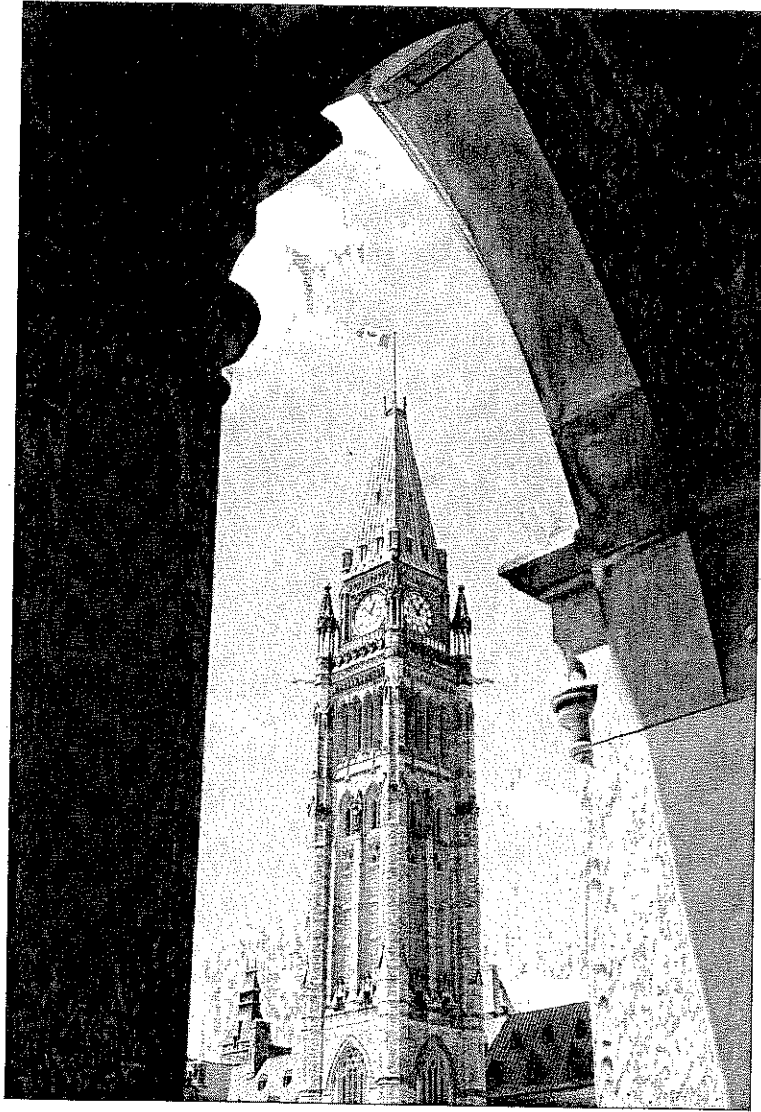




CANADIAN SOCIETY IN THE TWENTY-FIRST CENTURY

An Historical Sociological Approach ♦ 2nd Edition

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CHAPTER 4

THE CONSTITUTIONAL YEARS

The Magnificent Obsession.

—subtitle to Clarkson and McCall's 1990 examination of the Trudeau years and efforts at constitutional reform

Quebec constitutes, within Canada, a distinct society.

—the Meech Lake Accord, 1987

The process of constitutional reform in Canada has been discredited.

—Quebec premier Robert Bourassa after the failure of the Meech Lake Accord, 1990

INTRODUCTION

Goa is a former Portuguese colony on India's western coast. In a country predominantly Hindu, Goa's population is largely Catholic, and much of its small population bears decidedly non-Indian names, like de Jesus. In other words, despite being surrounded by a dominant majority population, Goa, like Quebec, retains its distinct cultural identity.

One of this book's authors was traveling in Goa in the fall of 1976 when he heard that the separatist Parti Québécois, led by René Lévesque, had been elected to govern Quebec. Because he was a young, unilingual, and politically unaware westerner, the significance of the event escaped him then. He remembers, however, two francophone Québécois in their late twenties, also visiting Goa, who were elated by news of the PQ's victory and celebrated long into the night.

This chapter examines events in Quebec and the relationship between Canada and Quebec during the 20 years that followed the FLQ Crisis of 1970. As noted in the previous chapter, the FLQ crisis ended the Quiet Revolution in Quebec. Thereafter, nationalist and separatist

impulses within the province took a less violent but, in the long term, potentially more lethal turn, alternating between efforts to reform Canada's Constitution and threats of referenda on Quebec's independence. The period ended with the failure of the Meech Lake Accord in 1990 and the referendum defeat of the Charlottetown Accord two years later, events whose aftershocks can still be felt today. The chapter begins with a discussion of sociology and its relationship to political constitutions.

SOCIOLOGY AND THE CANADIAN CONSTITUTION

The events of the 1960s, culminating in the FLQ Crisis in 1970, set off a profound rethinking of Canada's Constitution. Sociology and sociologists played a major role in this rethinking. This should not surprise us. After all, one of sociology's main interests involves **social norms**, *the more or less agreed-upon societal rules and expectations specifying ways of behaving in society*.

Constitutions fall under a specific type of norm: **laws**. The term **constitution** refers both to the institutions, practices, and principles that define and structure a system of government and to the written document that establishes or articulates such a system (taken from Hemberger, 1993: 189). A constitution defines a state's sphere of authority, the means of its governance, and claims that may be made in the political realm, broadly defined and contested. More broadly, constitutions represent symbolically a statement of spirit or intent, for example, that "all people are created equal." Beginning with the American and French revolutions, constitutions arose as a means of formally specifying the relationship between individuals and groups and their relationship to the modern state, a chief interest of early sociologists such as Tönnies, Weber,

and Durkheim (see Chapter 1). Finally, while some constitutions are more easily changed than others, none are written in such a way that they can be changed at whim. Constitutions are meant to represent a more or less firm statement of a country's legal foundation. By comparison, the American Constitution is relatively "fixed" while the Canadian Constitution is sometimes referred to as a "rolling compromise." Beginning in the 1960s, the compromise picked up speed.

Until 1982, Canada's key constitutional document, of course, was the British North America (BNA) Act (later renamed the Constitution Act, 1867), creating the Dominion of Canada (Dunn, 1995) (see Chapter 6). Long before 1867, however, Canada's existence was structured by a series of constitutional acts: for example, the charter of the Hudson's Bay Company in 1670, the Royal Proclamation of 1763, the Quebec Act of 1774, the Constitution Act of 1791, and the Act of Union of 1841 (see Chapter 2). The BNA Act repealed some elements contained in these previous legal documents. Other commitments, however, remain in effect; for example, current Native land claims date from the Royal Proclamation Act (see Chapter 13).

The BNA Act was repeatedly altered after 1867 to meet changing conditions and demands. A partial list of these changes includes the various acts that incorporated the lands of the Hudson's Bay Company and the North-West Territories into Canada, made Manitoba, British Columbia, Alberta, and Saskatchewan provinces, established the Yukon Territory, and brought Newfoundland into Confederation.

Constitutional reform stalled, however, after the 1920s, even as the need for it became greater. The Statute of Westminster in 1931 declared Canada (along with Australia, New Zealand, and South Africa) sovereign and equal to Britain. Canada, however, declined at that time to take control over the Constitution because

the federal and provincial governments could not agree on how the Constitution would be amended in future.

Why was the issue of an amending formula problematic? It was problematic because it dealt with issues of power between levels of government and between government and individual citizens. For example, would the federal government be able constitutionally to make changes unilaterally? Or would provincial consent for constitutional changes be required? If so, how many provinces and would all provinces, large and small, be equal? If not provinces, would Canadian citizens have the ultimate say over constitutional changes through, for example, a Canada-wide referendum? How would the rights of smaller provinces and, in the case of Quebec, minorities be protected against the majority provinces or population? Would some elements of the Constitution be more easily changed than other elements? These were only some of the constitutional questions facing Canadian politicians after 1931. With no clear answers in sight, the Constitution remained "housed" in Britain, even as Canada symbolically distanced itself from Britain in other ways. (In 1950, for example, the British Privy Council ceased to be Canada's Supreme Court.)

Constitutional questions would not go away, however. Two issues with constitutional implications dominated federal-provincial relations in Canada during the 1950s. The first was the ongoing search for an amending formula. The second was fiscal relations between the two levels of government (Webber, 1994: 93), the latter a by-product of the federal government's control of revenues and the expansion of welfare state programs after 1945 (see Chapter 7). With the Quiet Revolution of the 1960s, a third issue was added to the mix: Quebec's historical relation to the rest of Canada. Was Canada a confederation of 10 equal provinces, or

was it a bargain between two nations, French and English (Chapter 3)?

The events of the Quiet Revolution, culminating in the October Crisis of 1970, made obvious the necessity of resolving these issues. Quebec, however, was not the sole impetus for demands for constitutional change. In particular, the western provinces in the 1970s also demanded constitutional changes in two areas: first, "control over the taxing and marketing of natural resources" and, second, "reform of federal institutions, especially the Senate" (Webber, 1994: 103) (see chapters 8 and 9). Quebec and many of Canada's "hinterland" provinces demanded *both* a greater devolution of federal powers and, concomitantly, more inclusion at the centre of federal decision making.

The Trudeau government's interpretation of Canada's "problem" was quite different. Among developed countries, Canada was significantly decentralized already. The problem was not an excess of power at the centre, but too much power in the regions. Giving in to Quebec's nationalist demands would only encourage more demands. Already other provinces were piggybacking on Quebec's demands, threatening further weakening of the Canadian state. The solution to Canada's problems, in Trudeau's eyes, lay in constitutional reforms that would bring Quebecers and Quebec into the "Canadian nation" (see Balthazar, 1997).

By 1971, both the federal and provincial governments were seeking constitutional reform. At a federal-provincial meeting held in Victoria, the two levels of government appeared at last to have reached an accord on some principles for renewing Confederation. Quebec Premier Robert Bourassa (1933–1996) faced strong opposition from nationalists, unionists, business groups, and the media, however, upon his return to Quebec. These opponents feared the agreement would enhance federal authority while reducing Quebec to the status of just another province. Constitutional reform thus was put on hold. In

the absence of a constitutional solution to Quebec's demands, new coalitions of social and political forces soon arose in Quebec, proffering different solutions to the Quebec-Canada "problem."

THE ELECTION OF THE PARTI QUÉBÉCOIS

On November 15, 1976, René Lévesque's Parti Québécois became Quebec's governing party, taking 71 of 110 seats and 42 percent of the popular vote (Conway, 1997: 86). The election was a startling turnaround for the PQ, which in 1973 had won only six seats (though they won 30 percent of the vote) in losing to Bourassa's Liberals. Much of English Canada panicked. The business community was particularly stunned, fearing equally the PQ's avowed separatism—Levesque promised to hold a referendum on sovereignty sometime during his party's electoral mandate—and social democratic platform. What had happened?

In part, the PQ's election was the Liberal government's rejection. Bourassa's personal image had never fully recuperated from his handling of the FLQ crisis of 1970, when he was widely seen by francophone Quebecers as weak and ineffectual in defending their interests. More broadly, however, the PQ's election reflected a further evolution in Quebec society itself and in Quebec nationalism. By the 1970s, the economic changes undertaken during the Quiet Revolution were bearing fruit. New middle and entrepreneurial classes were emerging, dominated by francophone Quebecers. Labour unions, long suppressed in Quebec, were also growing in power, and labour militancy was on the rise, exemplified in an extreme manner by workers' intentional destruction of the James Bay hydroelectric site in 1974. Quebec culture and arts, no longer insular or defensive, were also thriving. The PQ's positive message of creating a more autonomous, social democratic,

and modern society appealed to a wide cross-section of francophones within the blue- and white-collar, intellectual, and cultural communities.

Like all Quebec political parties, going back to the previous century, the PQ was nationalist, but the PQ's nationalism was fundamentally different from that of previous Quebec governments. First, reflecting changes among Quebecers themselves, the PQ's nationalism was more positive and future-oriented than in the past (Dufour, 1990; Thompson, 1995). Second, where Quebec governments in the past had defended the French "nation"—albeit with its obvious homeland in Quebec, still within Canada—the PQ rejected both the notion of allegiance to Canada and to a broader pan-Canadian French nation (Webber, 1994: 101). For the PQ and many of its followers, there was only a Québécois nation, its interests represented by Quebec's quasi-state, on the verge of becoming a sovereign country. All that was needed to make Quebec sovereign was a decision by its people to assert their rights of self-determination.

Third, where the Union Nationale had been authoritarian and conservative, and the Liberals classically liberal, the PQ was unabashedly democratic socialist as reflected in several progressive policies enacted during its first term in office. Labour laws were amended, outlawing strikebreaking and adopting the Rand formula (see Chapter 8) for deducting union dues. Reflecting the strength of emergent feminism within the party, the rights of women also were extended (see Dickinson and Young, 2003). Finally, Quebec's minimum wage became the highest in Canada, and the sales tax was removed on shoes, clothing, and furniture (Conway, 1997: 92). The PQ's most important moves, however, were in defence of the French language.

THE LANGUAGE OF QUEBEC NATIONALISM

Language is perhaps the chief element of national identity as it represents continuity with the past and future (see Chapter 5). It is also central to much sociological thought. From a symbolic interaction perspective, for example, language is the chief vehicle for understanding and expressing a group's history, beliefs, and values, but from a post-structural perspective, language and its putative efforts at defining a precise "meaning" is tied up with issues of power. Likewise, while structural-functionalists view language as a means of facilitating mutual exchanges, conflict theorists view it as a contested terrain between the dominant culture and minority groups.

Until the Constitution Act of 1982, only the BNA Act of 1867 (later renamed the Constitution Act of 1867) dealt constitutionally with language, and then only in Section 133 and in a limited context. Section 133 states that either French or English can be used in the legislatures of Canada and Quebec and courts under their authority, and that records and journals of both Parliament and the Quebec legislature must be bilingual. Section 23 of the Manitoba Act of 1870 replicated the Quebec provisions of the BNA Act (Dunn, 1995: 340–342), as did arrangements in the North-West Territories in 1874 (Cook, 1995: 153).

The cultural wars of the 1890s and early 20th century saw English majorities abuse French language protections, however. Meanwhile, the majority French in Quebec found their social and cultural status gradually declining against the minority and unilingual anglophone population. In effect, where constitutional bilingualism existed, it provided greater protection for English speakers, minority or otherwise, than it did French speakers.

By the 1960s, survival of the French language and culture in Quebec was further threatened by a combination

of declining birth rates and rapidly increasing immigration into the province (Dickinson and Young, 2003; Fournier et al., 1997). Many of the new arrivals spoke neither French nor English. Surrounded by a North American sea of English, however, and experiencing the economic and social benefits of English within the province, most immigrants were choosing to speak English. Moreover, schools were pressed into the debate as immigrants demanded their children receive education in English. For many francophones, their ancestral homeland and culture were once more under siege. Official bilingualism, enacted in 1969, did not address these fears. Indeed, official bilingualism was the answer to a question most francophone Quebecers had not asked, satisfying only Canadian nationalists outside the province. In 1968, violence broke out in Montreal between francophone nationalists and immigrant Italians over language instruction in schools (Dickinson and Young, 2003: 323–324; Thompson, 1995; Fournier et al., 1997).

The Bourassa government in 1974 attempted to deal with the issue through the Official Languages Act (Bill 22). Bill 22 made French Quebec's official language in certain key areas, such as business, labour, education, some professions, and public administration (Conway, 1997: 88). It did not demand the exclusive use of French, however. Education matters, for example, were left largely untouched, with immigrant parents still able to enroll their children in English-language schools.

After its election, the Parti Québécois moved quickly to remove any ambiguity concerning the status of French in Quebec. The Charter of the French Language of 1977 (Bill 101) made French the official state language and the "normal language of work, education, communications, and business." Bill 101 also restricted English instruction to those whose parents were

educated in English in Quebec. (An exception was granted to Aboriginal peoples, especially in the case of Aboriginal languages.) Bill 101 further placed limits on bilingual signs and restricted the use of English in business and government (see Fournier et al., 1997: 242–259; Dickinson and Young, 2003: 324; Webber, 1994: 100–101).

Anglophones within Quebec, many of whom had deep ancestral roots, felt themselves under attack. Their anger found support outside Quebec among English-speaking Canadians who could not understand the Quebec government's moves to make the province predominantly French at a time when they were (grudgingly) accepting bilingualism. Anger outside Quebec was aided and abetted by some English-Canadian politicians pandering to anti-French, anti-Quebec sentiment in search of cheap votes.

Supporters of Bill 101 pointed out, however, that its provisions dealt solely with Quebec's public and symbolic realms, not with cultural institutions (e.g., McGill University) or private interactions (Webber, 1994: 101). They further pointed out the failure of governments elsewhere to protect and promote the French language (see Conway, 1997: 96–97). However, few in English-speaking Canada listened to such arguments. Following the passage of Bill 101, Sun Life announced it was moving its headquarters from Montreal to Toronto. Other businesses soon followed. Many young anglophone Quebecers also left the province during this period (Morton, 1997).

By 1979, the Parti Québécois was entering the bottom half of its electoral mandate. It had been elected on a promise to hold a referendum on sovereignty that would make the Quebec state the political embodiment of that expression. Now time was running out to fulfill the promise. The stage was set for the 1980 referendum and one of the most compelling political rivalries of the late 20th century.

A STUDY IN PERSONAL AGENCY: THE 1980 REFERENDUM

One of sociology's ongoing central debates involves the relationship between individual behaviour and the constraints and imperatives of social structure. Do individuals really make a difference, or are we merely creations of our time and place? In a famous passage, Marx (1977b: 300) once wrote that people "make their own history, but they do not make it just as they please, they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given, and transmitted from the past." The American sociologist C. Wright Mills (1961: 6) viewed agency and structure as a meeting place for what he termed the **sociological imagination**, the ability "to grasp history and biography and the relations of the two within society." From this perspective, Pierre Trudeau and René Lévesque can be seen as products of pre-war 1939 Quebec society and the political and ideological struggles of their time.¹ Yet each also influenced the shape and manner of those struggles (Cook, 1995: 138).

Trudeau and Lévesque are often viewed as opposites: Trudeau the reasoned intellectual and committed federalist, Lévesque the passionate "man of action" and Quebec nationalist. Certainly, their public styles were at odds (Clarkson and McCall, 1990: 198–200), yet they were both children of the post-First World War French-Canadian bourgeoisie, had fought to end the Duplessis regime, and were social liberals dedicated to modernizing Quebec. Both believed in a "large role for the state in public affairs" (Chodos and Hamovitch, 1991: 195). Moreover, each in his way represented a form of Quebec nationalism (see Dufour, 1990: 81), Trudeau as passionately as Lévesque, Lévesque in as calculated a manner as Trudeau. In their time, each elicited mixed public responses. Loved by francophone Quebecers, loathed by their anglophone counterparts, Lévesque was at the same time both respected and feared

in English-speaking Canada. For his part, Trudeau likewise was loathed and hated, admired and respected, often by the same people. (The late poet Irving Layton once wrote: "In Pierre Trudeau, Canada has at last produced a political leader worthy of assassination.") Yet Lévesque's death in 1987 resulted in a profound outpouring of grief in Quebec (Conway, 1997: 126), while Trudeau's death in September 2000 was mourned by much of Canada, his funeral perhaps the largest attended and watched in Canadian history (Maclean's, 2000).

In 1979, Trudeau and Lévesque's visions of Quebec's relationship to Canada were on a collision course. Trudeau believed in a strong Quebec, but as a province among other provinces, within a bilingual Canada. As already noted, Trudeau held a pan-Canadian vision of a bilingual Canada, a vision with deep roots in Quebec (Chapter 3), but his idea of a strong central state and constitutionally equal provinces was also very European, as well as American (see Dufour, 1990; Balthazar, 1997).

For many Quebecers, this vision of Canada was at odds with the historic reality of Quebec's relationship with the rest of Canada, going back at least to the Quebec Act of 1774. Perhaps worse, Trudeau's vision created a kind of straitjacket for constitutional change (Dufour, 1990). Many francophones supported Lévesque's vision of a strong Quebec with unique powers within a decentralized Canadian federation. By 1979, a sizable number of Quebecers believed the only option, if their nation could not be protected within Canada, was Quebec independence.

Lévesque's vision of the Canadian federation was neither radical nor recent. Debates about how centralized or decentralized Canada should be, or about jurisdictional responsibilities, had gone on since before Confederation and were a key aspect of discussion at Charlottetown and Quebec leading up to 1867 (Moore, 1997; Romney, 1999) (Chapter 6). Beginning with the Depression and the Second World War,

however, Ottawa's role had increased in Quebec and Canada at large (Balthazar, 1997; Thompson, 1995). In the wake of Quebec's separatist threat, and faced with a stagnating economy in 1970s, the Trudeau Liberal government attempted to reassert federal authority both politically and economically. These actions elicited hostility from Quebec, as well as other provinces, especially in the West (see Chapter 8).

In this context of renewed constitutional conflict, the federal government created the Task Force on Canadian Unity (Government of Canada, 1979). The Task Force's report was tabled in early 1979 and called for a more decentralized and flexible federation, including the replacement of the Canadian Senate by a House of the Provinces that would bring the provinces and regions into the national decision-making process. The Trudeau government immediately dismissed the report, however. Faced with increasing economic problems of rising unemployment and a skyrocketing debt, the Trudeau Liberals feared that meeting Quebec's demands would result in similar demands from the other provinces (see Clarkson and McCall, 1990; Webber, 1994). Decentralization would spur on centrifugal forces that would further delegitimize and weaken the Canadian state. The Trudeau government's rejection of the Task Force's recommendations set the stage for further constitutional confrontations.

The Ottawa-Quebec, Trudeau-Lévesque showdown was briefly postponed by the Liberal Party's defeat in the 1979 federal election by the Progressive Conservatives, led by Joseph Clark (1939-). A few months later, however, Clark's minority government was defeated and the Liberals, led by a rejuvenated Trudeau, returned to office in the subsequent election (see appendices 1 and 2). In the meantime, Lévesque's government had called for a sovereignty referendum to be held on May 20, 1980.

The PQ worded the referendum ques-

tion strategically to embrace the twin notions of increased sovereignty with which to defend and assert Quebec's nationhood and, at the same time, a continuing "association" with Canada, thus mitigating the economic, political, and social uncertainties of independence. The question also seemed to put off the hard step of actual independence. After all, the government was asking only for a "mandate to negotiate," while still giving separation a push (see Conway, 1997: 93).

The debates and speeches leading up to the referendum vote were impassioned, occasionally nasty. Families were divided, friendships dissipated (Chodos and Hamovitch, 1991: 193). In the end, 60 percent of Quebecers voted *No* in the referendum. Why did the first Quebec referendum result turn out as it did?

In part, for older francophone Quebecers, the question represented a kind of "Sophie's choice" between two heritages, Canada and Quebec, and, for that matter, between two respected "sons," Trudeau and Lévesque. Many Quebecers in general also feared the economic consequences of sovereignty, a fear magnified by the *No* side throughout the campaign. But the reasons for the referendum's outcome also were reflected in the demographics of the voters. Quebec's anglophones and allophones, making up roughly 20 percent of the population, voted nearly *en masse* for the *No* side, meaning that francophone voters were split 50/50. In short, half of Quebec's large francophone population had publicly voiced their displeasure with their place in Canada's constitutional arrangements. Moreover, *Yes* supporters could take hope from the fact that the young and the educated among francophones had voted overwhelmingly in favour of sovereignty (Conway, 1997: 105). The future seemed theirs to grasp.

For the moment, however, the referendum outcome left *Yes* supporters with a sense of bitterness and gloom, feelings

of "collective trauma," and a mood of "political exhaustion" (Chodos and Hamovitch, 1991: 107). For *No* supporters, the predominant feeling was one of relief (Conway, 1997). They understood too well that, in the words of Balthazar (1993), Quebecers had said *no* to sovereignty but had not said *yes* to Canada.

In the closing days of the referendum campaign, Trudeau repeated promises that if the *No* side won, he would work to revitalize Confederation (Clarkson and McCall, 1991: 236–239; Conway, 1997). The vote was not likely swayed by these promises, vague in any case. The referendum was fought "on the ground" by individuals and groups on both sides of the debate. Nonetheless, Trudeau's pledge, repeated the day after the referendum, set the stage for the most substantial revision of Canada's Constitution since 1867.

THE 1982 CANADIAN CONSTITUTION

Trudeau's statements before and immediately after the referendum were not clear, occasionally suggesting changes to federal institutions and a redistribution of powers. His only certain statement was that the patriated Constitution must contain a Charter of Rights and Freedoms. Such a charter had long been one of Trudeau's dreams. In February 1968, before announcing his run at the Liberal leadership, he had tabled a white paper in the House of Commons entitled "A Canadian Charter of Human Rights." Now, more than ever, he viewed the proposed charter as a means of ensuring the individual equality of all Canadians, especially against the "collective assaults of Quebec nationalism" (Conway, 1997: 108).

By long-standing tradition, however, Quebec held a veto over constitutional changes. Quebec did not oppose *per se* the constitutional entrenchment of individual rights; after all, Quebec had passed its own Charter of Human Rights

and Freedoms in 1975 (see Fournier et al., 1997: 260–267). Quebec nationalists, however, feared Trudeau's Charter could be used against Quebec's national interests, for example, in attacking Quebec's language laws.

Quebec's possible veto was not the Trudeau government's only problem. Many Conservative premiers also feared the Charter's application, believing that judicial activism would replace legislative supremacy. Several provinces also wanted changes in other areas. The western provinces wanted institutional reforms, notably dealing with the Senate. They also wanted clarification over provincial control over resources.

Finally, new actors also were appearing on the scene. Aboriginal Canadians, women's groups, and other social organizations also wanted input into constitutional changes.

In September 1980, the premiers and the federal government announced they had failed to agree on an amending formula. Not deterred, however, Trudeau announced his government's intention to proceed with unilaterally patriating the Constitution. A joint Commons-Senate committee held hearings throughout November and December on the proposed Charter of Rights and Freedoms.

In September 1981, however, Canada's Supreme Court ruled that, while the federal government could unilaterally patriate the Constitution, doing so "offended the federal spirit" (Macleod's, 2000; Clarkson and McCall, 1991). It was a strong judicial rebuke to Trudeau's plans. Thus, the federal government and provinces returned to talks in the fall of 1981.

As talks began that November, only the provinces of Ontario and New Brunswick supported the federal plans. The other premiers, known as the "gang of eight," posed a seemingly solid front, but the Trudeau government held a winning card. The public at large liked the idea of the Charter and wanted Canada's

Constitution "brought home." In the negotiations that followed, the alliance of provincial premiers slowly began to crack. Equally important, Lévesque had agreed in the course of negotiations to give up Quebec's traditional constitutional veto. When the final agreement was reached on the Constitution, Levesque stood alone, Quebec—in the eyes of nationalists—defenceless (Clarkson and McCall, 1991; Conway, 1997).

The new Canadian Constitution, proclaimed on April 17, 1982, has six parts (Government of Canada, 1982; Webber, 1994; Dunn, 1995). Part One deals with the Canadian Charter of Rights and Freedoms. These rights and freedoms include the fundamental freedoms of conscience, religion, thought, belief, opinion, expression, peaceful assembly, and association, as well as democratic, mobility, legal, equality, and language rights. Part One makes French and English the official languages of Canada. It further designates New Brunswick Canada's only officially bilingual province. The Charter of Rights and Freedoms, however, also includes a "notwithstanding" clause that allows provinces to opt out of a provision if they choose.

Part Two of the Constitution Act, 1982, recognizes Aboriginal rights, including those existing by way of land claims, and formalized the holding of conferences between first ministers and Aboriginal peoples (Chapter 12). Part Three commits governments to promoting equal opportunities for all Canadians, reducing regional disparities, and providing essential public services. Part Four commits the government to holding two future constitutional conferences on Aboriginal peoples and the representatives of Yukon and the Northwest Territories, since held. Part Five sets out a procedure for future amendments to the Constitution. Amendments may henceforth be done with the agreement of Parliament and seven provinces totalling 50 percent of

the population. Part Six amends the British North America Act of 1867, renaming it the Constitution Act of 1867.

By and large, English-speaking Canadians seemed happy with the new Constitution. A Gallup poll in May 1982 found that 57 percent of Canadians viewed it positively, ranging from a high of 65 percent in Ontario to a low of 49 percent in Quebec, the latter figure skewed by overwhelming anglophone support in that province for the new act. The political elite outside Quebec were also generally pleased. The new Constitution clarified provincial powers over natural resources, a key sticking point for provinces such as Alberta. The Charter's application had been limited by the insertion, demanded by some western premiers of the "notwithstanding clause."

The PQ government and francophone nationalists in Quebec were embittered, however. For them, the promises of constitutional renewal had been hollow. Ottawa and the rest of the provinces had gotten what they wanted. What had Quebec gotten? Quebec had been "humiliated," "betrayed," "stabbed in the back." Quebec had lost its traditional veto, and now was constitutionally defenceless against Canada's anglophone majority. The Charter of Rights and Freedoms, it was feared, could and would be used to advance anglophone rights and attack French language laws. Thus, the Constitution Act of 1982, meant to heal the rifts of past years, became yet another source of Quebec grievances. Lévesque's government refused to put Quebec's signature on the Constitution and did not participate in the ceremonies marking the occasion.

Whether the PQ would ever have signed a constitutional agreement is a moot point. Trudeau, the provincial leaders, and most Canadians outside Quebec doubted that a government dedicated to separatism would ever have signed. Yet, the referendum defeat had left the PQ

with few options and Lévesque himself was viewed as a "soft" separatist.

As for the PQ, though re-elected in 1981, the period after 1982 saw the party's fortunes decline. Beset by a faltering economy, the PQ floundered, at odds with its union supporters, slowly withdrawing from its social-democratic ideals. Lévesque himself, his health diminished, seemed increasingly erratic. Age, disappointment, humiliation, and the shock of discovering just prior to the First Ministers meeting in 1981 that his chief adviser and colleague, Claude Morin, had long been an RCMP adviser finally took their toll (Conway, 1997: 116).

By 1984, Lévesque seemed to have abandoned his commitment to either social democracy or sovereignty. Lévesque's old nemesis, Trudeau, had retired, replaced as Liberal leader by a former finance minister, John Turner (1929-). The Tories, meanwhile, also had a new leader, Brian Mulroney (1939-), a bilingual Quebecer and lawyer with strong ties to American business. When Mulroney promised Quebecers a deal that would allow them to sign the Constitution "with dignity," Lévesque and Quebec nationalists as a whole threw their support behind the Tories.

QUEBEC, MULRONEY, AND THE MEECH LAKE ACCORD

The Mulroney Tories in 1984 routed the widely discredited Liberals, taking 211 (of 282) seats, 58 (of a possible 75) seats in Quebec (see appendices 1 and 2). It was the largest number of seats ever won by a federal party, reflecting the broad sweep of Mulroney's electoral coalition, which featured at its core western Canadian conservatives, pro-business advocates of free trade, and Quebec nationalists.

No sooner was the election over than Mulroney moved to make good his promise to Quebecers on constitutional reform. By the spring of 1987, informal discussions had proved sufficiently positive that a

federal-provincial meeting was held at Meech Lake, a resort a few miles outside Ottawa. Much to everyone's surprise, that meeting ended in a formal agreement signed by the federal government and all the premiers. Five elements made up the Meech Lake Accord's proposed amendments to the Canadian Constitution (Balthazar, 1997: 54). These elements were:

- restoring and enshrining in the Constitution Quebec's historical veto
- enshrining the convention that Quebec holds three of nine appointments to the Supreme Court
- limits on federal spending in provincial jurisdictions
- increased powers over immigration
- recognition of Quebec as a **distinct society**

Signing the Meech Lake Accord did not immediately change the Constitution, however. Both Mulroney and the premiers were required to take the Accord back to the people, in the form of passage through their respective legislatures. The time frame for doing so was three years from the date when any one legislature passed the Accord, failure by any legislature (federal or provincial) to do so resulting in the Accord's rejection. Quebec passed the Accord quickly. The clock hence began ticking on its acceptance by the various levels of government.

Opposition to the Meech Lake Accord was slow in mobilizing, in part because the impact of constitutional changes is not always apparent and such documents are far from easy or enjoyable reading. Slowly over the next few years, however, opposition mounted. Three years after its signing, the

Accord collapsed, dividing Canada more than any time since the FLQ crisis. At the extremes, anti-French bigots in English-speaking Canada attacked the Accord as Ottawa's "sellout" to Quebec, while nationalists in Quebec condemned the agreement as the Bourassa government's "sellout" of the French historical "fact." Lit by well-televised burnings of the Quebec flag in Ontario and the Canadian flag in Quebec, passions flamed brightly throughout the fall of 1989 and spring of 1990.

Opposition to the Accord was quite diverse and even, at times, contradictory, making defence of the Accord doubly difficult. In general, however, opposition centred on five main points (see Cohen, 1990; Smith et al., 1991; Webber, 1994). First, the Accord came under attack for "how" it was created, a process viewed by an increasingly aware, sophisticated, and less deferential public (Nevitte, 1996; Adams, 1998) as elitist. Second, federalists, led by Pierre Trudeau, denounced the Accord as dangerously decentralizing, threatening Canada's further balkanization. Third, opponents argued the Accord's granting of a veto to Quebec would prevent further constitutional reform, for example, of the Senate, or to grant eventual provincial status to the northern territories. A fourth complaint was lodged against what the Accord did not contain. For example, minority groups, particularly Aboriginals and women, complained that the Accord neglected their concerns and further entrenched inequalities.

The fifth and most politically important argument against the Meech Lake Accord, however, revolved around its distinct society clause. Why was the notion of Quebec as a distinct society so controversial in 1990?

IS QUEBEC A "DISTINCT SOCIETY"?

At least on the surface, few could seriously argue that culturally, Quebec is a province *comme les autres*. This is widely acknowl-

edged not only in Quebec, but outside as well, especially among sociologists (see Box 4.1). Two measures of culture, language, and religion, support this point.

Box 4.1

Quebec Sociology and Quebec Society

Marcel Fournier argues that Quebec sociology developed over three particular periods: (1) a pioneering stage before 1939, when Quebec scholars focused on the province's ethnic particularity, often as a handicap or historicized artifact; (2) an institutional period between 1940 and 1969 when academic scholars, including many from the United States, examined the province's transition (according to a modernization theory) from a traditional to a modern society; and (3) the nationalization period of Quebec sociology, beginning in 1970 and continuing today, during which descriptions of Quebec as a "distinct society" or even *sociological nation* became *de rigueur*. His central argument is that sociological studies over the decades have made "significant contributions to the formation of national identity," attributing such characteristics as race, ethnic, group, society, and nation.

What contributions might sociology make to your community?

Source: Marcel Fournier, "Quebec sociology and Quebec society: The construction of a collective identity," *Canadian Journal of Sociology* 26(3) (2001): 333-347.

Linguistically, Quebec is the only domain in Canada and in North America in which the French language dominates, although New Brunswick is Canada's only officially bilingual province (see Table 4.1 below). In 2006, French was the primary language of nearly 80 percent of Quebecers, but of only 3.9 percent of people outside Quebec, a decline from 4.7 percent in 1991. Indeed, the use of French is down in every individual province since 1999, though rising slightly in the Yukon and remaining static in the Northwest

Territories. On the other side, English was the primary language of only 7.7 percent of Quebecers in 2006, down from 8.8 percent in 1991, but was the primary language outside of Quebec for nearly 73 percent of Canadians. In this sense, terming Canada a "bilingual country" is misleading. Canada is marked at the federal level by **institutional bilingualism**. At the level of everyday usage, however, **territorial bilingualism** predominates, much as it does in Belgium or Switzerland (Dunn, 1995: 368–369). For francophones inside and outside Quebec, the general pattern of decline reinforces fears of assimilation and suggests their worsening position

within Confederation. If language remains a significant marker of cultural difference, religion historically has also played such a role. As indicated in Table 4.2, nearly 44 percent of Canadians in 2001 identified themselves as Catholic. As with the French language, however, this figure is misleading. The largest majority of Catholic identifiers are located within Quebec, with nearly 84 percent of people describing themselves, at least nominally, as Catholic. By contrast, many people outside Quebec define themselves as Protestant, though there has been a steady decline in religious identification generally and other religions have also made gains.

Table 4.1
Population with English, French, or English and French Mother Tongue, Canada, Provinces, and Territories, and Canada Less Quebec, 1991 and 2006 (in thousands and percent)

	1991						2006					
	English	%	French	%	Both	%	English	%	French	%	Both	%
Canada	16 169.9	59.9	6 502.9	24.1	91.9	.3	17 882.8	57.2	6 817.7	21.8	98.6	.3
Newfoundland	555.6	99.0	2.7	.5	.2	.1	488.4	97.6	1.9	.4	.3	.1
Prince Edward Island	120.6	94.1	5.6	4.4	.3	.2	125.3	93.3	5.3	4.0	.5	.4
Nova Scotia	830.1	93.2	36.6	4.1	1.7	.2	832.1	92.1	32.5	3.6	2.1	.2
New Brunswick	460.5	64.3	241.6	33.7	4.2	.6	463.2	64.4	233.0	32.4	4.5	.6
Quebec	599.1	8.8	5 556.1	81.6	39.5	.6	575.6	7.7	5 877.7	79.0	43.3	.6
Ontario	7 380.4	74.0	485.4	4.9	31.4	.3	8 230.7	68.4	488.8	4.1	32.7	.3
Manitoba	784.2	72.7	49.1	4.6	3.0	.3	838.4	74.0	44.0	3.9	2.6	.2
Saskatchewan	807.1	82.7	20.9	2.1	1.5	.2	811.7	85.1	16.1	1.7	1.1	.1
Alberta	2 031.1	80.6	53.7	2.1	5.4	.2	2 576.7	79.1	61.2	1.9	5.4	.2
British Columbia	2 545.5	78.4	48.8	1.5	4.6	.1	2 875.8	70.6	54.7	1.3	5.9	.1
Yukon	24.4	88.3	.9	3.1	.1	.2	25.7	84.9	1.1	3.7	.1	.4
Northwest Territories	31.1	54.2	1.4	2.4	.1	.2	31.5	76.8	1.0	2.4	—	.1
Nunavut*	—	—	—	—	—	—	7.8	26.5	.4	1.3	—	.1
Canada less Quebec	15 570.7	77.1	946.8	4.7	52.4	—	17 307.2	72.7	940.0	3.9	55.3	.2

Note: Figures for Nunavut for 1991 are included in Northwest Territories.

Sources: Adapted from the Statistics Canada publication, "Mother Tongue—20% sample data," The Nation, Catalogue no. 93-333, 1992, Table 1, pp. 10–11; and from "Population by mother tongue, by province and territory (2006 Census)," the Statistics Canada website <http://www40.statcan.gc.ca/l01/cst01/demot11a-eng.htm>. Last modified December 11, 2007. Downloaded September 15, 2008.

Clearly, however, Quebec is distinct in terms of both language and religion from the rest of Canada. Moreover, this distinctiveness is historically and constitutionally grounded. (Remember, for example, that the Quebec Act of 1774 granted Quebec control over language and religion, and a distinctive legal system.)

Most English-speaking Canadians, inside and outside Quebec, acknowledge that the province of Quebec is distinct. Some even embrace Quebec's difference as a corner of their identity. So why did the notion of "distinct society" lead to the failure of the Meech Lake Accord in 1990 and threaten Canada's survival?

Much of the furor revolved around the vagueness of society as a concept (Cook, 1995), previously discussed (Chapter 1). For example, does the phrase mean that Quebec is distinct? Or does it refer to the francophone community within Quebec?

Opponents, like Pierre Trudeau, and the newly created Reform Party, led by Preston Manning (1942–), successfully argued that the Meech Lake Accord's

"distinct society" clause went against the notion of equality of the provinces, granting Quebec powers or claims to a status not held by others (Denis, 1993; Harrison, 1995). They further argued that "distinct society" status implied something greater than mere difference, that it could be used later on by Quebec governments to leverage further demands for nationhood and, perhaps, separate statehood.

Table 4.2
Population by Religion, Canada, Provinces, and Territories, and Canada less Quebec, 2001
(in percent)

Affiliation	Catholic(1)	Protestant(2)	Christian Orthodox	Other Christian	Muslim	Jewish	Other Religions(3)	No
Canada	43.6	29.2	1.6	2.6	2.0	1.1	3.3	16.5
Newfoundland/Labrador	36.9	59.7	—	.5	—	—	.2	2.5
Prince Edward Island	47.4	42.8	.2	2.4	.1	—	.2	6.7
Nova Scotia	36.6	48.8	.4	1.1	.4	.2	.6	11.8
New Brunswick	53.6	36.6	.1	1.1	.2	.1	.3	8.0
Quebec	83.3	4.7	1.4	.8	1.5	1.3	1.1	5.8
Ontario	34.7	34.9	2.3	2.7	3.1	1.7	4.3	16.3
Manitoba	29.3	43.1	1.4	4.0	.5	1.2	1.9	18.7
Saskatchewan	31.7	46.6	1.5	2.8	.2	.1	1.3	15.7
Alberta	26.7	38.9	1.5	4.2	1.7	.4	2.9	23.6
British Columbia	17.5	31.4	1.0	5.2	1.4	.5	7.2	35.9
Yukon	21.1	33.3	.5	3.5	.2	.1	2.7	38.6
Northwest Territories	45.8	31.3	.4	2.5	.5	.1	1.7	17.8
Nunavut	23.3	66.7	.1	3.1	.1	—	.5	6.2
Canada less Quebec	31.1	37.0	1.7	3.2	2.1	1.1	4.0	20.0

Source: Adapted from the Statistics Canada publication "Population by religion, by province and territory (2001 Census)." <http://www40.statcan.ca/101/cst01/demo.30b.htm> Downloaded August 25, 2008. Some percentages may not add to 100 due to rounding.

1. Includes Roman, Ukrainian and other Catholics. By far the largest group, however, are those belonging to the Roman Catholic Church.

2. Includes United Church and Anglican (the two largest denominations) as well as Baptist, Lutheran, Pentecostal and smaller religious groups based in the Protestant faith.

3. Includes Buddhist, Hindu, Sikh, Eastern, and other religions.

Interestingly, hardline separatist factions in Quebec argued just the opposite. For them, Quebec was not merely a distinct society, but a sociological nation. The vagidity of "distinct society" was underlined when then B.C. Premier Bill Vander Zalm commented that Canada was made up of "ten distinct societies" (see Bourgault, 1991: 35). In this context, Denis (1993) argued that "distinct society" seemed merely a clever way of avoiding

the "two nations" concept fundamental to many Quebecers' understanding of Canada.

At the more general level, the passions unleashed in English-speaking Canada by the notion of a "distinct society" can be traced to the fragility of Canadian identity itself. The author Joseph Conrad once wrote that underlying every great emotion is a great fear. What is English-speaking Canada's great fear? Just as Quebec's over-

arching fear has been assimilation into English Canada, Canada's fear has been a fatal embrace by the United States. For many Canadians, Quebec's assertions of difference and its refusal to unreservedly become Canadian nationalists threaten Canada's integrity. In the spring of 1990, English Canada's demands for uniformity, swelling in the aftermath of the recently signed Free Trade Agreement with the United States, ran up against Quebec's long-standing demands for respect and recognition of its differences.

THE DEFEAT OF THE MEECH LAKE AND CHARLOTTETOWN ACCORDS

The Meech Lake Accord unravelled under increasing pressure in the spring of 1990. The unravelling occurred simultaneously from both the top and the bottom, attacked at one end by Trudeau, Manning, and the premiers of New Brunswick, Newfoundland, and Manitoba, and at the other end by popular, grassroots elements (Conway, 1997: 127). In the end, despite last-minute efforts to save it, the Accord died on the order paper, the three-year time frame for its ratification (June 23) having passed. An Aboriginal member of Manitoba's Legislative Assembly, Elijah Harper, delivered the decisive blow when he refused to allow that province's legislature to fast-track debate on the measure before time elapsed (see Chapter 12) (see Cohen, 1990; Conway, 1997).

The short- and long-term consequences of Meech Lake's failure were immense. Support for Quebec separatism increased (see Bourgault, 1991). The Bloc Québécois, formed in the spring of 1990 by a break-away faction of Mulroney's government when it became apparent the Accord would fail, received an immediate boost (Cornellier, 1995). Elsewhere, in the context of fear and anger, the fortunes of the western-based Reform Party also rose (Harrison, 1995). Three years later,

the federal Tory party—its political coalition of westerners and Quebecers having evaporated—was dismembered, suffering the greatest electoral defeat by any government in Canadian history. In Quebec, the Tory limbs were torn off by the separatist Bloc, which, in a moment of supreme political irony, rose to the position of loyal Opposition to the victorious Liberals. The Reform Party led the slaughter in the West (see Appendix 1).

In the medium and longer terms, the failure to ratify the Meech Lake Accord left three principle concerns unresolved—(1) Quebec's role in Canada, (2) western Canada's growing sense of alienation, and (3) Aboriginal self-government (Meekison, 1993)—and with no clear means of resolution. Thus Canada entered a time of constitutional fumbling, culminating in a historical footnote known as the Charlottetown Accord.

The Charlottetown Accord arose out of a meeting of English Canada's nine premiers in July 1992. It was meant to appease the various interests who had opposed the Meech Lake Accord. The Charlottetown Accord gave widespread new powers to the provinces, while limiting those of the federal government. It further proposed entrenchment of Aboriginal rights and creation of a Triple-E (equal, elected, and effective) Senate. Finally, the Charlottetown Accord relegated the notion of "distinct society" to a new proposed Canada clause, whereby its constitutional meaning would be constrained by commitments to "equality of the provinces" and "linguistic duality" (Conway, 1997: 140). The new Accord did not offer Quebec much. Nonetheless, Quebec Premier Robert Bourassa reluctantly accepted the agreement, with a few minor changes.

Like its predecessor, however, the Charlottetown Accord also failed. Stung by previous criticisms that the public had largely been excluded from ratifying the constitutional changes, politicians

submitted the Charlottetown Accord to a rare Canada-wide referendum, held on October 24, 1992. The referendum's wording was standard throughout Canada, except in Quebec, where that province enacted its own (though similar) referendum question. Seventy-five percent of Canadians turned out to vote, 55 percent voting *No* to the Accord, and 45 percent voting *Yes*. The *No* side won in nearly every province, including Quebec, British Columbia, Manitoba, Saskatchewan, Alberta, and Nova Scotia, as well as Yukon. The *Yes* side only barely prevailed in Ontario.

Why did the Charlottetown Accord fail? In part, after Meech Lake the chalice of constitutional reform was already poisoned. In part also, Charlottetown failed because it was too unwieldy. It attempted to do too much, to address all issues, and be all things to all people at the same time. In the end, the best thing that could be said about the referendum result was that the Accord had been rejected throughout Canada, though the reasons for its rejection varied from person to person, and between Quebec and the other provinces.

The Charlottetown Accord's rejection thus ended for a time formal constitutional change in Canada. Many Canadians heaved a sigh of relief. Quebec's relationship with Canada still remained unresolved, however.

CONCLUSION

The history of societies, like that of individuals, is one of roads both taken and not taken. The failure of the Meech Lake Accord and its Charlottetown successor put an end to the era of formal constitutional change in Canada begun with the Quiet Revolution, but it did not end change. Canada was much different at the end of the constitutional years than it had been at the beginning, in part because of the Charter of Rights and Freedoms and promises made to

Aboriginal peoples. But Canadians and Quebecers in 1992 also saw themselves differently from how they had in 1970. Meanwhile, new and different pressures for change were coming from forces beyond the political sphere and even beyond Canada's borders. The old issues were dying or being recast. In time, the old warriors themselves would disappear. Before then, however, one more battle was to be fought, one more reprise of the referendum wars.

NOTE

1. It is now known that Trudeau, in his youth, admired the corporatist (and fascist) regimes of Francisco Franco in Spain and Benito Mussolini in Italy (Nemni and Nemni, 2006). Trudeau's later conversion to liberalism shows that early socialization is reversible.

KEY TERMS

Constitution
distinct society
institutional bilingualism
laws
social norms
sociological imagination
territorial bilingualism

CRITICAL THINKING QUESTIONS

1. Why are constitutions important for understanding societies?
2. How might symbolic interaction theorists and post-structural theorists view the importance of language, particularly its ability to arouse strong emotions?
3. To what extent do individuals effect change? To what extent are they products of their time and place?

4. What did Joseph Conrad mean when he said that underlying every great emotion is a great fear?

5. From the perspective of counterfactual history, what might have happened had the Meech Lake Accord been enacted?

RECOMMENDED READINGS

- Clarkson, Stephen, and Christina McCall. 1990. *Trudeau and Our Times*, vol. 1: *The Magnificent Obsession*. Toronto: McClelland & Stewart. This book is the definitive work on Pierre Trudeau's "obsession" with constitutional reform.
- Cohen, Andrew. 1990. *A Deal Undone: The Making and Breaking of the Meech Lake Accord*. Vancouver: Douglas & McIntyre. Cohen's book details the making and breaking of the Meech Lake Accord.
- Fournier, Marcel, Michael Rosenberg, and Deena White (eds.). 1997. *Quebec Society: Critical Issues*. Scarborough: Prentice-Hall Canada. Though somewhat dated, this book provides essential material for understanding Quebec society during the critical period after the Quiet Revolution leading up to the two referendums on sovereignty.
- Harrison, Trevor. 1995. *Of Passionate Intensity: Right-Wing Populism and the Reform Party of Canada*. Toronto: University of Toronto Press. This book examines the rise of the Reform Party in western Canada in 1987 and its

impact in mobilizing opposition to the Meech Lake Accord.

Mills, C. Wright. 1961. *The Sociological Imagination*. New York: Grove Press.

This book is essential reading for any beginning sociologist, outlining Mills's idea of the "sociological imagination."

RELATED WEBSITES

Canadian Constitution Acts, 1867 to 1982.

Department of Justice website: laws.justice.gc.ca/en.const/index.html

This act fundamentally reshaped Canada. In the eyes of some, it also led to Quebec's increased isolation from the rest of Canada.

Official Bilingualism in Canada: History and Debates

www.mapleleafweb.com/features/official-bilingualism-canada

A useful summary of the history of bilingualism in Canada can be found on the Mapleleafweb.

Province of Quebec

www.gouv.qc.ca

The government of Quebec's website.

CANADIAN SOCIETY ON VIDEO

The Champions Series, Part Three: The Final Battle. 1986. National Film Board of Canada, 87 minutes, 2 seconds. Examines the period from 1978 to 1986, including the divisive 1980 referendum on independence and the repatriation of the 1982 Constitution.

