QUEBEC AND CANADA: BEYOND CONSTITUTIONAL ANGST

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It isn't easy to define present-day Canada. The relations between the political community that is Canada and Canadian identity are too varied to allow for an unequivocal definition of the country. Canada is a political, democratic, liberal, federal, multinational and multicultural community. Charles Taylor was incontestably correct when he asked us to accept its "deep diversity." Taylor's concept of deep diversity referred not only to cultural diversity, but also to the different forms of belonging to Canada.[1] Canadian identity is a strong marker of personal identity for many Canadians. For others – like certain Quebec or Aboriginal nationalists or even citizens who are against any type of nationalism – Canada does not figure much, or at all, in their self-representation. Dual and multiple identities abound. Respecting these different forms of belonging to Canada is essential for federal stability.

The Canadian political community's structuring properties aren't mutually exclusive, be it from either a logical or a practical point of view. It is possible to achieve a balance between federalism, multinationalism and multiculturalism:

FEDERALISM: Canada is based on a sovereignty shared between sovereign levels of government that are responsible for their own areas of competence. The federal principle demands constant coordination between all levels of government. The federation will obviously function better when governments are willing to cooperate.

MULTINATIONALISM: Canada is based in part

1 Charles Taylor. *Rapprocher les solitudes: Écrits sur le fédéralisme et le nationalisme au Canada*, Québec: PUL, 1990.

on the relations between distinct nations. Nations anchor themselves in the collective memory and usually have a founding ethnicity, but in general they are, in the words of Benedict Anderson, "imagined communities." A great majority of Québécois see Quebec as being a distinct nation and a political community that should be able to rely on substantial legislative jurisdiction. Aboriginal peoples have always maintained and confirmed their national identities, despite colonial policies, and to this day continue to demand that their rights, both ancestral and those derived from treaties, be fully recognized. Since there are hundreds of different Aboriginal peoples and the vast majority of "Anglophone" Canadians do not identify with an Anglo-Canadian nation, the representation of a tri-national Canada founded on the relations between three founding nations is erroneous. Deep diversity means accepting that many Canadians identify with a Canadian nation encompassing all citizens, while many Québécois and Aboriginals identify primarily with a minority national identity. None of this is incompatible with Canada's stability and development.

MULTICULTURALISM: Canada is multicultural in both descriptive and prescriptive senses Thanks to the official multiculturalism policy, cultural diversity is seen as valuable and an integral part of Canadian identity. Newcomers are invited to integrate themselves, to contribute to the common good, to speak French or English, but not to completely assimilate or hide their culture of origin. It must be noted that Quebec inter-culturalism, when fully understood, shares multiculturalism's pluralist tendency with the explicit addition of a call for interactions between citizens of differing cultures.

As the philosopher Will Kymlicka has said, multinationalism and multiculturalism are not incompatible.[2] It is possible for distinct national identities to be recognized while ethnocultural diversity is made into a cornerstone of Canadian identity. It's a matter of opposing both Trudeauists and Quebec nationalists wanting to force us to choose between multinationalism and multiculturalism.

QUEBEC IN THE 21ST CENTURY

I would now like to take a deeper look at the status of Quebec in what I will call post-constitutional angst Canada. In terms of interpreting our history, I suggest that a new phase of our history began with the sovereignist movement's narrow defeat in 1995. The period between 1960 and 1995 was marked by the transformation of Quebec nationalism and the ascendancy of the sovereignist movement. The 1980 referendum was a disheartening defeat for the Yes camp, but it also served to normalize the sovereignist option and its primary vehicle, the Parti Québécois. Pierre Elliott Trudeau's ambiguous post-referendum promises and the adoption of the Constitution Act, 1982 without Quebec's consent legitimized the sovereignist movement in a new way—a legitimacy validated by the Meech (1990) and Charlottetown (1992) defeats.[3] The Yes party's near-win in 1995 can be explained by Lucien Bouchard's charisma and, in all likelihood, by the perception that the Canadian Constitution

2 Will Kymlicka, *Finding our Way: Rethinking Ethnocultural Relations in Canada*, Oxford University Press Canada, 1998.

3 Guy Laforest wrote a detailed thesis on the illegitimacy of the patriation of the Constitution. See his book *Trudeau et la fin d'un rêve canadien*, Québec: Septentrion, 1992.

was impossible to reform and the ROC's refusal, on two occasions, to correct the 1982 error.[4]

Twenty years later, the sovereignist movement is struggling to re-ignite the flame, and even to interest a critical mass of citizens. How did we get here? What brought about the end of our constitutional angst?

My thesis is that Quebec nationalism has proven to be, unexpectedly, the Trojan horse of Quebec sovereignty. The collective affirmationism that was at the forefront of the Quiet Revolution allowed for the development of a strong and distinctive national identity and of a French-speaking political community within the Canadian federation. Today, 63% of French Québécois identify primarily with Quebec (44.8% "primarily" and 18.2% "only"), while 9.3% of them identify primarily as Canadians (5% "primarily" and 4.2% "only").[5]

A francophone business class and technocracy were formed. University education in French was made more accessible. A francophone media, cultural and artistic scene emerged. Quebec transformed itself into a host society with enough confidence to integrate newcomers. Quebec is, in the words of sociologist Simon Langlois, a "global society."[6] Just as the creation of welfare states brought about the decline of socialism in the West, the Quiet Revolution's lasting victories correlate with the gradual downfall of the indépendantiste project. Only the intransigence of the Trudeauist vision for Canada was capable of breathing a new life into Quebec sovereignism.

One of the lessons we can draw from Quebec's identity and political reconstruction is that exercising constitutional powers is more important than observers from the 1980s and 1990s, including Charles Taylor, had thought. During those two decades of intense constitutional discussion, much weight was given to the importance of symbolically recognizing the nation of Quebec or the "distinct society" in the Canadian Constitution. It was necessary to officially and positively recognize the peoples' identities for them to develop healthy relationships with themselves, as well as a sense of belonging to the overall political community.[7]

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4 James Tully, "Liberté et dévoilement dans les sociétés multinationales", trad. fr. Jocelyn Maclure, *Globe. Revue internationale d'études québécoises* 2(2), 1999: 13-36.

5 It must be noted that 27.8% of French Québécois identify as much with Quebec as with Canada. In the end, 77.6% of French Québécois report double identification. See François Rocher, "La mémoire de 1982 : Amnésie, confusion, acceptation, désillusion ou contestation?", presented at the symposium *30 ans après le rapatriement: L'état des lieux – Quel bilan ? – Quelles perspectives ?*, organized by AÉIQ, CREQC and AQDC, at l'UQÀM, April 12-14, 2012: 21. Online: http://aieq.qc.ca/documents/0000/0331/Rocher_F_memoire_1982_SondageLM.pdf . Last visited February 10, 2016. See also Antoine Bilodeau, Luc Turgeon, Stephen E. White and Ailsa Henderson, "Seeing the Same Canada? Visible Minorities' Views of the Confederation", IRPP Studies 56, Nov. 2015. Online: http://irpp.org/wp-content/uploads/2015/11/study-no56.pdf. Last visited February 10, 2016.

6 Simon Langlois, " Le choc de deux sociétés globales" dans Louis Balthazar, Guy Laforest et Vincent Lemieux (dir.), *Le Québec et la restructuration du Canada 1980-1992. Enjeux et perspectives*, Montréal, Éditions du Septentrion, 1991.

7 Charles Taylor, "La politique de la reconnaissance", *Multiculturalisme : différence et démocratie*, Paris, Flammarion, 1994.

Negotiations over the recognition of Quebec's distinct character, among other topics, failed twice, rather than once. Twenty years after the Yes's near victory, why doesn't this non-recognition fuel the fire of sovereignist fervour? I believe that it is because successive Quebec governments haven't ceased, throughout this period, to maximize their use of the powers given to them by the Canadian Constitution and to find creative ways of exercising self-government over issues that fall under mainly federal jurisdiction—for example, the issue of assisted suicide in the context of physician-assisted dying, which becomes a health services issue; the Quebec justice ministry's refusal to impose heavier penalties on young offenders; and Quebec's desire to create its own firearms registry. We know that one of federalism's virtues is that it is based on a counter-weight mechanism that fosters political dissent and the balance of power. Quebec didn't ratify the *Constitution Act, 1982*, but it does make use of all the means at its disposal and continuously negotiates agreements allowing it to consolidate its sovereignty.

In summary, intense constitutional policy failed miserably in the last two decades of the 20th century, but "normal" and "low-intensity" policy and Quebec's substantial autonomy within the Canadian federation nevertheless allowed the Quebec nation to assert its identity and politics. Today, the sovereignty project is failing to prove the need for its existence, which doubtlessly explains the hardened identity stance taken by many sovereignist intellectuals and politicians. We can hope that future generations of Canadian leaders will simplify the issue of the recognition of Quebec's distinct character – after all, sections 25 and 35 of the constitution recognize the specific identities and rights of Aboriginal peoples – but it is obvious that many of us in Quebec won't wait for the ROC's recognition to act.

Post-Quiet Revolution Quebec falls into neither the westphalian nation-state model, nor the "denationalized" one. Today's Quebec is globalized, that is to say it is a nation with inextricable ties to global dynamics. These dynamics create a w of challenges for all states, which must be dealt with through inter-state collaboration and the implementation of supranational powers. Every state faces problems related to climate change, international terrorism, economic stagnation, increasing inequality and accommodation of moral, religious and cultural diversity. A large majority of Québécois simply do not see how becoming a completely autonomous nation-state would help Quebec face those challenges.

Thus, we can see that the dichotomy between the visions of a Quebec unable to grow unless it achieves complete independence and that of a multicultural and *mono*national Canada is outdated. The rivals, Lévesque and Trudeau senior, were both wrong.

But that does not mean that everything is running smoothly in the Canadian federation. The decline of the sovereignist project does not seem to correlate, for the moment, with a significant increase of francophone Québécois identifying with Canada. One of Justin Trudeau's Liberal government's tasks will be to demonstrate that the federal state also belongs to the Quebec people and that it can work in their interest. Furthermore, in a civil society context, it is more important than ever to solidify a federal Can-

adian identity within the Québécois' repertory of identities by creating projects requiring collaboration and cooperation between citizens from Quebec and from other provinces and Aboriginal peoples.