to take Quebec out of Canada. So, there was a pressing need to take action on worsening economic conditions, high levels of unemployment, and a sense of unequal treatment that had been felt by Quebecers over the years. Bourassa chose to introduce language legislation (Law 22) to give Quebecers a symbolic instrument and to undermine the growing popularity of the opposition Parti Quebecois by making French the only official language in the province. This decision, however, lost the support of many anglophone voters who subsequently cast a vote in favour of the Nordbund Union Nationale, contributing to the election of René Lévesque's Parti Quebecois in November 1976. It should also be noted that Bourassa gave Quebec its own provincial Charter of Human Rights and Freedoms on June 27, 1975, indicating Quebec's profound commitment to individual rights. The Quebec Charter of Rights set a precedent that would be followed by the federal government in 1982, but never to equal it in the area of social measures.

The Parti Quebecois was swept to power with a programme committed to sovereignty association with the rest of Canada. This option was presented to Quebecers as the best way to reestablish a compact between the two founding people through a new set of political institutions. The PQ also came to power with an impressive social and economic programme promising Quebecers a more equal system of social protection, better access to services throughout the province, and more active support for francophone businesses. The new government adopted a statist approach to economic planning in its first mandate, and attempted to gain additional powers from Ottawa in several policy sectors (e.g. manpower training, immigration). It organized innovative socio-economic summits intended to bring together key economic and social actors to elaborate a concertation strategy for Quebec's economy. To improve efficiency, Lévesque's government and summit partners asked that Ottawa withdraw from several jurisdictions to facilitate
exchanges between provincial actors (business, government, labour, and other key interest groups).

The new PQ government also proposed several institutional reforms and the implementation of tougher electoral practices aimed at strengthening Québec democracy. The government launched a major economic and social reform with a revamping of its language legislation (Law 101), modifying in a significant way power relations in the province by establishing new standards to be met by employers and insisting that allophones (those not having French or English as a mother tongue) going to Québec public schools be required to attend French schools. The democratic reforms initiated by the PQ's government included the Access to Information Act and a broader utilization of White papers and parliamentary commissions to allow citizens to express their opinions in public fora. As well, a new electoral map was drawn, political parties practices were brought in line with a highly moral society, and democratic changes were also implemented at the municipal level. Government contracts were no longer granted on a monopoly basis, but strictly on the basis of a cost-benefit analysis.17

On the constitutional front, Lévesque was keen to strike a better deal with the rest of Canada. He considered sovereignty association to be the best solution available and decided to sell the concept both to Canadians outside Québec and to Québécois. Some of those adhering to centralist federalism saw this as an act of treason while others (autonomists) viewed it as a way to achieve a workable federal arrangement, short of convincing Canadians of the importance of further pursuing asymmetrical federalism or special status, with the rest of Canada.18

The 1980's

It should be underlined that after 1980, René Lévesque governed Québec from a position of political weakness, having lost the 1980 referendum by a three to two margin. Moreover, the economy had been plunged into a recession. With unemployment levels high and economic restructuring underway, the government's traditional support base in the labour movement and government employees was eroded. Part of the reason for this decrease in popularity was a series of repressive laws intended to give the government more economic leeway to curtail deficit expansion, and to give foreign investors more confidence in the management of Québec's economy. Premier Lévesque had made an about-face when arguing towards the end of its first mandate that his "government recognized the necessity and legitimacy of profit, and agreed that the key role in Québec's economic development would have to be played by the private sector."19 The Parti Québécois government had moved away from a social democratic toward a neo-liberal agenda in the period of one mandate.

Québec's search for special status was frustrated by Prime Minister Trudeau, who refused to give a positive hearing to Québec's Premier. On November 5, 1981 the other Premiers agreed with Trudeau to patriate the Constitution from Britain with an entrenched Charter of Rights and Freedoms, without first having secured Québec's consent. In effect, Québec was shut out of the process. In its absence, an amending formula was adopted and the principle of equality of provinces was confirmed.20 This created a situation in which Québec was forced to abide by rules set by others. At the time, both the governing Parti Québécois and the opposition Liberals, led by Claude Ryan, rejected and condemned this development as an abuse of authority, claiming that it constituted an unparalleled departure from past practices and established political conventions.

The events of 1980-1982 are not without political consequences since the fundamental principle of continuity has been challenged. The strength of a federation is closely associated with its proper maintenance. Indeed, one can venture to argue that Canada will not be in a position to regain Québec's trust until continuity with the constitutional past has been reestablished. History is replete with examples in which majorities impose their vision onto others without respect for diversity and difference. An excerpt from Partners in Confederation, a document prepared by the Royal Commission on Aboriginal Peoples, applies in a significant way to Québec:

Looking back at the long history of relations between Aboriginal peoples and the Crown, we can see that profound changes have occurred on all sides since the first treaties were concluded and the first alliances forged. Not all of these changes have been for the better, and not all the terms of the original relationship have been honoured. Promises have been broken and great wrongs done.21

In fairness, the election of Brian Mulroney in 1984 gave Québécois the impression that continuity might be reestablished between Québec and the rest of Canada. Mulroney's intention, though ridiculed by federal Liberals, was to reintegrate Québec into the constitution with "honour and enthusiasm" as stated in his 6 August 1984 Sept-Îles speech. Following Mulroney's election victory, René Lévesque decided to reenter the constitutional fray and spoke of the new situation as representing a beau risque for Québec. This new attitude on the part of both governments led Lévesque to table in May 1985 a "Draft Agreement on the Constitution" for consideration by the other partners in the federation.

The "Draft Agreement" on the Constitution was profoundly influenced by a key government document, titled Les positions constitutionnelles du Québec sur le partage des pouvoirs, 1900-1976, prepared by Québec's Department of Intergovernmental Affairs, during the first Parti Québécois's mandate (1976-1981). This document embodied few less than twenty-two claims made by Québec governments of different stripes during the last thirty years.22 Lévesque's opening toward the federal government led to demobilization of the PQ rank and file and to the resignation of several key PQ cabinet ministers. Seven ministers in total left, among which were Jacques Parizeau, Camille Laurin and Denise Leblanc-Bantey, several presidents of riding associations, and four of the fifteen members of the national executive. Shortly thereafter Lévesque himself quit as a leader. In December 1985, the Parti Québécois went down to defeat under the newly-elected leader Pierre-Marc Johnson, a moderate nationalist. In November 1987, Johnson resigned, to be replaced by Jacques Parizeau in May 1988.
Elected on December 2, 1985 with more than 56% of the popular vote, Robert Bourassa came back to power with an economic agenda, and several key businessmen to accomplish it. Three task force initiatives were launched on privatization (Fortier report), deregulation (Scowen report), and administrative efficiency (Gobeil report). It was obvious that the business agenda was in, and that the social democratic forces that had influenced the PQ during its first mandate had been eclipsed. A new entrepreneurial spirit had taken hold of Québec and state-directed development gave way to the private sector. The dominant view was that a successful transition into the world of high technology industry and capital intensive ventures could only occur if there was an economic strategy based on competitiveness and an open economy.

Differences between the constitutional positions of Lévesque, Pierre-Marc Johnson and the new Bourassa government were more of degree than nature. Robert Bourassa decided to limit Québec's bottom-line demands to five: a) the explicit recognition of Québec as a distinct society; b) increased power to Québec in immigration regarding recruitment, administration and integration; c) appointment of three Supreme Court Judges with civilist tradition; d) curtailment of the federal spending power; and e), a full veto for Québec in any new modifications to be made to the Canadian constitution.

These five claims represented the foundations of the Meech Lake proposal, as Mulroney’s Conservatives attempted to reinstate continuity within the Canadian federation. It became impossible to find a solution acceptable to all due to the fact that most Canadians have come to view federalism in irreconcilable ways. Equality of provinces and uniformity in the application of the rules of the land became the Achilles’ heel of any potential deals between Québec and the other member states of the Canadian federation. Any semblance of asymmetrical status for Québec was rejected with unprecedented vigour. The Canadian Charter of Rights and Freedoms was rallying people while distinct society tended to be perceived by Canadians outside of Québec as a threat, as a set of privileges that will create two classes of citizens in Canada.

It should also be stressed that a large number of the Québec people saw Meech Lake as a pale image of what they wanted to see recognized in the Canadian constitution, whereas Meech Lake was viewed by many outside of Québec as a series of concessions that endangered the edification of the country. In the subsequent debate, Québec's claims became secondary to an assortment of counterclaims made by other Canadians. The constitutional reform agenda expanded to encompass other matters: the need to correct past injustices committed towards the Aboriginal nations of Canada, the concerns of have-not provinces, maintenance of the universality of social programmes, rights of women, and official linguistic minorities. All of these factors contributed to the denial once more of Québec’s distinct character and raised Québec nationalism to a new height. It became an all or nothing issue: Meech Lake died.

Québécois’ aspirations were once again thwarted causing the creation in July 1990 of a new party in Ottawa, the Bloc Québécois under the leadership of Lucien Bouchard, formerly Brian Mulroney’s right hand man. For the first timeQuébécois sent to Ottawa a party committed to Québec sovereignty, a party proclaiming its intention to give Canadians an unadulterated view of Québec’s constitutional position.

In the aftermath of Meech Lake, the Québec government acted promptly in setting-up the Bélanger-Campeau commission which was empowered to consult Québécois and find a solution in or out of Canada. Initially, the Commission was to examine options still available to Québec and make recommendations regarding its political future. In fact, the Commission became nothing more than a safety valve to relieve pressure on the government. While more than 600 briefs were submitted, in the end the Québec government did not make use of the Commission’s main recommendations. The Commission did sensitize Québécois to the private sector agenda. Economy and politics were becoming inseparable as politicians used the constitutional battles to secure the business agenda.

Concurrently with Bélanger-Campeau, a series of initiatives were taken by Ottawa and several provinces with a view to attempting a rapprochement with Québec. The ultimate result of those efforts, known as the Charlottetown Accord, led to the holding of a referendum based on a comprehensive package deal unanimously agreed to by representatives of the federal government, provincial governments (including the government of Québec which made a complete about-turn at the end of the process to accept the proposals), territories and Aboriginal leaders. At the end of the process, a federalist Bourassa was caught with his hands behind his back, Ottawa was said to be willing to vacate secondary fields of exclusive provincial jurisdictions (but not before having signed reversible deals with provinces, de jure recognizing federal hegemony) that had been invaded by Ottawa over the years, take on responsibility for pan-canadian programmes – that would have left Québec totally dependent on Ottawa’s approach to economic development – and make changes to federal institutions that, in essence, would have confirmed the equality of provinces principle.

The 26 October 1992 referendum results clearly demonstrate that Canadians of the different provinces were displeased both by the process and proposals placed before them. In Québec there was sense of profound disappointment since Québec, who closely followed the Bélanger-Campeau commission proceedings between November 1990 and February 1991, had expected to be consulted on the issue of Québec’s independence as a way out of Canada’s constitutional quagmire. Once more the federal government had been able to seize the initiative.

The rejection of Charlottetown proposals was strong not only in Québec where 56.7% of the population disapproved of it (approximately 70% of the French-speaking population), but also in Manitoba (61.6%), Saskatchewan (55.3%), Alberta (60.2%), British Columbia (68.3%), and Yukon (56.3%). Unexpectedly, Nova Scotia also registered its opposition with 51.2%.
In Québec, the Meech Lake-Chariottetown episode had major consequences on the federal election of October 25, 1993. Indeed, Conservatives who had received substantial support from Québec francophones in 1984 and 1988 voted in large numbers for the Bloc Québécois who won 54 of the 75 seats available. The Liberals maintained their level of popular support at 33%, at approximately the same level as the two previous general elections.26

The failure of Charlottetown also deeply affected Bourassa’s Liberals who decided to give their support to the deal just a few weeks after they had described it as being unacceptable to Québec and as projecting a domineering vision of federalism. Caught in a web of contradictions, Bourassa struggled to find something positive to say about the proposed agreement. Nationalists within the provincial Liberals were asked to stay their objections or be evicted from the party. This led to the expulsion of Jean Allaire and to the departure of youth leader Mario Dumont, subsequently two important spokespersons during the referendum campaign in mobilizing Québécois against the Charlottetown Accord.

Québec Liberals have been in disarray since the October 26, 1992 referendum. Under intense pressures Robert Bourassa stepped down as Québec Premier in December 1993 and was replaced by Daniel Johnson jr., an openly committed federalist in the tradition of Premier Adélaïde Godbout (1939-1944). Québec political map has been transformed significantly during the last year with the Equality party under serious threat of disappearing and the creation of the Parti Action démocratique du Québec (PADQ), a provincial version of the Reform party, first under the leadership of neo-liberal and fiscally-conservative Jean Allaire and, soon thereafter in May 1994, under Mario Dumont’s leadership. At the moment, however, all indicators point to the return of the PQ to power: provincial by-elections having been won by Parti Québécois, selection of several renowned political candidates, and high level of satisfaction with the Bloc Québécois in Ottawa. The possibility that PADQ acts as a spoiler for the Parti Québécois is not totally precluded.

Whatever the results of the next provincial election, a consensus appears to have developed in Québec on the constitutional and Québec-Canada relations more generally. There is a desire to find a solution. Any solution must involve a high degree of autonomy for Québec and the setting-up of common institutions to manage the pan-Canadian economic space. A renewed partnership under a different guise is currently being elaborated both in Québec and in the rest of Canada.27 It remains to be seen what impact these proposals will have on the future construction of Canada’s national communities.

Conclusion

Contrary to popular belief in the rest of Canada, Québec’s claims have always been made with a view to strengthening its place within the Canadian federation while providing additional powers to the province to shore up its economy and guarantee its people’s future in North America. Sovereignty association should be viewed as a political device aimed at diminishing political and economic costs for both Québec and Canada. However, in the middle of the constitutional muddle left by the famously obscurantist Robert Bourassa, Québec seems incapable of defining itself either as a province like the others or a nation like no others.

On the provincial political scene, much still needs to be accomplished during this decade. It is still unclear if Québec’s fate is to become a nation in its own right. First, a nation needs to be capable of recognizing other nations, including within Québec the Aboriginal nations. Second, a political nation needs to exercise moral leadership and be willing to assist all of its constituent parts to reach their full potential. Third, Québec needs to entrench constitutionally its own Charter of Human Rights and Freedoms, which is already an impressive achievement by world standards, as well as officially table its own constitution. Avoiding such steps, it would be to unload unto others one’s own obligations. Time will tell therefore whether Québec will satisfy itself with being a Canadian province "pas commune les autres", or seek to become a sovereign nation. Whatever the option chosen, the current break with continuity leaves Québécois with little choice.

Notes

1. The influence of American federalist theorists is notable here. For an elaboration on this point, see Gagnon, 1993a.
5. Loranger, one of Québec’s most influential jurists, published a series of constitutional tests in 1983 that will have a long-lasting effect and constitute a reference point for excellence for the Québécois nation and, later, to many other national communities in Canada. Loranger was particularly instrumental in developing the compact theory and showed plenty of hindsight as he demonstrated the relevance of such an interpretation to Canada’s future. The Royal Commission on Aboriginal Peoples has found much merit to Justice Thomas’s constitutional interpretations, see Royal Commission on Aboriginal Peoples, 1993. The three propositions quoted below have been discussed in the report, see pp. 22-23.
9. For a full account of its inception and application, see Balthazar/Bélanger/Mace (eds.), 1993.
11. This party document was released as a way to counteract René Lévesque’s first version of Option-Québec: once the party had decided to reject Lévesque’s uplifting of the party programme, he left the convention with several members. Soon thereafter, they created the Mouvement souveraineté-association.
12. This document was reproduced in the Journal of Canadian Studies, November 1967, pp. 43-51.
13. Thérien et al., 1993, pp. 259-78.
16 One of Quebec's central tenets dealt with social policy and constituted the basis for the overhaul reform. Quebec's intention was to bring under its authority issues of income security, manpower training and education in order to rationalize policy-making and be able to adapt as rapidly as possible to international economic changes. On the meetings leading to the Victoria conference of June 1971, see Morin, 1991, pp. 403-426 ("Victoria, ou la tentation de ceder"). Yves Vaillancourt "Il y a 20 ans, Borough à la veille de Victoria".

17 Bernard, 1992, pp. 79-84.

18 For a detailed analysis of constitutional bouts between Quebec and Ottawa from the Quiet Revolution to McEach Lake's debacle, see Gagnon/Latouche, 1991.


20 The general amending formula states that constitutional modifications can be made with the support of seven provinces totalling 50 per cent of the Canadian population, and stipulates that the formula, along with a few other changes, can be changed only with unanimity.

21 Royal Commission on Aboriginal Peoples, 1993, p. 49.

22 Full a fuller account of this period, see Gagnon/Latouche, 1991, pp. 21-80 ("Comment organiser le Canada: le point de vue des commissions royales et des partis politiques"). Among the Parti Quebecois' main claims were the commitment to see Quebec recognized as a people, to obtain full control over local government policies in areas of provincial jurisdiction, to officialize its veto in areas where Quebec's current role in federal institutions might be undermined, to get a formal recognition of three civilists Superior Court judges by the Quebec National Assembly before their nomination by the federal government, and, to name only a few, to establish the precedence of the Quebec Charter of Human Rights and Freedom over the Canadian Charter of Rights and Freeoms. The Quebec Charter is reproduced in appendix to Gagnon (ed.), 1993b, pp. 481-507.

23 This comes out very clearly from briefs presented by the Chambres de commerce, Mouvement Desjardins, Association des manufacturiers, Conseil du patronat, etc.

24 For a more detailed account of the package deal, see Gagnon/Rocher, 1992, pp. 117-127.

25 Meanwhile however, and perhaps because so much pressure was coming from Quebec, a political agreement was signed on immigration between Quebec and Ottawa in December 1990.


References


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