whatever their origin. The federal appetite for immigrants has laid a net cost on British Columbians of double that of the average Canadian.

The third consideration is the most important of all to our topic of political culture, and perhaps as well the most unintended of all of the consequences. If the speculation of an earlier section is in the correct direction, it appears that the Asian migration of the late twentieth century may bolster the BC right as surely as the British working-class migration of the early twentieth century turned the province's politics to the left. This will have provincial electoral consequences early on, and federal consequences as immigrants and their descendants lose their gratitude to the (largely Liberal) politicians who admitted them to Canada.[14]

In the matter of the "goblet to be drained" the facts are simple and imposing. When the BC Ministry of Finance adjusts Statistics Canada's interprovincial accounts for the impact of the federal deficit or surplus, BC sends about $22 billion in tax revenue to Ottawa every year, and receives something less than $19 billion back in benefits, measured by the most generous direct and indirect attributions. For example, BC's share of the military, embassies, foreign aid, Ottawa overhead, and so on are all counted as benefits to BC.

The net drain of about $3 billion is almost 3 percent of our GDP. If this seems not too bad for a "rich" province, recall that it is higher than any annual deficit ever incurred by a BC government. In addition, we are no longer rich. Recall as well that our GDP per capita now stands *below* the Canadian average, at only 95 percent.

One might argue that we have brought this unhappy state on ourselves by our curious choice of provincial governments, but as the equalization formula generally works in this country, the more incompetent any given province's economic system, the more support is given. BC receives no equalization, however, and suffers a net drain instead. (So too do Alberta and Ontario, but these provinces are far richer than the average.)

The heaviest burden of all on British Columbia flowing from the federation acting via its central government is in the area of Aboriginal affairs, to which I now turn.

CITIZENSHIP AND ABORIGINAL AFFAIRS

In an error of historic and tragic dimensions, the *British North America Act* singled out one race of Canadians and assigned responsibility for (section 91(24)) "Indians and lands reserved for the Indians" to the central government. 1867 was a racist, sexist, and bigoted time. Chinese, Jews, women, Catholics and Indians — all were thought inferior to the Anglo-Saxon male and discriminated against. But only Indians were mentioned in the constitution. All of the rest — Chinese, Jews, women, Catholics — are just fine in the

year 2001. The constitutional ability to treat one subgroup of Canadians differently under the law has permitted governmental actions — often well intentioned — that have fostered the separate and unequal path of the Indian people. That the federal administration of Indian affairs has been a human tragedy is common knowledge. The results have been much less felt in Central and Eastern Canada, though the Atlantic is getting a taste of things to come in the wake of the *Marshall* decision.[15]

What is less well-known is the impact of the reserve system on western Canada, and the even greater impact of the land and treaty question in BC.[16] Unlike much of the rest of Canada,[17] most of BC's territory was never covered by treaties with the Indian inhabitants. Instead, small parcels of land were arbitrarily set aside as reserves. There is a grievous history of sharp dealing and broken promises even with respect to the few lands that were assigned.

BC has about 200 distinct Indian bands averaging perhaps 700 members per band, typically with about 50 percent on-reserve and the rest off, mostly in urban settings. The "land question" has never gone away, and has served to focus the attention and energy of BC Indians in a manner unknown in the rest of Canada.

The gradual evolution of Supreme Court of Canada (SCC) decisions added impetus to this movement. Then the constitutional amendments of 1982 and 1984 not only entrenched yet-to-be-defined entitlements, but made the Supreme Court of Canada — very definitely a non-BC institution — the effective lawmaker with respect to Indian matters.

Within a period of ten years, Indian land claims progressed from an arcane branch of the law to a matter of intense economic concern in the province. Claims to land title were launched which covered more than 100 percent of the province. (Some barren areas and some existing treaty areas were not covered, but there are considerable overlaps in the claims.) Most of the productive area of the province outside the northeast Peace River country is covered.

With an appetite for land (based as much on modern aspirations as on traditional usage) came a complementary appetite for Indian government. These two demands came together in the landmark *Delgamuukw* case. The SCC declined to rule on the plea for a declaration that Indian governments had an inherent right of sovereignty over traditional territories. However, the court did speak as to land claims.

The 1997 decision said the following: Aboriginal title exists in BC. The extent is undefined. The court proposed several tests for determining where title exists in law, but expressed a preference for negotiation. The court also said that for good and justified public purpose Aboriginal title could be infringed, but only to that extent, and only upon payment of compensation. No one has any very good idea as to what lands and what compensation might be involved, nor how all of this applies to lands alienated in the past.

This judgement landed in the midst of a long and complex treaty negotiation process between Canada, BC, and a majority (but by no means all) of Indians in the province, as represented by about 50 of the bands. The federal government has taken a negotiating position since the 1970s, also adopted by BC, that it will discuss only the future. Additional land, cash, self-government — all can be on the table, but not title from the past, nor compensation for the past. The Indian participants had reluctantly accepted this.

Suddenly the SCC said that the past exists in law, with claims for title and compensation having legal force. The result has been that negotiations have, as of September 2001, been mostly paralyzed ever since. Some local dealings continue, and some emergency accommodations are made in response to blockades, so-called "illegal" (but is it?) logging, and so on.

The current Liberal government in Ottawa and the former NDP government in British Columbia made a pre-*Delgamuukw* agreement with the Nisga'a tribe that provided for considerable lands and cash, and a form of Indian government with elements of sovereignty. The first judicial challenge in the Supreme Court of British Columbia has led to a decision in favour of the treaty-makers, including a judicial view that some elements of Indian sovereignty survived Confederation. No one knows where this may lead, and the case is under appeal.

The pre-Nisga'a settlement formula was $70,000 per Indian in cash and resources. Nisga'a clocked in at about $100,000 but, as mentioned, this was set pre-*Delgamuukw*. The Nisga'a benchmark would see total BC settlement costs of about $15 billion. My guess is that the *Delgamuukw* standard could run to $50 billion.

The issue of who pays is significant. BC has historically taken the position that Term 13 of the Terms of Union loads all such costs onto Ottawa. The NDP government in 1993 reversed this position and entered into an agreement that would see the province paying about half, mostly in lands. No one at that time contemplated the escalation in values involved.

The issue of Indian government is even more significant. In a survey taken for the federal government by the Angus Reid organization in the fall of 1999, only 25 percent of Canadians thought that Indians should be entitled to ethnically based governments denied to any other ethnic group. In an earlier survey Reid found a general Canadian generosity for the settlement process, but then an ongoing and strong expectation by 73 percent of respondents that Indians would thereafter be ordinary Canadians in a political sense. This perception goes directly to the question of Canadian citizenship. Are we one nation, are we two ("founding nations"), are we many nations, or are we any of the above depending on the issue?

The polling numbers above and much other data suggest that "equality" is the current watchword for the public. The difficulty is that this concept does not square with the solutions currently contemplated by the parties at the treaty

tables. This is a very difficult issue. The solutions will be hard to reach and painful, because expectations on the two sides of the bargaining table are so very far apart. This is not the forum for that debate. But the politics of it all in BC and in the federation are hugely important. It is an area where the policies and the interests and intergovernmental relationships of BC and Canada are fraught with conflict and complexity.

THE RISE OF THE POPULIST MARKETEERS

British Columbia politics have until recently been characterized by a socialist/non-socialist polarization at the provincial level and a vague anti-Ottawa, anti-Toronto sense at the federal level. The typical BC MLA has been non-socialist, whatever the label du jour to that end, and the typical MP has been anti-Ottawa.

There have been exceptions of course. In the Trudeau sweep in 1968 the whole country ignored traditional patterns and voted for an imaginary figure who didn't really exist except in the hopes of the voters. There have also been two periods of socialist government, but each was supported by only 40 percent of the voters and elected as a result of divisions among the non-left voters. But BC voting patterns have generally been negative — anti-socialist on balance and anti-Ottawa outsiders. There is some evidence that this is changing.

The Reform/Alliance Party provides the clearest case. The movement is indeed still based on anti-Ottawa sentiment and a wish for more clout at the centre, but coherent positive elements are woven in as well. The first relates to the way decisions are made on issues of public policy. There is a strong wish for more pervasive and direct attention to public sentiment — hence the "populist" label. There is also a distrust of big government and a belief in decentralization and the free market and individual responsibility — hence the "marketeer" part of the moniker.

All of this remains leavened, in the typical Canadian way, by many constraints. For example, the market is well and good, but morality must not be lost sight of. The market is well and good, but the famous Canadian aversion to risk inhabits the soul of the Alliance member at least to some extent. We do all love our medicare and want the state to look after us, pick up the pieces where we fail and keep us safe from environmental and other risks. Aside from some hard-line purists, the populist marketeers often exhibit the same preference for the "soft option" in any tough area of public policy choice, rather than knowingly distressing anyone. And of course, Ignorance and Apathy remain the parties of choice of a great many British Columbians, as in any other part of the country.

But with all of these caveats there is a genuine difference of worldview here from the old Liberal/Tory/NDP concepts. The Reform/Alliance view is

much more decentralist, and much more centred on the individual. The old-line approach was much more centralist, and much more centred on the *institution* — to do good things for the individual, of course, but it did not always work out that way.

The implications for relationships inside the federation are obvious. Decentralization implies a shift of power away from the centre. Emphasis on the individual implies a concentration on transparency and accountability that is quite foreign to the old style of the "hidden level of government," that is, federal-provincial relations. Emphasis on the individual implies a turning of Indian policy on its head. Current policy values the collectivity, Indian governments, and the "institutions" of the Indian industry. An individual-based policy looks to the welfare of the individual, leaving the collective reliant on the voluntary support and unlegislated goodwill of those individuals. All of these things suggest a revolution in some of the most basic patterns of relationships within our federation.

Turning to the provincial level, the "populist marketeer" phrase fits rather well with the provincial Liberal Party,[18] although provincial Reform would claim a stronger right to the "populist" label. But for our purposes the populist component is less important than the marketeer aspect. The provincial Liberal Party is philosophically oriented toward smaller government and decentralist and market-oriented solutions. They have developed such concepts as a Charter of Rights for municipal governments.

In Indian policy there is much similarity in the provincial Liberal approach to that of the Reform/Alliance Movement. Again, the basis is the welfare of the individual, not necessarily the collective. Provincial Liberal policy is very strong in its denial of the propriety of race-based government. It supports the treaty process, but pays a good deal more attention to the practicalities of how new arrangements would actually work, and eliminating the overlapping jurisdictions and entanglements being created both by the courts and by negotiators in the current treaty process. This policy would be in harmony with an Alliance government at the federal level, and in contrast to that of an ongoing Liberal administration in Ottawa.

Importantly, the party leader and the senior members who will likely be involved with questions affecting Canadian federalism believe that BC has been far too quiet and uninvolved as a player in the intergovernmental games. The election of a Liberal government in BC in the spring of 2001 implies a more vigorous BC participation in the affairs of the federation. This will be buttressed by a stronger economy. A new provincial government with the stated policies of the provincial Liberals should on balance provide a positive factor for business investment in contrast to the clearly negative influence of the NDP administration.

PULLING THE THREADS TOGETHER

To recap some of the main propositions in this survey:

- BC has punched considerably below its weight in the affairs of the federation.
- There has been little reason for the central government to be concerned with this; quite the contrary.
- There have been significant changes in demographics and economics to strengthen BC's role.
- Institutional factors,that is, failings in successive BC governments, have guaranteed an ineffective role.
- The edge in resource wealth, which has allowed BC its "affordable resentment," has vanished. BC is no longer insulated by riches from a need to play the federation game, and indeed is inspired by a new relative poverty vis-à-vis the Canadian average and, even more so, our immediate American neighbours.
- BC nonetheless has a confident mood, hoping to fix the above.
- Demographic trends have both added to the weight of the province in Canada, and laid the groundwork for an ongoing shift in the political climate in a conservative direction.
- While we have not seen an end to the usefulness of two-way subsidiarity, world trends are driving all jurisdictions in the direction of decentralization.
- The current relationship with the federation and especially the federal government gives rise to very significant adverse consequences, particularly in the fields of fiscal flows and Aboriginal issues.
- Important changes in the institutions of party politics, and in particular the rise of the Alliance federally and the BC Liberal Party provincially point to a potential new openness to BC ambitions and decentralization at the centre, and an insistence on these things from the BC government.

Given the above, it is timely to consider how this newly defined British Columbia will work within the federation. After all, to change things one needs allies.

One potential ally could be a new federal government. This could be either a post-Chrétien Liberal administration, or a conservative version in due course. One or the other is clearly on the radar screen of the next few years. Either would loosen the rigidity of the old federal model. And federal governments are likely to pay more attention in the future to BC. No longer based solely on negative motivations, BC voters have become more "reliable." For the moment

that means support for the Alliance, but through appropriate policy or personnel changes and internecine warfare on the right, the federal Liberals could become contenders.

The BC-Canada relationship with respect to the Aboriginal issue is a case by itself. It cannot be overstressed how important this file is to the province, and how deeply it is embedded into the voting motivations of the ordinary citizen and the investment intentions of the resource industries today. The rest of Canada mostly does not understand the immense importance of the issue to British Columbia. The land base and to an extent the social order are in play.

In this context, it matters greatly whether the new government of British Columbia and the Liberal government in Ottawa turn out to be in harmony or in opposition on this file. In the former case there will be major and wrenching changes in the approach to Aboriginal questions. In the latter there will be major federal and provincial differences. There will be no effective short-term appeals to the voters through an election in either case, since BC representatives, federal and provincial, will surely support the position of the provincial government, while the national electorate is not engaged with the issue.

On other intergovernmental issues for BC the surer allies are Ontario, Quebec, and Alberta. The six client-state provinces will continue to make common cause with Ottawa as long as the paymaster relationship continues, however much that may harm their fundamental interests.[19] The four large provinces have many common causes of their own, however,[20] and of course they contain 85 percent of the population of Canada. United they will not be gainsaid in any reasonable approach to federalism supported by their various electorates.

Historically, Ontario and Quebec were the joint movers of the "large-province" interests. With the ascendancy of sovereignist governments in Quebec this has become more difficult, though transient alliances have surfaced. Alberta and Ontario have not forged a durable partnership as yet, and BC as a large-province "wild card" has been a positively disruptive influence.

In the ongoing federal/provincial game, Ottawa has always held the upper hand. In part this has reflected the ability of the federal government to "wave the flag" of Canada. In part it has been the judicious application of the spending power to reward friends, punish others, and gain favour with the voters. And in part the Ottawa ascendancy has come from the ability of the central government to speak with one voice, while the provinces were usually divided.

"The flag" is still there for Ottawa, though interestingly a recent survey of over 3,000 westerners (Canada West Foundation, June 2001) found primary political identification to be biased much more strongly to "local," "provincial," or "the west" (selected by a total of 65 percent) than to "Canada" (selected by 28 percent).[21]

The spending power seemed even to be expanded in its usefulness for federal domination of the political agenda with the signature of the Social Union

Framework Agreement of 1999. For the first time ever the provinces (except Quebec) officially blessed the spending power, and astonishingly validated its use *in areas of provincial jurisdiction* with as few as six provinces with 15 percent of the population giving approval. That agreement was poisoned by the isolation of Quebec as a non-signatory. No derivative agreements have been reached under its terms, and it seems unlikely that any will prior to its review date in February 2002.

In fact restraints on the future use of the spending power will probably be determined by the third factor — the relative political organization and capacity of the two levels of government. At the federal level, a new administration with a bias either more strictly respectful of sections 91 and 92, and/or of a decentralist philosophy could exercise voluntary restraint. At the provincial level, a common approach between the four large provinces would exercise a similar, but non-voluntary restraint of a political nature on the central government.

The position of Quebec in this regard is well known. The positions of Ontario and Alberta are quite similar to those of Quebec, but they tend to back away in the crunch. The Social Union Agreement was a prime example. And the position of British Columbia in recent years has been absolutely subversive of any large-province concordat.

The BC factor is poised for dramatic change. The NDP administrations of the past decade have been uninterested and erratic in the business of the federation. They have generally favoured central authority, consistent with a socialist philosophy. From this point of view, decentralist large provinces have been either "right-wing" or "separatist," and not suitable for the receipt of BC support, lest they undermine medicare or even Canada itself.

The accession of a Liberal government in BC will likely bring a far tougher-minded approach in pursuit both of decentralization and of BC's particular interests in the federation. Early evidence was provided by Premier Campbell's almost immediate visit to Ottawa with a team of ministers to canvass the important aspects of the federal-provincial relationship.

This new element could well have a catalytic effect. The Harris-Bouchard alliance at the time of the First Ministers' Conference on health- care cost-sharing in September 2000 was clearly an important initiative that proved that the two largest provinces, if determined, could exercise a veto. We cannot as yet know whether this spectacular alliance was a "one-off" or the renewal of the historic Ontario-Quebec axis running from Mowat and Mercier until effectively terminated by Ontario's Leslie Frost 50 years ago. It is quite certain that if the alliance is revived, it will dramatically change federal-provincial relations, but the Quebec "national question" makes this problematic until (if and when) resolved. In this regard, the chapter by Daniel Salée in this volume is suggestive of possible new dynamics emanating from Quebec as Quebec's political culture continues to evolve.

BC is likely to become an aggressive participant in this large-province front, which may induce the cautious Ralph Klein of Alberta to begin asserting the interests of his own province more forcefully, in which case the provinces could even begin to "drive the bus" of the federation.

Who will BC seek out as its principal allies? Will it be the west (above all, Alberta, another rich province) or Ontario and/or Quebec? Peter Meekison has pointed out that BC has always in modern times considered itself a "region" as much as a province.[22] This was vividly illustrated by W.A.C. Bennett's dramatic unveiling of a "Five Region" map of Canada[23] at a Dominion-Provincial Conference in 1959. It was received with amusement. In the negotiations of 1971, BC insisted on being a "region" for the purpose of Supreme Court judge quotas, in 1978 its Senate proposals were based on regions, and BC outrage induced the federal government to add a fifth (BC) region to the law governing federal approval of constitutional amendments.

This regional business does not sit well with Alberta. Just as cooperation with Quebec is constrained by the national question, so is cooperation with Alberta constrained by the regional question. Interestingly, the evolving view of the provinces as being formally equal but different in weight — "special" in some way, each of them — may point a way forward.

What is important to note in all of the above is that the new BC attitude and its insistence on being closely involved in the affairs of the federation should not be seen as depending on personalities. While it is true that a changed BC attitude as described is most congenial to Liberal leader Gordon Campbell and his senior lieutenants, in this they but reflect a changing BC. In fact, it is the distant and chaotic approach of the NDP administration of the past decade that has been the anomaly.

World trends in globalization and technology and BC trends in demographics and economics all underwrite the above changes. BC will be leaner and meaner by economic necessity, and more conservative by temperament. These different tendencies will result in a major change in the role that BC plays in the future operation of the Canadian federal system.

NOTES

1. Philip Resnick, *The Politics of Resentment* (Vancouver: IRPP/UBC Press, 2000).

2. David Barrett, 1972–75, and Mike Harcourt, Glen Clark, Ujjal Dosanjh, 1991–2000.

3. The Allaire Report to the Quebec government went considerably further, but was never adopted as government policy. Quebec Liberal Party, Constitutional Committee (J. Allaire, Chair), *A Québec Free to Choose: Report of the Constitutional Committee* (Quebec: Quebec Liberal Party, 1991). The same is true of Claude Ryan's Beige Paper, produced a couple of years after the Bennett

documents. Quebec Liberal Party, Constitutional Committee, *A New Canadian Federation* (Montreal: Quebec Liberal Party, 1980).

4.   Rafe Mair tells a fine anecdote to illustrate how seriously the BC proposals were really taken. In the first year, they were presented in eight slim volumes. Mel Smith, sensing the minimal impact, suggested they be resubmitted the following year to the next in a series of constitutional conferences, unchanged, but in a single volume. Mair well recalls the compliments he received for the "new" work.

5.   Personal income is slightly higher compared to the rest of Canada than GDP/capita because of external remittances not based on local productivity.

6.   Technology holds out the promise of huge returns, but capturing those depends upon maintaining firms in BC to technological maturity. Too often they leave or are bought out at an earlier stage. The reasons for this are a matter of major political debate.

7.   The figures in this and the following two paragraphs are taken from *A look at incomes in British Columbia* (BC: Business Council, July 2000).

8.   It is interesting to note that the population of BC today is 1,000,000 souls larger than that of the Thirteen Colonies at the time of the Declaration of Independence.

9.   The following data is from publications of *B.C. Stats*, the statistics branch of the Ministry of Finance, based on census data.

10. In 1996 in BC, about 56 percent of respondents gave single-origin answers.

11. Aboriginal Canadians plus a few persons of miscellaneous origin make up the small difference to 100 percent in each case.

12. This tradition has begun to change in recent years.

13. One of the most convincing indices of the growing "federalism" of the European Union is the way in which the Schengen Convention member states have been willing to subordinate this power to the overall Union.

14. It should not be imagined that this development will be too long delayed. Even today, immigrants who have been in Canada for a couple of decades and therefore more likely to participate in the political process complain in the editorial pages of British Columbia newspapers about the "lax" new standards of admission depreciating the value of their own, hard-earned entry.

15. See chapter by Ian Stewart in this volume for some discussion of that issue.

16. For a detailed treatment of many of these issues, see www.fraserinstitute.ca for availability and downloading of several articles by this author.

17. Except for eastern Quebec and most of the Atlantic provinces, where BC-type problems may in due course surface.

18. It should be noted that the provincial Liberal Party has no organic links with the federal party of the same name, though there are significant overlaps in personnel. Most of its current support comes from British Columbians who used to vote Social Credit. The provincial Reform Party also is and was unaffiliated with either the Alliance or the previous national Reform Party.

19. See McMahon, *Looking the Gift Horse in the Mouth; The Impact of Federal Transfer Payments on Atlantic Canada* (Halifax: Atlantic Institute for Market Studies, 1996).

20. An end to conditional cost-shared programs and a restriction of equalization to the formal program of that name being foremost, with a demand for a greater handle on federal jurisdictions that affect the provinces a close second.

21. I recognize that these data differ considerably from what some other surveys have reported. However, the different results probably are linked to the way the question was asked. In particular, the Canada West Foundation allowed respondents to identify with local as well as provincial identities.

22. Personal correspondence with author.

23. BC, the Prairies, Ontario, Quebec, the Atlantic.

IV

New
Identities

11

The Evolution of Charter Values

Paul Howe and Joseph F. Fletcher

Les sondages révèlent que le soutien accordé à la Charte canadienne des Droits et Libertés reste aussi élevé en 1999 qu'il l'était en 1987, et ce, malgré des jugements judiciaires controversés et un déplacement apparent vers la droite de la culture politique canadienne au cours des années 1990. Les auteurs cherchent à expliquer ce phénomène en s'attardant à l'évolution des opinions et des valeurs au cours de cette période de douze ans.

Différents courants s'avèrent être à l'œuvre. L'appui envers les libertés civiles reste essentiellement constant durant cette période, alors que l'importance accordée aux principes de tradition et d'autorité a augmentée, tout comme l'opposition au concept général de droits à l'égalité. Ces changements n'étaient toutefois pas accompagnés d'une hostilité croissante envers les droits de groupes spécifiques. En fait, dans l'ensemble, les groupes minoritaires ont bénéficié d'un plus grand support de l'opinion publique en 1999 qu'en 1987. Ce dernier changement de l'opinion publique est d'ailleurs enraciné dans l'effet de cohorte — il y a un soutien plus élevé pour les droits à l'égalité chez les jeunes que chez les groupes plus âgés, associé à un soutien stable chez les cohortes à travers le temps — ce qui suggère que ce changement est sérieux et que de futurs revirements sont improbables.

Les liens entre les différents types de valeurs et le soutien à la Charte indiquent également une variation significative. En 1987, le soutien accordé aux droits à l'égalité était un facteur plus déterminant envers le soutien à la Charte que les autres types de valeurs; cette différence était encore plus prononcée en 1999. De sorte que l'évolution de l'opinion publique en faveur des droits à l'égalité est donc partie intégrante du soutien continu envers la Charte.

INTRODUCTION

Despite recent criticisms directed at the *Canadian Charter of Rights and Freedoms*, public support remained high over the 1987 to 1999 period. In 1987, 83 percent of Canadians thought the Charter was "a good thing for Canada," 12 percent thought it was a bad thing, and the rest were unsure.

Twelve years later, 82 percent thought it a good thing, 11 percent a bad thing, and the remainder were unsure.[1]

What underlies the deep support for this central pillar of the Canadian political landscape? Political culture — the underlying values, predispositions and beliefs that shape attitudes toward actors and institutions in the political sphere — is likely part of the story. Common sense would suggest that people's opinions on fundamental value- and rights-based questions must figure among the determinants of Charter support. But if this is so, the story is not without wrinkles. For while the Charter is meant to be an embodiment of rights and values on which there is general consensus, its application in specific instances, via judicial rulings, has caused considerable controversy. Canadians differ over the priority that should be given to gay rights, Aboriginal rights, the rights of the criminally accused, and so on, and these differences likely structure attitudes toward the Charter. Indeed, it is somewhat puzzling, given the volume and vehemence of recent value-based criticisms, that Charter support remains as strong as ever.

In seeking to understand this resilience, two datasets are used in the analysis below, from surveys conducted in 1987 and 1999.[2] This allows for not only a cross-sectional view of the underpinnings of Charter support at two different points, but also the identification of trends in those underpinnings over time.[3] From this longitudinal analysis, tentative assessments are drawn as to what might happen to Charter support in the future.

While our principal concern is to understand continuing Charter support, we do so by examining change and continuity in basic value orientations, an integral components of Canadian political culture. Thus, our contribution is twofold: to shed light on the evolution of Canadian political culture over the past 12 years — a worthwhile enterprise in its own right — and to outline why Charter support remains high today, with an eye to assessing whether this is likely to continue into the future.

VALUE CHANGE IN CANADA

One dominant and influential perspective on value change in western democracies is that developed by Ronald Inglehart, which holds that postmaterialist values are slowly replacing the dominant materialist orientations of the past. Since the end of World War II, basic needs for physical security and material well-being have been largely met in these societies, leading to greater emphasis on postmaterialist concerns. Postmaterialists assign higher priority to self-expression and individuality and exhibit diminished respect for authority and tradition. This value change has abetted the mobilization of previously marginalized groups, including ethnic minorities, homosexuals, and women — a process dubbed the "new politics" — and engendered greater sympathy

in the general population for such groups. The postmaterialist phenomenon is held to be rooted in generational dynamics, as those cohorts that have experienced material privation and physical insecurity (older ones) are less likely to embrace postmaterialist values than those that have not (younger ones). The stability of these value orientations over time means that population turnover — the replacement of older cohorts by younger ones — will lead to the continued ascendance of postmaterialist values.

In Canada, the postmaterialist account of value change has not been widely applied. The most extensive treatment is Neil Nevitte's *Decline of Deference*, which traces changes in Canadian values over the 1981 to 1990 period and finds confirmation of the postmaterialist thesis.[4] Instead, there has been as much emphasis on the Charter itself, and its transformative impact on Canadian political culture. By providing opportunities for political mobilization to a variety of social groups, the Charter, so the argument runs, has privileged certain identities and political claims over others, and in so doing, effected a seismic shift in Canadian political culture.[5] Generational differences in the Charter's impact are not typically considered in this more institutionally oriented literature, but it would be reasonable to posit that the Charter's impact would be greatest on younger Canadians, who have grown up with the Charter and imbibed its basic premises from the earliest age. If there are some differences between the two accounts,[6] they share a common implication: there has been increasing sympathy for Charter-based values that is deeply rooted and unlikely to change. In either view, the ongoing high levels of support for the Charter are no mystery and future trends are easy to predict.

But against these theoretical accounts, there has been an apparent swing to the right in the 1990s, most obviously evidenced by the rise of the Reform Party (now the Canadian Alliance).[7] Some scholars have suggested that the Charter, as interpreted by the courts, has brought about changes that run directly counter to the value preferences of most Canadians.[8] At the very least, it is reasonable to wonder if support for Charter values remains as strong today as it has been at points past.

That the Alliance is the most outspoken critic of certain Charter values and the new politics raises one possible hypothesis. It has been suggested that Reform/Alliance supporters are, on average, older than other parties' supporters;[9] and as noted above, younger cohorts are said to be more sympathetic to postmaterialist values. It may be, then, that the debate over Charter-based values which has been unfolding lately is generationally-structured, with younger Canadians largely sympathetic to those values and the backlash of the 1990s coming primarily from older Canadians who are less supportive. In terms of future predictions, this would suggest that support for Charter values and the new politics is likely to remain strong (assuming, of course, that age differences represent cohort effects not age effects, as the postmaterialist literature would suggest).

How do we go about investigating these questions? Our data are not structured in accordance with the postmaterialist literature; the design principle was to re-create questions asked at an earlier point (1987) for a rather different purpose. Indeed, the standard questions used to categorize respondents as materialists, postmaterialists, and of mixed preferences do not appear on the surveys.[10] Yet the survey items do speak to many of the values held to be linked with postmaterialist orientations — in particular, attitudes toward authority and tradition and views on various outgroups that have made considerable gains in the past couple of decades. Our focus is on the evolution of these attitudes and how they relate to Charter support. The analysis is presented in three sections:

1. First, an overview is provided of the evolution, from 1987 to 1999, of Canadian opinion on various value- and rights-oriented questions. To what extent is there evidence of a right-wing backlash over this period? We find *prima facie* evidence of such a backlash in the markedly higher value placed by Canadians upon authority and tradition. But there is also evidence that points the other way: support for civil liberties has remained constant over the period, while support for equality rights, on most measures, has increased.

2. The evolution of these values is then examined in greater detail by tracking attitudes within birth cohorts over time. Are the predictions of postmaterialist and Charter-transformation accounts borne out? The answer to this question forms the basis for tentative predictions about future values trends in Canada and consequently Charter support.

3. Finally, the relationships between different values and Charter support at two points in time (1987 and 1999) are considered. The causal linkages thus identified help explain why Charter support remains high today.

RIGHTS AND VALUES: THE EVOLUTION OF CANADIAN OPINION

The data in the analysis below are drawn from two surveys. The Charter Project consists of a series of surveys conducted in 1987 that measured attitudes on a host of rights- and value-based issues.[11] The *IRPP Survey on Courts and the Charter* involves a single survey conducted in 1999 that replicated numerous questions from the Charter Project for the express purpose of longitudinal analysis.[12]

Table 1 shows the change from 1987 to 1999 on some relevant items, previously linked with postmaterialist orientations, that appeared on both surveys.[13] On the civil liberties front, the data would suggest that while opinion is divided on all three questions, attitudes have been relatively stable over the 12-year period. Indeed, the first item, concerning free speech (C1), shows no

Table 1: Canadian Attitudes Toward Rights and Values, 1987 and 1999

		1987	1999
Civil Liberties			
C1. Free speech ought to be allowed for all political groups even if some of the things that these groups believe in are highly insulting and threatening to society.	Basically agree	52	51
	Basically disagree	46	46
	Don't know	2	3
C2. I would like you to consider now an instance where the police see a young man they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs. Do you think this search is a reasonable search, or does it violate the young man's rights?*	Reasonable search	59	53
	Violated his rights	40	46
	Don't know	1	1
C3. Consider this case: The police asked an obviously drunk driver to take a breathalyzer test without telling him that he had a right to consult a lawyer. Should a judge allow the breathalyzer evidence to be used in court or should he exclude it, even if the driver may go free as a result?*	Allow evidence	68	71
	Exclude evidence	29	28
	Don't know	4	2
Equality Rights			
E1. We have gone too far in pushing equal rights in this country.*	Basically agree	30	40
	Basically disagree	68	57
	Don't know	2	4
E2. How important is it to guarantee equality between men and women in all aspects of life?	Very important	72	70
	Somewhat important	23	25
	Not important	5	5
	Don't know	–	1
E3. How important is preserving French and English as the two official languages of Canada?	Very important	48	44
	Somewhat important	31	34
	Not important	21	21
	Don't know	1	1
E4. How important is it to make a special effort to protect ethnic and racial minorities?*	Very important	42	52
	Somewhat important	44	39
	Not important	12	9
	Don't know	2	1
E5. Should native peoples be treated just like any other Canadian, with no special rights, or should the unique rights of Canada's native peoples be preserved?*	Like any other Canadian	50	59
	Unique rights preserved	47	39
	Don't know	3	2
E6. Do you approve or disapprove of allowing homosexuals to teach in school in (respondent's province)?*	Approve	50	73
	Disapprove	47	23
	Don't know	3	4
Tradition and Authority			
T1. How important is preserving traditional ideas of right and wrong?*	Very important	58	72
	Somewhat important	35	24
	Not important	5	3
	Don't know	1	1
T2. How important is it to strengthen respect and obedience for authority?*	Very important	60	66
	Somewhat important	34	29
	Not important	6	4
	Don't know	1	1

Notes: *Cramer's V significant at $p < 0.01$.
Some questions were subject to wording variations. See Appendix 1 for details.

real movement over time. On item C2, concerning the legitimacy of a questionable drug search, there has been a small shift in opinion toward the civil libertarian position. On item C3, which asks about the administration of a breathalyzer test in the absence of legal counsel, opinion has moved in the other direction, but only slightly.

Compared with civil liberties, there is higher overall support for equality rights as well as greater change over time. Item E1 is a general query about whether we have gone too far in pushing equal rights. Most Canadians say no at both points in time. However, in 1987, only 30 percent agreed with the statement; in 1999 this climbed to 40 percent. This partial backlash against equality rights is not, however, mirrored in the responses given to a series of questions that probe respondents' feelings toward various groups that frame their claims in the language of equality rights and which have — in some cases thanks to explicit Charter guarantees — won some important court battles to secure those claims. Items E2 to E6 ask in turn about women, Canada's two official languages, ethnic and racial minorities, native peoples and homosexuals. E2 and E3 show no significant movement of opinion from 1987 to 1999. E4 and E6 reveal increasing public sympathy toward ethnic and racial minorities and homosexuals, with very substantial movement in the latter case. The only item that registers a decline in support is E5 as support for the "special rights" of native peoples has dropped eight points over the 12-year period.

Thus, there has been a shift of opinion against equal rights as a general concept, yet on balance Canadians are becoming even more favourably disposed toward the various groups that couch their claims in the language of equality rights. Significant changes are also revealed in the responses given to two questions probing attitudes toward tradition and authority (T1 and T2). The majorities in favour of both principles have grown over the period, as more respondents in 1999 are inclined to deem them very important. In the case of tradition, there is a 14 percent increase, in the case of authority, a more modest 6 percent.[14] These changes are consistent with increasing opposition to equality rights in general (E1) and with the notion that there was a shift to the right in Canadians' values over the course of the 1990s. Yet they run counter to the substantial and rising support for the various minorities and outgroups that have, for the most part, challenged tradition and authority in staking their claims.[15]

As evidenced by these diverging trends, Charter values, at least at the level of popular opinion, are not of one piece. Majorities tend to respond favourably to *both* equality and authority items, while opinion on civil liberties tends to be divided. To characterize the public as simply in favour of or opposed to Charter values would be misleading. It is more appropriate to look at each of the three value domains separately.

Table 2 uses simple additive indices to summarize the trends in each value domain.[16,17] This confirms the basic patterns: little movement in the area of

Table 2: Rights and Values, Summary Indices, 1987 and 1999

		1987 (%)	1999 (%)
Civil liberties	Low	23	22
	Medium	40	41
	High	37	37
Equality rights*	Low	36	29
	Medium	32	34
	High	32	38
Tradition and authority*	Low	26	18
	Medium	34	29
	High	40	53

Notes: *Cramer's V significant at p < 0.01.
See Appendix 2 for details of index construction.

civil liberties, a significant rise in support for the equality rights of specific groups, and a very substantial rise in support for the principles of tradition and authority. There is, then, *prima facie* evidence of some type of shift to the right over the 1987 to 1999 period, yet this does not appear to be part of a more general phenomenon entailing decreasing support for either civil liberties or the equality of particular outgroups.

COHORT ANALYSIS OF CHARTER SUPPORT AND ITS UNDERPINNINGS

From our preliminary overview, it is apparent that value change in Canada over the past dozen years cannot be readily summarized by a single theoretical account. If Canadian values have not been moving consistently in the direction predicted by postmaterialist theory or Charter-transformation accounts, neither have they been shifting uniformly to the right. In this section, we take a closer look at these divergent trends and consider their implications for different theoretical understandings of Canadian value change and the contours of Charter support.

For this purpose we turn to cohort analysis, a useful tool for unpacking aggregate social change. It is especially illuminating when it reveals cohort effects — constant levels for some variable of interest in particular birth cohorts

across different points in time, which are taken to indicate stability at the individual level. When the level of the relevant variable differs across cohorts, it is plausible to expect long-term aggregate change based on population turnover. Cohort effects mean that societal attitudes will gradually change as younger cohorts replace older ones. The mechanical predictability of this process makes it a potentially powerful tool for the social scientist. It is the notion that cohort effects underlie the long-term ascendance of postmaterialist values that largely accounts for the appeal of the theory.

If cohort effects can be at once predictable and consequential, the same is not generally true of the other two phenomena sometimes detected in longitudinal analysis, age and period effects. Age effects — consistent differences between age groups (as opposed to birth cohorts) at different points in time — can be predictable, but are typically of lesser consequence. They will only produce aggregate change if the relative weight of different age groups in the population changes significantly over time. Otherwise age effects simply lead to the reproduction of abiding age divisions over time.

Period effects, on the other hand, can be consequential, but are generally less predictable. Consisting of a uniform shift in opinion across different age groups and birth cohorts over a given period, they are consequential because they necessarily produce aggregate social change. But they do not easily lend themselves to predictions about the future. Sometimes period effects are treated as *sui generis* phenomena that can only be explained by the specifics of a particular time and place. More general explanations are sometimes advanced — in the postmaterialist literature, period effects are often linked to shifting economic circumstances, for example — and this can facilitate prediction. But it does represent another step in the analysis that introduces an added degree of uncertainty to any prognostications about the future. The sort of mechanical prediction possible when cohort effects are detected is generally not possible with period effects.

Understanding how cohort, age, and period effects have conditioned Canadian opinion on the rights and values identified above may help us see where opinion is likely to move in the future. Sorting out these effects can, however, be a tricky business. The three are linked, since each can be expressed as a linear combination of the other two (e.g., knowing the year, or period, and someone's age tells you their birth year). Consequently, a particular effect can always be re-interpreted as a product of the other two effects acting in combination. Plausibility becomes an important criterion for ranking interpretations.

The basic rules of thumb are as follows. First, differences between birth cohorts help in distinguishing the three effects; otherwise interpretation can be difficult. Second, stability of attitudes within birth cohorts is taken to indicate cohort effects. Third, movement within cohorts over time — intra-cohort change — is suggestive of either an age or period effect. Sometimes the two are easily distinguished. However, as we will see below, intra-cohort change is often consistent with either an age effect, a period effect or the two in

Table 3: Rights and Values, Cohort Analysis, 1987–1999

		Total	Cohort				
			1933 and earlier	1934–1945	1946–1957	1958–1969	1970–1981
Civil liberty	1987	37	27	32	41	42	
	1999	37	23	26	33	39	50
Equality rights	1987	33	21	34	33	39	
	1999	38	27	31	37	39	47
Tradition and authority	1987	40	57	45	41	26	
	1999	53	52	65	60	51	40
	Min N, 1987	(2,018)	(467)	(341)	(629)	(581)	
	Min N, 1999	(962)	(84)	(130)	(265)	(302)	(179)

Notes: Percentages appearing in the table are as follows (see Appendix 2 for full details of index construction):
Civil rights: supportive of civil liberty on at least 2 of 3 questions;
Equality rights: supportive of minority/outgroup on at least 4 of 5 questions, or supportive on 3 of 5 and replying "don't know" on other 2;
Tradition and authority: consider both "very important."

combination. Therefore, it is sometimes sensible to separate aggregate change into two components only: (i) intra-cohort change (whether due to age or period effects); and (ii) population turnover, that is change produced by cohort effects. The first is the component of change due to changing attitudes at the individual level. The second is the component of change deriving from stable attitudes at the individual level. Formal methods are helpful in breaking aggregate change into these two components.

We apply these principles in considering the evolution of opinion within birth cohorts on the various Charter underpinnings described above. Table 3 shows a birth cohort breakdown for the three indices that aggregate responses to two or more survey items: a civil rights index, an equality rights index and a tradition-authority index (see Table 2). In each case, the figures in Table 3 represent the percentage within cohorts scoring "high" on the relevant index.

CIVIL LIBERTY

As Table 3 indicates, the absence of aggregate change in attitudes toward civil liberties does not mean that no change is taking place within sub-sections of

the population. Quite the contrary: all cohorts from 1987 show significant decreases in support for civil liberties between 1987 and 1999. It is only the higher level of support in the new cohort in 1999 (those born from 1970 to 1981) that keeps the overall figure constant.

One possible explanation for this pan-cohort decrease in support is an age effect, wherein people tend to become less supportive of civil liberties as they age. Indeed, the evolution of opinion within the 1987 cohorts is very nearly what would be predicted by a pure age effect: each cohort in 1999 looks very much like those of the same age did in 1987. So, for example, the percentage of strong supporters of civil liberties drops from 41 percent to 33 percent in the 1946–57 cohort, nearly the same level as in the same age group 12 years previously (32 percent for the 1934–45 cohort). Yet the data are also more or less consistent with a period effect. The reduced support for civil liberties over the 12-year period is not identical in each of the cohorts but it is roughly comparable, ranging between 3 and 8 percent. A second plausible interpretation of the data, then, is that each cohort would have maintained its 1987 level of support for civil liberties through to 1999 but for a period effect that influenced all cohorts.

Whichever interpretation is correct, neither does a good job of explaining the level of support for civil liberties in the youngest cohort, those born between 1970 and 1981. In the absence of any evidence about formative influences on new cohorts, the simplest prediction is that they will take the same value as the cohort immediately preceding them took at the same age. If a period effect is operative, it would be anticipated that this value would shift accordingly, since there is no reason to presume that the youngest cohort — those just coming of age and perhaps *most* susceptible to shifting tides of opinion — would be immune to its influence. It follows that a comparison of the 1970–81 cohort in 1999 and the youngest cohort in 1987 (the 1958–69 cohort) should reveal either a stable level of support for civil liberties (42 percent), or a decrease in support for civil liberties comparable to that in the older cohorts (42 percent less some 3 to 8 percent). Instead, the data in Table 3 show an *increase* in support for civil liberties in this youngest group over the 12-year period (from 42 percent to 50 percent[18]).

This higher than expected level of support for civil liberties suggests there have been formative influences affecting the youngest cohort. Those born between 1970 and 1981 are the only cohort that has, in its entirety, grown up with the Charter and the civil liberty guarantees embodied therein. Their stronger sympathy for civil liberties may well derive in part from the fact that they have taken on Charter values during their formative years. Whether the high level of support within this cohort will decline as the group ages (if age effects predominate) or shift more unpredictably over different periods (if period effects predominate) is more uncertain.[19]

EQUALITY RIGHTS

Turning to equality rights, visual inspection of the data in Table 3 suggests that opinion in this area is not subject to age effects. At both points in time, older Canadians are less likely to be strong supporters of equality rights than younger Canadians. Yet only one cohort (1934–45) shows signs of decreased support for equality rights as it has aged over the 1987 to 1999 period, and this is not a statistically significant change. Support is either constant within cohorts or slightly increased.

Nor does there seem to be a strong period effect at work. There is relatively little change within cohorts, and that which has taken place is not evenly distributed across the cohorts. Moreover, the change within all cohorts lies within the margins of random sampling error. The simplest account of the data in Table 3 is that support for equality rights is a relatively stable attitude within cohorts that is immune to change from aging or period shifts.

More formal methods can be used to determine what proportion of the total change in a variable is due to population turnover — that is, driven by cohort effects — and what proportion derives from intra-cohort change (whether due to aging or period effects). For this, we use all three categories of the equality rights index, as shown in Table 1: low (assigned a value of 1), medium (2) and high (3). The mean value on the index for 1987 is 1.96; for 1999 it is 2.09. Algebraic decomposition methods indicate that approximately 70 percent of this change is attributable to population turnover and only 30 percent to intra-cohort change.[20] In the case of equality rights, cohort effects are the dominant influence on aggregate change.

These results are consistent with the postmaterialist thesis. Support for the equality rights of various groups is considerably higher among younger Canadians. This higher level of support is maintaining itself over time as those younger cohorts age, resulting in aggregate social change. The cohort differentiation evident in Table 3 is, in fact, considerably stronger than it is for the four-item postmaterialist index developed by Ronald Inglehart and applied extensively in countries around the world. When Inglehart's index has been administered in Canada, it has revealed scant differences between birth cohorts, rendering Canada (along with the United States) a somewhat anomalous case.[21] Examining some of the attitudes associated with postmaterialism, however, reveals significant age differences in the Canadian data, which longitudinal analysis suggests are stable cohort differences.

If the data suggest that support for equality rights is likely to continue to grow in the future, they also suggest that the pace of change may pick up. In the 1999 data, the gap in support for equality rights between adjacent cohorts ranges from 2 percent to 6 percent for the older cohorts, but is 8 percent between the youngest and next to youngest cohorts. The postmaterialist literature

would predict otherwise: Inglehart's four-item index, when administered to populations in the established democracies, typically reveals that the level of support for postmaterialist values has continued to increase in successive cohorts but the gaps between cohorts are growing smaller.[22] That Table 8 reveals a larger jump in the youngest cohort suggests some other factor is at play in Canada over and above the forces generating increased sympathy for postmaterialist values in rising cohorts worldwide. The obvious candidate is the Charter itself. As was the case for civil rights, it appears that the Charter has had some formative impact on the 1970–81 cohort that is producing levels of support for Charter-based rights and values over and above what other sources of change would lead us to expect.

Some important qualifications are in order, however. This overall picture of cohort stability and gradually increasing sympathy for the equality rights of various groups skates over some important differences between the various items that make up our equality rights index. It will be recalled, for example, that overall support for the "special rights" of native peoples dropped eight points over the 12-year period, whereas approval of homosexuals' teaching in schools jumped by 23 percent (see Table 1). Clearly, the individual attitudes that make up the index are not all moving in lockstep.

Nor do the individual items show the same degree of cohort stability exhibited by the index as a whole. Table 4 shows a cohort breakdown of attitudes for all items in the equality rights index in 1987 and 1999. It is immediately apparent that the cohort patterns for the index as a whole are not replicated for the individual items. Consider, in particular, attitudes on the gay rights and native rights questions. In both cases, it is clear that there has been movement within all cohorts. On the gay rights item, there has been a considerable upward shift in every cohort — a period effect presumably, since the data indicate that older people are less supportive of gay rights. The movement is smaller in older cohorts, but significant nonetheless. The net result is that about three-quarters of the change on this item derives from intra-cohort change (i.e., individual change) and about one-quarter from population turnover.[23]

It is also the case that the significant cohort differentiation on the gay rights item is largely responsible for the cohort differentiation for the index as a whole. Differences across the cohorts are more modest and less consistent on the other items. The importance of this one item to the index as a whole suggests some caution is in order in generalizing our results, though clearly attitudes toward gay rights are an important indicator of changing attitudes toward equality rights.

The pattern of change on the native rights item is also noteworthy. Table 4 shows decreases in support ranging from 8 to 13 percent across the 1987 cohorts. The uniformity of the shift suggests that, as with attitudes toward gay rights, a period effect is at work. But in this case, individual change and population turnover are working in opposite directions. Individual change acting

Table 4: Equality Rights, Cohort Analysis, 1987–1999

		Total	Cohort				
			1933 and earlier	*1934–1945*	*1946–1957*	*1958–1969*	*1970–1981*
Very important to guarantee equality between men and women	1987	72	63	69	75	76	
	1999	70	51	67	69	74	74
Very important to preserve French and English as the two official languages of Canada	1987	48	48	50	45	48	
	1999	44	43	51	42	45	41
Very important to make a special effort to protect ethnic and racial minorities	1987	42	41	43	42	42	
	1999	52	54	45	47	54	58
Unique rights of natives should be preserved	1987	47	47	45	46	50	
	1999	39	34	34	38	40	44
Approve of gay teachers in schools	1987	50	31	49	56	58	
	1999	73	43	61	75	76	84
	Min N, 1987	(2,049)	(473)	(347)	(639)	(585)	
	Min N, 1999	(976)	(87)	(132)	(267)	(305)	(180)

alone would produce an overall drop in support of about ten points; population turnover — the replacement of older cohorts by younger ones slightly more supportive of Aboriginal rights — reduces this slightly to eight points.

Looking at the regional breakdown for the native rights questions (Table 5) sheds further light on the sources of change. In the Atlantic region, Ontario, and the Prairies (including Alberta), attitudes toward the special rights of native peoples did not change over the 1987 to 1999 period. Instead, the entire

Table 5: Native Rights by Region, 1987 and 1999

		Total	*Atlantic*	*Quebec*	*Ontario*	*Prairies*	*BC*
					Region		
Unique rights	1987	47	41	47	56	37	41
of natives should	(N)	(2,072)	(372)	(433)	(619)	(352)	(296)
be preserved							
	1999	39	43	24	54	36	29
	(N)	(994)	(82)	(245)	(372)	(170)	(125)

decrease is due to declining support for native rights in two provinces, BC (a 12-point drop) and Quebec (23 points). These are, of course, the two places where native claims proved most contentious over the course of the 1990s.[24] In Quebec, the decade began with the Oka crisis, which saw natives protesting the development of a golf course on land claimed as sacred burial ground; in BC, there have been similar standoffs. The treaty negotiation process has created controversy in BC, the most recent example being the Nisga'a treaty, while in Quebec native claims to self-determination in the event of separation have produced animosity among some sovereignist supporters. That the decreased support for native rights is concentrated in this fashion suggests that it is due to period effects rooted in political developments particular to these two provinces.[25]

Thus, opinion on native rights has evolved in a different direction from the other items in our equality rights index,[26] but the anomaly is explicable. Nor are such anomalies entirely unexpected. Our contention, consistent with the postmaterialist literature, is not that cohort effects underwrite each individual item in our equality rights index, but rather that there is a favourable disposition, more prevalent in younger cohorts, that conditions, without wholly determining, attitude toward a host of equality-related issues.[27] This is leading to greater sympathy, on average, for various groups that couch their claims in the language of equality rights. Since this process appears to be underwritten by cohort effects, it is likely to continue apace, with positive consequences for Charter support.

TRADITION AND AUTHORITY

Table 3 shows that there has been a sizable aggregate increase in support for the principles of tradition and authority (13 percent). The table also reveals

that this increase has occurred within all birth cohorts except the oldest. One explanation for this pattern of change is that age effects are an important influence on the attitudes in question. The 1987 data reveal significant differences across age groups, with older Canadians showing stronger support for the principles of tradition and authority. Thus, intra-cohort change over the 12-year period could reflect a tendency for people to embrace more conservative values with age.

In all cases, however, the change over the 12-year period exceeds that which would be predicted by age effects alone, suggesting that a period effect has also been operative. Table 6 shows a simple calculation of this period effect. The predicted value for each cohort in 1999 is simply the actual value for the same age group — that is, the next-eldest birth cohort — in 1987. Comparing this to the actual value for each cohort in 1999 indicates by how much the 12-year shift exceeds the value predicted by age effects alone. This estimated period effect is positive in all cases, ranging between 8 and 15 percent.

Thus, an age and period effect in combination seems a plausible interpretation for the cohort data on tradition and authority. Looking back once more to Table 3, however, it also seems possible that the entire change over the 12-year period is due to a period effect that has differentially affected the cohorts — that is to say, no impact on the oldest cohort (those born in 1933 and earlier), a small impact on the next to oldest (1934–45) and youngest (1970–81), and a larger impact on the two intermediate ones. But whatever the combination of aging and period effects responsible for the changes witnessed over the 1987 to 1999 period, it is clear that intra-cohort change greatly outweighs the effects of population turnover in this instance. In fact, the impact of population turnover serves only to mute slightly the considerable effects of change at the individual level. More precisely, in the absence of population turnover, aggregate change on the tradition and authority index would have been 16 percent instead of 13 percent.

Table 6: Age and Period Effects for Tradition and Authority

	Cohort				
	1933 and earlier	1934–1945	1946–1957	1958–1969	1970–1981
Predicted value, 1999, if age effect only	–	57	45	41	26
Actual value, 1999	52	65	60	51	40
Difference — estimate of period effect		8	15	10	14

These findings run counter to the postmaterialist contention that support for authority and tradition has been declining as a consequence of the gradual ascendance of postmaterialist values. While the postmaterialist literature does allow that period effects can influence value preferences, these fluctuations have generally been linked to economic conditions. Bad economic times — high rates of inflation, first and foremost, unemployment to a lesser degree — produce temporary shifts away from postmaterialist values.[28] However, our survey took place in the late 1990s, a time of relative economic prosperity in Canada. Inflation remained very low and unemployment, after remaining stubbornly high through much of the 1990s, was on the decline. It is true, too, that postmaterialist theory does not claim to predict individual attitudes with great precision; it allows for significant slippage between postmaterialism per se (as measured by Inglehart's four-item index) and the host of attitudes said to be influenced by this underlying value disposition. However, attitudes toward authority are usually treated as one of the key correlates of postmaterialism.[29] It is difficult to imagine postmaterialist theory remaining robust if this core finding starts to come into question. And finally, if there are age effects at work in the Canadian context, the reconciliation with postmaterialist theory is that much harder. The postmaterialist literature may allow for some fluctuation induced by period effects but otherwise predicts stability within cohorts. Age effects — people turning away from postmaterialist values as they age — are held to be insignificant.

In sum, the divergent trends in our data are confirmed in the cohort analysis. There has been, on the one hand, rising support for the equality rights of various outgroups and minorities, which is in keeping with the contours of postmaterialist theory. But at the same time, there has also been rising support for tradition and authority, which runs counter to postmaterialist predictions. As part of this difference, the underlying cohort patterns on the measures differ. Opinion on our equality rights index seems to show cohort effects, whereas the shift to the right apparent in evolving attitudes toward tradition and authority, appears to be driven in significant measure by period effects. An important implication is that the former trend is more likely to prove enduring than the latter.

THE UNDERPINNINGS OF CHARTER SUPPORT

In this final section, we consider how these underlying values trends have influenced overall Charter support. Table 7 shows standardized coefficients for two regression models of Charter support, one for the 1987 survey, the other for the 1999 survey. In addition to the value indexes we have also included a number of standard demographic variables including birth year, education, income, gender, and region. Although the variables examined here

together explain only a modest portion of the available variance, the analysis sheds some clear light on why Charter support remains high.

Immediately apparent in comparing the results for the two years is that while a number of factors were significantly related to support for the *Charter of Rights and Freedoms* in 1987, only one remains so in 1999. The single remaining factor is support for equality rights. By 1999, evaluations of the Charter were based nearly exclusively on questions of equality.

It is also notable that while the value placed upon civil liberties once had a significant influence on Charter support, that relationship is now negligible, as indicated by the decline in the civil liberty regression coefficient from significance in 1987 to essentially zero in 1999.[30] Despite the considerable impact of the Charter on police actions and the administration of justice, civil liberty

Table 7: Charter Support in 1987 and 1999, Standardized Regression Coefficients

	1987 Beta	1999 Beta
Civil liberties index	0.08*	0.03
Equality rights index	0.22*	0.26*
Tradition and authority index	0.05	0.02
Birth year	−0.02	0.03
Education	0.10*	0.05
Income	0.04	0.04
Gender (female)	−0.09*	−0.06
Atlantic	0.00	0.05
Quebec	0.08*	0.04
Prairie	0.00	0.07
British Columbia	−0.02	−0.05
Adjusted R-square	0.09	0.08
(N)	(1,478)	(699)

Notes: *Statistically significant, p 0< .01.
The dependent variable is respondents' views on the Charter: very good thing [for Canada] (1); good thing (0.75); don't know (0.5); bad thing (0.25); or very bad thing (0). For the independent variables birth year is categorized as described in Table 3; income is scored from low to high in $10,000 increments; education is categorized as low (high school or less), medium (some postsecondary), or high (completed university); gender and region variables are dummy variables.

concerns today no longer influence Canadians' assessments of their Charter. The results for tradition and authority — the absence of any impact in either year — appear somewhat counter-intuitive too. A consistent theme in the discourse of Charter critics is that it has foisted new values and policy priorities on Canadians that run counter to tried and true conventions and do not enjoy broad popular support. It might therefore be anticipated that support for the values of tradition and authority would be associated with negative views of the Charter. Such is clearly not the case.[31]

Turning to demographics, education, gender,[32] and region, these variables show small effects in 1987, but in 1999 they are all insignificant, along with the other demographic variables.[33] Thus while education was once independently associated with greater support for the Charter, this is no longer the case.[34] Demographic effects on Charter support are clearly overshadowed by the influence of values.

These results point to an account of why support for the *Charter of Rights and Freedoms* has remained firm in the face of significant value change over the last dozen years or so. It is due to the fact that people's views of the Charter primarily depend upon the value they place on equality. This was the case in 1987 and it is even more so today. By contrast, opinions about tradition and authority have essentially no impact on evaluations of the Charter. This, in effect, largely insulates Charter support from any impact due to the higher regard Canadians are now placing on these values. The regressions also reveal that the value of civil liberties has become more or less irrelevant in Canadians' overall assessment of the Charter.

CONCLUSION

The purpose of our investigation was twofold: to examine the evolution of Canadian values over the past dozen years in order to assess the proposition that there has been a marked shift to the right; and to use this analysis to understand why support for the Charter remains as high today as it was in 1987, with an eye to assessing how that support is likely to evolve in the future.

The initial overview of value change suggested there are divergent trends at work. In particular, there has been a significant rise in the value placed upon the principles of tradition and authority and growing opposition to the general concept of equal rights. These trends have not been accompanied by any mounting hostility toward the equality rights of specific outgroups, however. In fact, these groups, on the whole, enjoy greater public support today than in 1987. Meanwhile, the support Canadians show for civil liberties has remained essentially constant.

Our analysis of birth cohorts helps identify the sources of value change across these different domains. The results indicate that the strong and grow-

ing support for equality rights, indexed by attitudes toward various outgroups, will likely persist well into the future, as it is largely driven by cohort effects. The shift to the right, evident in the growing support for tradition and author- ity, is in contrast, evidently not due to cohort effects. While it is difficult to distinguish between age and period effects in interpreting such change, it seems that the rightward shift is, in large part, a period effect. Its future evolution, therefore, remains uncertain.

The implications of these conclusions for the theoretical proposition about the inexorable rise of postmaterialism, and the related notion that division over the Charter's merits is generationally structured, are mixed. Higher lev- els of support for the equality rights of specific groups within rising cohorts and intra-cohort stability over time, are consistent with the postmaterialist thesis, but the significant shift to the right evident in other trends is not. Char- acterizing differing views of the Charter as a debate between young postmaterialists and older materialists contains a grain of truth but is obvi- ously an oversimplification. So too is any suggestion that public attitudes on the whole run counter to Charter values.

Regression analysis of the value basis of Charter support sheds light on the relative importance of liberty, equality, and authority for Canadian attitudes toward the Charter. It turns out that tradition and authority have virtually no direct impact on Charter assessments. Similarly, the weak effect of civil liber- ties in 1987 has now largely evaporated. At this juncture, it is clearly attitudes toward equality rights that are the major influence upon assessments that Ca- nadians make about the Charter.

Thinking through the net effect of value change on support for the Charter with the help of both cohort and regression analysis, we come in the end to a fairly clear understanding of why the Charter remains popular with Canadi- ans. The recent rightward period effect has had little direct influence on Charter assessments. Hence, irrespective of whether it persists or not, evaluations of the Charter are unlikely to be adversely affected. Moreover, the effect of popu- lation turnover on support on equality rights has already begun to enhance public support for the Charter, and it is likely to continue to do so. As generational replacement occurs, support for the Charter will likely persist or even grow. Judging by the underlying contours of Canadian value change, widespread esteem for the Charter in future years seems assured.[35]

NOTES

1. Joseph F. Fletcher and Paul Howe, "Canadian Attitudes toward the Charter and the Courts in Comparative Perspective," *Choices* 6, 3 (2000):4-29.

2. Fletcher and Howe, "Canadian Attitudes toward the Charter and the Courts in Comparative Perspective"; and Joseph F. Fletcher and Paul Howe, "Supreme

Court Cases and Court Support: The State of Canadian Public Opinion," *Choices* 6, 3 (2000):30-56.

3.   Caution is in order when identifying trends over time on the basis of only two observation points. However, when aggregate change is pulled apart in ways that shed light on the underlying motors of change, as in the analysis below, we can extrapolate from the observed data with greater confidence. On methods and potential pitfalls of longitudinal analysis, see Glenn Firebaugh, *Analyzing Repeated Surveys* (Thousand Oaks, CA: Sage, 1997).

4.   Neil Nevitte, *Decline of Deference* (Peterborough: Broadview Press, 1996). See also Neil Nevitte, Herman Bakvis and Roger Gibbins, "Ideological Contours of 'New Politics' in Canada," *Canadian Journal of Political Science* 22, 3 (1989):473-503; and Herman Bakvis and Neil Nevitte, "In Pursuit of Postbourgeois Man: Postmaterialism and Intergenerational Change in Canada," *Comparative Political Studies* 20, 3 (1987):357-89.

5.   See essays on this theme in Alan C. Cairns, edited by Douglas E. Williams, *Disruptions* (Toronto: McClelland & Stewart, 1991).

6.   See the critique of Cairns' Charter-oriented account by Ian Brodie and Neil Nevitte and Cairns' response in *Canadian Journal of Political Science* 26, 2 (1993):235-72.

7.   It has been suggested that the Reform Party represents a right-wing manifesta- tion of postmaterialist values. See Richard Sigurdson, "Preston Manning and the Politics of Postmodernism in Canada," *Canadian Journal of Political Sci- ence* 27, 2 (1994):249-76; and on the broader question of the relationship between left-right and materialism-postmaterialism, Nevitte, Bakvis and Gibbins, "Ideo- logical Contours of 'New Politics' in Canada," and James Savage, "Postmaterialism of the Left and Right," *Comparative Political Studies* 17, 4 (1985):431-51. However, presumably right-wing postmaterialism would entail particular emphasis on certain elements of the postmaterialist creed, such as individual freedom and responsibility, rather than strong sympathy toward outgroups.

8.   F.L. Morton and Rainer Knopff, *The Charter Revolution and the Court Party* (Peterborough: Broadview Press, 2000).

9.   This, at least, seemed to be the case for members of the Reform Party (see Peter McCormick, "New Beginning or Dead End," in *Party Politics in Canada,* 6th ed., ed. Hugh G. Thorburn (Toronto: Prentice Hall, 1991), p. 347). Matters may have changed with the recent surge in membership in response to the Alliance leadership race. It also seems to be the case that there is, at this point, no par- ticular age skew to Reform voters. See the regression models in Neil Nevitte, André Blais, Elisabeth Gidengil and Richard Nadeau, *Unsteady State: The 1997 Canadian Federal Election* (Toronto: Oxford University Press, 2000), pp. 148- 49. This does not, however, preclude the possibility that older supporters of the Alliance have largely been drawn to the party by its position on value-based issues.

10.   Respondents are asked to choose one of four items as "most important in the long run." These are: (i) maintaining order in the nation, (ii) giving the people

more say in important government decisions, (iii) fighting rising prices, and (iv) protecting freedom of speech. They are then asked to pick the second most important. Respondents choosing (i) and (iii) are classified as materialists, those choosing (ii) and (iv) are classified as postmaterialists, while those who choose one of each are placed in a "mixed" grouping.

11. Paul M. Sniderman, Joseph F. Fletcher, Peter H. Russell and Philip E. Tetlock, *The Clash of Rights: Liberty, Equality and Legitimacy in Pluralist Democracy* (New Haven: Yale University Press, 1996).

12. The 1999 survey was conducted for the Montreal-based Institute for Research on Public Policy. The questionnaire was developed by Paul Howe and Joseph Fletcher. The fieldwork was carried out by Opinion Search, an Ottawa-based polling firm and took place from 1 March to 20 March 1999. Potential respondents were called up to ten times to try to secure an interview. The response rate of 30 percent, while low by the standards of an academic survey, is not uncommon for a commercial survey, as response rates have been declining in the past few years throughout the polling industry. It is, however, much lower than the 63.5 percent response rate achieved on the 1987 Charter Project.

   In an effort to ensure that the longitudinal comparisons we draw below are sound, various measures were undertaken. First, we compared respondents in the 1987 study who had been easy to reach with those more difficult to reach — and found no significant differences in their opinions. Thus, we can say with certainty that if the response rate in 1987 had been comparable to that on the current survey, there would have been no difference in the results. We can also say (albeit with less confidence) that had the response rate on the current survey been higher, the results would not have differed in any significant way.

   Second, both datasets were examined to ensure that the sample accurately reflected the Canadian population in terms of basic demographic traits, such as age, sex, province of residence, and education. One variable where the 1999 data were askew was education: the sample contained a disproportionate number of Canadians with high levels of formal education (this is commonly the case for survey samples with low response rates). To compensate, weights were applied to the data to bring the sample in line with population parameters (i.e., the highly educated sub-sample was given reduced weight, the less educated sub-sample greater weight). Weights (of lesser significance) were also applied for province of residence, sex, and household size. All data reported in the tables are weighted (all sample sizes, however, are unweighted). For further details on these weighting procedures, please contact the authors.

13. Long lists of the variables found to be significantly correlated with postmaterialism are in Ronald Inglehart, *Modernization and Postmodernization* (Princeton: Princeton University Press, 1997), Table 9.1, pp. 268-69; and Ronald Inglehart and Paul R. Abramson, "Measuring Postmaterialism," *American Political Science Review* 93, 3 (1999), 670, Table 3. Interestingly, views on legal rights and protections are not among the variables mentioned – even though "protecting freedom of speech" is one of the two standard items used to classify people as postmaterialists. Our view is that support for civil liberties clearly does fit with the other items in the postmaterialist syndrome, such as suspicion of authority and respect for individuality.

14. Are these patterns unique to Canada? The best source of comparative data is the World Values Survey. The 1981 and 1990 waves revealed decreasing levels of support for authority in most countries where the surveys were administered and provided much grist for the postmaterialist mill. Analyses of the most recent wave in 1995–97 have only just started to appear. These suggest that the changes in Canada may be more dramatic than elsewhere but are not wholly aberrant. Whereas postmaterialist theory would predict continued decline in support for authority over time, several of the established democracies saw either an increase in support (Spain) or essentially no change (Finland, Sweden, US, Norway) over the 1990 to 1996 period. Three others (the former West Germany, Switzerland, and Lithuania) did see significant decreases. See Ronald Inglehart, "Postmodernization Erodes Respect for Authority, but Increases Support for Democracy," in *Critical Citizens,* ed. Pippa Norris (Oxford: Oxford University Press, 1999), Table 12.1, p. 248.

15. We do not attempt to resolve this tension here, focusing instead on the implications of these divergent trends for Charter support. But a few words might be said on the matter. First, our data would seem to suggest that the rise in support for tradition and authority is driven by variables other than those captured in our civil rights and equality rights items. Second, the seeming contradiction on the equality rights items may be partly an artifact of question construction. If we assume that equality rights are better protected today than in 1987, then there is no necessary inconsistency between a growing sense that "we have gone too far in pushing equal rights" and constant, or even increasing, absolute levels of support for the equality rights of different outgroups.

    For a more detailed analysis of the place of equality rights in the political discourse of the 1990s, see Hamish Telford's chapter in this volume.

16. Our purpose in forming these indices is simply to obtain a general impression of the Canadian public's value preferences at two points in time using a handful of available survey items. As such, we rely here on the face validity of the questions and do not offer a rigorous assessment of their reliability and validity. Nevertheless, in work toward a subsequent paper we have fit a latent variable structural equation model incorporating these indicators, which essentially supports the appropriateness of what we do here at a more rudimentary level.

17. Excluded from the equality rights index is the item that asked whether we have "gone too far in pushing equal rights." We have seen that opinion on this item moved in a different direction over the 1987 to 1999 period than did opinion on the equality rights of specific groups, and have reason to believe this may be an artifact of the question wording (see note 15).

18. The difference between the two groups is statistically significant (p <0.05). This is based on a comparison of mean values for the two groups for the full civil rights index.

19. A word of caution about our measuring instruments. The questions from our 1987 baseline survey were designed in the first instance to understand how attitudes toward rights are affected by invoking specific scenarios, on the supposition that context matters. Thus two of the items in our civil rights index ask about specific scenarios, one about "a drunk driver," the other "a young man ... walk-

ing near a house where they know drugs are being sold." The latter question shows the strongest relationship with age. Thus, it may be attitudes toward certain social practices that are partly driving our results, and further verification using different questions would be appropriate.

20. For a description of these methods, see Firebaugh, *Analyzing Repeated Surveys*, pp. 20-35.

21. See, for example, the age breakdown on postmaterialism for the 1990 World Values Survey reported in Ronald Inglehart, Miguel Basañez and Alejandro Moreno, *Human Values and Beliefs: A Cross-Cultural Sourcebook* (Ann Arbor: University of Michigan Press, 1998), p. 466.

22. See data in Inglehart, Basañez and Moreno, *Human Values and Beliefs: A Cross-Cultural Sourcebook*, p. 466. For further discussion of age differences in the Canadian case, see Inglehart and Abramson, "Measuring Postmaterialism," p. 673.

23. For further discussion, see Fletcher and Howe, "Canadian Attitudes toward the Charter and the Courts in Comparative Perspective," p. 41.

24. Our 1999 survey preceded the Supreme Court ruling in the *Marshall* Decision on native fishing rights in New Brunswick, which may have negatively affected attitudes in that region.

25. For an earlier analysis finding a positive relationship between postmaterialist values and attitudes toward native peoples, see Monika J. Wohlfeld and Neil Nevitte, "Postindustrial Value Change and Support for Native Issues," *Canadian Ethnic Studies* 22, 3 (1990):56-68.

26. For more on evolving attitudes toward Aboriginal rights in BC and Quebec, respectively, see Gordon Gibson's and Daniel Salée's chapters in this volume.

27. More specifically, the model of attitude formation we have in mind is as follows: attitudes toward each individual item are conditioned by a general disposition toward the equality rights of outgroups, but also by a host of specific factors unique to each item. General dispositions do follow the cohort pattern seen for the index as a whole: more favourable in younger than older cohorts and relatively stable over time. The other factors, on the other hand, may not. They may, for example, engender less sympathetic attitudes toward particular outgroups in younger cohorts and may be subject to fluctuation over time. For any given item, these unique factors may swamp the effect of general dispositions, negating the cohort effect associated with the latter. When, however, attitudes on a number of items are aggregated, these unique influences tend to average out and the general disposition common to the items comes to the fore.

Factor analysis could be used to test these propositions more formally. The steps involved would be the identification of a common factor across the items, the calculation of factor scores for each respondent, and an assessment of cohort stability over time on those scores. A simple summation of the equality items is, however, a rough approximation of this method.

28. Paul R. Abramson and Ronald Inglehart, *Value Change in Global Perspective* (Ann Arbor: University of Michigan Press, 1995), pp. 25-39.

29. See Nevitte, *Decline of Deference*; Inglehart, *Modernization and Postmodernization*, pp. 293-323; and Inglehart, "Postmodernization Erodes Respect for Authority, but Increases Support for Democracy."

30. This corroborates our earlier finding that views on Supreme Court cases involving important civil liberties showed little correlation with opinions on the Supreme Court or the Charter. See Fletcher and Howe, "Supreme Court Cases and Court Support: The State of Canadian Public Opinion," pp. 48-51.

31. The absence of influence is perhaps explained by the interrelationships between the independent variables. Additional analysis, not shown here, reveals that tradition and authority had a significant negative impact upon both the equality and liberty variables in 1987 and upon the latter in 1999. Part of what is likely happening is that sympathetic views toward tradition and authority generate opposition to civil liberties and equality rights, which in turn are related to Charter assessments (equality rights especially). But when all the variables are analyzed conjointly, the influence of attitudes toward tradition and authority fails to register as it is picked up instead by the civil liberties and equality rights variables.

32. The negative coefficient for gender reflects the fact that women were more likely in 1987 to have no opinion on the Charter (coded as 0.5) rather than a negative opinion of the Charter.

33. Language cannot be successfully untangled from region in our samples. To avoid problems of collinearity, it is therefore omitted from the equations presented here. Entering language in lieu of region does not produce significantly different results. For greater detail on the regional breakdown for Charter support, and for other related variables, see Fletcher and Howe, "Canadian Attitudes toward the Charter and the Courts in Comparative Perspective" and "Supreme Court Cases and Court Support: The State of Canadian Public Opinion."

34. There remains, of course, a simple correlation between education and Charter support, but controlling for other variables, principally equality, eliminates its influence.

35. Our analysis points the way toward further research. First of all, it is clear that the values we examine here are not the whole story. The value and demographic variables in the regression equations explain only a small percentage of the variance in both survey years. This points to the need in future analyses to consider different categories of variables, such as the institutional or regime preferences of Canadians and perhaps their basic social and political loyalties. Further analysis should also probe more into the interplay among the predictors. The hints at success here with only limited effort suggest some potential for such an approach. Finally, greater attention to the measurement of variables may well strengthen the analysis. The informal measurement approach employed here serves to highlight some key relationships, but further refinement may clear up some ambiguities in the analysis.

APPENDIX 1
Wording Variations in Measurement

Some questions were subject to wording variations. In order to maintain rea-
sonable sample sizes, all respondents are used in some parts of our analysis;
in other instances, we exclude some respondents. See text for details.

The questions with wording variations are as follows:

*C2. I would like you to consider now an instance where the police see a young
man they do not recognize walking very near a house where they know drugs
are being sold. They search him and find he is carrying drugs. Do you think
this search is a reasonable search, or does it violate the young man's rights?*
In 1987, there were four versions of the question: one used the phrase "young
West Indian" in place of "young man"; another added the phrase "Many po-
lice feel very strongly that they have to be able to search people like this, in
order to prevent crime from going out of control" before the question itself
("Do you think this search..."); and another incorporated both changes. For
the basic version, 57 percent said it was a reasonable search. For the other
three versions, it was 58 percent, 53 percent, and 54 percent respectively; the
average for these three versions was 55 percent. Given that the differences are
small, we have used all versions of the 1987 question in our analysis.

*C3. Consider this case: The police asked an obviously drunk driver to take a
breathalyzer test without telling him that he had a right to consult a lawyer.
Should a judge allow the breathalyzer evidence to be used in court or should
he exclude it, even if the driver may go free as a result?* In 1987, for a random
half-sample the question read "...without telling him that he *might* consult a
lawyer." There was no statistically significant difference between the two
versions.

*E5. Should native peoples be treated just like any other Canadian, with no
special rights, or should the unique rights of Canada's native peoples be pre-
served?* In both 1987 and 1999, for a random half-sample, the question was
preceded by "Canada's constitution recognizes the unique rights of Canada's
native peoples." There was no statistically significant difference between the
two versions in either year.

APPENDIX 2
Explanation of Indices

Civil Liberties, Item Coding

C1. Free speech ought to be allowed for all political groups even if some of the things that these groups believe in are highly insulting and threatening to society.

Basically disagree – 1
Basically agree – 3
Don't know – 2

C2. I would like you to consider now an instance where the police see a young man they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs. Do you think this search is a reasonable search, or does it violate the young man's rights?

Reasonable search – 1
Violated his rights – 3
Don't know – 2

C3. Consider this case: The police asked an obviously drunk driver to take a breathalyzer test without telling him that he had a right to consult a lawyer. Should a judge allow the breathalyzer evidence to be used in court or should he exclude it, even if the driver may go free as a result?

Allow evidence – 1
Exclude evidence – 3
Don't know – 2

Civil liberties index created by summing scores for all three items, recoded as follows:

Low: 3-4
Medium: 5-6
High: 7-9

Equality Rights, Item Coding

E2. How important is it to guarantee equality between men and women in all aspects of life?

Not important – 1
Somewhat important – 2
Very important – 3
Don't know – 2

E3. How important is preserving French and English as the two official languages of Canada?

Not important – 1
Somewhat important – 2
Very important – 3
Don't know – 2

E4. How important is it to make a special effort to protect ethnic and racial minorities?

Not important – 1
Somewhat important – 2
Very important – 3
Don't know – 2

E5. Should native peoples be treated just like any other Canadian, with no special rights, or should the unique rights of Canada's native peoples be preserved?

Like any other Canadian – 1
Unique rights preserved – 3
Don't know – 2

E6. Do you approve or disapprove of allowing homosexuals to teach in school in (respondent's province)?

Disapprove – 1
Approve – 3
Don't know – 2

Equality rights index created by summing scores for all five items, recoded as follows:

Low: 5-10
Medium: 11-12
High: 13-15

Tradition and Authority, Item Coding

T1. How important is preserving traditional ideas of right and wrong?

Not important – 1
Somewhat important – 2
Very important – 3
Don't know – 2

T2. How important is it to strengthen respect and obedience for authority?

Not important – 1
Somewhat important – 2
Very important – 3
Don't know – 2

Tradition and authority index created by summing scores for both items, recoded as follows:

Low: 2-4
Medium: 5
High: 6

12

Mosaic and Melting-Pot: The Dialectic of Pluralism and Constitutional Faith in Canada and the United States

Samuel V. LaSelva

Parmi les différences qui marquent le Canada et les États-Unis, le contraste entre la mosaïque culturelle canadienne et le melting-pot américain est le plus saisissant, le plus familier et le plus intrigant. En 1971, le Premier ministre Trudeau soutenait que le modèle de la mosaïque faisait du Canada un endroit unique. Le Canada, expliquait-il, est une société multiculturelle; elle offre à tous les Canadiens l'opportunité de satisfaire ses propres inclinations culturelles et de partager celles des autres origines. Dans des écrits précédents, Trudeau décrivait le Canada comme «meilleur que le melting-pot américain» et appartenant «au monde de demain». Le but de cet essai est d'explorer les origines, les fonctions et l'importance des concepts de mosaïque culturelle et de melting-pot, ainsi que les principales critiques les concernant. L'auteur conclut que lorsqu'il est bien interprété, le contraste entre la mosaïque culturelle et le melting-pot en dit long à propos des politiques culturelles du Canada et des États-Unis, et éclaire leurs compréhensions divergentes du fédéralisme, du multiculturalisme et du projet constitutionnel.

Statements that contrast the political cultures of Canada and the United States are not difficult to find, and among such statements the contrast between the mosaic and the melting-pot is the most striking, the most familiar, and the most intriguing. One of the earliest dramatic portrayals of the melting-pot is Israel Zangwill's play, first performed in Washington, and lionized by President Theodore Roosevelt.[1] But the melting-pot idea is much older than Zangwill's play; it is almost as old as the Republic itself. Writing in 1782, de Crevecoeur described America as a country where immigrants leave behind their ancient prejudices and are "melted into a new race of men." "The American," he said, "is a new man, who acts upon new principles."[2] As for the mosaic,

it is less ancient than the melting-pot and can be traced only to the 1920s; by 1965, however, John Porter could call it Canada's most cherished value.[3] In 1971, Prime Minister Trudeau insisted that "the mosaic pattern ... makes Canada a very special place." Canada, he explained, "is a multicultural society; it offers to every Canadian the opportunity to fulfil his own cultural instincts and to share those from other sources."[4] In earlier writings, Trudeau described Canada as "better than the American melting-pot" and as belonging to "tomorrow's world."[5]

The mosaic and melting-pot also have their critics. One of the best-known criticisms of the mosaic pattern is that, far from treating all ethnic groups as equal, some groups are denied basic opportunities and accorded second-class status.[6] Another is that the mosaic rests on a sinister moral relativism incapable of distinguishing right from wrong and productive of mosaic madness.[7] And still another, that the mosaic legitimates ethnic solitudes, diminishes human dignity, and severs the ties of brotherhood that should unite Canadians.[8] All of these criticisms accept that Canada is a mosaic, but regard the mosaic pattern as dysfunctional or even pernicious. As for the melting-pot, the core criticism is that the American people are not *one*. Rather, "they are a mosaic of peoples, of different bloods and different origins, engaged in rather different economic fields, and varied in background and outlook."[9] What adds depth to this criticism is the charge that the melting-pot idea not only lacks moral neutrality, but also privileges a particular way of life, one suited to the ruling classes and inhospitable to all the rest.[10] But *if* the United States is also a mosaic of peoples, what differentiates it from Canada? And why should it not suffer too from mosaic madness and kindred maladies?

These questions do not have simple answers. Moreover, it is possible to acknowledge that Canada and the United States are ethnically diverse, while recognizing other crucial differences between them, differences that reintroduce the very distinction between the mosaic and the melting-pot. One such difference is that Canada is both a multinational and a territorial federation, whereas the United States has never been a federation of peoples. As Carl Fredrich noted, "Canadians ... had [and continue to have] a very special problem ... which found no parallel in the American experience: that was how to arrange a federal system that would satisfy their French-speaking citizens."[11] Another difference is that American pluralism rests on a distinctive and recognizable constitutional faith, which defines what it means to be an American in normal times, and serves as a touchstone even in times of great crisis. "There is an American spirit," wrote Frederick Jackson Turner. "There are American ideals. We are members of one body, though it is a varied body."[12] If Canadian federalism differs from the American variant, and if Americans have a constitutional faith that distinguishes them from Canadians, then Canada and the United States are unlikely to be a mosaic of peoples in quite the same way. Much the same idea can be expressed by saying that Canadian pluralism differs

from the American variety. For although both Canada and the United States can be described as federal and multicultural societies, they are not federal and multicultural in the same way and the differences between them define two radically different brands of pluralism. The contrast between the mosaic and the melting-pot turns out to be meaningful after all. It reveals striking dissimilarities in constitutional faith, draws attention to the distinctive challenges faced by Canadians and Americans, and highlights the need to take seriously differences in political culture.

THE DIALECTIC OF NATIONHOOD: CANADA AND THE UNITED STATES

Multiculturalism can be part of either a mosaic or of a melting-pot. To understand how this can be so, it is necessary to begin with the nation, and to distinguish the different kinds of nations. Once Canada and the United States are distinguished as nations, the differences between the mosaic and the melting-pot become clearer, as do their divergent implications for multiculturalism. The United States is the first new nation; it was born of a revolution that proclaimed allegiance to the inalienable rights of man. Canada is different, as Christopher Dunkin emphasized in the Confederation Debates. The US Constitution, Dunkin said, was adopted after a "successful war of independence," in which the men who framed it had gone "shoulder to shoulder" through a great trial, and "their communities ... had been united as one man." Moreover, Americans had tried "the system of mere confederation" and were ready "to build up a great nationality that should endure in the future." By contrast, Canadian Confederation was preceded, not by a common struggle, but by a struggle that "pitted our public men one against another, and ... even our faiths and races against each other." Dunkin believed that there was no common nationality to which Confederation could appeal, or that would serve to hold Canadians together. "Have we any class of people," he asked rhetorically, "whose feelings are going to be directed to ... Ottawa, the centre of the new nationality that is to be created?"[13] If the United States was the first new nation, Canada would have to be either a very different nation or no nation at all.

In the debates of 1865, Dunkin not only predicted that Canadian Confederation lacked a destiny, but he also insisted that those who supported it were devoid of greatness. Once again, the contrast was with the United States. "The framers of the American constitution," he said, "were great men ... [and] their work was a great work." Part of their greatness was their discovery of federalism and their creation of "a true federation." But the Fathers of Confederation, Dunkin insisted, were unable to grasp that "a Legislative union is one thing; a Federal union is another." Their creation was neither a legislative union, nor a

federal union, but merely combined the disadvantages of both. American Senators were picked by their states, had real powers, and functioned as a federal check. The Canadian Upper House, Dunkin said, could perform no such function because its members were appointed by the general government, rather than the provinces. As for lieutenant-governors, Dunkin believed that their interference in local affairs would merely fuel conflicts of authority between the provinces and the central government. Confederation also allocated the largest powers to the general government; yet such a distribution of powers would revive "old jealousies and hostility," and awaken the "war of races." Confederation, Dunkin said, contained much to quarrel over; with quarrels come collisions, and soon Confederation "is at an end."[14]

Dunkin had few solutions for the difficulties that troubled him, other than his belief that "what is wanted ... is an effective federalization of the [British] Empire as a whole, not a subordinate federation here and there."[15] But even if such a solution had been available to Canadians in 1867, which it was not, there was still the question of federalism. What Dunkin failed to grasp was that federal governments are not all of a kind; they can and do differ since they respond to different kinds of societies. Moreover, Canadians did not have the same reasons for adopting federalism in 1867 as Americans had in 1787, nor did they have the same aspirations for it. Dunkin understood that Canada and the United States were different, but he did not fully grasp either the extent of the differences or their deeper significance. He chose to emphasize that Americans, having fought a war of independence, were ready to build a new nationality; whereas Canadian Confederation, coming after a war of races, "was very different indeed." The contrast contains a grain of truth; but it was a strange truth to emphasize in 1865, when the American Civil War raged. The Civil War was no less tragic than the war of races; both wars were deeply implicated in distinctive conceptions of nationhood, and, when taken together, they revealed truths about the United States and Canada that Dunkin overlooked.

Unlike Dunkin, Macdonald had far more to say about the American Civil War and its significance for Canada. In the Confederation debates, he described the US Constitution as "one of the most skilful works which human intelligence ever created"; but he instantly added that it was "not the work of Omniscience." The US Constitution "commenced ... at the wrong end" because it declared that "each state was a sovereignty in itself."[16] By contrast, the Canadian constitution, said Macdonald, would confer all the great powers of legislation, as well as the residuary power, on the central government, thereby avoiding the fatal defect in the US Constitution that had resulted in the Civil War. For Macdonald, the American Civil War demonstrated that the US Constitution was not to be emulated so much as improved upon, and the improvement consisted of an attempt to reduce the provinces to little more than administrative units of the central government. Macdonald soon realized,

however, that the provinces would not accept the subordinate role that he wished to assign to them. "It is difficult to make the local Legislatures understand," he complained in the years after Confederation, "that their powers are not so great as they were before the Union."[17] Nor was Macdonald any more successful in explaining the causes of the American Civil War. The issue that most divided Americans in the years before the Civil War was not state sovereignty but the meaning of liberty.

More than anyone else, Abraham Lincoln had the deepest insights into the Civil War and its meaning for the American constitutional faith. He is known to history as the great emancipator; yet, as president, he emphasized that "if [he] could save the Union without freeing any slave [he] would do it." As long as he could remember, he regarded slavery as a horrendous moral evil; yet he was painfully aware that northerners and southerners "read the same Bible," "pray[ed] to the same God," and worshipped the same Constitution. He was no enemy of federalism or states' rights. He acknowledged that the framers had made crucial concessions to slavery, but their concessions, he insisted, did not justify the expansion of slavery into new states. At the beginning of the Civil War, he said that there was only one "substantial issue." "One section of our country believes slavery is right, and ought to be extended, while the other believes that it is wrong and ought not to be extended." But as the Civil War deepened, so did his understanding of it. Eventually, he realized that the most divisive issue was the meaning of liberty. "The American people," he said, "are much in want of ... a good definition of liberty.... All declare for liberty," but they do not "mean the same thing" by it.[18]

Liberty is the core of the American constitutional faith, yet Americans have never agreed about its meaning or about how it is best realized. In 1787, the American constitutional experiment was mired in a debate about liberty, and the attempt to create a "More Perfect Union" almost failed. The key problem for post-revolutionary America had been classically defined by Montesquieu; he believed that large countries (empires) turn into despotisms and destroy republican liberty.[19] Had Americans thrown off the tyranny of George III merely to replace it by one of their own creation? So long as this question remained unanswered, most Americans could see no alternative to the ineffectual Articles of Confederation other than Alexander Hamilton's unacceptable proposals for consolidated government. Eventually, James Madison provided a solution. Smallness, he said, was fatal to republicanism because it magnified the power of faction; but consolidated government was also unacceptable because it destroyed liberty. Small republics and great empires were both extreme cases and each was equally destructive of liberty. To secure liberty, it was necessary to create a compound republic, whose constitution was both national and (con)federal in character. By compounding the diverse economic interests of a large territory with a federal system of semi-sovereign political

units, Americans could obtain, so Madison believed, the commercial and military advantages of energetic union, while guaranteeing republican liberty and the autonomy of the states.[20]

The Constitution which Madison helped to create did not solve all the problems of freedom. Not only did its framers leave Negro slavery intact, but their attempt to bury the slavery problem within the intricacies of federalism proved to be philosophically untenable. For slavery found a strong ally in classical republican theory and eventually burst the boundaries of Madisonian federalism. Classical republicanism equates freedom with independence; it regards tyranny and poverty as the great enemies of freedom; it holds that those who lack independence are unfit for freedom. In America, such ideas made it easier to justify the enslavement of Negroes; they also made it possible to equate the emancipation of the Negro with the destruction of freedom.[21] The cry of many southerners, in the years before the Civil War, was that they were the true defenders of freedom and the republican heritage. Lincoln replied that the permanent acceptance of slavery was incompatible with the ideal of human equality enshrined in the Declaration of Independence. He also insisted that the slavery argument, once admitted, could not be confined to Negroes but would engulf the American people and destroy the American experiment.[22] Lincoln's prayer was for "a new birth of freedom," so that a nation "conceived in liberty" would not perish from the earth.[23] The United States did not perish; slavery was abolished; and the faith in freedom continued to define the essence of the American constitutional faith.

In the Confederation debates, Dunkin and Macdonald demonstrated little understanding of the American constitutional faith. Nor were the lessons they drew for Canada from the American Civil War any more satisfactory. As Macdonald revealed, his preference was for a legislative union because such a union was "the best, the cheapest, the most vigorous, and the strongest system of government we could adopt."[24] This preference was bolstered by his understanding of the American Civil War and accorded with his Tory conception of the nation as an entity that transcends all lesser divisions and loyalties. Nevertheless, a legislative union, he was compelled to admit, was "impracticable," not only because Lower Canada refused to accept it, but also because the Maritimes had developed strong local identities that worked against it. Even so, Canada would still differ from the United States, he insisted, because only minimal concessions had been made to federalism. The emergence of a strong provincial rights movement after 1867, with its articulation of the compact theory of Confederation, shattered Macdonald's Tory vision of Canada; it also made federalism the defining feature of the Canadian polity. If Canada was to differ from the United States, the difference could not lie in the Macdonaldian constitution or its failed attempt to banish "states' rights" from the constitutional landscape.[25]

The failure of the Macdonaldian constitution did not, however, confirm Dunkin's darkest predictions for Canada. After 1867, conflicts of jurisdictions occurred, clashes between French and English continued, yet Confederation endured. What Dunkin had perceptively but only vaguely glimpsed was the importance of constitutional faith for nationhood. This insight led him to contrast the United States and Canada with respect to their founding moments, and to forecast that a future built on a war of independence would differ from one premised on a war of races. But Dunkin's forecast rested on half truths. In 1787, the constitutional faith of Americans did enable them to build a great nation. The United States, as Lincoln said even during the American Civil War, was a nation "conceived in liberty." Canada was different indeed. But the difference did not lie in the impossibility of a Canadian nation or in an eternally recurring war of races. As George Cartier emphasized, such views failed to grasp that Confederation envisioned a new kind of nation, one that differed from the American model and moved beyond the war of races by rejecting ethnic unification. Madison defended American federalism on the grounds that it protected republican liberty. Cartier regarded Canadian federalism as a device that enabled different races and ethnicities to live together under a common political nationality. In the debates of 1865, no one knew for certain if Canada would flourish or even survive. For it to do so, however, it would have to develop a constitutional faith unlike anything America had produced.

MULTICULTURALISM: INDIVIDUAL FREEDOM AND MUTUAL RECOGNITION

If 1787 is compared with 1867, and the Civil War with the war of races, differences between the United States and Canada become evident. But can the differences be described in terms of a mosaic and a melting-pot? And what happens if, instead of looking backward, one looks forward to the phenomenon of multiculturalism that has become a prominent feature of both Canada and the United States? One response would be to say that both Canada and the United States are now a mosaic of peoples, and the differences between the two countries are increasingly negligible. But such a response is unsatisfactory. Canada is (among other things) a multinational polity, whereas the United States is a territorial federation. This difference is foundational and affects almost every other aspect of these two countries. A multinational polity and a territorial federation are both pluralistic societies, but the character of their pluralism is different. Moreover, multiculturalism does not have the same significance in the United States as it has in Canada, nor does it create the same challenges. In the United States, the deepest questions raised by

multiculturalism are questions about individual liberty. In Canada, they have to do with mutual recognition. The questions differ because Canada and the United States are different kinds of countries and rest on different constitutional faiths.

However, liberty and mutual recognition are often treated as secondary issues or even neglected altogether by critics of multiculturalism. For most critics, in both Canada and the United States, the key issue raised by multiculturalism has to do with relativism, and the negative consequences that flow from it. What the critics contend is that multiculturalism rests on a corrosive moral relativism that makes public dialogue impossible. "To the extent citizens begin to retribalize into ethnic or 'other-fixed identity groups,' " writes Jean Bethke Elshtain, "democracy falters. Any possibility for human dialogue ... vanishes as so much froth."[26] Elshtain is concerned about contemporary America. A Canadian parallel is Reginald Bibby's *Mosaic Madness*. Canada, writes Bibby, "is leading the world in pluralism and relativism ... [and] the news is not that good." Many Canadians, he suggests, have come to accept cultural relativism as a given and, for them, "truth has been replaced by personal viewpoint." Like Elshtain, Bibby's concern is that multicultural relativism "blinds [Canadians to] the merits of ideas and behaviour" and makes dialogue impossible. Moreover, Bibby acknowledges that his critique of Canadian multiculturalism owes a considerable debt to American authors, in particular to Robert Bellah's *Habits of the Heart* and Allan Bloom's *The Closing of the American Mind*. "Inadvertently, these Americans," he writes, "have provided critiques more appropriate to Canada than the United States."[27]

Two confusions plague Bibby's critique of Canadian multiculturalism: the conflation of relativism with pluralism; and the failure to distinguish adequately Canadian pluralism from the American variety. Although relativism and pluralism are frequently assimilated, the difference between them is plain enough. "'I prefer coffee, you prefer champagne. We have different tastes. There is no more to be said.' That is relativism." But, as Isaiah Berlin goes on to explain, pluralism is different; it holds that "there are many different ends that men may seek and still be fully rational, ... capable of understanding each other and sympathising and deriving light from each other." In Berlin's analysis, pluralism can apply to individuals or to societies or to civilizations; and it holds, contrary to Platonic monism, that there is no single scheme of values "true for all men, everywhere, at all times." Not only may values "clash within the breast of a single individual," and within a single society, but there is also a plurality of civilizations, each with its own pattern, and "not combinable in any final synthesis."[28] What Bibby does not take seriously enough is that there are different kinds of pluralism; that Canadian pluralism differs from American pluralism; and that the differences have significant implications for multiculturalism.

One way of clarifying those implications is by shifting the focus from relativism to fragmentation. Next to relativism, one of the deepest fears of American critics of multiculturalism is that public acceptance of it will make the United States more like Canada. In particular, their concern is that multiculturalism and other kinds of group rights will erode national unity and spawn separatist movements. In *The Disuniting of America*, Arthur Schlesinger contends that "self-styled 'multiculturalists' are very often ethnocentric separatists."[29] In *Ethnic Dilemmas*, Nathan Glazer warns of the dangers of group rights; he also contrasts Canada and the United States. Glazer acknowledges that both countries are multi-ethnic states, but that is where the similarity ends. Historically, the policy of the United States has been to regard group identities as temporary and to oppose the conferral of group rights. The American ideal, Glazer writes, has been to see these groups as "integrating into, eventually assimilating into, a common society." However, in Canada group membership is so central and permanent that it is unrealistic to envision "a common citizenship." Glazer takes a bleak view of the Canadian model; he urges Americans to shun cultural pluralism on the grounds that it would reduce their country to a confederation of unattached and antagonistic groups. If assimilation is rejected for cultural pluralism, he warns, "we have a sure recipe for conflict."[30]

Glazer equates pluralism with fragmentation. His defence of assimilation or what he calls the "American ideal" is based on the belief that "difference, alas, is always liable to become a source of conflict."[31] By eliminating difference, assimilation also eliminates conflict. But this argument becomes absurd if taken literally or judged by the standards of American constitutionalism. No one familiar with Madison's discussion of the extended republic in *Federalist* number 10 or his defence of checks and balances in number 51 can really suppose that the American system is designed to eliminate conflict. If anything, it seeks to institutionalize and structure conflict. Presumably, Glazer does not object to all conflicts and all differences. Since much of his discussion deals with ethnic differences, his warnings might be taken to apply only to them. But there are difficulties even here. Glazer lumps together the different demands made by different kinds of ethnic groups, and wrongly supposes that all of their demands lead to fragmentation. Most multicultural groups are not disguised separatists; on the contrary, they want recognition of their special characteristics so that they can participate more fully within the mainstream of society. As Will Kymlicka emphasizes, "the common rights of citizenship, originally defined by and for white, able-bodied Christian men, cannot accommodate the special needs of these groups. Instead, a fully integrative account of citizenship must take these differences into account."[32]

Not only does Glazer misunderstand multiculturalism, but his own (crude) defence of assimilation is difficult to reconcile with the American ideal. Glazer

rightly emphasizes that the American model presupposes membership in a common society. What he fails to note, however, is that the ideal of liberty forms the core of American constitutional faith. If Americans value liberty, they cannot be outright or crude assimilationists, because the affirmation of liberty is not necessarily inconsistent with cultural pluralism. In *Multicultural Citizenship*, Will Kymlicka details many of the ways that cultural pluralism sustains individual liberty in a multi-ethnic state. Liberals committed to individual autonomy, he suggests, should endorse multicultural group rights for minorities, because individual choices are made within a cultural context. When immigrants are forcibly assimilated, they experience significant harms. They are denied the ability to form their own life plans or even to evaluate and revise the beliefs that make their lives meaningful. Moreover, forcible assimilation denies equality by privileging the dominant culture and by compelling members of the minority culture to adopt it.[33] Justice for minorities requires, Kymlicka contends, recognition of the cultural preconditions of freedom so that both individual autonomy and social equality can be vindicated. As a country whose constitutional faith enshrines individual freedom, the United States has little reason to glorify crude assimilationist practices or to neglect the multicultural preconditions of individual autonomy.

In Canada, a liberal theory of multiculturalism has less resonance, even though Canadian multiculturalism became law under a Liberal government and received its strongest endorsement from a prime minister imbued with liberal principles. When Pierre Trudeau introduced official multiculturalism in the House of Commons in 1971, he portrayed Canada as a country with "two official languages [and] no official culture," a country in which no ethnic group took "precedence over any other."[34] Official multiculturalism was described as "the most suitable means of assuring the cultural freedom of Canadians" on the ground that it would help to break down discriminatory attitudes and would help to guarantee fair play for all. Ethnic groups, Trudeau said, should be "encouraged to share their cultural expression and values with other Canadians and so contribute to a richer life for us all." Outside the House of Commons, Trudeau insisted that there was "no such thing as a model or ideal Canadian." For him, Canada was "a land of people with many differences ... but a single desire to live in harmony."[35] Such an image of Canada is edifying. But neither Trudeau's liberal multiculturalism, nor the larger constitutional vision that envelops it, had the results he desired. Canada has not become more harmonious, national unity is not more firmly established, and Canadian pluralism is not easily accommodated within the boundaries established by Trudeau's liberalism.

The problem with Trudeau's liberalism is not that it understands multiculturalism but misunderstands other things about Canada.[36] The problem goes deeper. If official multiculturalism is placed too firmly within a liberal framework, Canada becomes a more difficult country to understand because

certain kinds of questions are obscured or downgraded. "Multinational socie-
ties can break up, in large part because of a lack of (perceived) recognition of
one group by another." So wrote Charles Taylor after the failure of the Meech
Lake Accord. Taylor believed that such a process of breakup was occurring in
Canada; and subsequent events (the failed Charlottetown Accord, the near
successful sovereignty referendum, and the Supreme Court decision legiti-
mating secession) add weight to his prognosis. Taylor's larger objective was
to draw attention to "The Politics of Recognition" and to emphasize that "a
number of strands in contemporary politics turn on the need, sometimes the
demand, for recognition."[37] As he explained, the need for recognition is a
driving force behind nationalist movements, some forms of feminism, and the
politics of multiculturalism. Taylor's work contains the beginning of an un-
derstanding of multiculturalism that is less indebted to the liberal tradition
than Trudeau's, and takes fuller account of the distinctive features of Cana-
dian pluralism. In Canada, a concern for individual choice helps to sustain a
commitment to multiculturalism; but a liberal theory of multiculturalism is
no substitute for a politics of mutual recognition, at least if the spectre of
breakup is to be avoided.

CONSTITUTIONAL FAITHS: MOSAIC AND MELTING-POT

Even as multicultural polities, Canada and the United States face different
destinies. The main challenge for the United States is to respond to
multiculturalism in a way that both affirms its constitutional faith in liberty
and grants appropriate recognition of cultural particularisms. This challenge
is more difficult to meet than might at first appear. Many American feminists
question the value of multiculturalism on the grounds that "most cultures have
as one of their principal aims the control of women by men."[38] For them, the
recognition of multicultural group rights is not part of the solution, since it
perpetuates patriarchy and limits the freedom of women. Canadian feminists
also raise questions about the patriarchal character of many multicultural
groups and sometimes point to the same concerns about equality and indi-
vidual freedom as their American counterparts. But, in Canada, there is the
additional complicating factor of multinationality which divides women and
can also divide their country. In the United States, the questions raised by
feminists bring into play the American faith in freedom which constitutionalizes
key components of the melting-pot. In Canada, they become mired in the com-
plexities of the mosaic and exacerbate doubts about the possibility of a
constitutional faith that can keep the mosaic from flying apart.

For Americans, the Declaration of Independence, the Constitution, and the
Gettysburg Address are landmarks of their constitutional faith. Each of these
documents celebrates human freedom, but not one of them deals specifically

with the freedom of women. That is one reason why American feminists —
even liberal feminists — proceed cautiously when confronted by the rhetoric
of liberty. One of their basic concerns is that the freedom of women will be
sacrificed to the power of men. In *Is Multiculturalism Bad for Women?* Susan
Moller Okin raises a concern of this kind. She notes that assimilation is "now
often considered oppressive" and a common demand is to "devise new poli-
cies that are more responsive to persistent cultural differences." She knows
also that some defenders of cultural group rights appeal to liberal principles
and rest their case on liberal conceptions of autonomy. Nevertheless, she
believes that "feminists ... should remain skeptical." Too often cultural mi-
norities are treated as if they are all of a kind and just as often their biases
against women are overlooked. And when attempts are made to correct these
biases, "advocates of group rights pay little or no attention to the private realm,"
where the most subtle forms of gender exploitation occur. In such circum-
stances, "group rights are ... in many cases actually antifeminist. They
substantially limit the capacities of women and girls of that culture to live
with human dignity equal to that of men and boys, and to live as freely chosen
lives as they can."[39]

But such concerns are less damaging to a liberal theory of minority rights
than might at first appear. Part of Okin's essay consists of a critique of Will
Kymlicka, whom she describes as the foremost contemporary defender of
cultural group rights. "His arguments for multiculturalism," she complains,
"fail to register what he actually acknowledges elsewhere: that the subordina-
tion of women is often informal and private, and that virtually no culture in
the world today ... could pass his 'no sex discrimination' test if it were ap-
plied in the private sphere."[40] However, this criticism neglects a key part of his
argument. As Kymlicka emphasizes in his reply to Okin, "liberals can accept
external protections which promote justice between groups, but must reject
internal restrictions which reduce freedom within groups." The existence of
domestic oppression requires a constructive elaboration of the kind of inter-
nal restrictions opposed by liberal defenders of minority rights, rather than an
abandonment of such rights. Moreover, multiculturalism and feminism have
more in common than is often allowed. Both reject the traditional liberal con-
ception of individual rights. Both oppose crude notions of equality as sameness.
They are, Kymlicka insists, "allies engaged in related struggles for a more
inclusive conception of justice."[41] Okin accepts these replies and modifies
her critique accordingly. "What we need to strive for," she concludes, "is a
form of multiculturalism that gives issues of gender and intragroup inequality
their due ... [by treating] all persons as each other's moral equals."[42]

That a liberal feminist (Okin) and a liberal multiculturalist (Kymlicka) are
able to arrive at common ground is edifying for those who endorse liberal
values. But agreement among liberals will not necessarily satisfy the critics
of liberalism or settle difficult questions about the American constitutional

faith. Part of the critical response to Okin and Kymlicka has been that they either misunderstand the deeper meaning of cultural difference or dilute its significance by fitting it within a liberal framework. A criticism of this kind is developed, for example, by Bhirkhu Parekh in "A Varied Moral World." Parekh argues that both Kymlicka and Okin "fail to appreciate the full force of the challenge of multiculturalism." He writes: "Like Kymlicka she [Okin] takes liberalism as self-evidently true, asks how it can accommodate minority cultures, and more or less reduces multiculturalism to a discussion of group rights." When such a stance is adopted, the real challenge of multiculturalism is overlooked, namely, its rejection of liberal hegemony and self-righteousness. "From a multicultural perspective," Parekh suggests, "the liberal view of life is culturally specific and neither self-evidently true nor the only rational or true way to organize human life." What liberals too often neglect is that "no culture exhausts the full range of human possibilities." If this is so, then, according to Parekh, the way for liberals to respect the multicultural perspective is by acknowledging the "limitations of the great liberal values" and by accepting a framework in which "different cultures ... cooperatively explore their differences."[43]

As a critique of liberal feminism and liberal multiculturalism, Parekh's views have their limitations. What they do help to highlight, however, are complexities in the American constitutional faith. America is not just a melting-pot; it is a melting-pot built on a complex constitutional faith. No American has been more aware of this fact than was Justice Frankfurter. He believed that to become an American one had to shed old loyalties, take on the loyalties of an American citizen, and become attached to the principles of the Constitution.[44] Expanding on this idea, Robert Bellah describes the existence of an American civil religion that includes the Declaration of Independence and the Gettysburg Address. Of course the American civil religion, Bellah goes on to say, has also "suffered various deformations and demonic distortions."[45] Joe McCarthy's campaign against communist sympathizers is as much a part of the American civil religion as Lincoln's struggle to free the slaves. At its best, the American civil religion has exercised long-term pressure for a humane solution to the "Negro problem"; at its worst, it has demanded rigid conformity to a restrictive way of life. These complexities of the melting-pot are well understood by some American feminists. In their fight against sexist pornography, for example, they do not reject the Constitution. On the contrary, they argue for a generous interpretation of the 14th Amendment, the very provision that secured citizenship for the slaves.[46] America is a special kind of melting-pot, because American freedom can be used both to support the rights of minorities and to suppress them.

The Canadian constitutional faith is different, in part because Canadian pluralism is unlike the American variety. In fact, the dissimilarities are so great that the existence and even the possibility of a Canadian constitutional

faith can be questioned. Those who put their faith in Canada's mosaic pattern must somehow respond to Gad Horowitz's sobering critique. "A functioning democracy," he suggests, "requires a well developed sense of national unity, a feeling on the part of ordinary people that they are part of that national community." But in Canada, this feeling is absent because the strongest identifications are with regions and ethnic groups. What results from the mosaic pattern, Horowitz goes on to say, is stagnation in politics and inequality of opportunity in economic and social life. Horowitz knows that some mosaic celebrators praise Canada for being a non-nationalistic nation, a nation that is not a nation, a land of many cultures. Their desire is to be left alone, and not to be pressed into any moulds. "When this way of talking is not fake," Horowitz responds, "it is literally nihilistic." The mosaic, he continues, "preserves nothing of value. It is literally nothing. It is the absence of a sense of identity, the absence of a sense of community."[47] For Horowitz, the mosaic pattern means only stagnation, inequality, ghettoization, Americanization, and disunity. If one of the functions of a constitutional faith is to promote national unity, then the mosaic pattern seems especially ill-suited to performing such a task.[48]

Horowitz's critique predates most of the disruptions that disfigure Canada's contemporary constitutional landscape. In a time of relative constitutional stability, Horowitz glimpsed the dark side of Canadian pluralism, its slide into fragmentation and its creation of antagonistic solitudes. For many Canadians, the dark side of pluralism is all that they have known. Moreover, the adoption of the *Charter of Rights and Freedoms* and the failure of the Meech Lake and Charlottetown Constitutional Accords have not resulted in a more harmonious Canada. If anything, Canadians are more divided than before, and constitutional reform is increasingly regarded as the god that failed. "After years of constitutional introspection," writes Alan Cairns, "Canada is on the brink of fracturing. Our search for the constitutional reforms that were to be the vehicle of our salvation has in fact driven us further apart."[49] This same process of fracturing can be detected within groups that compose Canadian society. One of the most striking features of the failed Meech Lake Constitutional Accord was the divisions it created within the women's movement. Among those opposed to the Accord were the voices of many English-speaking women, whereas the Federation of Quebec Women supported it.[50] The dark side of Canadian pluralism — glimpsed by Horowitz's critique of the mosaic and illustrated by divisions within the women's movement — brings into question the ability of Canadians to live under a common constitution. If Canadians cannot live together, they may have to live apart or even to look into the abyss.[51]

In the (Quebec) Secession Reference, the Supreme Court arrived at a similar conclusion. It did so by recognizing a right to initiate constitutional change and a duty to negotiate the breakup of Canada. However, the Secession Reference also has another side that looks not to the dissolution of Canada but to

the special nature of the Canadian union. In its decision, the Court said that although Canada is a democracy, it is not a majoritarian democracy, because Canadian democracy is predicated on federalism, the rule of law, and respect for minority rights. This was another way of saying that Canada is a mosaic rather than a melting-pot. Such an interpretation receives considerable support from the Court's discussion of Confederation. In earlier decisions, including the Patriation Reference, the Court viewed Confederation through Macdonald's eyes and often emphasized the unitary features of the Canadian constitution. In the Secession Reference, however, the Court said that "the significance of the adoption of a federal form of government cannot be exaggerated." It emphasized that Canadian federalism "was a legal response to the underlying political and cultural realities that existed at Confederation and continue to exist today."[52] The Court also noted that the protection of minority rights was a central consideration at the time of Confederation. Confederation was no longer equated with the Macdonaldian constitution. Instead, the Court focused on Cartier and his idea of a Canadian political nationality.

By identifying Confederation with Cartier's idea of a political nationality rather than Macdonald's centralism, the Court not only jettisoned an unworkable constitutional theory but also took a step toward the discovery of a distinctively Canadian constitutional faith. In the passage quoted by the Court, Cartier is reported as saying that the idea of unity of races is a utopian impossibility. The Canadian federation would be composed of different races and ethnicities and everyone would add to the glory of the new country. "We are of different races," Cartier said, "not so that we can wage war on one another, but in order to work together for our well-being." Once united in Confederation, Canada would "form a political nationality independent of the national origin or the religion of any individual."[53] There exists no better description of Canada as a mosaic than Cartier's vision of Confederation. Moreover, Cartier did not believe that the mosaic would fly apart or lack a common patriotism, otherwise he would not have spoken of a Canadian political nationality. The American nation rests on a constitutional faith in freedom, which makes it an unusual kind of melting-pot. The Canadian mosaic also requires a constitutional faith, one that provides it with ties that bind and sustains a distinctive kind of nationhood.

CONCLUSION: PLURALISM AND THE TIES THAT BIND

Compared to the American, the Canadian constitutional faith seems both elusive and unrealized. "The Canada to which we really owe loyalty," wrote Northrop Frye, "is the Canada that we have failed to create." Frye also said that although every nation has a buried or uncreated ideal, "no nation has

been more preoccupied with it than Canada."[54] But what is the buried ideal to which Canadians owe their allegiance? Frye did not answer this question. It is reasonably certain, however, that the Canadian ideal cannot be the same as the American. For although both countries celebrate pluralism, their pluralism differs, with the result that different ideals are available to them. That Canadian and American pluralism are of different kinds is the starting point of the theory of consociationalism. When Canada is described as a consociational democracy, the emphasis is on the absence of a strong national identity to hold Canadians together, with a corresponding focus on the role of political elites in brokering accommodations between the solitudes that compose it. By contrast, the United States is characterized as a country held together by a relatively homogeneous and secular political culture, in which groups with overlapping membership compete to promote their respective interests. Consociationalism is one important way of conceptualizing the differences between the Canadian mosaic and the American melting-pot.[55]

But the consociational model has its limitations. What it does not notice is that behind America's secular political culture there is a constitutional faith and a civil religion built on freedom. Faith in freedom is a key component of the strong national identity that holds Americans together. But freedom, as American history shows, is a paradoxical concept. When Americans agree about the meaning of their freedom, their society is most characterized by political stability and cultural homogenization. At such times, it becomes possible even to describe an American way of life. But Americans do not always agree about the meaning of freedom. They certainly did not agree in the three or so decades before the American Civil War, and the United States increasingly became two nations rather than one. Not only did the South equate slavery with freedom, but it constructed an elaborate nationalist ideology to justify secession from the Union. "Artificially constructed as it was," writes James McPherson, "Confederate ethnic nationalism was nevertheless powerful."[56] What some contemporary American feminists fear is that the equation of slavery (for women) with freedom (for men) is also the objective behind multicultural citizenship. In each case, the counter to that equation is the new birth of freedom that came with the Civil War and provides Americans with a national ideal. "In *giving* freedom to the *slave*," said Lincoln, "we *assure* freedom to the *free*."[57]

With respect to Canada, one of the deepest flaws of the consociational model is that it postulates solitudes and reduces Canadian nationhood to nothing more than a *modus vivendi*. Not only is the model inadequate as an explanatory device, but it also misunderstands Canadian history. If American history can be read as a story about freedom, Canadian history is no less compelling as a struggle to achieve fraternity or solidarity or mutual recognition. Reflecting on the breakup of Canada, a leading constitutional scholar asked why Canadian federalism is worth preserving. He answered: "Regardless of things

that divide us, we have this recognition in Canada that we are our brothers' keepers."[58] Fraternity and mutual recognition are constant themes of Canadian history; they also recur in contemporary discussions of multiculturalism. In *Selling Illusions*, Neil Bissoondath insists that "brotherhood goes beyond the skin to essential notions of humanity." He then adds: "It is here that multiculturalism has failed us."[59] What Bissoondath fails to notice is the other side of multiculturalism, in which it becomes part of a politics of mutual recognition that affirms basic humanity without denying cultural differences. If mutual recognition based on a complex understanding of fraternity or solidarity is integral to Canada, then not only does the mosaic differ from the melting-pot, but there is much about Canada's partially buried ideal of nationhood that remains to be both discovered and achieved.

The process of discovery requires Canadians to reflect more deeply on the achievements of Confederation and the moral values that sustain it. But neither historical reflection nor moral clarity will necessarily secure Canada's continued existence as a nation. Within contemporary Canada, demands for Aboriginal self-government strain the Canadian political nationality and may even require a recasting of it so as to introduce new forms of mutual recognition and more complex understandings of solidarity.[60] There are also the long-standing aspirations of Quebec. The Fathers of Confederation accommodated Quebec, but it remains to be seen how special status for Quebec can be combined with a no less compelling claim to equality by other provinces within contemporary Canada.[61] When Americans had to reformulate their ideal of nationhood during the greatest crisis of their history, it was Abrahram Lincoln who was instrumental in accomplishing the transformation. "No man since Washington," wrote Lord Bryce, "has become to Americans so familiar and beloved a figure as Abraham Lincoln. He is to them the representative and typical American, the man who best embodies the political ideals of the nation."[62] The paradox of Lincoln is that he revered America's past as a heritage of liberty, yet envisioned a different future based on a new birth of freedom. In this way, he both returned to de Crevecoeur's idea of a melting-pot and reshaped it. The Canadian mosaic also needs to be refashioned, but it awaits its Lincoln.[63]

NOTES

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4. Pierre Elliott Trudeau, *Conversation with Canadians* (Toronto: University of Toronto Press 1972), p. 33.

5. Pierre Elliott Trudeau, *Federalism and the French Canadians* (Toronto: MacMillan, 1968), p. 179.

6. John Porter, *The Vertical Mosaic* (Toronto: University of Toronto Press, 1965), pp. 60-103.

7. Reginald W. Bibby, *Mosaic Madness* (Toronto: Stoddart, 1990), pp. 1-3.

8. Neil Bissoondath, *Selling Illusions: The Cult of Multiculturalism in Canada* (Toronto: Penguin, 1994), pp. 45-77.

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11. Carl J. Fredrich, *The Impact of American Constitutionalism Abroad* (Boston: Boston University Press, 1967), p. 60.

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14. *Confederation Debates*, pp. 490, 493, 501, 494, 505, 530 (Dunkin).

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16. *Confederation Debates*, pp. 32-33 (MacDonald).

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22. Current, *The Political Thought of Abraham Lincoln*, p. 83.

23. Ibid., pp. 284-85.

24. *Confederation Debates*, p. 27 (Macdonald).

25. Rogers, "The Genesis of Provincial Rights," p. 18.

26. Jean Bethke Elshtain, *Democracy on Trial* (Toronto: Anansi, 1993), p. 75.

27. Bibby, *Mosaic Madness*, pp. 3, 2, vii, vi.

28. Isaiah Berlin, *The Crooked Timber of Humanity* (New York: Knopf, 1991), pp. 11, 30, 12, 9-10.

29. Schlesinger, *The Disuniting of America*, p. 123.

30. Nathan Glazer, *Ethnic Dilemmas 1964-1982* (Cambridge: Harvard University Press, 1983), pp. 268, 336.

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33. Ibid., pp. 32, 76.

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38. Susan Moller Okin *et al.*, *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999), p. 13.

39. Ibid., pp. 9, 11, 12.

40. Ibid., p. 22.

41. Kymlicka in Okin, *Is Multiculturalism Bad for Women?*, pp. 32, 34.

42. Okin, *Is Multiculturalism Bad for Women?*, p. 131.

43. Parekh in Okin, *Is Multiculturalism Bad for Women?*, pp. 73-74.

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63. I am grateful to Harvey Lazar, Hamish Telford, and an anonymous reviewer for their comments on an earlier version of this paper.

13

Framing Citizenship Status in an Age of Polyethnicity: Quebec's Model of Interculturalism

Alain-G. Gagnon and Raffaele Iacovino

La notion de citoyenneté dans les États de démocratie libérale relève à la fois des aspects formels et symboliques de l'appartenance. Cet article explore les aspects symboliques de la citoyenneté — ex: comment les États structurent les contours d'une appartenance à la communauté politique — en la situant dans un contexte comparatif où sont pris en compte le multiculturalisme canadien, le modèle québécois d'interculturalisme et le projet assimilationniste américain. Quels sont les points d'ancrage symboliques qui délimitent l'appartenance dans une communauté de démocratie libérale? Comment fait-on pour évaluer la performance de ces ancrages dans un monde traversé de plus en plus par la polyethnicité propre à un nombre grandissant de communautés politiques nationales. Cet article cherche aussi à décortiquer le concept du multiculturalisme en tant que paradigme idéologique et à développer des critères normatifs permettant d'évaluer les modèles actuels de pluralisme culturel au Canada, au Québec et aux États-Unis. Nous en venons à la conclusion que, conceptuellement, c'est le modèle de l'interculturalisme qui en arrive au meilleur équilibre entre l'habilitation des identités collectives, en tant que composantes actives de la communauté politique, et la nécessité d'une base commune pour poursuivre le dialogue, en vue d'une grande cohésion sociale.

What is truly revolutionary is this attempt to devise a democratic vision by employing the policy instruments of the nation-state in the reconstruction of the symbolic order and the redistribution of social status among racial and ethnocultural groups in Canadian society.[1]

This chapter will address the impact of polyethnicity on political communities by focusing specifically on the symbolic aspect of citizenship — the markers of a country's self-identification through which citizens are said to exhibit a sense of social cohesion and allegiance for effective democratic participation in a given polity.[2] What are the symbolic "anchors" that frame and

define sentiments of belonging in a democratic polity? How do we evaluate such criteria in light of the challenge of polyethnicity? Have citizens' ties to Canada been undermined by the policy of multiculturalism? Such questions will be explored through a comparative conceptual assessment of the Canadian policy of multiculturalism, the Quebec model of interculturalism, and the American assimilationist model, which will serve as somewhat of a benchmark for liberal-democratic attempts to address the impact of polyethnicity.

Multiculturalism has indeed filtered into academic and popular parlance. However, in its relevance to matters of citizenship — as a basis for democratic life — it remains an elusive concept. In looking at the concept of multiculturalism in Canada, Mazurek notes that

> as with "justice," "beauty" and "love," everyone seems to approve of multiculturalism, everyone seems to know what it is, yet everyone seems to define and practice it differently ... We have yet to settle upon agreement of what, exactly, multiculturalism is.[3]

Indeed, according to Golfman, assessments of multiculturalism have been "engendered by its arguably ontological status."[4] This ambiguity surrounding the meaning of multiculturalism is particularly striking considering that in Canada,

> an increasing number of jurisdictions have either statutory instruments or written policies on multiculturalism. Thus in a relatively short time multiculturalism acquired a high legitimacy similar to that assigned to such lofty concepts as *democracy* or *equality*. Given the short history of the concept and the manner in which it was introduced to the top of the hierarchy of legal norms, it is surprising that it lacks definition or even established usage.[5]

For the purposes of this conceptual analysis, the label "multiculturalism" will be treated both as an abstract ideological paradigm and as a tangible policy of the Canadian state with regard to the incorporation of immigrants, or ethnocultural minorities more generally. With regard to the former use of the term, multiculturalism can be delineated as a philosophical approach that seeks to address the impact of polyethnicity on prevailing uniform models of citizenship in liberal democracies, which have traditionally centred on formal legal/procedural definitions of citizenship. As such, the term does not merely serve as a descriptive tool, in a sociological sense, to depict the socio-cultural character of particular political communities. The challenge of multiculturalism lies precisely in its implicit assumption of cultural pluralism as a value concept — and thus as an aspect of citizenship that matters to policymakers in democracies. Juteau summarizes this point succinctly:

> Equality and pluralism are values that command some support in occidental liberal democracies. Beyond this point, however, appear disagreements, opposition and conflicts. Which pluralism to retain, which measures for redistribution to develop, which policies of cultural recognition to adopt? ... Almost all societies

are multicultural, the question is not whether we want a multicultural society, rather, it is to decide in which type of multicultural society we wish to live.[6]

Integrating immigrants or ethno-cultural groups into established host societies ultimately implies normative questions regarding the capacity of individuals in such groups to participate in the democratic life of the polity. Evaluating models of integration rests on the salience of cultural identity with regard to citizen dignity, understood here as "empowerment" or "the means to participate" in circumscribed political communities. Multiculturalism, as an ideological/philosophical challenge to classical liberal conceptions of citizenship, represents an appropriate field of study for political scientists precisely because attempts to foster "citizen dignity" are largely the result of state policy aimed at crafting a symbolic order for the larger society. To quote Wilson,

> Multiculturalism is constructed as a doctrine that provides a *political framework* for the official promotion of *social equality* and *cultural differences* as an integral component of the social order. It is government having the authority in the realm of the mind and an articulation that its responsibilities there are among the most important it has.[7]

Political actors can thus be conceptualized as "caretakers" of socio-political markers of allegiance, defining both the terms of formal membership and the symbolic markers for "belonging" in framing citizenship status. Of interest here is multiculturalism as the prerogative of policymakers, and its manifestation in a series of initiatives aimed toward an overall model for self-definition, for belonging, in a larger political community — and whether it can serve as a marker for identification, an equalizing device for members of minority groups.

Although multiculturalism occupies much terrain in the broad area of citizenship, it must be made clear that citizenship involves much more than its symbolic components — the idea that state actors actually debate and craft bases of belonging to a given political community. Citizenship extends further into the realms of formal representation (electoral systems, representation), and issues related to social entitlements (the relationship between the state, the market, and society). Indeed, citizenship involves multiple mechanisms, practical and symbolic, of social and political inclusion. This chapter thus does not claim to cover the issue of citizenship exhaustively. It merely attempts to address an increasingly salient aspect of citizenship that has gained prominence in political communities of liberal democratic states. This may be due in part to migration and the subsequent growth of identity politics, nation-building projects, or, in the case of small nations such as Quebec, the quest for recognition as a host society in its own right — its affirmation as a "global society." In short, the aspect of citizenship discussed here relates to sentiments of belonging and solidarity. The salience of these questions in the larger area of citizenship cannot be disregarded, as Micheline Labelle and

François Rocher make clear in response to a recent proposal[8] that the Quebec government hold a national commission on Quebec citizenship:

> The challenge is not merely legal in nature, knowing how to define the range of rights enjoyed by citizens and denouncing the obstacles for their exercise. The symbolic dimensions of citizenship are particularly important to the extent that, within every state ... citizenship and sentiments of belonging to the politico-national community are notions often used interchangeably.[9]

Multiculturalism can thus be characterized as an intellectual movement associated with the value of cultural identity as it pertains to democratic citizenship. From this premise comes the latter use of the term — multiculturalism as a policy of the Canadian state. Indeed, Canadian multiculturalism will serve as a tangible gauge for many of the normative expectations involved in the abstract ideological discourse surrounding multiculturalism as a value principle. In this chapter we will proceed to unpack the concept of multiculturalism as an ideological paradigm, and develop certain normative criteria with which to judge the current model of cultural pluralism in Canada. Regardless of strict definitions, multiculturalism, or the "politics of difference," is a response to the late twentieth-century phenomenon that has been called the "age of migration," challenging countries to redefine the rules of political life.[10]

CHALLENGING LIBERALISM: THE IMPACT OF MULTICULTURALISM

According to Christian Joppke, multiculturalism is an intellectual movement premised around the concepts of equality and emancipation. Its appeal lies in the defence of particularistic, mostly ascriptively defined group identities that reject western universalism as the basis for allegiance to a given collectivity. Western universalism in this view is seen as "falsely homogenizing and a smokescreen for power."[11] As such, multiculturalism implies the salience of multiple cultures coexisting within a limited state-bounded territory, rejecting the modern Jacobin view of the nation-state and the homogenization of identities. The key issue is that such "cultural communities" are said to regulate not only specific aspects, but the entire life conduct and sources of meaning of the individual. Joppke summarizes:

> Defenders of multiculturalism have argued that the exercise of individual rights and liberties depends on full and unimpeded membership in a respected and flourishing cultural group. But the tension between liberalism and multiculturalism is real, as the latter is based on the ontological primacy of the group over the individual and, if necessary, takes into the bargain the suppression of individual claims.[12]

In short, this approach views assimilation or acculturation as a violation of the integrity or dignity of the individual, whose cultural habits should be recognized fully as an integral element of a person's identity. Any stifling of particular cultural expressions by way of the symbolic construction of a larger socio-cultural identity limits the individual's capacity for self-realization, thus negating the liberal-democratic ideal that individuals, as members of the larger society, be given the means by which to explore their own life chances and directions. As such, ascriptive aspects of identity — particular cultural sources of meaning — are said to act as prerequisites to self-realization. Stripping such sources of meaning in the name of universal markers of identity, in the construction of a national (Jacobin) identity that is meant to provide common purpose, denies the individual the empowerment to determine the direction of his/her life through participation in the affairs of society. Iris Marion Young argues that if one conceptualizes such cultural differences as "relationally constituted structural differentiations," then the supposed link between citizenship and the common good is upheld, because:

> It becomes clear that socially situated interests, proposals, claims and expressions of experience are often an important resource for democratic discussion and decision-making. Such situated knowledges can both pluralize and relativize hegemonic discourses, and offer otherwise unspoken knowledge to contribute to wise decisions.[13]

The polemic between universal and particular bases of allegiance thus demarcates the contours of the debate. With the increasing polyethnic composition of nation-states, the debate has emerged largely as a challenge to the homogenizing tendencies of classical liberal models of citizenship. The idea of multiculturalism can be embedded in a wider area of post-national consciousness — some say postmodern, or "identity politics" — as an attack on the assimilation implied by nation-states with the aim of attaching a sense of common purpose to citizenship status.[14]

The sentiments associated with equal citizenship status have long been regarded by liberal theorists as integral to democratic political communities — for fostering the civic-spiritedness, mutual trust and allegiance required for meaningful self-government, self-realization and political stability. Kymlicka notes that the classical liberal response to polyethnicity has been to develop common (undifferentiated) bases of citizenship in a universal vein. In this view, the integrative function of citizenship requires that cultural differences be treated with "benign neglect," in order that a shared civic identity is forged regardless of collective, or group-based identity differences. Iris Marion Young notes that proponents of such arguments view any particular demands based on sociological "differences" as detrimental to the functioning of democracy due to the contention that citizens concern themselves less with the common

good and more with their own group-based, or "special" interests.[15] Kymlicka summarizes this view:

> Citizenship is by definition a matter of treating people as individuals with equal rights under the law.... [If it is group differentiated], nothing will bind the various groups in society together, and prevent the spread of mutual mistrust or conflict. If citizenship is differentiated, it no longer provides a shared experience or common status. Citizenship would yet be another force for disunity, rather than a way of cultivating unity in the face of increasing social diversity. Citizenship should be a forum where people transcend their differences, and think about the common good of all citizens.[16]

In short, according to the classical liberal view, culture, like religion, should be left to the private sphere and should not concern the state. The only way for a democracy to flourish is for the political community to be predicated on universal bases of belonging which are "civic" and amenable to identification across cultures.

For defenders of multiculturalism, however, the notion of benign neglect is in itself infused with cultural meaning. It simply represents a preservation of the status quo in many previously homogeneous nation-states. State inactivity thus reflects a failure to adapt to dynamic polyethnic realities in society. Minority cultures are rendered unequal participants and second-class citizens if their sources of meaning are neglected in the public realm. As such, the ideal of equality cannot be achieved if citizens are forced to conform to a "civic" denial of identity, a renewed self-definition for individual citizens. Isajiw notes that the force of multiculturalism arises out of a particular sentiment in which citizen dignity is tied to the collective dignity of one's ethnic community. Multiculturalism represents a set of values whereby the recognition of identity needs is linked to the instrumental power of members of ethnic communities.[17] Charles Taylor explains:

> The demand for recognition in [the politics of multiculturalism] is given urgency by the supposed links between recognition and identity ... The thesis is that our identity is partly shaped by recognition or its absence, often by misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can be a form of oppression, imprisoning someone in a false, distorted or reduced mode of being.[18]

The recognition of cultural pluralism by the state is thus a call for increased citizen empowerment. How are citizens in a polyethnic society equally empowered to share and participate in the affairs of the polity, without sacrificing self-fulfilling "modes of being"? How have states adapted to such challenges?

The theoretical contours outlined above reveal that normative evaluations of integration rest on two broad considerations. The first is that full citizen-

ship status requires that all cultural identities be allowed to participate in democratic life equally, without the necessity to tone down conceptions of identity to the level of the individual. Empowerment implies that citizens are permitted to maintain their cultural differences when impacting the affairs of the polity through democratic participation. This implies some acceptance that policy outcomes will reflect some groups' differentiated initiatives by the central state. The second concerns the salience of unity in any society. Here the key element is a sense of common purpose in public matters in order that deliberation is not confined to pockets of self-contained, fragmented collectivities in juxtaposition. These two broad poles are at issue in any model of integration and subsequent conceptualizations of citizenship status. In short, a balance must be struck between the *equal empowerment of group identities* as active constituents of the larger political community and the need for a *common ground for dialogue*, for the purposes of unity — a *centre* that also serves as an identity marker in the larger society and denotes in itself a pole of allegiance for all citizens.

Prior to proceeding with the comparative study, however, it must be noted that such policies cannot be assessed in the absence of a clear understanding of political processes related to the strategy of nation-building. This qualification is particularly salient in the Canadian case, where the precarious nature of pan-Canadian identity has traditionally been in itself somewhat of a "national symbol" (sic) due to the persistent existential question in Quebec. Indeed, as will be demonstrated below, policymakers at the federal level charged with defining the bases of belonging to Canada have not only faced the challenges associated with the incorporation of diverse cultural identities, but have been confronted with a national minority with established political institutions within a well-circumscribed territory as well. This fact represents a qualitatively different challenge confronting Canada in comparison to the United States. As Joppke makes clear, each society's actual response to immigration and polyethnicity does not merely stem from an abstract model that is subsequently applied to the real world:

> The concrete meaning of multiculturalism and its linkage to immigration differs significantly across these societies. These differences are conditioned by distinct traditions of nationhood, the specific historical contexts in which immigration has taken place, and the existing immigration regimes.[19]

As such, the case of Quebec, although formally a province of Canada, nevertheless merits independent consideration, because the Quebec state has negotiated extensive authority over immigration. Moreover, Quebec constitutes a distinct political community with a well-defined collective cultural project that includes the integration of immigrants into that project. Other provinces, by contrast, have been content to leave this policy area in the hands of the federal government. In short, Quebec should be viewed as a host society

in its own right, with its own historical and cultural development, its own sense of nationhood, and a distinct discourse with regards to the general orientations and choices of society.

There are indeed political imperatives at work in such policy outcomes. This chapter has attempted to clarify the meaning of the term "multiculturalism" — distinguishing between its use as a general label for an emerging tradition in political thought and the actual policy bearing its name in Canada — in order to alleviate the ambiguities surrounding the concept. An assessment of Canadian multiculturalism cannot forgo the fact that in the final analysis it is a policy and not an "ontological" principle devoid of contingencies. The ideal of multiculturalism must not be confused with the Canadian policy, as this is prone to stifling debate concerning the value of the policy in framing citizenship status.

CULTURAL PLURALISM IN THE US: THE "MELTING-POT" METAPHOR

The case of the United States can be deemed a benchmark in evaluating state policy with regard to polyethnicity. To a large extent, the liberal emphasis on "benign neglect" in cultural matters, as a basis for common citizenship status, has permeated American discourse and has been traditionally embraced as somewhat of a founding principle of American identity. The US response to polyethnicity has followed a doctrine of assimilation. John Miller traces this approach as a founding ideal of what it means to be American:

> [America] is a nation dedicated to the proposition that all men are created equal. This extraordinary notion animates the American people, whose very sense of peoplehood derives not from a common lineage but from their adherence to a set of core principles about equality, liberty and self-government. These ideas, recognised at the founding of the United States, are universal. They apply to all humankind. They know no racial or ethnic limits. They are not bound by time or history. And they lie at the centre of American nationhood. Because of this, these ideas uphold an identity into which immigrants from all over the world can assimilate, as long as they, too, dedicate themselves to the proposition.[20]

Minority cultures of all stripes were expected to shed their values, cultures, and languages and unconditionally adopt those of the larger society. This approach can be characterized as one in which the idea of benign neglect in the identity, or cultural sphere, ensures that all citizens may participate equally in democratic life. It is reductionist in the sense that the markers for identity are laid out in a procedural manner, a legalistic approach to citizenship which emphasizes the primacy of individual rights in the public sphere. The question of culture itself is relegated to the private sphere, culture is not considered to be a political concern. Katz explains:

our Bill of Rights, in contrast to every other modern bill of rights, is almost entirely procedural. It has virtually no substantive protections.... [it] consists almost entirely of what could be called civil and political rights ... [and] our procedural rights relate almost exclusively to individuals.[21]

Katz argues that the interpretation of equality in the United States is still very much a product of mid-nineteenth-century views as espoused in the Fourteenth and Fifteenth Amendments. The former amendment states that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside."[22] This provision has been interpreted by the courts in a manner that denied the amendments' possible use as a basis for addressing minority group rights. Equality demanded that individuals be protected from state intrusions but was not designed to eliminate "private" discrimination. The idea of equal citizenship before the law came to represent the "equal" protection of all citizens from discriminatory measures by *state action*. Any other form of discrimination experienced by groups was a question of *private conduct* and hence dismissed as constituting a political issue. Katz summarizes:

our tradition ... became at least partly one of constitutional discrimination against groups rather than protection of them, and it was based on the growing prescription of individual equality and equal protection of the laws.[23]

Such a tradition has been largely upheld in the United States in its formulation of citizenship status. The one significant caveat has been the rather recent attempt to address the reality of groups that have suffered discrimination, historically, through these interpretations of equality. Under the banner of "affirmative action," an attempt was made to grant minority groups special access to educational institutions, broadcasting, employment, etc., in order that such institutions may better reflect the proportion of group identification in the general population. This was deemed a necessary measure in order to compensate for "lost ground." However, such provisions were qualified to a large degree. The Courts' test of constitutionality of these measures was such that the groups that were discriminated against had to prove that the nature of the intention of particular cases of discrimination was blatant, and not a consequence of the "latent" effects of private actions. In other words, the burden of proof required in order to benefit from such group-based provisions of equal status rested on minority groups themselves, not on empirical structural inequalities.

In the final analysis, this tradition with regard to citizenship status in the United States prevails. Indeed, the question of the effects of affirmative action on the melting-pot metaphor as a symbol for national identity has resulted in virulent reaction.[24] If multiculturalism has achieved somewhat of an "ontological status" in Canada, in the United States it is deemed by many to run counter to the very defining principles of American democracy. Again, equality

in this view rests on reductionist principles — a matter of non-discrimination and the equal opportunity to participate. It is in this light that American sociologist Nathan Glazer describes the role of culture as it pertains to state policy:

> [immigrants] had come to this country not to maintain a foreign language and culture but with the intention ... to become Americanized as fast as possible, and this meant English language and American culture. They sought the induction to a new language and culture that the public schools provided — as do many present-day immigrants, too — and while they often found, as time went on, that they regretted what they and their children had lost, this was their choice ... The United States, whatever the realities of discrimination and segregation, had as a national ideal a unitary and new ethnic identity, that of American.[25]

For Schlesinger, Jr. as well, the key to American stability in the face of increasing polyethnicity has and will remain embedded in the melting-pot:

> The United States had a brilliant solution for the inherent fragility, the inherent combustibility, of a multiethnic society; the creation of a brand new national identity by individuals who, in forsaking old loyalties and joining to make new lives, melted away ethnic differences — a national identity that absorbs and transcends the diverse ethnicities that come to our shore ... The point of America was not to preserve old cultures, but to produce a new American culture.[26]

The basis of such identification is a "civic culture" — the notion that individuals are bound by equal adherence to a set of principles. Jürgen Habermas has labelled this approach "constitutional patriotism." The state here is interpreted as the "domain of law," while collective identity based on national allegiance is the "affective realm." Thus citizenship implies a civic patriotism, void of national identity. Political legitimacy as such stems from the procedures of democracy itself rather than any attachment to historical or cultural attributes.[27] Schlesinger, Jr. calls this set of principles the "American Creed," which is rooted in the practical obligations of civic participation and a patriotic commitment to a "democratic faith." In this view, democracy is not the product of citizen dignity through the recognition of diverse cultural contexts, but the precursor to unity. Procedural democracy comes to be the much heralded symbol of identification which all Americans share. In sum, the American response to polyethnicity has been to deny differences altogether and focus on the symbolic virtue of a "central" American identity, based on a procedurally (legally) defined conception of equal individual rights.

THE POLITICS OF MULTICULTURALISM IN CANADA

The idea of multiculturalism in Canada came into awareness largely as a result of a negative response to the recommendations of the Royal Commission on Biculturalism and Bilingualism (B&B) in the mid-1960s by a "third force" — groups that represented immigrant ethnic communities.[28] The

commission was spearheaded by Prime Minister Pearson as a response to the rise of a reinvigorated Quebec nationalism through the Quiet Revolution, and the subsequent questioning of Quebec's collective place in a federation dominated largely by Anglo-Canadians in economic, cultural, and political affairs.[29] To quote Breton:

> The immediate motive ... was the rise of the independence movement [in Quebec] and the government's initial response. The transformation of institutional identity, language and symbols to help members of the French segment of the society recognize themselves generated identification and status concerns ... among those of non-British, non-French origin.[30]

Representatives of the "third force" sought recognition of their cultural contribution to Canada, and felt that they would be relegated to second-class citizenship status if the country were to be formally recognized as bicultural and bilingual. In Harney's words:

> Since the spokesmen for the third element rejected the idea of a separate *Canadien* nation, they tended to see the argument over dualism and the Commission's bilingual and bicultural mandate as one about power, not history.... As an exasperated Ukrainian leader put it, "Is it necessary for all these people to establish their own ethno-cultural enclaves before their cultural and linguistic aspirations are truly respected and encouraged?"[31]

The result of such politicking was Book IV of the B&B Commission's recommendations, the precursor to official multiculturalism, entitled *The Contribution of the other Ethnic Groups*. The recommendations were to form the subsequent thrust of multiculturalism policy as initiated by the Trudeau government.

Prime Minister Trudeau rejected the "two-nations" conception of the country whereby French and English Canada were to be recognized equally as founding nations, with each enjoying majority status in their respective territorial and institutional domains. Trudeau opted instead to adopt a policy of official multiculturalism in a bilingual framework. As such, it was believed that language could be dissociated from culture, and individuals would be free to decide whether or not to endeavour to preserve their ethnic identities. Implicit in such an approach is the primacy of individual rights, the right of all individuals to dissociate freely themselves from their cultural communities. Also, the languages of participation in Canadian society, French and English, were left to individual choice. The notion that language use was to correspond to sociological realities, as the original mandate of the B&B Commission implied, was abandoned. The community for the integration of immigrants was to be Canada, defined as a bilingual host society. In Trudeau's view:

> We cannot have a cultural policy for Canadians of French and British origin, another for Aboriginals, and still another for all the others. Although we will

have two official languages, there will be no official culture, and no ethnic group will have priority.... All men will see their liberty hindered if they are continually enclosed in a cultural compartment determined uniquely by birth and language. It is thus essential that all Canadians, regardless of their ethnic origins, be required to learn at least one of the two languages in which the country conducts its public affairs.[32]

Indeed, as Kallen contends, the final policy outcome represented a compromise to the "multicultural and multilingual" vision espoused by the "third force" and the "two-nations" demand of Quebec nationalists.[33] By separating language and culture, Canadian identity was to be constructed on universal principles, relegating culture to the private sphere. In short, the federal government's policy objectives ran as follows:[34]

- The Government of Canada will support all of Canada's cultures and will seek to assist, resources permitting, the development of those cultural groups which have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada, as well as a clear need for assistance.

- The Government will assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society.

- The Government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity.

- The Government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society.

New concerns over racial and ethnic equity led to a reiteration of the policy in the 1988 *Canadian Multiculturalism Act* by the Conservative government of Brian Mulroney. As Abu-Laban notes, the Act furthered the impact of multicultural policy by focusing not only on cultural maintenance, but by emphasizing more explicitly concerns regarding discrimination. The Act now contained a provision whereby the minister of multiculturalism may "assist ethno-cultural minority communities to conduct activities with a view to overcoming any discriminatory barrier and, in particular, discrimination based on race or national or ethnic origin."[35] Such a response by the state emanated from greater concerns surrounding the changing composition of minority ethnic groups due to recent waves of immigration. The new Act, however, did little to change the general thrust of the original policy, and simply refined and strengthened the terms of recognition with respect to the contribution of cultural groups.[36]

Of more significance was the entrenchment of multiculturalism in the 1982 *Canadian Charter of Rights and Freedoms*. The existing policy of multiculturalism within a bilingual framework was reinforced. Under the

interpretative clause in section 27, the policy would henceforth "be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." Multiculturalism thus became a "visible component of the patriated constitution," leading to the perception among ethnocultural groups that they had achieved the status of "legitimate constitutional actors."[37] In Wilson's words, "Armed with long memories and the constitutional gains of 1982, these recently enfranchised 'Charter Canadians' took our political decision-makers by surprise in serving notice that they were now serious players in the constitutional stakes."[38] In the final analysis, the Charter, as Rainer Knopff and F.L. Morton argue, can be seen as a compromise between the dualism envisioned by Trudeau and the concerns of the "third element." Dualism was now constitutionally entrenched with English and French serving as official languages across Canada, as well as in the provision of both English and French minority education, with the former targeting Quebec and the latter aimed at the rest of Canada. At the same time, section 27 added an interpretive clause that took into account the "preservation and enhancement of the multicultural heritage of all Canadians." In short, Trudeau's early vision to establish pan-Canadian identity markers devoid of any one particular linguistic or cultural attribute was now formally entrenched at the constitutional level in the Charter.[39]

"INTERCULTURALISM": QUEBEC'S MODEL OF CULTURAL PLURALISM

Quebec's persistent attempts to establish itself as a "host society" can be traced back to the Quiet Revolution, the increased activity of the state in many dimensions of the lives of Quebecers, and can be qualified as a project to gradually construct Quebec citizenship. The idea of Quebec citizenship cannot be divorced from the larger issue of Quebec's national affirmation in the face of pan-Canadian attempts at nation-building. In developing its own model for integration, Quebec has in effect developed a response to the Canadian policy of multiculturalism, a response that affirms the primacy of the Quebec state in the areas of politics and identity and challenges the reductionist notion that Quebec is a monolithic ethnic group. The treatment of diversity, when placed in a larger historical context, can be seen as but one of the many areas of contention between opposing visions regarding Canada's constituent political communities, or national groupings. Will Kymlicka highlights this progression toward a formal Quebec citizenship:

> The notion of a distinctly Québécois citizenship has seen a spectacular progression. In the space of a lifetime, the dominant identification of Quebecers has been profoundly transformed. From Canadians, they became French-Canadians, then Franco-Québécois and finally, Québécois.... These transformations cannot

be interpreted as a simple evolution of a sort of sentiment of belonging to the tribe. Rather, they represent a continuing progression of Québécois identity, in which its foundations have passed from non-citizenship to citizenship.[40]

Historically, the main impetus for the increasing salience of the discourse on Quebec citizenship has been the idea of the French language as the primary vehicle for the preservation and flourishing of Québécois identity. Language was indeed the precursor to concerns over immigration and integration. With an alarming decline in the birth rate in Quebec, state actors became concerned with the tendency of allophones to gravitate linguistically toward the anglophone community. Immigration and integration thus became inextricably tied to the fate of the Quebec nation. With a Ministry of Immigration in place since 1968, the Quebec government was very active in almost all aspects of immigration except recruitment and reception.[41] Some of its activities included an employment search service for newly arrived immigrants, support for community groups with the aim of adaptation, and the funding of cultural and linguistic heritage programs, including the translation of literature into French, in the hopes of building bridges between the allophone and francophone communities. From 1969 to 1980, the ministry's budget grew from $2.8 million to $20 million. The Quebec government took a wide range of measures in the areas of language acquisition and cultural adaptation, the initial steps toward a more fully articulated model of integration.

As Michael Behiels argues, however, many such positive measures, as perceived by allophones, were at times overshadowed by language legislation which culminated in the Charter of the French Language (Bill 101) in 1977. This was interpreted as a hardline approach, out of line with the bridge-building measures in progress, and was frequently opposed by allophones and anglophones.[42] With the adoption of the Charter, the PQ government established the vision of a linguistically unilingual and ethnically pluralistic political community in Quebec, a vision that would nourish subsequent models of integration to this day. As early as 1981, the Quebec model began taking shape, with publication of *Autant de façons d'être Québécois*.[43] The essence of the publication was that, unlike Canadian multiculturalism, Quebec integration would stress the idea of "convergence." We will return to this point below. Of significance here is the fact that the Quebec model explicitly challenged the Canadian variant as a basis for citizenship. The jurisdictional battles of the Quiet Revolution and the linguistic conflicts of the 1970s culminated in a fully articulated discourse centred on citizenship in Quebec. As such, it can no longer be disputed that Quebec constitutes a host society whose model of integration deserves serious attention.

Quebec has adopted as its official position a discourse on interculturalism to deal with its polyethnic composition. This view contends that the incorporation of immigrants or minority cultures into the larger political community is a reciprocal endeavour — a "moral contract" between the host society and

the particular cultural collectivity, with the aim of establishing a forum for the empowerment of all citizens — "a common public culture."[44]

The moral contract is summed up as follows:

1. a society in which French is the common language of public life

2. a democratic society where participation and the contribution of everyone is expected and encouraged

3. a pluralist society open to multiple contributions within the limits imposed by the respect for fundamental democratic values, and the necessity of inter-community exchange.[45] (our translation)

The Government of Quebec describes the general thrust of this model as such.

> The "moral contract" affirms that, in its options for society, it follows that rights and responsibilities apply as much to immigrants, on the one hand, as to the receiving society itself (including Québécois of cultural communities already integrated or on their way to being integrated) and its institutions, on the other hand. Being a Québécois means being engaged in fact in Quebec's choices for society. For the immigrant established in Quebec, adopting Quebec as an adopted land, there requires an engagement like all other citizens, and to respect these very choices of society. It is the simultaneous existence of complementary rights and obligations attributed to all parties — and to engage in solidarity in relationships of reciprocal obligation — which justifies the vocabulary of "moral contract" to designate the general environment governing such relations with the aim of fully integrating immigrants.[46] (our translation)

The common public culture in this view does not consist solely of the juridical sphere; it is not a procedural definition like the American model. Instead, the basic tenets of the moral contract are such that the established "modes of being" in economic, political, and socio-cultural realms are to be respected as markers of identification and citizenship status, with the institutions of democratic participation acting as a point of convergence for groups of specific collective identities in order that all may share equally in democratic life. Carens highlights this feature of the model:

> Immigrants can be full members of Quebec's society even if they look and act differently from the substantial segment of the population whose ancestors inhabited Quebec and even if they do not in any way alter their own customs and cultural patterns with respect to work and play, diet and dress, sleep and sex, celebration and mourning, so long as they act within the confines of the law.[47]

In establishing a model based on the convergence of collective identity, the French language is to serve as the common language of public life; this is seen as an essential condition for the cohesion of Quebec society. Indeed, the French language constitutes the basis for Quebec's self-definition as a political community. In this view, language is not conceptualized as an individual right. Rocher *et al.* elaborate:

> In Quebec,... the French language is presented as a "center of convergence" for diverse groups which can nevertheless maintain and let flourish their specificity. While the Canadian policy privileges an individualist approach to culture, Quebec's policy states clearly the need to recognize French as a collective good that requires protection and encouragement.[48] (our translation)

The notion of "public life" is shady and nuanced, indeed, what constitutes a "public exchange" is not often clear. As a general rule, the confines of public space are not relegated solely to the activities of the state, but encompass "the public space of social interaction" as well. For example, students may, as a matter of individual right, communicate in any language they wish on the playground of a francophone school. However, language use in the classroom is considered public space. More examples of what constitutes "private interaction" are relations with family members, friends, colleagues or anyone involved in the social circle of the individual in question in which the choice of language use is of a consensual nature. Again, in Rocher *et al.*'s words,

> It must be emphasized that valuing French as the common language does not imply in itself the abandonment of a language of origin, for two reasons. The first is related to the democratic nature of society which must respect individual choices. The second is a question of utility: the development of languages of origin is considered an economic, social and cultural asset. It must be stressed that there exists a fundamental distinction between the status of French as a common language of public life and that of the other languages.[49] (our translation)

Thus an emphasis on the proficient use of the French language is taken as a minimal condition of the exercise of common citizenship — as an instrument of democracy. To quote Giroux,

> it is of importance that the French language is taken first and foremost as a condition of the exercise of citizen rights; the modern nation cannot claim to be a forum for discussion and decision-making without the existence of a community of language.[50] (our translation)

Moreover, the host society expects as a matter of obligation that members of minority groups fully integrate into the larger community, with the expectation that all citizens are to contribute and participate in the social fabric of the common public culture. As a democratic community, this implies that once citizenship is attained, all members are equally encouraged to "participate in defining the general direction of our society ... at all stages and in all sectors where the judgement of citizens can be manifested and heard."[51] (our translation)

With regard to the eventuality of conflict arising between individuals or groups, the method of resolution must correspond to democratic norms. This point is important because it highlights a fundamentally different perspective than the American emphasis on procedural judicial channels. The Quebec

model stresses that in the initial manifestation of conflict, deliberative measures such as mediation, compromise, and direct negotiation, are preferred, leaving as much initiative and autonomy to the parties in question. Legalistic measures and the recourse to specified rights are to be an option of last resort. In other words, this model values deliberation, mutual understanding, and generally, dialogue as fundamental characteristics of democratic life, in the realm of civil society, and aims to foster a cohesive and participatory conception of citizenship.

It is in the model's treatment of pluralism that the idea of "interculturalism" emerges — an idea whereby the notion of difference does not imply a society built on the juxtaposition of ethnic groupings, in a "mosaic," nor does it reduce citizenship status simply to procedural safeguards from state intrusion through the codification of fundamental individual rights, and the assimilation of particular identities to such universal principles.[52] The Quebec model of cultural pluralism operates fundamentally in the tradition of parliamentary democracy, with an emphasis on deliberation and representation. Pagé summarizes:

> In conceptualising a common civic space, it is common civic norms which constitute the basis for social cohesion. The norms are situated above particular ethnic cultures and have a scope general enough to govern the actions of a society consisting of individuals belonging to a plurality of ethnic groups. *These norms are established by democratic institutions, which are capable of accounting for pluralism in seeking always, through decisions arrived at by democratic voting, as large as possible a consensual base, which does not limit itself only to the majority ethnic group or an ensemble of minority groups.*[53] (our translation)

Within the framework of basic principles — a commitment to the peaceful resolution of conflict, a charter of human rights and freedoms in order to provide legal recourse to the protection of individual and group rights, equality between the sexes, a secular state, and equality and universality of citizen access to social provisions (i.e., health)[54] — interculturalism attempts to strike a balance between individual rights and cultural relativism by emphasizing a "fusion of horizons," through dialogue and consensual agreement. Through the participation and discourse of all groups in the public sphere, the goal of this approach is to achieve the largest possible consensus regarding the limits and possibilities of the expression of collective identitive differences, weighed against the requirements of social cohesion and individual rights in a common public context. The recognition of cultural differences is assumed in such a view — the sources of meaning accrued from cultural identity are acknowledged as an explicit feature of citizen empowerment — yet an obligation is placed on all parties to contribute to the basic tenets of a common public culture.

ASSESSING THE MODELS

As aforementioned, two general considerations are salient in assessing the models as they pertain to polyethnicity and democratic citizenship. First, the model must consider unity as a basis for democratic stability — which provides a shared sentiment — a common ground for dialogue. In other words, a pole of allegiance which acts as an identity centre of convergence is required for active participation in a democratic polity. Second, the recognition of difference and a respect for the sources of meaning of minority cultures are integral elements of both the equality of citizenship status — of citizen dignity or empowerment. For traditional liberal thought, such goals are incompatible. The involvement of group-differentiated recognition is said to mitigate the former ideal, in which equality emanates from shared adherence to universal principles and culture is treated with benign neglect in the public sphere. Recognizing cultural distinctions shatters such unity and renders citizens unequal.

Returning to the normative backdrop for evaluating integration as developed above, it is clear that the Canadian strategy was related to both the goal of unity and the fostering of citizen dignity through the recognition of particular cultural affiliations. First, it seeks to achieve unity through a pan-Canadian nation-building project that emphasizes the primacy of individual rights in a constitutional *Charter of Rights and Freedoms* and a choice of language use, between French or English, across the country. Superimposed on individual rights is the official recognition of all constituent cultures, equally. Such recognition, however, is largely a symbolic concession, the fabrication of an identitive marker based on the voluntary adherence to particular cultural allegiances. In Weinfeld's words:

> In the absence of any consensus on the substance of Canadian identity or culture, multiculturalism fills a void, defining Canadian culture in terms of the legitimate ancestral cultures which are the legacy of every Canadian: defining the whole through the sum of its parts.[55]

While forging a common identity throughout the country based on the "sum of its parts," it was hoped that the identity marker for unity could be universal — the equal recognition of all cultures, within a regime governed by individual rights and bilingualism. In this way, adherence to particular cultural attachments could be voluntary for all *individuals*, while at the same time claiming to "empower" citizens of minority cultures through reductionist means. Canada's symbolic order was to be based on the negation of any particular cultural definition. Bourque and Duchastel argue that the Canadian response, by conceptualizing citizenship in such terms, has in effect altered social relations to the point of damaging the exercise of democracy. The Canadian political community in this sense is predicated on the judicialization

of social interactions, to the detriment of the deliberative aspects of representative democracy. The idea of public space for citizen participation, reflection and deliberation within the political community is reduced to a narrow forum of rights-bearers. Deliberative assemblies give way to the "legalization" of social relations, preventing parliaments from being responsible for organizing social life and, ultimately, preventing citizens from identifying with others in the political community.[56]

According to Kymlicka, the final outcome of multiculturalism as a symbol for identification in Canada is analogous to the United States in its failure to differentiate between national minorities and polyethnic communities. The fundamental difference between the two is that the former seek self-determination while the latter seek inclusion. Canada's policy fails to address this distinction, and multiculturalism becomes a mechanism by which to quell legitimate national aspirations. Thus it fundamentally shares with the US model a certain homogenization, or universalization of identity, albeit through cultural relativism. Kymlicka argues that the American reluctance to recognize minority nations is a direct result of its assimilationist model, a fear that such recognition will trickle down to polyethnic communities and thus undermine the bases for unity.[57] Canada's policy stems from similar fears. However, Canada's response was to elevate the status of cultural groups to the same level as that of national minorities. Both are universal, both are bound by nation-building projects that stress unity, and both fail in any significant way to recognize group-differentiated rights as a federal principle.[58]

As such, the Canadian response was not predicated on a genuine commitment to the "ideology of multiculturalism" as a pillar upon which to frame citizenship status. The goal was unity in the face of a national minority challenge. Quebec's national identity was placed, constitutionally, alongside every other minority culture as a basis for identification.[59] In Giroux's words:

> The partial recognition of ancestral rights reveals, *a contrario*, a refusal to recognize the Quebec nation.... As such, demands by national minorities, those of cultural communities, and those of the majority group are regarded, without being defined or explicitly taking into consideration the criteria of legitimacy attributed to a nation which allow for a viable and effective democratic order.... In effect, without valid criteria for inclusion and exclusion, all demands become acceptable; thus it becomes possible to pit group demands against one another and to transform pluralism into a zero-sum game.[60]

In Taylor's terms, multiculturalism as such fails to appreciate the "deep diversity" in Canada, in which difference can be recognized on tiered levels in view of particular groupings' political aspirations and historical/territorial/linguistic realities. In adopting a strategy for unity similar to the American approach — uniformity from coast to coast based on universal principles — the Canadian policy in effect failed to recognize that national minorities, as

opposed to polyethnic communities, seek to provide a "centre" for identification, their own pole of allegiance necessary for unity and common purpose. In other words, national identity in Quebec assumes a self-determining project for society. The community of reference for all citizens under the banner of multiculturalism, however, is Canada. Bourque *et al.* summarize:

> This ideology ... defines itself in relation to the territorial state: it circumscribes a community of belonging to the state within a country — Canada. It thus privileges, clearly, national dimensions of the production of the community, even though the discourse struggles to find a coherent representation of the Canadian nation. This Canadian nationalism finds its full significance in its opposition to the "counter-nationalisms" of Quebec and the Aboriginals.[61]

The arguments put forth above are predicated on the notion that Canada's similarity to the United States flows from the implicit assumption that equality stems from an emphasis on the individual, and what such individuals share with others across the country. The Canadian constitution essentially protects individuals from collective intrusions. It can be argued that the failure to achieve unity and common purpose is not inherent in the model of multiculturalism adopted. Rather, disunity is a product of federal dynamics, Canada is not a nation-state that can claim the status of a single and unified host society. As such, we can assess the policy independently of the Quebec question which, to a large extent, may explain the motivation for the policy but not its actual effects as a model for integration. If we disregard the variable of multinationality in Canada, has multiculturalism been successful in integrating immigrants and ethnic groups? Indeed, if we begin with the assumption that Canada constitutes a single political community, or host society, we can then proceed to evaluate the success of multiculturalism without considering disunity in terms of the fragmentation of "national allegiance." Unity can thus be conceptualized as the extent to which minority groups feel as though they belong to a single community called Canada and actually participate in the general affairs of the larger society.

As a response to critics who view multiculturalism as a divisive force in Canada, Kymlicka provides some empirical data which demonstrate the success of multiculturalism in terms of the integration of minority cultures.[62] Indeed, the line of criticism in this chapter does not challenge the integrative success of the policy. The claim is that due to the imperatives of nation-building, for the purposes of unity in the face of the Quebec question, Canada chose to adopt a "lowest common denominator" formula that rejected the recognition of culture as an aspect of belonging altogether. Again, Trudeau's "just society" is predicated on the notion that any emotive attachment to a polity is destructive and backward, and that progress requires an emphasis on reason, which is universal, to serve as a guiding principle in any citizenship regime. If we look closely at Kymlicka's indicators for integration, however, it may be argued

that although integration has been rather successful, it came at the expense of the recognition and preservation of minority cultures, which in the final analysis is the defining feature of ideological multiculturalism. Does the Canadian model provide genuine space for ascriptively defined groups, and not merely individuals, to make their mark on the general directions and values of the larger society? Has the imperative of integration and pan-Canadian universality rendered the country "multicultural" in name only?

The Canadian model operates along the primacy of individual rights in a constitutional *Charter of Rights and Freedoms*, with an interpretive clause for the recognition of diverse cultural affiliations. The interpretive clause is the only element different from American assimilation. There is no democratic imperative for the recognition of diverse minority cultures besides a legal/ procedural provision that may be invoked if the minority group in question chooses to do so. This is a key conceptual distinction between the Canadian and Quebec models and it stems from the nature of the expectations of democracy itself. The fact that Canadian identity — the way citizens relate to each other and to the state in determining societal preferences — is predicated on such terms implies that there is no public culture on which minority cultures can make their mark. Again, multiculturalism in Canada does not reflect the recognition of diverse cultures; rather, to be blunt, it refers to the denial of culture altogether in defining the limits and confines of public space. Public space is based on individual participation via a Bill of Rights.

To return to Kymlicka's data on the success of Canadian multiculturalism in terms of integration, we note a dearth of evidence regarding the extent to which minority cultures feel as though they have been able to persist in living according to the sources of meaning garnered by their cultural affiliations. To his defence, this endeavour would require a large-scale empirical study, and the fact that he was able to successfully operationalize "integration" merits credit in its own right, as it deepens the conceptual discourse surrounding these models of integration. However, the success of minority groups within indicators such as "naturalization rates"; "political participation," including the institutional avenues of participation; "official language competence"; "intermarriage rates" and lack of territorial enclaves of cultural groups[63] are addressed to those critics who view multiculturalism as divisive to the forging of a strong Canadian identity. They do not speak to the explicit concern for the preservation and flourishing of minority cultures within the political community — the capacity of such groups to participate and affect the public affairs of the country without shedding their particular group identities. The debate itself thus takes place outside the imperatives of ideological multiculturalism. In other words, these criteria may very well be addressing a regime committed to assimilation.

The virtue of Quebec's model of interculturalism is that it strikes a balance between the requirements of unity — an identity centre — and the recognition

of minority cultures. Quebec's model of integration is not assimilatory as is that of the US, nor does it conceptually fall into cultural relativism and fragmentation in its commitment to cultural pluralism. The idea of empowerment as it pertains to marginalized ethno-cultural groups is such that integration is a necessary prerequisite to participate fully in the construction of a "common public culture" as an identity centre. Identification with and participation through a variety of cultures is not ruled out as a basis for citizenship status, yet the possibility of enclosure and ghettoization is discouraged because the recognition of particular cultural identities is *de facto* the *recognition of the right and obligation to participate* in the polity, not the recognition of culture as existing in self-contained communities, in a vacuum of space and time. In other words, recognition is an *outcome* of participation; it is in contributing to the development of a common public culture, to larger consensual bases of allegiance and identification, without a rejection of the established symbolic order offered by Quebec society as it has evolved historically, that members of minority cultural groups can make a difference regarding their status as citizens.

Indeed, as a response to critics who view the legal imposition of French on individuals as an affront to liberal principles of individual rights over society, Joseph Carens turns to this participatory aspect of the model to defend the liberal-democratic merits of the Quebec model. In his words:

> The duty to learn French is intimately connected to the duty to contribute and to participate in society, which is connected, on this account, to fundamental democratic principles. Learning French is, among other things, a necessary means to participation in society so that if one can defend the duty to participate, and I think one can, one can defend the duty to learn French.[64]

In the final analysis, the recognition of minority cultures is built into the model; the "moral contract" is an integrative principle whereby ethnocultural groups are given the empowerment to contribute, in a common language, and to make their mark on the basic principles of the common public culture. Harvey summarizes the model of interculturalism as:

> the conservation of a language of origin, a history other than that of the receiving country, the preservation of distinct familial, religious and social commitments, the establishment of welcoming groups to help in the integration of those arriving from the same country, the continuity of relations with the country of origin, are all accepted, welcome, and enriching for the host society. *All of this is also in the domain of negotiation, of active reciprocal tolerance, involving an evolution with the passing of time* ... Intercultural pluralism is the domain ... in which a host country can and also must encourage originality in the ways of life of those arriving. Sensibilities, aesthetics, and models of belonging and association can remain identical to those within the cultural structures of the countries of origin. Pride in cultural origins must be permitted ... except in the case of contradiction with the common public culture.[65] (our translation)

Difference is recognized within the limits of societal cohesion and political community, not as a *fundamental starting point* for common identification and unity. In short, the Quebec model satisfies the challenge for models of cultural pluralism that Paquet highlights below:

> Citizenship has become a crucible in which a *new identity* is always in the process of being forged, when it becomes understood that any identity or citizenship is always in transition, and therefore *intégration sans assimilation* becomes a concept that is not an oxymoron.... In that sense, citizenship conditions may be negotiated in a manner that would recognize both the *diversity* of the social fabric and the need for some *unifying* concept to provide a linking force.... The notion of citizenship would recognize the patchwork quilt social fabric without losing sight of the need to channel the energy of this varied group into a well-defined direction.[66]

Interculturalism as a model for addressing polyethnicity represents a forum for citizen empowerment, not retrenchment. From the initial premise that a national culture consists of a "daily plebiscite," in Renan's conceptualization, the Quebec model rests on the idea that the common public culture be inclusive of all groups in its changing and evolutionary fabric. Jeremy Webber has located this dynamic aspect of a national identity in the idea that communities are forged through public debates in a common language through time. Shared values in themselves do not provide the sense of allegiance necessary for a national collectivity to thrive. Indeed, disagreements about the major orientations of society are perhaps emblematic of a healthy political community because they demonstrate that people are concerned with the state of the community. The democratic quality of a constantly changing political community lies precisely in the idea that citizens are able to identify with and impact on the current streams of public debate in society, and this requires that citizens interact within the framework of a common vernacular.[67] In short, Carens states it succinctly: "In integrating immigrants, Quebec is transforming not only their identity but its own as well."[68] As such, the French language is not meant to define a static culture into which immigrants and cultural minorities are expected to "melt." Rather, French is the conduit through which the disagreements, contentions, and conflicts inherent in a culturally diverse society can be aired in a situation of normal politics. In the end, participation implies some degree of political conflict. In the Quebec model this attribute of a national identity is explicitly acknowledged; everybody is given the means by which to identify with and impact on the public debates of the day. The political community is based on a shared language, and challenges to the prevailing tenets of the "national culture" are not viewed as threatening, but are encouraged as a normal and healthy effect of democratic deliberation.

This discussion is not meant as a radical argument for post-national identity politics, indeed, the normative merits of unity in any given state have been explicitly acknowledged. Nor is it meant to prescribe a formula for unity

in a specifically federal context. It merely seeks to demonstrate that Canadian multiculturalism has been and continues to be a product of nation-building efforts, and not a genuine commitment to the main tenets of ideological multiculturalism. In other words, it continues to be an element of a political strategy by the central state to forge a strong commitment, by its citizens, to Canada as a single and unified political community. Canadian multiculturalism should not be viewed as an example of the emerging ideology of multiculturalism and its implications for the redefinition of the legitimacy of nation-states in the case of polyethnic societies. The main tenets of Canadian citizenship status are not that far off from those of the United States. This is reminiscent of a statement by Joppke in looking at the effects of multiculturalism in the real world:

> liberal states are reluctant to impose particular cultural forms on its [sic] members, aside from a procedural commitment to basic civic rules.... There is a widely held sense that forced assimilation or acculturation violates the integrity and dignity of the individual, whose cultural habits should be a matter of his or her choice alone. To a certain degree, liberal states today are necessarily multicultural.[69]

Indeed, the place of culture in Canadian conceptions of citizenship is liberal, it is about building a nation based on universal principles. A model of cultural pluralism along the lines of Quebec interculturalism, we argue, makes a more serious effort to balance the prerogatives of unity with the preservation and flourishing of minority cultures. The enduring problem confronting the Quebec model, one that would have to be taken into account in any future attempts at empirical verification, is the idea of competing interpretations of citizenship by those targeted for integration in the first place. As Labelle and Levy have demonstrated in interviews with leaders of ethnocultural groups, there is ongoing ambivalence with regards to the legitimacy of the Quebec model in the eyes of ethnocultural groups. Any initiative by the Quebec state is often interpreted as a secessionist ploy, or a denial of Canadian space, to which allophones largely adhere. One leader put it succinctly:

> We emigrate to Canada, Canada grants us citizenship, Canada is a land of refuge and reception, Canada is hegemonic in its immigration policies; [and] Quebecers of French-Canadian origin themselves suffer from ambivalence and share a double-reference — they define themselves ... as a national minority, as an ethnic group, or as a Québécois majority and they themselves practice identity exclusion, reserving for themselves *Quebecness*.[70]

The Quebec model is unlike the others in that it is embedded in a larger struggle for national affirmation. The fact that it can legitimately be included as a model for integration at the very least demonstrates the strides that Quebec has made in the area of citizenship, and it is hoped that such conceptual overviews can spark some interest in more empirically-based research in the

future. Whether or not such research can be undertaken in a context of competing models of citizenship, within a single territory, should not undermine efforts to include conceptually the model of interculturalism in debates about recognition and integration in liberal democracies.

NOTES

1. V. Seymour Wilson, "The Tapestry Vision of Canadian Multiculturalism," *Canadian Journal of Political Science* 26,4 (1993):653.

2. Kymlicka and Norman note that citizens' perceptions about their political communities, their sense of belonging and level of commitment, have become an increasingly salient concern for contemporary political theorists, and that this is partly due to the challenge of integrating minority groups in established liberal democracies. In their words, "the health and stability of a modern democracy depends, not only on the justice of its institutions, but also on the qualities and attitudes of its citizens: e.g. their sense of identity, and how they view potentially competing forms of national, regional, ethnic or religious identities; their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process in order to promote the public good and hold political authorities accountable; ... Without citizens who possess these qualities, the ability of liberal societies to function successfully progressively diminishes." Will Kymlicka and Wayne Norman, eds., *Citizenship in Diverse Societies* (Oxford: Oxford University Press, 2000), p. 6.

3. Kas Mazurek, quoted in Vince Seymour Wilson, "Canada's Evolving Multiculturalism Policy," in *Canada's Century: Governance in a Maturing Society*, ed. C.E.S. Franks *et al.* (Montreal: McGill-Queen's University Press, 1995), p. 165.

4. Noreen Golfman, "Locating Difference: Ways of Reading Multiculturalism," *Mosaic* 29, 3 (1996):175.

5. Marek Debicki, "The Double Mythology of Multiculturalism in Canada," in *Twenty Years of Multiculturalism: Successes and Failures*, ed. Stella Hryniuk (Winnipeg: St. John's College Press, 1992), p. 29.

6. Danielle Juteau, "Citoyenneté, intégration et multiculturalisme canadien," in *Dual Images: Multiculturalism on Two Sides of the Atlantic*, The Royal Academy of Canada and the Institute for Political Science of the Hungarian Academy of Sciences (Budapest, 1996), pp. 173-74.

7. Wilson, "The Tapestry Vision of Canadian Multiculturalism," p. 654.

8. Alain-G. Gagnon, "Plaidoyer pour une commission nationale sur la citoyenneté québécoise," *Le Devoir*, 15 June 2001, p. A-7.

9. François Rocher and Micheline Labelle, "De la légitimité d'une loi fondamentale québécoise: La citoyenneté et l'unité canadienne," *Le Devoir*, 20 June 2001.

10.   Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995), p. 193.

11.   Christian Joppke, "Multiculturalism and Immigration: A Comparison of the United States, Germany and Great Britain," *Theory and Society* 25(1996):449.

12.   Ibid., p. 452.

13.   Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), p. 7.

14.   For more on multiculturalism's challenge to liberal models of citizenship, see Andrea Semprini, *Le multiculturalisme* (Paris: Presses universitaires de France, 1997).

15.   Young, *Inclusion and Democracy,* See in particular ch. 3, where Young offers a review of arguments which "construct group specific justice claims as an assertion of group identity, and argue that the claims endanger democratic communication because they only divide the polity into selfish interest groups," p. 83.

16.   Kymlicka, *Multicultural Citizenship*, pp. 174-75.

17.   W.W. Isajiw, "Social Evolution and the Values of Multiculturalism." Paper presented at the Ninth Biennial Conference of the Canadian Ethnic Studies Association, Edmonton, Alberta, 14-17 October 1981, cited in Evelyn Kallen, "Multiculturalism: Ideology, Policy and Reality," *Journal of Canadian Studies* 17, 1 (1982):52.

18.   Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutman (Princeton, NJ: Princeton University Press, 1994), p. 25.

19.   Joppke, "Multiculturalism and Immigration," p. 454. Joppke compares Germany, Great Britain and the United States.

20.   John J. Miller, *The Unmaking of Americans: How Multiculturalism has Undermined the Assimilation Ethic* (New York: The Free Press, 1998), p. 24.

21.   Stanley M. Katz, "The Legal Framework of American Pluralism," in *Beyond Pluralism: The Conception of Groups and Group Identities in America*, ed. Wendy F. Katkin, Ned Landsman and Andrea Tyree (Chicago: University of Illinois Press, 1998), p. 12.

22.   Ibid., p. 14.

23.   Ibid., p. 15.

24.   See, for example, Arthur M. Schlesinger, Jr., *The Disuniting of America* (New York: W.W. Norton and Company, 1998); Dinesh D'Souza, *The End of Racism: Principles for a Multiracial Society* (New York: Free Press, 1995); Alvin J. Schmidt, *The Menace of Multiculturalism: Trojan Horse in America* (Westport, CT: Praeger Publishers, 1997); and Miller, *The Unmaking of Americans.*

25.   Nathan Glazer (1983 and 1978), quoted in Will Kymlicka, "Ethnicity in the USA," in *The Ethnicity Reader: Nationalism, Multiculturalism and Migration*, ed. Montserrat Guibernau and John Rex (Cambridge: Polity Press, 1997), p. 243.

26. Schlesinger, Jr., *The Disuniting of America*, p. 17.

27. Jürgen Habermas, *Écrits politiques* (Paris: Cerf, 1990).

28. For more on the historical significance of the "third element" in the enactment of formal multiculturalism in Canada, see Robert F. Harney, "So Great a Heritage as Ours: Immigration and the Survival of the Canadian Polity," *Daedalus* 117 (1988):51-97.

29. Yasmeen Abu-Laban, "The Politics of Race, Ethnicity and Immigration: The Contested Arena of Multiculturalism into the Twenty-First Century," in *Canadian Politics*, 3d ed., ed. James P. Bickerton and Alain-G. Gagnon (Peterborough: Broadview Press, 1999), p. 465.

30. Raymond Breton, "Multiculturalism and Canadian Nation-Building," in *The Politics of Gender, Ethnicity and Language in Canada*, ed. Alan C. Cairns and Cynthia Williams (Toronto: University of Toronto Press, 1986), p. 48.

31. Harney, "So Great a Heritage as Ours," p. 69.

32. Pierre Elliott Trudeau (1971), cited in Linda Cardinal and Claude Couture, "L'immigration et le multiculturalisme au Canada: la genèse d'une problématique," in *Les politiques publiques canadiennes*, ed. Manon Tremblay (Sainte-Foy: Les Presses de l'Université Laval, 1998), pp. 249-50. According to Kas Mazurek, Trudeau's motivation for multiculturalism within a bilingual framework was not motivated by a genuine commitment to the flourishing and preservation of minority cultures. Rather, it was part of Trudeau's vision for Canada based on his conception of a "just society," in which attachment to the country for all Canadians was to be established on reason and fair socio-economic opportunity, not emotional ties to any particular ethnic group. Mazurek, "Canada's Evolving Multiculturalism Policy," p. 20. For more on Trudeau's ideological inclinations and the "just society," see Michael Behiels, *Prelude to Quebec's Quiet Revolution: Liberalism vs. Neo-Nationalism, 1945-1960* (Montreal: McGill-Queen's University Press, 1985).

33. Kallen, "Multiculturalism," p. 54.

34. *House of Commons Debates*, 8 October 1971. Statement of Prime Minister Trudeau.

35. Abu-Laban, "The Politics of Race, Ethnicity and Immigration," p. 12.

36. Cardinal and Couture, "L'immigration et le multiculturalisme au Canada," p. 251.

37. Abu-Laban, "The Politics of Race, Ethnicity and Immigration," p. 13.

38. Wilson, "The Tapestry Vision of Canadian Multiculturalism," p. 657.

39. Rainer Knopff and F.L. Morton, *Charter Politics* (Scarborough: Nelson Canada, 1991), p. 88.

40. Will Kymlicka, *Théories récentes sur la citoyenneté* (Ottawa: Multiculturalism and Citizenship Canada, 1992), p. 40, quoted in Micheline Labelle, *Immigration et diversité ethnoculturelle: Les politiques québécoises*, Cahiers du Programme d'études sur le Québec, McGill University, No. 13 (September 1998), p. 13.

41. The Couture-Cullen Agreement, signed in 1978, would grant extensive powers in recruitment and reception to the Quebec government.

42. Michael D. Behiels, *Quebec and the Question of Immigration: From Ethnocentrism to Ethnic Pluralism, 1900-1958* (Ottawa: Canadian Historical Association, 1991).

43. Marcel Gilbert, *Autant de façons d'être Québécois. Plan d'action à l'intention des communautés culturelles* (Quebec: Ministry of Communications, Direction générale des publications gouvernementales, 1981).

44. For more on the conceptualization of the principles of the "common public culture" as it is understood in Quebec, see Julien Harvey, "Culture publique, intégration et pluralisme," in *Relations* (October 1991); and Gary Caldwell, "Immigration et la nécessité d'une culture publique commune," in *L'Action Nationale* 78, 8 (1988).

45. Gouvernement du Québec, *Au Québec pour bâtir ensemble. Énoncé de politique en matière d'immigration et d'intégration* (Quebec: Ministère des Communautés culturelles et de l'Immigration du Québec, Direction des communications, 1990), p. 15.

46. Gouvernement du Québec, Conseil des relations interculturelles, "Culture publique commune et cohésion sociale: le contrat moral d'intégration des immigrants dans un Québec francophone, démocratique et pluraliste," in *Gérer la diversité dans un Québec francophone, démocratique et pluraliste: principes de fond pour guider la recherche d'accommodements raisonnables* (1994), p. 11.

47. Joseph H. Carens, *Culture, Citizenship and Community: A Contextual Exploration of Justice and Evenhandedness* (Oxford: Oxford University Press, 2000), p. 131.

48. François Rocher, Guy Rocher and Micheline Labelle, "Pluriethnicité, citoyenneté et intégration: de la souveraineté pour lever les obstacles et les ambiguïtés," *Cahiers de recherche sociologique* 25 (1995):221.

49. Ibid., p. 225.

50. France Giroux, "Le nouveau contrat national est-il possible dans une démocratie pluraliste? Examen comparatif des situations française, canadienne et québécoise," *Politique et Societés* 16, 3 (1997):137.

51. Gouvernement du Québec (1990), *Au Québec pour bâtir ensemble*, p. 13.

52. Harvey, "Culture publique, intégration et pluralisme," "Intégration dit contact culturel intermédiaire entre l'assimilation et la juxtaposition, tenant compte des deux cultures en contact et constituant une nouvelle synthèse et une nouvelle dynamique," p. 239.

53. Michel Pagé, "Intégration, identité ethnique et cohésion sociale," *Pluriethnicité et société: construire un espace commun*, ed. Ouellet and Pagé (Québec: Institut québécois de recherche sur la culture (IQRC), 1991), pp. 146-47. (Our emphasis).

54. Gouvernement du Québec, *La gestion de la diversité et l'accommodement raisonnable* (Montreal: Ministère des Communautés Culturelles et de

l'Immigration, 1993), quoted in Rocher *et al.*, "Pluriethnicité, citoyenneté et intégration," p. 225.

55. Morton Weinfeld, "Myth and Reality in the Canadian Mosaic: 'Affective Ethnicity,' " *Canadian Ethnic Studies* 13 (1981):94.

56. Gilles Bourque and Jules Duchastel, "Multiculturalisme, pluralisme et communauté politique: le Canada et le Québec," in *Mondialisation, Citoyenneté et Multiculturalisme*, ed. Mikhaël Elbaz and Denise Helly (Sainte-Foy : Les Presses de l'Université Laval, 2000).

57. Kymlicka, "Ethnicity in the USA," p. 240. See also Bourque and Duchastel, "Multiculturalism," p. 159, where the authors argue that Canadian multiculturalism is in large part a product of the refusal that the country be defined in multinational terms. The Canadian political community was thus in itself founded on this negation of multinationality precisely because of the perceived imperative to negate Quebec's place as a "national minority."

58. For more on the distinction between national minorities and polyethnic communities in the framing of citizenship status, see Gilles Paquet, "Political Philosophy of Multiculturalism," in *Ethnicity and Culture in Canada*, ed. J.W. Berry and J.A. Laponce (Toronto: University of Toronto Press, 1994), pp. 60-79.

59. For more on the idea that official multiculturalism represents a wholesale redefinition of Canada's constitutional order in terms of collective identity references, see Fernand Dumont, "La fin d'un malentendu historique," in *Raisons Communes* (Montréal: Boréal, 1995), pp. 33-48; and Gilles Bourque and Jules Duchastel, "La représentation de la communauté," in *L'identité fragmentée* (Montréal: Éditions Fides, 1996), pp. 29-51.

60. Giroux, "Le nouveau contrat national est-il possible dans une démocratie pluraliste?" p. 141.

61. Gilles Bourque, Jules Duchastel and Victor Armony, "De l'universalisme au particularisme: droits et citoyenneté," in *L'Amour des Lois*, ed. Josiane Ayoub, Bjarne Melkevik and Pierre Robert (Sainte-Foy/Paris: Presses de l'Université Laval/l'Harmattan, 1996), p. 240.

62. Kymlicka's work is mainly directed toward the contentions of Neil Bissoondath. Bissoondath argues that in the Canadian model minority cultures are recognized, *a priori*, in a vacuum of space and time, which tend towards ghettoization and fragmentation in terms of allegiance to a larger polity. Bissoondath develops this point forcefully, labelling the phenomenon "cultural apartheid." The contention here is that multiculturalism in effect defines culture provisionally — in a static sense — and prohibits full social interactivity. In other words, the dynamic nature of cultural sources of meaning are neglected, resulting in the stagnant "folklorization" or "commodification" of cultural production, reducing culture to "a thing that can be displayed, performed, admired, bought, sold or forgotten ... [it is] a devaluation of culture, its reduction to bauble and kitsch." As such, neither unity nor citizen dignity accrued from cultural recognition is achieved here. This is the result of recognizing cultures in juxtaposition without any expectation that such cultures may contribute to the overall direction of the

larger society in an evolutionary interplay of ideas. The substantive elements of minority cultures — their bases of meaning — are virtually pre-determined and unchanging, disregarding the very real effects of displacement into a new context. See Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Toronto: Oxford University Press, 1998); and Neil Bissoondath, *Selling Illusions: The Cult of Multiculturalism in Canada* (Toronto: Penguin Books, 1994), p. 83.

63.   Kymlicka, *Finding Our Way*, pp. 17-19.

64.   Joseph H. Carens, *Culture, Citizenship and Community*, p. 128.

65.   Harvey, "Culture publique, intégration et pluralisme," p. 241. (Our emphasis.)

66.   Paquet, "Political Philosophy of Multiculturalism," p. 74.

67.   Jeremy Webber, *Reimagining Canada: Language, Culture, Community and the Canadian Constitution* (Montreal: McGill-Queen's University Press, 1994). See in particular Chapter 6, "Language, Culture and Political Community," pp. 183-229.

68.   Carens, *Culture, Citizenship and Community*, p. 133.

69.   Joppke,"Multiculturalism and Immigration," p. 454.

70.   Labelle, *Immigration et diversité ethnoculturelle*, p. 14.

14

Communities in Conflict: Nova Scotia after the *Marshall* Decision

Ian Stewart

Le 17 septembre 1999, la Cour suprême du Canada a acquitté Donald Marshall Jr. des charges de pêche et de vente d'anguilles sans permis qui pesaient sur lui. Selon la cour, Marshall était protégé par les termes du Traité de Paix et d'Amitié de 1760 passé entre la couronne britannique et les Micmacs. À court terme, la décision Marshall a provoqué de nombreuses confrontations entre les pêcheurs autochtones et non-autochtones. À long terme, on peut douter que la communauté non-autochtone réponde favorablement aux plaintes autochtones actuelles. Premièrement, il y a désaccord à propos de l'origine de ce droit autochtone de pêche et par conséquent, de sa pertinence. Deuxièmement, il y a une réticence croissante dans la communauté non-autochtone d'accepter cette sorte de droit particulier réclamé par plusieurs porte-parole micmacs. Troisièmement, il y a un même niveau d'aversion chez les non-autochtones à reconnaître des droits collectifs en opposition à des droits individuels. Finalement, la relative rareté des ressources qui peuvent être récoltées érafle le mince vernis de bonne volonté non-autochtone envers les Micmacs de la Nouvelle-Écosse.

Twice in his lifetime, Donald Marshall, Jr. has come to symbolize the contradictions which exist between Nova Scotia's Aboriginal and non-Aboriginal populations. The details of the first of these are familiar to most Canadians. In 1971, Marshall, a young Mi'kmaq from Cape Breton, was wrongfully convicted of murder and served 11 years behind bars before his innocence was established. Under some pressure, John Buchanan's Progressive Conservative government appointed a Royal Commission to account for this miscarriage of justice. The commission's report, released in January 1990, was scathing. Noting that "the criminal justice system failed Donald Marshall, Jr. at virtually every turn,"[1] that, by contrast, senior Cabinet ministers Billy Joe MacLean and Rollie Thornhill had seemingly received preferential treatment under the

law, the commissioners recommended sweeping alterations to the administra-
tion of justice in Nova Scotia. To its credit, the provincial government enacted
most of the changes sought by the commission; the goal, as articulated by
then Attorney General Joel Matheson, was "to ensure that all Nova Scotians
receive fair and equal treatment before the law."[2] Of course not all Royal
Commissions are acted upon so promptly. In this instance, however, it was
clear that their recommendations coincided with the dominant understanding
of justice in Nova Scotia, one in which, as implied by Attorney General
Matheson, "fairness" and "equality" were regarded as essentially synonymous.

Within a decade, Donald Marshall, Jr. was once again the central figure in
a court case with profound implications for the Aboriginal and non-Aboriginal
peoples of Nova Scotia. On this occasion, his alleged offense was less severe;
Marshall had been charged (and, initially, convicted) with fishing eels out of
season and selling his catch without a licence. Ultimately, Marshall's convic-
tion was quashed by the Supreme Court of Canada who ruled, by a 5 to 2
majority, that his actions were sanctioned under eighteenth-century treaties
signed between the Mi'kmaq and the British Crown. I will explore some of
the implications of this decision later in the chapter. It is important to empha-
size at the outset, however, that the outcome of the second Marshall case
represents a more fundamental challenge to Nova Scotia's non-Aboriginals
than did the first. At issue is whether the overwhelming proportion of Nova
Scotians can accept a conception of justice in which fairness is best served by
difference, rather than equality.[3] Ultimately, I conclude that, notwithstanding
the decisions of the Supreme Court, it will be difficult for non-natives to coun-
tenance a special and collective Aboriginal right to fish.

It seems fair to say that the Mi'kmaq have struggled, almost since the first
contact with Europeans, to find an appropriate niche in Nova Scotia society.
Admittedly, the provincial coat of arms gives a Mi'kmaq brave equal promi-
nence with the royal unicorn. The provincial motto of "Munit Haec et Altera
Vincit," however, can be loosely translated as "One defends and the other
conquers," and there can be little confusion about which is which.[4] For al-
most a hundred years prior to the mid-eighteenth century, the British and the
French were at war more often than not. In the Nova Scotia theatre, the
Mi'kmaq were typically allies of the latter, having been not only early con-
verts to Roman Catholicism, but also the recipients of the more generous French
approach to gift-giving.[5] Only with the final defeat of the French in North
America were the British also able to exercise dominance over the Mi'kmaq,
and a series of treaties was drawn up to formalize this arrangement. There-
after, the decline of the Mi'kmaq was precipitous. One observer notes that by
1783, "the Indians (of Nova Scotia) were to be feared no longer, courted no
more. They had been transformed from dreaded warriors into dispossessed
wanderers within a single generation."[6] Although the Mi'kmaq had been

pushed off their traditional hunting lands and ravaged by imported diseases, a penurious colonial administration provided only enough relief funds to avoid outright starvation, and attempts to establish Mi'kmaq farming communities invariably foundered on the insouciant defiance of European squatters.

By the mid-nineteenth century, a system of Mi'kmaq reserves had been established, and the sharp decline in population (from an estimated high of 100,000 to less than a tenth of that figure)[7] had been arrested. Since Confederation, the number of Nova Scotia Mi'kmaq has edged steadily upward; the provincial Aboriginal Affairs office reports that, as of 1998, there were 11,748 registered Mi'kmaq in Nova Scotia (of which approximately one-third lived off reserve).[8] Given that this figure constitutes just over 1 percent of the Nova Scotia population and given, as well, that the principal legislative competence over Aboriginal peoples resides in Ottawa, it is not surprising that the Mi'kmaq voice has seldom been heard in provincial politics. Admittedly, Nova Scotia enfranchised its Aboriginal voters prior to World War II (well before any other jurisdiction in the country);[9] however, the province has never had a Mi'kmaq member of the Legislative Assembly, and internecine squabbling between bands in Cape Breton and the mainland has hamstrung any attempts to institute special Aboriginal representation at Province House.

Accompanying this political marginalization has been a disquieting level of socio-economic deprivation. Most Canadians are familiar with the depressing litany of social ills that pervade many Aboriginal communities: few opportunities for economic advancement, high levels of substance abuse, and the like. Unfortunately, the Nova Scotia Mi'kmaq do not deviate markedly from this general pattern. In December 1999, for example, the Membertou band made national headlines when it was revealed that four boys between the ages of nine and thirteen had attempted a multiple suicide.[10] Accompanying such social anomie has typically been an entrenched economic malaise. One study from the late 1970s discovered that 72 out of 80 families in Nova Scotia's second largest reserve collected welfare at some point in the year;[11] a second revealed that less than one-quarter of adult Mi'kmaq enjoy regular employment,[12] and more recent studies have been scarcely more encouraging.[13] Much of the reaction to the *Marshall* Decision, from both Aboriginals and non-Aboriginals alike, must be understood in the context of this endemic socio-economic distress.

That the Supreme Court would uphold Donald Marshall, Jr.'s Aboriginal rights should not, in retrospect, have been particularly surprising. Admittedly, the decision seemed to catch the federal government offguard, despite warnings of potential trouble from both the RCMP and CSIS well in advance of the ruling. Somewhat defensively, Indian Affairs Minister Bob Nault acknowledged that it's "always possible that we could be better prepared, but how far can you go with this when in fact the courts have been unpredictable up to

now."[14] To be fair, the ruling may also have surprised Nova Scotia's Mi'kmaq community. As Chief Frank Meuse, Jr. of the Bear River First Nation put it: "The DFO didn't have a contingency plan, but then again neither did we."[15]

In fact, the Supreme Court has not been especially "unpredictable" in its rulings on Aboriginal matters. On the contrary, it is possible to detect a growing judicial sympathy for Aboriginal rights. Under the principle of *stare decisis*, one might have expected the Supreme Court to adhere to the 1888 decision of the Judicial Committee of the Privy Council in the *St. Catherines Milling* case. With that ruling, the Aboriginal link to the land was adjudged to be usufructory, rather than an instance of ownership; full title, therefore, rested with the Crown. It was not until 1973 that the Supreme Court revisited and revised this understanding. In the *Calder* case, six of seven justices acknowledged that Aboriginal title to the land had, in fact, existed, although three of this group adjudged it to have been extinguished in the particular case of the Nisga'a.

Judicial enthusiasm for Aboriginal rights was almost certainly accelerated by the newly patriated constitution. Section 35(1) of the *Constitution Act, 1982* declared that the "existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." Notwithstanding the opacity of this provision (Did its framers intend this box be empty or full, frozen or evolving?), the Supreme Court was thus provided with an opening to expand Aboriginal rights "to far beyond what courts were willing to recognize or accept only a few decades ago."[16] Although their particulars need not detain us here, some cases are especially noteworthy, including *Simon* (which deemed that Aboriginal treaty rights trumped provincial hunting regulations), *Sioui* (which widened the legal definition of treaties), *Sparrow* (which concluded that the Aboriginal right to fish for food still existed in BC and that any federal restrictions required strict justification), and *Delgamuukw* (which rejected Aboriginal sovereignty, but which first laid down a set of criteria for the establishment of Aboriginal title; second, determined that this could only be extinguished by the federal government; and third, concluded that in the particular case of the Gitksan and Wet'suwet'en peoples, this had yet to happen).[17] Small wonder, therefore, that during the constitutional discussions of the mid-1980s, provincial premiers were adamant that it would be legislatures, rather than courts, that would define the terms and conditions of Aboriginal self-government.[18] Even so, had the ill-fated Charlottetown Accord of 1992 actually been entrenched in the Canadian constitution, the court's role in affirming and interpreting Aboriginal rights would certainly have been greatly expanded. Section 35.1 (3) of that document specified that, consistent with their "inherent right of self-government," the Aboriginal peoples had the authority:

(a) to safeguard and develop their languages, cultures, economies, identities, institutions and traditions, and

(b) to develop, maintain and strengthen their relationships with their lands, waters and environment, so as to determine and control their development as peoples, according to their own values and priorities and to ensure the integrity of their societies.[19]

Needless to say, had those provisions been constitutionalized, no one would have been caught off guard by the *Marshall* Decision.

To the uninitiated, the Court's decision in the *Marshall* case may seem somewhat surprising. Certainly, the facts of the case were not in dispute. All sides agreed that, Donald Marshall, Jr. had caught and sold eels without the appropriate licences and that moreover, he had done so with a prohibited net and out of season. Marshall's lawyers contended that, notwithstanding the negative verdicts rendered at both the initial trial and at the Nova Scotia Court of Appeal, Marshall was protected by the terms of a 1760 Treaty of Peace and Friendship between Governor Charles Lawrence and Mi'kmaq Chief Paul Laurent. Under the relevant section of that document, the Mi'kmaq pledged, "that we will not traffick, barter or Exchange any Commodities in any manner but with such persons or the managers of such Truck houses as shall be appointed or Established by His Majesty's Governor at Lunenbourg or Elsewhere in Nova Scotia or Accadia."[20] On the face of it, this clause would seem to restrict, rather than enhance, the position of the Mi'kmaq vis-à-vis the British Crown, by enforcing an eighteenth-century equivalent of "the company store."

In reality, truck houses had only a brief existence in Nova Scotia. The British Crown had promised in the Treaty of 1752 to establish truck houses "wherever the Indians desired," although the Mi'kmaq were still "to have full liberty to market all supplies anywhere in the colony."[21] In fact, this pledge was basically ignored for the succeeding eight years. Only after the Treaty of 1760 did the British appoint six truck masters.[22] Unfortunately, the volume of trade was insufficient to keep their enterprises solvent, and the entire system was scrapped in 1764. For the next four years, the terms of Anglo-Mi'kmaq trade were significantly liberalized, although it was still confined to five specific locales in the province. In 1768, however, even this more modest arrangement was overturned; thereafter, matters of trade with the native people were to be left to the discretion of the colonial authorities.

Taken at face value, it may seem implausible that this brief treaty-mandated experiment with truck houses in the mid-eighteenth century could serve as the basis of a successful defence for Donald Marshall, Jr. Nevertheless, five of seven Supreme Court justices thought otherwise. First, the justices concluded that even in the absence of any textual ambiguity, extrinsic evidence about the motivations and beliefs of the treaty's signatories should be considered.[23] The justices were persuaded that the actual terms of the treaty did not come close to capturing fully the understanding of the British and Mi'kmaq negotiators. As the judgement declared:

It is the common intention of the parties in 1760 to which effect must be given. The trade clause would not have advanced British objectives (peaceful relations with a self-sufficient Mi'kmaq people) or Mi'kmaq objectives (access to the European "necessaries" on which they had come to rely) unless the Mi'kmaq were assured at the same time of continuing access, implicitly or explicitly, to a harvest of wildlife to trade.

Second, much was made of the ongoing moral obligation of the Crown to avoid profiting from "sharp practices" in its dealings with the Mi'kmaq. If British negotiators made oral promises about trading arrangements with their native counterparts, then these must be respected even in the absence of any specific textual reference to same. Justice Binnie spoke for the majority on this point when he claimed: "I do not think an interpretation of events that turns a positive Mi'kmaq trade demand into a negative Mi'kmaq covenant is consistent with the honour and integrity of the Crown."

Third, although two of their colleagues explicitly dissented on this point, a majority of the justices maintained that the Mi'kmaq right to harvest and trade wildlife did not lapse with the termination of the truck houses specified in the treaty. "The promise of access to 'necessaries' through trade in wildlife was the key point," they insisted, "and where a right has been granted, there must be more than a mere disappearance of the mechanism created to facilitate the exercise of the right to warrant the conclusion that the right itself is spent or extinguished." And in the absence of such extinguishment, section 35 (1) of the *Constitution Act, 1982* guarantees a "higher protection" for the Mi'kmaq treaty right to hunt, fish, and trade.

Finally, the Court also sketched out some limitations on the potential exercise of this treaty right. The justices were convinced that the Treaty of 1760 had been designed, in part, to assist the Mi'kmaq in securing "necessaries"; the late twentieth century analogue of this concept was deemed to be "a moderate livelihood." Therefore, the Mi'kmaq had a treaty right to hunt and fish in order to secure "food, clothing and housing supplemented by a few amenities"; this right did not, however, mandate "the open-ended accumulation of wealth," and present-day governments would be perfectly justified in setting catch limits to prevent same.

The blanket prohibitions of the *Fisheries Act*, under which Marshall had been charged, were manifestly inconsistent with the thrust of this ruling. Moreover, Marshall and his fishing companion had only received $787.10 for the 463 pounds of eels that they had caught in Pomquet Harbour; by almost any standard, this was closer to "a moderate livelihood" than to "the open-ended accumulation of wealth." Accordingly, on 17 September 1999, the Supreme Court acquitted Donald Marshall, Jr. on all charges.

The response to the ruling was immediate. Within a week, tensions between Aboriginal and non-Aboriginal fishermen had escalated dramatically. For the latter, the *Marshall* Decision signified an obvious challenge to their

livelihood. If large numbers of Aboriginal fisherman were permitted to oper-
ate year-round (even if only to garner "a moderate livelihood"), would fish
stocks fall precipitously? With the failure of the cod fishery serving as an
ongoing reminder of "the tragedy of the commons," few non-Aboriginals
seemed sanguine about the outcome. "There's a mess here. I just hope that
nobody gets hurt," declared Harold Theriault, President of the Bay of Fundy
Inshore Fishermen's Association. "There's fear here and anger. I was even
getting threats myself."[24]

In contrast, Aboriginal spokesmen were jubilant. "The non-Indians don't
want to share," claimed Chief Lawrence Paul, co-chair of the Atlantic Policy
Congress of First Nations Chiefs. "But due to the Supreme Court decision,
the rules of the game have changed and they'll have to share, whether they
like it or not."[25] And while the *Marshall* case may have been precipitated by
an unsanctioned harvest of eels, many perceived the decision to extend to
other natural resources. Hence, lawyers for Joshua Bernard, a New Bruns-
wick Mi'kmaq charged with illegally cutting timber on Crown land, were quick
to claim that the Supreme Court's ruling would result in their client's acquit-
tal. "The *Marshall* case is extremely significant," noted Bruce Wildsmith.
"We're going to have to put the point to [Judge Dennis Lordin] and he is
going to have to decide whether logs are in the same position as eels."[26] Others
saw the Court's decision as extending well beyond traditional Mi'kmaq ac-
tivities of hunting, fishing, and gathering. Rick Simon, the Atlantic regional
vice-chief for the Assembly of First Nations suggested, for instance, that the
Mi'kmaq were now assured access to such resources as minerals and even the
natural gas fields off Sable Island. "As far as we're concerned," claimed Simon,
"the principle is the same for any business" and "the right to earn a moderate
living without government interference" is "not limited to hunting, fishing,
and logging."[27]

Somewhere between the despair of the non-Aboriginal fishermen and the
jubilation of the status Indians could be found the response of the non-status
natives. Members of this group could legitimately claim some ties by blood to
the Mi'kmaq elders who, over two centuries previously, had signed treaties
with the British Crown. Accordingly, they insisted that, notwithstanding the
lack of legal status under the *Indian Act*, they were fully entitled to all rights
and benefits flowing from the *Marshall* Decision. "Because all of the people
don't meet the Indian Act requirements (of) our great white brother of who is
and isn't an Indian ... people are being excluded from their rights," claimed
Tim Martin of the Native Council of Nova Scotia. "The [1760–61] treaties
applied to everyone in the Mi'kmaq nation. The treaties don't talk about sta-
tus and non-status Indians."[28] It soon became clear that no other group was
prepared to support this position. Status Indians were particularly anxious
that the federal government crack down on "poachers" from the non-status
community. "The line in the sand right now is the Indian Act," claimed Rick

Simon of the Assembly of First Nations. "Everyone else's not supposed to be in the water."[29] Non-Aboriginal fishermen echoed this sentiment; if the *Marshall* Decision extended treaty rights to non-status fishermen with as little as 12 percent native ancestry, then the prospects of a sustainable fishery would be appreciably dimmed. Ottawa may have been unprepared for the *Marshall* Decision, but on this matter they moved with some alacrity; two weeks after the ruling, the Department of Fisheries and Oceans (DFO) announced that the *Marshall* treaty rights did not apply to non-status Indians and that even this group's right to a food fishery was being suspended.

That it was DFO who stepped forward as the mouthpiece of the federal government at this time was highly significant. The Supreme Court may have ruled that a treaty right to an Aboriginal fishery existed, but that right cut messily across two federal departments: the Department of Fisheries and Oceans and the Department of Indian Affairs and Northern Development (DIAND). Determining which of these would be the lead actor on Ottawa's behalf must have involved two considerations. First, the federal government had to determine what, in jurisprudential terms, is dubbed "the leading aspect" of the issue; simply put, was an "Aboriginal fishery" more about "Aboriginals" or more about "fish?" Since few outside the legal community are able to answer such questions with any degree of confidence, the second consideration was likely decisive. Was Ottawa intent on shrinking the import of the *Marshall* ruling? If not, a prominent role would likely have been allocated to the Department of Indian Affairs and Northern Development and its minister, Bob Nault. After all, DIAND has an organizational culture geared to advancing the interests of its principal clients: Canada's Aboriginal peoples. Indeed, over half the Aboriginals who work in the federal civil service are located within the friendly confines of DIAND.[30] On those occasions in the fall of 1999 when Bob Nault spoke publicly, it was to offer soothing reassurances of Ottawa's fealty to the spirit of the *Marshall* ruling. While DFO spokespersons were explicitly denying rights to non-status Indians, Nault was much more ambivalent on the matter. "We're not saying they're going to be excluded," he told reporters at one point. "We're basically saying we're talking about a whole series of things and that's one of them."[31] On another occasion, Nault indicated, to the consternation of both opposition parliamentarians and provincial governments, that the implications of the *Marshall* Decision would likely extend well beyond the Atlantic fishery to include other resources in other parts of the country.[32] And with many voices calling for the Supreme Court to clarify the ambiguities in its decision, Nault stressed that he was opposed to further judicial involvement. "I've made it very clear to the ministers in the Atlantic provinces that I would prefer that we not do that," Nault observed, "because it also makes the relationship even that less trustworthy when Aboriginal peoples just continue to see governments trying to limit their rights and/or somehow delay the implications of their rights being in play."[33]

It was thus left to DFO and its minister, Herb Dhaliwal, to take the harder line against the Mi'kmaq. With the established regulatory regime of the fisheries thrown into at least temporary disarray by the *Marshall* ruling, clashes between Aboriginal and non-Aboriginal fishermen inevitably ensued. Much media attention was focused on Burnt Church, New Brunswick, where melees on the water were accompanied by fist-fights and arson on land (including the torching of a sacred native religious arbour on the reserve).[34] But Burnt Church was merely the most extreme instance of a more generalized phenomenon. Convinced that native fishermen (both status and non-status) were catching too many lobsters (and reported catches of $5,000/day might have been construed as exceeding the Supreme Court's "moderate livelihood" stipulation), non-native fishermen vandalized boats and traps with equal enthusiasm.[35] In Yarmouth, an armada of non-Aboriginal boats effectively blockaded eight Aboriginal boats inside the harbour. Under pressure from Herb Dhaliwal, some, but not all, of the Mi'kmaq chiefs agreed to a 30-day fishing moratorium. In the words of Chief Laurence Paul, chairman of the Assembly of Nova Scotia Mi'kmaq:

> As far as I can tell, we don't have any choice. The minister tells me he is reluctant to set aside the *Marshall* decision, but he has the authority to do it if he feels public safety is threatened ... I think we either declare the moratorium ourselves, or the government will.[36]

It was during this partial moratorium that the West Nova Fisherman's Coalition appealed to the Supreme Court for a rehearing and possible stay of the *Marshall* judgement. Erroneously, Indian Affairs Minister Nault was dismissive of this stratagem: "The courts have never, as I understand, ever allowed that to proceed in that fashion so I'm of the view that they'll basically say: 'Well, that's our ruling and you guys get on with doing your job.'"[37] In fact, when the Supreme Court denied the appeal on 17 November, they were substantially more verbose than Nault had predicted. In a 30-page ruling, the justices made several key points. First, the *Marshall* ruling applied only to a small-scale eel fishery; the justices had not intended their ruling to have any direct applicability to other natural resources. The issue of access to timber, minerals, natural gas and the like had simply not been raised at the *Marshall* trial and had thus not been considered by the Court. Indeed, one could not even generalize from the decision to other types of fisheries. "Conservation and other issues" raised in the harvesting of eels would differ significantly from those relevant to a salmon, crab, cod or lobster fishery. "The complexities and techniques of fish and wildlife management vary from species to species and restrictions will likely have to be justified on a species-by-species basis."[38]

Second, the Court indicated that Marshall's acquittal should not be interpreted to mean that the Mi'kmaq have an unregulated treaty right to fish

anything, even including eels. In the initial trial, the Crown had denied the existence of a treaty right to the eel fishery and had thus not attempted to legitimize the licensing restrictions and closed seasons they had imposed on the harvesting of eels (by Aboriginals and non-Aboriginals alike). Once the Court discovered the existence of the treaty right, the Crown's failure to justify its regulating regime demanded that Marshall be acquitted. The clear, albeit unspoken, message from the Court was that, notwithstanding the existence of the treaty right, even an Aboriginal eel fishery could be the subject of state regulation, as long as adequate justification for the infringement of the treaty right could be provided.

Finally, the Court emphasized that the Aboriginal treaty right is a "limited" right. This right does not trump the regulatory capacity of the state. With some unhappiness, the justices complained that the West Nova Fisherman's Coalition (and presumably others) had been labouring under "a misconception of what was decided on September 17, 1999." In a lengthy passage that deserves to be quoted in full, the court rammed this point home:

> The federal and provincial governments have the authority within their respective legislative fields to regulate the exercise of a treaty right where justified on conservation or other grounds. The *Marshall* judgement referred to the Court's principal pronouncements on the various grounds which the exercise of treaty right may be regulated. The paramount regulatory objective is conservation and responsibility for it is placed squarely on the Minister responsible and not on the aboriginal or non-aboriginal users of the resource. The regulatory authority extends to other compelling and substantial public objectives which may include economic and regional fairness, and recognition of the historical reliance upon and participation in, the fishery by non-aboriginal groups. Aboriginal people are entitled to be consulted about limitations on the exercise of treaty and aboriginal rights. The Minister has available for regulatory purposes the full range of resource management tools and techniques, provided their use to limit the exercise of a treaty right can be justified on conservation or other grounds.

On the face of it, the Supreme Court's 17 November ruling would seem to have been a hammer blow against Aboriginal aspirations for a self-managed, guaranteed-access fishery. Chief Lawrence Paul, co-chairman of the Atlantic Policy Congress of First Nations Chiefs, was livid upon first hearing of the ruling. "I'm flabbergasted and disappointed," he asserted. "The Supreme Court of Canada ... lost a lot of credibility with me today."[39] Nevertheless, Aboriginal spokespersons have continued to act on their (apparently mistaken) initial understanding of the *Marshall* Decision. Many Mi'kmaq bands have drafted their own conservation rules, issued their own licences, lobster tags, and the like, and fished without regard for DFO regulations. When, in February 2000, DFO seized two native crab boats for fishing in the wrong area off Nova Scotia's eastern shore, the response was immediate. One Mi'kmaq spokesperson noted that his people "believe deeply that the Supreme Court has upheld their right

to hunt and fish without heavy handed federal regulation." The community feeling was: "We have the right and the minister doesn't have the authority or justification for limiting that right."[40]

In response, the federal government has had to follow two conflicting imperatives. On the one hand, they have acknowledged the existence of a Mi'kmaq treaty right to engage in fishing for a moderate livelihood. Accordingly, they allocated $160 million to integrate Aboriginals into the existing fishery, by buying back the licences, boats, and gear of non-Aboriginal fishermen. On the other hand, Ottawa has felt compelled to demonstrate that regulation of the fishery ultimately lies in their hands. Hence, DFO spent an extra $13 million in 2000 to upgrade its surveillance equipment and hire more full-time enforcement officers in the Maritime provinces. Officially, the fisheries minister denied that Ottawa's decision to beef up its regulatory presence off the east coast was linked to the *Marshall* ruling. "If there is illegal or unauthorized fishing, whether it's aboriginal or non-aboriginal, I think that all of us want to make sure that we deal with it," noted Dhaliwal.[41] Yet the timing of the announcement can hardly have been coincidental, coming a scant ten days after the Burnt Church band announced that it was setting its own fishery rules: "We're just going to fish. It's our commercial right and we're going to exercise that right."[42] Since the *Marshall* Decision, Ottawa has tried to negotiate individual fishery management schemes with each of the Mi'kmaq bands in the Maritime provinces. In 2000, most of the 35 bands in the region did, in return for financial assistance, accept a specific allocation of the resource. Yet two high-profile bands (Shubenacadie and Burnt Church) steadfastly refused to sign on, and in the autumn months, tensions between the Burnt Church natives, the non-Aboriginal fishermen, and DFO enforcement officers again reached dangerously high levels.[43]

Whatever the short-term outcome of such confrontations, it behooves us to consider the long-term prospects of accommodating Aboriginal and non-Aboriginal interests in the east coast fishery (and elsewhere, for that matter). The discourse between the two groups has increasingly been couched in the vernacular of rights (in particular, the rights of the Aboriginal people). This is, however, a relatively recent phenomenon. Alan Cairns noted that prominent native activist Harold Cardinal had not even heard of "Aboriginal rights" in the mid-1960s; by 1982, however, the term had permeated our collective consciousness to such an extent that its constitutionalization raised few eyebrows.[44] Subsequent court rulings have made unambiguous references to the existence of "Aboriginal rights," and the *Marshall* Decision, notwithstanding the hedges and qualifications contained therein, did likewise. Can such rights be accommodated to the satisfaction of all interested parties? Sadly, there seem to be legitimate grounds for pessimism.

That a rights-based discourse can inhibit compromise and consensus is well-known, and the debate associated with the *Marshall* ruling is certainly

consistent with that truism. Consider, for example, the words of Phil Fontaine, then National Chief of the Assembly of First Nations, who, while calling for further negotiations between all parties, emphasized that natives must have "the only role when it comes to self-regulation of the fishing industry" and that this was "non-negotiable."[45] Or consider the words of Chief Lawrence Paul:

> Our position ... is we're going out to fish.... The non-native fisherman may complain, but we're there because we have a right. They're there because they have a privilege, granted through a license. Rights win over privileges every time.[46]

Even if such assertions are partially a function of pre-negotiation posturing, they effectively close down the prospects for interest accommodation. There is an absolutist quality to rights, which goes some way to explaining why the *Marshall* Decision (notwithstanding the lengthy attempt to clarify same) has so frequently been misconstrued. And if rights are not fully respected, the response is likely to be incendiary. Hence, Alex Denny, head of the Mi'kmaq Grand Council, warned the federal government against even attempting to negotiate catch limits with the natives. "Every solitary one of us will end up in a jail," asserted Denny, "and that will include the Grand Council because I'm going out [to fish]."[47]

It is important to emphasize that this polarizing rights rhetoric has not been exclusively the preserve of the status Mi'kmaq. Note the words of Mike Pictou, a non-status native. "I'm getting set to start another little war down here, I guess," claimed Mr. Pictou. "I know that I was born with these rights and the Supreme Court said it. So I'm going to go out and fish."[48] And while non-native fishermen have been less prone to participate in a rights discourse, their tone has been equally intransigent. Hence, Wayne Spinney, a spokesperson for the non-Aboriginal fishermen of southwestern Nova Scotia made a public call "to negotiate one-on-one" with Mi'kmaq representatives. Mr. Spinney's conception of "negotiation," however, seemed somewhat one-sided. "They are going to have to, sooner or later, consider our ultimatum," he claimed. "And that is our season, our rules, our regulations. No other way. That's it."[49]

Yet even leaving aside the typically bellicose nature of rights-based discourse, there are four reasons to doubt that Nova Scotia's non-Aboriginal community will respond favourably to current Aboriginal claims. First, there is disagreement about the wellspring of, and therefore the significance of, an Aboriginal right to fish. Second, there is a growing unwillingness in the non-Aboriginal community to countenance the sort of special, ascriptive right claimed by many Mi'kmaq spokespersons. Third, there is a similar level of non-Aboriginal reluctance to recognize collective, as opposed to individual, rights. Finally, the relative scarcity of the resource to be harvested easily punctures the thin veneer of non-Aboriginal goodwill toward Nova Scotia's Mi'kmaq peoples. We will consider each of these obstacles in turn.

To the non-Aboriginal, the *Marshall* ruling affirmed that the Mi'kmaq have a treaty right to fish, that is, a right based on a contract. There may be disagreement about the significance of the contract; one observer dismissed the Treaties of 1760–61 as nothing more than "200-year-old documents of British military convenience."[50] There may also be disagreement about the interpretation of that contract; Tom Flanagan, for one, claims that the *Marshall* ruling could only have been reached on the basis of "judicial legerdemain."[51] There may even be disagreement about whether the terms of that contract have been either fulfilled or extinguished, as was found by two of the seven Supreme Court justices. At the most, therefore, the non-Aboriginal community is prepared to acknowledge a limited Aboriginal right to fish derived exclusively from an historic contract.

To the Mi'kmaq people, however, their right to fish does not flow solely, or even principally, from the Treaties of 1760–61. Rather, they perceive those documents as merely ratifying a pre-existing right. There are generally claimed to be two sources of this right. The first of these is spiritual; as the 1980 Declaration of First Nations put it: "The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation."[52] The second source of this right, which also preceded the Treaties of 1760–61, is derived from the principle of first occupancy. Certainly, the Royal Commission on Aboriginal Peoples found this to be axiomatic. Aboriginal rights, according to the commission, are "rights that inhere in Aboriginal nations because of time-honoured relationships with the land, which predate European contact."[53] Or, as Phil Fontaine succinctly puts it: "The fact is, we are a special people. We were here first."[54] Yet if all Canadians are either immigrants or the offspring of same and if our increasingly secular society confines spirituality to the private sphere, then non-Aboriginals will be disposed to believe that Aboriginal fishing rights start and end with the Supreme Court's interpretation of the Treaties of 1760–61. To the Mi'kmaq, by contrast, considerations of spirituality and prior occupancy provide the moral foundation upon which treaty rights rest. From their perspective, hedging the latter is an affront to the former. Such cross-community disagreements about first premises are not conducive to a successful accommodation of diverse interests.

The second obstacle to a full recognition of Aboriginal fishery rights lies in their ascriptive character. Joanne Barnaby may claim that "aboriginal rights are only fundamental *human* rights that have yet to be recognized for aboriginal peoples,"[55] but, at least in the present context, this formulation is manifestly in error. A Mi'kmaq right to fish, whatever its foundation, is clearly a special right held by a particular group of people defined by law and/or by blood. While few would go as far as Oren Lyons ("We are the aboriginal people and we have the right to look after all life on this earth"[56]), Aboriginal spokespersons assume the existence of a privileged relationship with the resource. Nor, as is often the case with affirmative action programs, would this special right

lapse should the present-day economic disadvantages of the Aboriginal peoples be ameliorated.[57] On the contrary, Mi'kmaq fishery rights would stand as on-going claims against the wider community.

Such assumptions, however, are destined to make many non-Aboriginals uncomfortable. Canada may be a rights-conscious society, but rights that are universalistic, rather than particularistic, are much more likely to generate widespread enthusiasm.[58] Consider the response of non-Aboriginal political elites to the *Marshall* ruling. Initially, Nova Scotia Premier John Hamm urged the federal government to pursue a stay of the decision; notwithstanding Chief Laurence Paul's outburst that the prospect made him "want to puke," this option was apparently seriously considered by Prime Minister Chrétien.[59] Ultimately, the decision was made to pursue a regulatory regime that would accommodate the Aboriginal fishing rights identified in the *Marshall* ruling. For Nova Scotia's fisheries minister, Ernie Fage, however, this regime could make few concessions to special Aboriginal rights. "In our view, we need one fishery with one set of rules," he asserted. "That is one management plan, one conservation plan and the economic consequences of integrating [natives] into the fishery are certainly the responsibility of the federal government."[60] When federal parliamentarians addressed this question, they came to similar con-clusions. An all-party Commons committee recommended an extensive buy-back of existing fishing licences and their generous distribution to east coast Mi'kmaq. Thereafter, scant recognition of Aboriginal particularism would be apparent. "We're all pretty much in agreement that there should be one fishery, one set of regulations, one season so that the same rules apply both to non-natives and natives," noted one committee member. "There can't be all these different rules dictating different things for different people. That was a very central theme to the whole thing."[61] Alan Cairns has attempted to syn-thesize the tension between universalism and particularism by employing the concept of "citizens plus" to characterize a possible status for Aboriginals in Canada. It is clear from the foregoing, however, that both federal and provin-cial elites would rather emphasize the "citizens" than the "plus" portion of this formulation. Canada's native peoples, however, are likely to resist pro-grams that would provide short-term recognition of their special rights, only to submerge them subsequently in a homogenizing universalism. As Patricia Montoure-Angus puts it, Canada's non-Aboriginals are preoccupied with this notion that no one, including natives, "deserves special treatment and rights. This reasoning must be understood for what it is — the colonial mentality."[62] Colonial or not, this perspective represents a formidable obstacle to Aborigi-nal aspirations of enjoying special rights in the fishery.

The third such hurdle lies in the putatively collective nature of Aboriginal rights. Somewhat paradoxically, liberal individualism has penetrated deeply into the collective psyche of Canadians (or, at least, of English Canadians).

Protecting individual rights coheres easily with this philosophy; protecting group rights does not. Much of the unease with which English Canada regarded the ill-fated Meech Lake Accord centred around the notorious "distinct society" clause, a provision that empowered the Quebec state, in the name of preserving and promoting the distinctive attributes of the Quebec collectivity, to infringe, if necessary, upon individual rights and freedoms. Admittedly, Canada has already constitutionalized some collective rights. In the *Constitution Act, 1982*, the rights of linguistic minority groups were entrenched; as well, some provinces were given the authority to infringe on individual mobility rights, and all provinces were given the authority, not only to employ the notwithstanding clause, but also to opt out from certain constitutional amendments. It is worth noting, however, that the backlash against collective rights has grown significantly in recent times; some of these provisions from the *Constitution Act, 1982* would be much harder to entrench today than they were 20 years ago.

Will non-Aboriginals countenance a collective Aboriginal right to fish? Much depends on the likelihood of conflict between collective and individual rights in the fishery. Traditional Aboriginal government, it is often noted, was "based upon a principle of consensual agreement regarding the interests of the nation in the political sphere."[63] Can we be sure that "consensual agreement" will endure in the management of their treaty right to fish? The Royal Commission on Aboriginal Peoples is certainly confident on that score. After all, noted the commission, treaties "are made between nations, and every individual member of the allied nations assumes personal responsibility for respecting the treaty."[64] Others are less certain. Boldt and Long, for example, recognize that in traditional Indian society, "individual self-interest was viewed as inextricably intertwined with tribal survival. That is, the general good and the individual good were virtually identical."[65] They acknowledge, however, that the arrival of the *Canadian Charter of Rights and Freedoms* has created an intellectual climate that, not unlike the imposition of Christianity in earlier times, threatens to subvert the traditional Aboriginal world-view. Conflict over changing gender roles has been one obvious manifestation of this emerging tension, as native women seek to secure individual rights in the face of unsympathetic collective norms. Extrapolating from this example is a risky enterprise. Dan Russell, for one, believes that although the activities of hunting, fishing, and trapping "are surely collective community rights, they do not precipitate the kind of confrontation between rights occasioned by the issue of gender equality."[66] For purely pragmatic reasons, the federal government must be hoping that Russell is correct. After all, it was the assumption that the *Marshall* ruling had conferred a collective right for an Aboriginal fishery that permitted DFO to exclude non-status Indians from the equation on the simple expedient that they lacked a community. Moreover, while negotiating the terms

of entry to the commercial fishery with 35 separate bands has been manifestly difficult for the federal government, dealing with individual Mi'kmaq would have been exponentially more burdensome.

Nevertheless, there are grounds for doubting the long-term viability of a collective Aboriginal right to fish (even assuming that non-natives can successfully repress their growing unhappiness with any and all collective rights). The original *Marshall* ruling of September 1999 and the subsequent clarification on November 1999 used strikingly different terms to characterize Aboriginal fishing rights. In the initial decision, the justices endorsed catch limits that "could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families." Another part of the ruling noted:

> The accused caught and sold the eels to support himself and his wife. His treaty right to fish and trade for sustenance was exercisable only at the absolute discretion of the Minister. Accordingly, the close season and the imposition of a discretionary licensing system would, if enforced, interfere with the accused's treaty right to fish for trading purposes, and the ban on sales would, if enforced, infringe his right to trade for sustenance.

References to "the appellant's treaty rights" pepper the judgement. Such language seems to indicate that, at least initially, the Supreme Court conceived of the right to fish in individual terms.

In the Supreme Court's November clarification, however, the language employed to characterize the treaty right was markedly divergent. Hence, the justices now emphasized that "the treaty right permits the Mi'kmaq community to work for a living through continuing access to fish and wildlife," and that "the appellant established that the collective treaty right held by his community allowed him to fish for eels." Tellingly, the term "the appellant's treaty rights" from the first judgement is generally replaced in the clarifying ruling by "the Mi'kmaq treaty right."

These semantic distinctions are not without import, and the Supreme Court may well be guiding the central players in this tableau toward a collectivist solution. Certainly, the federal government's policy of signing interim management agreements with all, or at least most, of the 35 bands on the east coast is consistent with this approach. Whether it can be sustained in the long term, however, is open to question. There is nothing sacrosanct about the existing band structure; thus, it need not be the institutional device through which Mi'kmaq collective treaty rights are expressed. The number of Nova Scotia bands has increased in this century, and that figure might change again if the sorts of mergers envisioned by the Royal Commission on Aboriginal Peoples come to pass. But if the decision to lodge communal fishing rights in existing bands can only be legitimized as an administrative convenience, the way is open for secessionist challenges by dissident groups unhappy with band fishing policy. Moreover, and notwithstanding the carefully collectivist rhetoric

of the Supreme Court's 17 November decision, the door may not have been entirely closed on the individual exercise of Aboriginal treaty rights. It is not self-evident, even in the unlikely eventuality that Ottawa is able to come to an agreement with all Mi'kmaq bands for long-term management of the fishery (as opposed to the interim arrangements which lapsed in Spring 2001), that individual Mi'kmaqs could thus be denied access to the resource. After all, Donald Marshall, Jr. was acquitted in the absence of an administrative arrangement between his band and the federal government; in the presence of same, would he have been convicted on the grounds that his treaty rights had thus been fulfilled? Few court watchers would make book on such a ruling, especially (but not only) if the band's internal allocation of fishing resources could be shown to violate some canon of natural justice.

The final obstacle to the successful accommodation of Aboriginal and non-Aboriginal interests in the east coast fishery is the relative scarcity of the resource. No doubt when the Treaties of 1760–61 were signed, the oceans teemed with fish and neither party to the agreement likely imagined a future where this would not be the case. Sadly, appetite and technology have, over time, combined to put the fishery stocks under siege. Canada's Aboriginal peoples are often credited with having a particularly enlightened concern for resource conservation. Thus, Aboriginal elders

> teach a world-view based on the knowledge that all things in life are related in a sacred manner and are governed by natural or cosmic laws. Mother Earth is therefore held to be sacred, a gift from the Creator. In their relationship to the land, people should accommodate themselves to it in an attitude of respect and stewardship.[67]

It is not clear, however, that this Aboriginal attitude of "respect and stewardship" toward natural resources has remained unalloyed in modern times. Consider the defence strategy employed by a Mi'kmaq band accused of overfishing snow crab. As Sydney lawyer Tony Mozvik put it, "we're going to say if overfishing existed at all — which we deny — but if it did, we had rights under the *Marshall* decision that allowed us to do it."[68] Or take note of the increase in moose hunting by Aboriginals in the four months after the release of the *Marshall* ruling. One Mi'kmaq, in particular, had already bagged 24 moose (or 0.1 percent of the entire provincial moose population); that this hunter had decided to stop when his total reached 30 will hardly reassure conservationists.[69] This does not imply, however, that non-Aboriginals hold the moral high ground on this issue. There has been much public posturing by non-natives that stocks will not permit a full-scale entry of Aboriginals into the fishery. Chief Lawrence Paul was characteristically blunt about such pronouncements: "I think the bottom line on the whole thing is not conservation, it's not about saving fish stocks, the bottom line is greed."[70] Seen from afar, the magnitude of the proposed Aboriginal fishery does not seem to present an

obvious threat to conservation. Access to the lucrative lobster industry has raised tensions between natives and non-natives this past summer; in dispute are the Mi'kmaq plans to set, according to one estimate, 5,800 lobster traps in the waters around Atlantic Canada. Given that federal fisheries officers plucked 1,700 native-owned traps from Miramichi Bay alone in a series of midnight raids this August,[71] that estimate may be too conservative. On the other hand, even if the number of 5,800 was multiplied tenfold, it would still constitute only 2 percent of the annual total of legal lobster traps set by the non-native fishermen of Atlantic Canada.[72] And that figure does not even take into account the healthy underground trade in lobsters, whereby some non-Aboriginal fishermen routinely set more traps than their legal entitlement. As Chief Frank Meuse, Jr. recounted with a chuckle, when a group of non-Aboriginal vigilantes decided to clear St. Mary's Bay of unauthorized traps on the assumption that they had been set by Mi'kmaqs, they were actually just "cutting their own traps up."[73]

Yet even if the scale of the proposed Aboriginal fishery seems relatively modest, it is worth recalling that this clash represents a pure conflict of claim, an instance of zero-sum bargaining in which any gain achieved by one side necessitates a corresponding loss by the other. Those who are advantaged by the existing fishery regime will not easily countenance even a minor reduction in their well-being, unless there is substantial and pervasive support for the aspirations of the interlopers.

Do such feelings exist among the wider populace toward Aboriginal peoples? Alan Cairns, for one, has serious doubts. He suggests that most non-Aboriginal Canadians are ill-informed about native history and regard them with what he characterizes as a "shallow goodwill." Cairns warns, however, that in cases of direct conflict (over, for example, land and resources), non-native sympathy "tends to be overpowered by self-interested fears."[74] A recent survey undertaken by Nova Scotia's Office of Aboriginal Affairs confirmed Cairns' analysis. Levels of understanding and interest in Mi'kmaq issues were generally found to be low.[75] However, amongst those surveyed who professed to be very concerned about these matters, 41 percent believed that the Mi'kmaq have more opportunities than other Nova Scotians; only 27 percent believed the reverse. Other findings of note include data showing that levels of support for Mi'kmaq aspirations declined with direct exposure to Mi'kmaq claims, that 57 percent believed the Treaties of 1760–61 were outdated, while only 30 percent maintained they should be honoured, and only 6 percent endorsed the principle that the Mi'kmaq should self-regulate their access to resources (as opposed to 60 percent who believed there should be co-regulation between the Mi'kmaq and the government, and 33 percent who felt that the government alone should determine resource access).

To recapitulate: we should not be optimistic about the ease with which an Aboriginal right to fish can be accommodated. Mi'kmaq resolve is strengthened

by their belief that the Treaties of 1760–61 were merely confirmations of a pre-existing right, rather than the sole source of said right. At the same time, non-natives tend to be suspicious of rights claims that are both special and collective, even if there is some question about whether the latter attribute can be sustained in practice. Finally, conflicts over scarce commodities can be particularly intractable, especially when heightened exploitation is believed to put at risk an otherwise renewable resource. That a recent survey commissioned by the Nova Scotia government revealed significant popular doubts about Aboriginal aspirations should not, upon reflection, have been overly surprising.

The *Marshall* case may have originated in Nova Scotia, but its impact has been and will continue to be felt over a much wider area. Obviously, the neighbouring Maritime provinces, with their substantial number of Mi'kmaq bands, have also had to adapt to the altered regulatory regime engendered by the Supreme Court's decision. Yet the *Marshall* decision has even reverberated as far afield as British Columbia. Not wishing to be caught offguard a second time, DFO has recently concluded fishing agreements with 14 Vancouver Island bands whose nineteenth-century treaties had guaranteed their rights to "carry on [their] fisheries as formerly."[76] Given that this wording seems manifestly more explicit than that contained within the 1760 Treaty of Peace and Friendship, Ottawa prudently chose to pre-empt yet another court challenge.

And what of Donald Marshall, Jr., whose eel harvesting in the fall of 1993 precipitated the whirlwind that has followed? As tensions rose last fall between Aboriginal and non-Aboriginal fishermen, Marshall appealed for calm and urged all sides to pull their nets out of the water and come to a negotiated agreement. "We waited this long," noted Marshall, "I think we could wait a little longer."[77] The editorial page of Halifax's major newspaper lauded Marshall's restraint:

> If there is a Solomon in this case, it is surely Donald Marshall. Here is a truly remarkable man. He survived 11 years wrongful imprisonment for a murder he didn't commit, fought all the way to the Supreme Court once to establish his innocence and traveled the long road back there for his people's treaty rights. If he can still say at the end of all this that life is precious and patience is needed even in expressing your rights, then who are the rest of us — native or non-native — not to listen?[78]

Sadly, there is a darker side to this parable. Many rights cannot be exercised without adverse consequences for others and this appears to be yet another instance. It has been reported that "old hands in the Acadian community of Pomquet, and young hands too, say the eels have pretty much disappeared since Donald Marshall, Jr. fished the species commercially in 1993."[79] That Donald Marshall, Jr. had the right to harvest 463 pounds of eels from Pomquet harbour is no longer in dispute. What remains more problematic, however, is

whether any other Mi'kmaq fishermen will again enjoy the particular exercise of this right in fact, as well as in law.

NOTES

1. *The Chronicle-Herald*, 27 January 1990, p. A1.

2. Government of Nova Scotia, *Marshall Update/Justice Reform Review*, 20 May 1992, p. 1.

3. Certainly, those charged with re-drawing Nova Scotia's electoral boundaries have been sensitive to the cultural norms against advancing justice through unequal treatment. Minority groups may claim that effective representation requires that they be grouped in "protected" constituencies which are smaller than the provincial average. Yet as Smith and Landes note, in "the harsh light of the public's gaze, only convincing and compelling justifications for abridging voter equality are likely to succeed" (Jennifer Smith and Ronald G. Landes, "Entitlement Versus Variance Models in the Determination of Canadian Electoral Boundaries," *International Journal of Canadian Studies* 17(1998):30).

4. L.F.S. Upton, "Indian Policy in Colonial Nova Scotia, 1783-1871," in *Atlantic Canada Before Confederation*, ed. P.A. Buckner and David Franks (Fredericton: Acadiensis Press, 1985), p. 89.

5. R.O. Macfarlane, "British Indian Policy in Nova Scotia to 1760," in *The Native Peoples of Atlantic Canada*, ed. Harold Franklin McGee, Jr. (Ottawa: Carleton University Press, 1983), p. 54.

6. Upton, "Indian Policy in Colonial Nova Scotia," p. 89.

7. Grand Chief Donald Marshall, Sr., Grand Captain Alexander Denny, and Putus Simon Marshall, "The Mi'kmaq: The Covenant Chain," in *Drumbeat*, ed. Boyce Richardson (Toronto: Summerhill Press, 1982), p. 77.

8. See <http://www.gov.ns.ca/abor/contrent/first.htm>.

9. James S. Frideres, *Native Peoples in Canada: Contemporary Conflict*, 4th ed. (Toronto: Prentice-Hall, 1993), pp. 5-6.

10. *The Chronicle-Herald*, 1 December 1999, p. A1.

11. Tord Larsen, "Negotiating Identity: The Micmac of Nova Scotia," in *The Politics of Indianness*, ed. Adrian Tanner (St. John's: Institute of Social and Economic Research, 1983), p. 59.

12. Fred Wien, *Socioeconomic Characteristics of the Micmac in Nova Scotia* (Halifax: Institute of Public Affairs, 1983), p. 46.

13. *The Chronicle-Herald*, 5 January 1998, p. C2.

14. *The Chronicle-Herald*, 18 December 1999, p. A4.

15. Interview with the author, Bear River, 1 September 2000.

16. C.E.S. Franks, "Rights and Self-Government for Canada's Aboriginal Peoples," in *Aboriginal Rights and Self-Government: The Canadian and Mexican*

Experience in North American Perspective, ed. Curtis Cook and Juan D. Lindau (Montreal: McGill-Queens University Press, 2000), p. 109.

17. For a fuller discussion of these and other cases, see Royal Commission on Aboriginal Peoples, *Report, Vol. 1: Looking Forward, Looking Back*, (Ottawa: Supply and Services Canada, 1996), pp. 218-26. See also Tom Flanagan, *First Nations? Second Thoughts* (Montreal: McGill-Queen's University Press, 2000), pp. 122-31; and Patrick Macklem and Roger Townshend, "Resorting to Court: Can the Judiciary Deliver Justice for First Nations?" in *Nation to Nation*, ed. Diane Engelstad and John Bird (Concord: House of Anansi Press, 1992), pp. 78-82.

18. J. Anthony Long and Memo Boldt, eds., *Governments in Conflict? Provinces and Indian Nations in Canada* (Toronto: University of Toronto Press, 1988), p. 17.

19. *Draft Legal Text of Charlottetown Accord*, 9 October 1992, pp. 37-38.

20. See <http://www.gov.ns.ca/abor/pubs/1760Treaty.PDF>.

21. MacFarlane, "British Indian Policy in Nova Scotia to 1760," p. 59.

22. Much of this historical information is derived from Elizabeth Ann Hutton, "Indian Affairs in Nova Scotia, 1760-1834," in *The Native Peoples of Atlantic Canada*, ed. McGee, Jr., pp. 63-70.

23. The full text of the *Marshall* Decision can be found at <http://www.gov.ns.ca/abor/pubs/MARSHALL.PDF>.

24. *The Chronicle-Herald*, 22 September 1999.

25. *The Chronicle-Herald*, 23 September 1999, p. A3.

26. *The Chronicle-Herald*, 21 September 1999.

27. *The Chronicle-Herald*, 23 September 1999, p. A1.

28. *The Chronicle-Herald*, 1 October 1999, p. A10.

29. *The Chronicle-Herald*, 23 September 1999, p. A3.

30. Kenneth Kernaghan and David Siegel, *Public Administration in Canada* (Toronto: Methuen, 1987), p. 487.

31. *The Chronicle-Herald*, 22 October 1999, p. A5.

32. See *The Chronicle-Herald*, 15 October 1999, p. A11 and *The Chronicle-Herald*, 18 November 1999, p. A2.

33. *The Chronicle-Herald*, 26 October 1999, p. A9.

34. *The Chronicle-Herald*, 7 October 1999, p. A4.

35. The value of commercial lobster licences varies considerably across the 21 lobster fishing districts in the waters around the Maritime provinces. In district 34 of southwest Nova Scotia, for example, the estimated landed value per lobster licence is over $150,000 per annum. The corresponding number in district 23 (which includes the waters around Burnt Church) is a much more modest $42,000 per annum. Ken S. Coates, *The Marshall Decision and Native Rights* (Montreal: McGill-Queen's University Press, 2000), p. 216.

36. *The Chronicle-Herald*, 5 October 1999.

37. *The Chronicle-Herald*, 20 October 1999, p. A2.

38. The full text can be found at <http://www.gov.ns.ca/abor/pubs/marstwo.pdf>.

39. *The Chronicle-Herald*, 18 November 1999.

40. *The Chronicle-Herald*, 16 February 2000, pp A1-A2.

41. *The Chronicle-Herald*, 25 March 2000, p. A4.

42. *The Chronicle-Herald*, 15 March 2000.

43. Negotiations between DFO and the 35 Mi'kmaq bands in the Maritimes have proceeded much more slowly in 2001. As of 1 April 2001, none of the bands had signed an interim arrangement with Ottawa. There are indications, however, that a three-year deal between DFO and the Millbrook First Nation is imminent. See <http://www.herald.ns.ca/stories/2001/05/11/f131.raw.html>.

44. Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000), p. 169.

45. *The Chronicle-Herald*, 19 October 1999, p. A2. The new national chief of the AFN, Matthew Coon Come, has made similar observations. In the spring of 2001, Atlantic chiefs have declined to make short-term fishing arrangements with the federal government for fear of putting at risk their long-term claims to treaty rights. "The Chiefs are united in their resistance to this immoral approach," asserted Coon Come, "and I commend them for this." At <http://www.afn.ca/Press%20Releases%20&%20Speeches/National Chief Supports Atlantic Chiefs and Communities in Fisheries Negotiations.htm>.

46. *The Chronicle-Herald*, 8 November 1999, p. A1.

47. *The Chronicle-Herald*, 2 February 2000, p. A1.

48. *The Chronicle-Herald*, 27 January 2000, p. A4.

49. *The Chronicle-Herald*, 21 October 1999, p. A5.

50. *The Chronicle-Herald*, 29 September 1999, p. D2.

51. Flanagan, *First Nations*, p. 140.

52. Harold E.L. Prens, *The Mi'kmaq: Resistance, Accommodation and Cultural Survival* (Fort Worth: Harcourt Brace, 1996), p. 214.

53. Report of the Royal Commission on Aboriginal Peoples, *Volume 2: Restructuring the Relationship* (Ottawa: Supply and Services Canada, 1996), p. 569.

54. Flanagan, *First Nations*, p. 11.

55. Joanne Barnaby, "Culture and Sovereignty," in *Nation to Nation,* ed. Engelstad and Bird, p. 44.

56. Oren Lyons, "Traditional Native Philosophies Relating to Aboriginal Rights," in *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, ed. Menno Boldt and J. Anthony Long (Toronto: University of Toronto Press, 1985), p. 19.

57. Michael Asch, *Home and Native Land* (Toronto: Methuen, 1984), p. 76.

58. Here, I take issue with Seymour Lipset's classic attempt to differentiate the political cultures of Canada and the United States. Lipset concluded that "Canada

is more particularistic (group-attitude conscious) than the seemingly more universalistic United States." (S. M. Lipset, "Revolution and Counterrevolution: The United States and Canada," in *The Canadian Political Process: A Reader*, 2d ed, ed. Orest M. Kruhlak, Richard Schultz and Sidney I. Pobihushchy (Toronto: Holt, Rinehart and Winston, 1973), p. 15.

59. See *The Chronicle-Herald*, 1 October 1999, p. A1 and *The Chronicle-Herald*, 5 October 1999, p. A1.

60. *The Chronicle-Herald*, 22 October 1999, p. A1.

61. *The Chronicle-Herald*, 16 December 1999, p. A16.

62. Patricia Monture-Angus, *Journeying Forward: Discovering First Nations' Independence* (Halifax: Fernwood, 1999), p. 31.

63. Gerald R. Alfred, *Heeding the Voices of Our Ancestors* (Toronto: Oxford University Press, 1995), p. 80.

64. Report of the Royal Commission on Aboriginal Peoples, *Volume 1: Looking Forward, Looking Back*, p. 128.

65. Menno Boldt and J. Anthony Long, "Tribal Philosophies and the Canadian Charter of Rights and Freedoms," in *Governments in Conflict*, ed. Boldt and Long, p. 167.

66. Dan Russell, *A People's Dream: Aboriginal Self-Government in Canada* (Vancouver: UBC Press, 2000), p. 96.

67. Peter Kulchyski, Don McCaskill and David Newhouse, *In the Words of Elders* (Toronto: University of Toronto Press, 1999), p. xvi.

68. *The Chronicle-Herald*, 7 January 2000, p. A8.

69. *The Chronicle-Herald*, 20 January 2000, p. A11.

70. *The Chronicle-Herald*, 23 September 1999, p. A3.

71. *The Globe and Mail*, 29 August 2000, p. A6.

72. *The Globe and Mail*, 22 August 2000, p. A13.

73. Chief Frank Meuse, Jr., interview with the author, Bear River, 1 September 2000.

74. Cairns, p. 89.

75. A detailed summary of both the methodology and the findings can be found at <http://www.gov.ns.ca/abor/pubs/Report_Aboriginal_Issues.PDF>.

76. Coates, *The Marshall Decision and Native Rights*, p. 159.

77. *The Chronicle-Herald*, 2 October 1999, p. C3.

78. Ibid.

79. *The Chronicle-Herald*, 22 January 1999, p. C1.

15

Where One Lives and What One Thinks: Implications of Rural-Urban Opinion Cleavages for Canadian Federalism

Fred Cutler and Richard W. Jenkins

Ce chapitre examine le mythe populaire selon lequel les habitants des régions rurales auraient des valeurs intolérantes et des attitudes qui pourraient être un obstacle à un compromis constitutionnel. Les auteurs ont ainsi développé une typologie qui classifie les lieux de résidence au Canada selon quatre types: rural, petite ville, urbain et métropolitain. À l'aide des données de Statistiques Canada, ils ont fait correspondre les répondants de l'Étude sur le référendum canadien et ceux de l'Étude sur l'élection canadienne (1992-1993) à leurs lieux de résidence respectifs et ils les ont ensuite classifiés selon la typologie élaborée. Ils ont utilisé les questions de sondage quant à leur attitude envers les féministes, les homosexuels, le Québec, les immigrants, les minorités visibles et les Autochtones, ainsi que des questions quant aux politiques envers ces groupes. Ces réponses ont ensuite été comparées selon les quatre types. Dans l'ensemble, peu de résultats pouvaient confirmer l'avis selon lequel les Canadiens habitants des zones rurales seraient significativement moins tolérants et accommodants envers les minorités. Le péquenaud intolérant serait donc un mythe. Les petites différences trouvées s'expliquent largement par un contrôle des résultats à l'aide de la variable éducation. Il est donc très improbable qu'un clivage rural-urbain en politique canadienne soit un obstacle lors d'éventuelles négociations constitutionnelles au Canada.

In a federal state it may be inevitable that regional and provincial cleavages dominate politics and the analysis of it.[1] These units are institutionalized either formally in the case of provinces or more informally in the case of regions (even here there are regional institutions); thus they have the ability to define political conflict. Yet other important fault lines can be layered beneath or cut across conflicts institutionalized by a federal system.

One such cleavage which has received a good deal of anecdotal attention in Canada, especially with the rise of the Reform/Alliance Party in the 1990s, is

a reputed urban-rural divide. A crude stereotype characterizes rural English-speaking Canadians as resentful of the affluence of the big cities, feeling that their interests (especially agricultural interests) are ignored, sceptical of or hostile to Quebec's demands for greater powers, wanting a reduction in the number of immigrants accepted into Canada, less willing to accept the claims of Aboriginal people, at odds with the majority view on issues such as gun registration, and morally conservative. If this picture were even partially accurate, the urban-rural divide in Canadian public opinion would be a serious obstacle to the kind of multinational and multicultural accommodation required for progress on Canada's constitutional agenda. But increasing urbanization might eventually remove this obstacle, if, in fact, it is something about the non-urban setting that gives rise to distinct political attitudes.

Secondarily, it is easy to confuse rural-urban cleavages with regional cleavages on matters of public opinion. Much popular commentary outside western Canada portrays "the west" and "westerners" as hewers of wood and ploughers of fields and links this to political attitudes, when in fact the west is not substantially less urbanized than the rest of the country. The notion of a distinct western public opinion may therefore be inappropriately linked to notions of distinct rural opinion. Deeper investigation of the rural-urban cleavage in Canada is an important step toward clarifying regional differences of opinion that may be more directly relevant to the future of Canadian federalism.

The purpose of this chapter is to examine the political consequences of the locales in which people live. First, how viable are common understandings about the way rural-dwellers' attitudes differ from those of urbanites on questions of moral traditionalism? Though these are not directly relevant to federalism, if there are sharp cleavages based on geography there may be a strong effect on party politics, such as, which social groupings are integrated into which electoral coalitions. Moreover, questions of moral traditionalism relate directly to social identities, and these have been particularly relevant to the constitutional debate with the growth of a rights-based discourse since the constitutional negotiations of the early 1980s. Second, are cultural, ethnic, and national attitudes, in particular those relevant to accommodation of different social groups, influenced by the kinds of communities in which Canadians live?

We begin the inquiry with a brief account of the changing patterns of urban and rural living. On the basis of this discussion, a general typology of the communities people live in is developed. It is then possible, using Canadian Election Study survey data, to compare the political attitudes of people living in different types of communities. Finally, we conduct exploratory multivariate analyses that allow us to differentiate the independent influence of community context on political attitudes. This enables us to assess whether differences, if there are any, are largely a function of who lives where or are a function of social, economic, and demographic characteristics of the varied communities

in which Canadians find themselves. Ultimately, we find that while an urban-rural cleavage exists on questions of moral traditionalism (as some stereotypes might have it), that cleavage narrows to near insignificance on questions directly related to accommodation of Canada's ethnic and national minorities.

THE IMPORTANCE OF PLACE IN PUBLIC OPINION RESEARCH

By their nature, public opinion surveys do not take place or community seriously. Surveys reify the individual and separate that individual from his or her local context.[2] Respondents are selected by a random process that is usually designed to generate a representative cross-section of the national electorate. Often over-sampling of particular areas takes place so that inferences can be made about particular regions or provinces (i.e., Quebec), but more local conditions and factors are ignored.

There is, however, a tradition of taking local context seriously in the study of political behaviour dating back to the early election research.[3] A number of recent studies support the view that "individuals' political views are subject to social influence."[4] How then could place matter for our understanding of public opinion in Canada?

Two possibilities suggest themselves. The first is that place could matter from a compositional perspective. Different places have different types of people reflecting differences in economic, demographic, religious, and other social characteristics. Cleavages then, could be understood to be the product of the distribution of where people with different characteristics reside or the patterns of their migration. Since people with higher levels of education are more accommodating to Quebec and tend also to reside in urban areas, we might expect a rural-urban cleavage to emerge.[5]

The second possibility is that place could matter because people who share similar places have similar interests and/or are exposed to similar experiences and social communication. Do people who live in small towns see the world through small-town glasses? Duncan and Epps suggest the existence of a rural ideology or "countrymindedness" which accounts in part for the success of the Australian National Party in rural areas of Australia.[6]

The particular importance of rural-urban context for political beliefs and voting has been the subject of a number of studies outside Canada. Charnock has found by merging census and survey data in Australia that although the vote is largely a product of national patterns, party support is conditional on the local characteristics in which the voters find themselves.[7] The local economic conditions of the district and the degree to which the district is rural (based on primary occupation) affect party support even when the respondent's occupation and income are controlled.[8]

One would certainly expect local effects to be evident in Canada given the geography of election results. Gidengil and her colleagues show variations in the determinants of voting behaviour in the different regions.[9] Cutler shows that local economic conditions and other relevant local characteristics have sensible and sometimes quite powerful influences on citizens' thinking on political issues and ultimately on their voting behaviour.[10] Other work demonstrates that a very simple localism operates in Canadian voters' response to party leaders' geographic affiliations: all else being equal, voters prefer a party whose leader is from nearby to one from far away.[11] Few would doubt that, in general, place matters for public opinion and electoral behaviour in Canada.

Residential mobility means that untangling these competing possibilities for rural and urban differences is not simple. Some of what we observe will reflect where people choose to live, which may invite us to wrongly attribute differences to the places themselves. For example, an intolerant person may simply choose to reside in a place where minorities are absent. Nevertheless, it is important that we come to terms with the implications of where people live for their political attitudes.

COMMUNITIES IN CANADA: DEVELOPING AN URBAN-RURAL TYPOLOGY

Despite the magnitude of its geography, Canada is largely an urban society. According to the 1996 census, 60 percent of Canadians live in one of the 25 census metropolitan areas (CMAs), 77.9 percent of people live in urban areas, and only 2.5 percent of the population is categorized as rural farm population.[12] The general historical trend has been one of urbanization. A number of recent reports suggest that rural areas have grown in population, but it is clear that the rural share of the population is declining.[13] More importantly, urban spillover and more general, urban-dominated growth[14] are such that rural and small-town growth is largely taking place in areas near the commuting zones of larger urban centres.[15]

Given the discussion above, if a geographic cleavage underlies political attitudes and conflict, then we must understand local contexts in more nuanced terms than a simple urban-rural dichotomy would allow. We suggest that it makes sense to speak of four types of political communities: rural, small town, urban, and metropolitan. The obvious basis for distinguishing local contexts is city size (e.g., population density) with greater density being associated with greater urbanization, as long as proximity to urban centres is also factored in.[16] After briefly identifying the basis for the community types discussed here, we provide evidence that the community types have population characteristics consistent with the classification.

Statistics Canada defines a rural area as a place where the population is less than 1,000 and population density is less than 400 per square km.[17] This

definition has the advantage of being easy to impose on census data, but the disadvantage of not allowing one to take into account the broader characteristics of the community. For example, a small place on the outskirts of Toronto may be different from a small place in northern Ontario. Approximately 9 percent of those people who fall within the boundaries of a CMA or CA (census agglomeration area), live in local contexts that are rural in terms of population.[18]

Cross-cutting the urban-rural distinction are Statistics Canada's definitions of urban centres. Cities in Canada are designated as CMAs if they have a population of 100,000 or more in their urban core and CAs if they have a population of 10,000 but less than 100,000. CAs and CMAs also include surrounding urban and rural areas that "have a high degree of social and economic integration with the urban core"[19] such as Richmond Hill or Manotick, Ontario.[20] The distinction between CA or CMA places and other locales provides a good basis for distinguishing urban from rural places.[21] Certainly the CMAs, in particular those where the bulk of the CMA population resides (Montreal, Toronto, Calgary, Edmonton, Winnipeg, Ottawa, Hamilton, Quebec City, and Vancouver), fit our perception of urban locales.

The four types of community discussed here balance strict population-based criteria with a recognition that closeness to major urban centres is indicative of the urban character of a community. We therefore defined all those people who live in areas covered by a CMA or CA as urban before further distinguishing these respondents. Doing so means that some respondents are treated as urban when they actually reside in relatively small communities. What links all respondents from urban areas is the importance of the urban core. For those people who live within a CMA or CA, the urban centre will define work, leisure and shopping activities for a significant proportion of the population.

The rural/small-town category includes municipalities with large populations that fall short of being designated a CA, but nevertheless are quite large. It is possible, however, to distinguish between rural areas and small town areas within our general rural category because Statistics Canada classifies each census subdivision (CSD) as rural or urban based on the population criteria discussed above. Rural areas are those communities dominated by agriculture and other primary resource industries, but also communities with very low population densities located some distance from major urban centres.[22] Small towns are those communities that are large enough to provide many of the services required by their populations and are not located near major population centres. The towns of Amherstburg, Ontario (pop. 8,790) and Perth, Ontario (pop. 5,565) along with places like Tisdale, Saskatchewan (pop. 3,045) are considered small town in our classification. Note, however, that common parlance would call many of the places with populations over 10,000 as "small town" (e.g., Salmon Arm, BC, Collingwood, ON, or North Battleford, SK), but in our classification they are called "urban" — the line must be drawn somewhere.

There are a number of alternative ways that one could distinguish between the various types of urban communities. Within both CMAs and CAs there are downtown or core neighbourhoods, suburban neighbourhoods, and fringe communities of various sizes. While one should not foreclose the possibility of finding significant differences between core and suburban locales within large cities,[23] the conventional story about urban and rural cleavages suggests that the large cities themselves are somehow different from the rest. Based on this logic, we classify as "metropolitan" areas the 25 communities designated as CMAs by Statistics Canada.[24] Urban communities are those areas that do not fall within one of the CMAs but are located within the sphere of major cities (CAs with population over 10,000). Included in the urban category are Barrie, Ontario (pop. 62,710); Lethbridge, Alberta (pop. 60,915); and Bathurst, New Brunswick (pop. 14,405). These areas obviously vary in population size, sharing only their socio-geographical independence from one of the CMAs. Importantly, we do not want to treat small communities on the edge of major centres as equivalent to small towns elsewhere in Canada.

We thus have four types of places: rural, small town, urban, and metropolitan. About half of our respondents come from metropolitan areas, 20 percent from areas that fall within CAs, and about 30 percent from rural or small-town locales. An added feature of the classification is that it cuts across provincial and regional differences; community type is not another measure of regionalism. To assess the degree to which this classification speaks to real differences in the aggregate characteristics of these different communities, Table 1 compares the distribution of various CSD-level variables and gives a breakdown of the classification by province.[25]

As we would expect, the classification does a reasonable job of sorting individuals in terms of the size of the CSD in which they live. On average, rural areas have populations smaller by 1,800 persons than those classified as small towns. The urban areas are also significantly larger than the small-town category.[26] Table 1 also shows that there are significant differences in the composition of these different places. We would expect urban areas to be more diverse from an ethnic perspective and to contain more educated respondents, and this appears to be the case.

The number of immigrants, as a percentage of the population of the CSD, gets higher as one moves from smaller to larger places, but the most important difference, consistent with patterns of immigration, is between metropolitan and all of the rest of the places. Respondents who live in metropolitan areas encounter a significant immigrant presence. They are also more likely to come into contact with people whose mother tongue is not one of the official languages.

The percentage of people employed in farm occupations suggests that the distinction between rural and small town is a meaningful one. On average, 10 percent of people living in rural areas are employed in farming (and thus a great many

Table 1: Provincial Composition and Characteristics of Our Place Types

	Rural	Small Town	Urban	Metropolitan
Province				
Newfoundland	37%	18%	18%	26%
Prince Edward Island	43%	11%	45%	0%
Nova Scotia	31%	15%	21%	32%
New Brunswick	23%	9%	41%	25%
Ontario	8%	9%	26%	55%
Manitoba	17%	13%	9%	58%
Saskatchewan	22%	15%	18%	43%
Alberta	9%	14%	12%	62%
British Columbia	7%	13%	27%	51%
Population in CSD				
Mean	3,060	4,840	36,263	342,758
SD	4,428	3,256	30,525	291,576
Immigrants as a Percentage of Population (CSD)				
Mean	5.02	7.26	8.53	21.26
SD	5.18	4.96	5.85	11.51
Percentage Official Language Mother Tongue (CSD)				
Mean	92.56	91.22	91.9	79.83
SD	10.5	9.52	5.47	10.93
Percentage in Farm Occupations (CSD)				
Mean	10.63	3.43	2.02	0.88
SD	12.59	4.02	2	1.34
Family Low Income (Statcan) Rate (CSD)				
Mean	11.09	11.71	12.47	14.3
SD	6.63	5.12	4.22	5.57
Percentage with less than Grade 9 Education				
Mean	21	17	13	10
SD	10	8	5	5
Percentage with University Degrees				
Mean	5	6	8	15
SD	4	3	3	6

more will be in families where one earner has such an occupation), compared with only 3 percent for the respondents living in a small town.

POLITICAL VALUES AND CULTURE

Countries around the world must accommodate significant cultural and ethnic differences within their own borders. For many observers, the willingness of citizens to value diversity is an important axis of political conflict in contemporary societies.[27]

In Canada, pluralism and ethnic accommodation are institutionalized in policies of official bilingualism and multiculturalism,[28] in the rights of Aboriginal peoples delineated in the constitution, and in the *de facto* special status of Quebec in federal-provincial relations. Of course, these federal policies are not universally applauded. Their legitimacy has been questioned by successive Quebec governments who have not viewed official bilingualism as a satisfactory policy position for the realization of "national" goals and the protection of "national" culture, and by many Aboriginal people who continue to press for the entrenchment of an "inherent right" to self-government in the constitution.

After the failure of the Meech Lake Accord the public's attitudes on questions of accommodation have become more important to the achievement of progress on the constitutional agenda.[29] The failure of the elite accommodation model means that future constitutional proposals, negotiation, and ratification will be tied more closely to what citizens will ultimately accept in a referendum. Thus any divisions within Canadian society on issues related to the accommodation of diversity will likely force their way into political activity of all kinds, particularly electoral politics. If a rural-urban divide is responsible for patterns of conflict in electoral politics, the results of that politics, particularly because seat shares are amplified from vote shares, may further entrench a perception that rural and urban interests are in opposition.

For example, some observers have suggested a link between what is seen as a city versus country divide in support for the Reform/Alliance Party and that party's positions on provincial equality, minority (Charter) rights, immigration, and Aboriginal affairs. The implication would be that people who live in areas where Reform/Alliance Party candidates were elected are sympathetic to that party's platform, including strict equality of the provinces and rejection of distinct society wording, reducing the number of immigrants, revoking the *Multiculturalism Act*, and limiting the distinct treatment of Aboriginal people in Canadian law. Even before the rise of the Reform/Alliance Party, Canadians living outside large urban areas were roughly stereotyped as less keen on government policies that were put in place to better accommodate Canada's linguistic and cultural diversity.

At a higher geographic level, but still relevant here, the report on the 1997 election study shows that "westerners are not more fiscally conservative, less willing to accommodate Quebec, or more socially conservative than their Ontario counterparts."[30] Feelings about Quebec, though, were only important in the voting decisions of westerners. And "westerners were a little less sympathetic to out groups than voters in Ontario and it was only in the West that voters who were less sympathetic towards out groups were attracted to Reform."[31] This is no doubt responsible for a stereotype (and our working hypothesis) of rural Canadians as being less tolerant or accommodative. But it conflates western with rural: the association is overdrawn. Statistics Canada classifies as urban 77 percent of those living west of the Manitoba-Ontario border; Ontario's figure is a mere 6 percent higher (83 percent).

The possibility remains open, then, that a rural-urban cleavage cuts across the more prominent west-Ontario "divide": rural westerners *and* rural Ontarians may prefer the policies proposed by the Reform/Alliance Party. But there is a range of policy- and non–policy-related explanations beyond preferences on federal and cultural accommodation that could account for the geographic patterning of Reform/Alliance success. It is possible that non-urban Canadians west of the Ottawa River have provided relatively strong support to Reform/ Alliance due to the perception that Reform/Alliance speaks for farm interests, has a strong element of moral traditionalism, is more overtly Christian, advocates smaller government and lower taxes, or wishes to relax party discipline in Parliament.[32] The data hint otherwise, showing that the rural base for Reform/Alliance support is not as strong as it is often portrayed. Although the Reform/Alliance nationally enjoyed an advantage in small towns, its level of support was not sharply differentiated by place type: support was 21 percent (rural), 31 percent (small town), 19 percent (urban), and 22 percent (metro) across our four place types. Moreover, half of the party's support in 1993 came from metropolitan areas.[33] These numbers undermine the notion that there is a wide urban-rural divide in Reform/Alliance support and, by association, the attitudes under investigation here.

This chapter nevertheless addresses the possibility that an urban-rural divide on constitutionally relevant attitudes presents an obstacle to the accommodation of the aspirations of Quebec, Aboriginal peoples, and racial or cultural minorities. We focus on attitudes toward Quebec, racial or ethnic minorities, and Aboriginal people. Reporting on the 1992 referendum study, Johnston and his colleagues showed a very strong association between feeling for Quebec and voting in the Charlottetown Accord referendum.[34] Attitudes toward minority rights and the degree to which the constitution ought to reflect Canada's *three* founding peoples were weaker, but still important, influences on Canadians' 1992 referendum decision. If there is an urban-rural cleavage on questions such as these, it will undoubtedly manifest itself in noticeable urban-rural patterns in voting on any future constitutional referendums.

DATA AND METHODOLOGY

The 1992 Canadian Referendum (RS) and 1993 Canadian Election Study (CES) provide measurements of Canadians' attitudes on questions of cultural accommodation. And crucially, it is possible to link respondents to units of census geography through a procedure undertaken by the authors, allowing us to accurately place people in one of our four place types.[35] Our procedure takes the respondents' report of their postal code (the first three digits) and links this to census geography with the Statistics Canada Postal Code Conversion File. This gives us access to all of the census variables for various levels of aggregation, the most important of which is the population of the respondent's census subdivision (CSD). Once respondents are classified into a community type, we can then compare attitudes in the four places.

To begin, we look for an urban-rural divide on moral traditionalism, which provides us a baseline for understanding the significance of rural-urban differences. If there is a rural-urban cleavage, we would expect to find it on these kinds of questions, so we have a good initial test of the utility of our community typology. There are a number of questions that explicitly tap these attitudes, allowing us to establish whether our classification of places captures a widely suspected urban-rural difference in cultural and political attitudes. Two feeling thermometer variables are relevant: feelings about feminists and feelings about homosexuals. Two policy questions translate general group feelings into concrete policy terms. The first concerns whether society would be better off if more women stayed home and the second asks whether homosexuals should be allowed to marry.

Next, we move on to questions more directly relevant to the federal condition in Canada. Four questions tap attitudes about Quebec. One question measures generalized feelings about Quebec, simply asking how warmly people feel on a "feeling thermometer" (0° to 100°). Johnston and his co-authors show that a 0° to 100° difference in the feeling thermometer translates into a whopping 45 percent difference in the likelihood of support for the Charlottetown Accord.[36] Two questions raise policy considerations about the privileged place of Quebec in national politics. One asks very generally "how much should the federal government do for Quebec — more, less, or the same?" The other more specific policy question solicits support or opposition to the use of "distinct society" wording in the constitution. The importance of these attitudes to rest of Canada acceptance of a constitutional deal is obvious. Finally, we simply break down respondents' reports of how they voted in the Charlottetown referendum.

Policy and feelings are at least theoretically distinct; these questions are not simply measuring the same thing. One can, for example, have positive feelings about Quebec even if those feelings do not translate into support for

the policy measures because these may be guided by other fundamental ideological orientations (i.e., liberal individualism in the case of distinct society).

The referendum study of 1992 and the CES of 1993 asked a number of questions relevant to minority rights, Aboriginal peoples, and feelings about racial minorities. One set taps general attitudes about immigration and racial minorities. The first two questions explicitly raise the issue of racial minorities, one in terms of policy and the other in terms of feelings. The format is identical to the Quebec questions: one asks how much should be done for racial minorities and the other is a feeling thermometer. The third question takes a different approach to the policy question by asking whether more or fewer immigrants should be admitted to Canada.

Another question gets at the more abstract notion of majoritarianism versus minority rights. It asks: "Which is more important in a democratic society: letting the majority decide, or protecting the rights and needs of minorities?" Johnston and his colleagues show that a minority-rights view on this question increased support for the Charlottetown Accord by 7 percent. [37]

Separately, we examine three questions relating to Aboriginal peoples: whether Canada has three founding peoples, whether the constitution should recognize Aboriginal self-government, and whether Aboriginal people should be able to make their own laws. Those giving affirmative answers to the three-founding-peoples question and the self-government question were respectively 12 percent and 15 percent more supportive of Charlottetown.[38]

Taken together, attitudes on these issues constitute the popular foundation of the kind of constitutional compromise that was embodied in the Charlottetown and Meech Lake Accords. Whether or not the overall level of support for the accommodative side of these questions implies that the foundation is solid or crumbling, this inquiry will tell us if the structure leans dangerously toward the country or the city. Most commentators would assume that the house is subsiding on the side facing away from the city, but there is little evidence thus far for this view.

RESULTS

MORAL CONSERVATISM

Our expectations here are clearly validated, according to Table 2. People living in different places have different attitudes on questions associated with "morality" by the conservative right and with "progressiveness" by the liberal left. Smaller places are home to more conservative attitudes. Although Canadians from all places are not overwhelmingly liberal, here the stereotype of rural intolerance is not misplaced.

Table 2: Moral Traditionalism by Community Type

	Rural	*Small Town*	*Urban*	*Metropolitan*	*N*
Feelings					
Homosexuals	34.2°*	37.2°*	43.1°*	48.9°*	
Feminists	50.3°	52.5°	52.2°	55.5°	(2,094)
Homosexual Marriage (%)					
Strongly disagree	54.7	54.6	48.1	40.8	
Somewhat disagree	12.1	11.9	11.2	15.0	
Don't know	5.7	5.4	5.1	5.3	
Somewhat agree	20.1	22.7	25.1	24.2	
Strongly agree	7.4	5.4	10.6	14.8	(2,069)
Mean (–2 to + 2)	–0.87*	–0.88*	–0.61*	–0.43*	(2,069)
Society Better Off if More Women Stayed Home (%)					
Strongly disagree	26.2	26.2	29.9	37.9	
Somewhat disagree	19.1	20.4	20.3	18.8	
Don't know	3.0	2.3	1.3	1.3	
Somewhat agree	22.8	24.2	26.7	20.3	
Strongly agree	28.9	26.9	21.9	21.7	(2,081)
Mean (–2 to + 2)	0.09*	0.05*	–0.09*	–0.31*	(2,081)

Note: *significantly different from at least one other column at $p < 0.05$.

Feelings about homosexuals clearly define the rural-urban cleavage. There is an almost linear relationship between people's feelings about homosexuals and the nature of the community in which people find themselves. Feelings about feminists exhibit much smaller differences, but the same pattern is evident. The policy issues reveal that these differences in feelings are accompanied by significant differences in attitudes about marriage for homosexuals and women's participation in the workforce. On each issue there is a ten percentage point gap between the rural and metropolitan communities. In fact, most of the difference is between rural and small-town communities on the one hand, and urban categories on the other.

The rural-urban cleavage holds up when we control for other potential sociodemographic influences on these attitudes, including age, education, religion, gender, marital status, and region. For feelings about homosexuals, the

regression coefficients (available from authors) corresponding to the differences in Table 2 indicate that people in smaller areas are on average less positive than in metropolitan areas: 15° (rural), 12° (small town), and 6° (urban) less positive. Introducing the controls reduces the differences to 9°, 8°, and 3°. The gap remains, but is reduced in half on the question of homosexual marriage.[39] On the other issue, whether women should work outside the home, the difference across community types goes away with the controls. Education, religious identification, and gender are the most important variables for accounting for political attitudes related to moral traditionalism.

These results reveal three things. First, there is evidence of a cleavage on social conservative attitudes consistent with expectations about the cultural differences between rural and urban life. Second, the results show that the classification of respondents into four different types of community environments is able to identify cleavages based on community size. And third, that the socio-demographic composition of the place types (e.g., education levels) are likely suspects in the search for an explanation for any cleavages we observe. Establishing the utility of this classification for understanding rural-urban differences in public opinion permits us to be more confident of any conclusions we derive on the issues more directly relevant to Canadian federalism, to which we now turn.

NATIONAL UNITY AND QUEBEC

The conventional view is that there is a sizable urban-rural cleavage on issues related to national unity, with rural Canada sharing a particularly negative view of Quebec. Table 3 suggests that rural and small-town Canada is not a significant barrier to an accommodation with Quebec.

One can detect a statistically significant difference in group feelings by community size, but the differences are relatively small.[40] People living in rural and small-town Canada on average have less positive attitudes toward Quebec, either measured simply as feelings toward Quebec or in relation to their more general feelings about Canada. The relationship between feelings and community size is not, however, linear. Here, living in a small town compared with a rural area makes no difference; both are equally negative to Quebec. People living in a metropolitan area are most positive toward Quebec. Those living in urban non-metropolitan areas have more intermediate feelings. Although significant, the largest difference is only a matter of six or seven points on the 100 point scale, which is half the size of the difference on feelings about homosexuals. Given Johnston *et al.*'s results on the relationship between feelings and Charlottetown vote, the seven-point feeling difference found here would suggest only a 3 percent difference in support for the Accord.[41]

Table 3: Quebec Attitudes by Community Type

	Rural	Small Town	Urban	Metropolitan	N
Rating of Quebec	53°*	52°*	56°*	59°*	(2,094)
Canada rating minus					
Quebec rating	37°*	36°*	33°*	30°*	(2,094)
Do for Quebec (%)					
Much less	15	14	18	17	
Somewhat less	20	27	19	22	
About the same	54	49	52	50	
Somewhat more	5	6	8	8	
Much more	6	4	3	4	(2,094)
Mean (−2 to +2)	−0.32*	−0.42	−0.40	−0.40	(2,094)
Charlottetown YES (%)	44	31*	44	44	(1,386)
Distinct society					
Agree	38*	34*	46*	49*	(693)

Note: *significantly different from at least one other column at $p < 0.05$.

When it comes to policy, the "do for Quebec" question indicates that rural communities tend to differ from the other places, but the difference is small and it is in the wrong direction. Consider that 35 percent of rural Canadians want to do less for Quebec compared with 39 percent of those living in metropolitan areas.[42] On support for the Charlottetown Accord, which clearly goes to the question of the political impact of the cleavage, the evidence is again mixed. Rural Canada was no more opposed to the Accord than urban and metropolitan Canada. Small-town Canada stands out as 13 percent more likely to oppose the Accord, but this raises more questions since rural Canada did not share this tendency. The only question that generates a clear urban-rural divide (over 10 percent) is on agreement with distinct society status for Quebec, asked after the referendum campaign of 1992. Here the key difference is between rural and small town on the one hand, and the two urban categories on the other. In fact, almost a majority of urban dwellers of the two types agree that "we should recognize Quebec as a distinct society."

The cleavage width is generally small, but it could be objected that failing to control for regional variations might have the effect of suppressing the rural-

urban cleavage. Common parlance suggests wide regional differences in attitudes toward Quebec, with the west being particularly francophobic, even if more rigorous analyses have not found large regional differences in these attitudes.[43] Controlling for region has no effect on the relationship between feelings or voting on Charlottetown and community size. Regional controls, though, erase the seemingly perverse positive impact of being rural on the "do for Quebec" question.

The variable that on an individual level most clearly accounts for attitudes about Quebec is education. Educational achievement is associated with where one lives, and as Johnston *et al.* argue, having a postsecondary education is associated with increased feeling toward French Canada and a greater willingness to accommodate Quebec demands. Controlling for education reduces the impact of community size on feeling considerably: differences of $-6°$, $-7°$, and $-3°$ for rural, small town, and urban respectively are halved with the inclusion of education.[44] Education has no effect on reducing the influence of being from a small town on voting for the Accord.

Although our sample is restricted to those people living outside Quebec, we should not forget the potential impact of interprovincial migration, in particular, migration of people who lived in Quebec for some period of their life. Francophones who have migrated are especially more likely to have a much stronger attachment to the province than other Canadians outside Quebec. Controlling for whether a person's mother tongue is French does help account for the Quebec attitudes. In particular, in a multivariate model controlling for other demographics as well, the effect of being from a small town on voting "yes" to Charlottetown is reduced almost by half. In part this reflects the fact that people who learned French at an early age and can still speak it are unlikely to live in small-town areas in English Canada as compared with our other community types.

The results, then, are mixed. Small-town and rural Canada may be less sympathetic to distinct society and may harbor more negative attitudes about Quebec, but more positive feelings in urban and metropolitan areas do not translate into wanting to do more for Quebec. Even these modest feeling differences should not be overstated. We find two differences worth noting. There is a clear rural-urban divide on the question of distinct society even if this is not reflected in the other questions. Secondly, small-town Canada was particularly unlikely to support Charlottetown compared with the other places. Nevertheless, in comparison with the previously observed cleavage on questions of moral traditionalism, these differences do not suggest that the rural-urban cleavage is as significant as conventional wisdom suggests. The distinctiveness of rural and small-town Canada on these questions appears to be mainly due to lower levels of educational attainment and a smaller number of mother-tongue francophones in these less urbanized places.

MINORITIES, IMMIGRATION AND ABORIGINAL PEOPLES

Table 4 indicates that there is a slight gradient in opinion on how much to "do for racial minorities" and feeling about racial minorities: attitudes are more positive as community size increases. For the former question, the mean opinion among rural Canadians is to do slightly less for racial minorities (−0.07) while among metropolitan Canadians it is to do slightly more (+0.07). The feeling thermometer replicates this gradient: from 63° (rural) to 70° (metropolitan). On the immigration level question the urban-rural cleavage looks wider: 15 percent more rural residents want fewer immigrants admitted than metropolitan dwellers. However, in both kinds of place, majorities want to reduce the number of immigrants admitted to Canada. All told, attitudes facilitating accommodation of racial minorities and immigrants in Canadian society are more prevalent in urban and metropolitan settings, but the cleavage is not as overwhelming as stereotypes would suggest.

But might this simply reflect the fact that nearly all racial minorities and immigrants live in urban Canada?[45] In short, no. Estimating a multivariate regression model of these attitudes with variables indicating whether respondents are non-white or immigrated from Europe does nothing to diminish the differences we observe on the feeling and immigration level questions. It reduces the "do for racial minorities" difference by less than one-third. Even among Canadians who are not immigrants or visible minorities, there is a small rural-urban cleavage on these issues.

The more abstract questions of minority-majority relations and Canada's founding peoples show absolutely no variation across our four place types. The fact that no differences are found on these relatively abstract theoretical and historical attitudes suggests that any differences are related to either raw feelings about other groups or different interests, not differences in basic values or political principles.

Turning to the questions directly concerning the status of Aboriginal peoples, Table 4 shows that on the question of recognizing Aboriginal self-government and Aboriginal people making their own laws, metropolitan Canadians are about 10 percent more supportive than other Canadians.[46] On both questions though, urban and rural residents are on the same side of the issue: *for* recognizing Aboriginal peoples' right to self-government, but *against* them making their own laws (or, rather, in favour of them abiding by the same laws as other Canadians). Here again, we find a cleavage, but one that is likely not strong enough to be terribly influential for the broad patterns of electoral politics or support for constitutional amendments.

These findings show that there is some truth to common understandings about urban-rural differences in political attitudes that might generally be labelled "tolerance of diversity." The question becomes: Why do these opinions vary according to where citizens live? Is it something about the people who

Table 4: Racial Minorities, Immigration and Aboriginal Peoples: Attitudes by Community Type

	Rural	*Small Town*	*Urban*	*Metropolitan*	*N*
Do for Racial Minorities (%)					
Much less	8	7	7	9	
Somewhat less	18	20	18	15	
About the same	53	52	49	46	
Somewhat more	14	13	20	19	
Much more	7	8	7	10	(2,094)
Mean (−2 to +2)	−0.07*	−0.05*	0.02*	0.07*	(2,094)
Immigration Level					
Fewer	74	68	66	61	
Same	15	16	19	20	
More	11	16	15	19	(2,094)
Mean (−1 to 1)	−0.63*	−0.53*	−0.51*	−0.42*	(2,094)
Feeling about racial minorities	63°*	64°*	67°*	70°*	(2,094)
Minority rights more important	28	28	28	27	(720)
Three founding peoples	73	73	73	72	(720)
Recognize Aboriginal self-government	59	59	59	71*	(720)
Aboriginal people make own law	15*	14*	19*	25*	(2,095)

Note: *significantly different from at least one other column at $p < 0.05$.

live there (a compositional explanation), or their interaction (a social interaction explanation), or something intrinsic to the places themselves (a contextual/environmental explanation)?

Again, education is much of the story. Outside of cities educational attainment is distinctly lower. In the analysis of voting on the Charlottetown Accord, Johnston and his colleagues conclude that university-educated voters were

the only subgroup in favour of the Accord because they "were just relatively minority-oriented."[47] Here, simply controlling for the individual's level of education cuts the urban-rural differences on the "do for racial minorities" and feeling about racial minorities in half, as it did for Quebec feelings. On the immigration level question education reduces the difference relative to the metropolitan category from –0.2 (rural), –0.1 (small town), and –0.08 (small urban) to –0.05, –0.08, and 0.

Education's effect does not, however, extend to Aboriginal affairs. While better educated respondents are indeed more positive about self-government, education is not responsible for the urban-rural differences on either self-government question at the bottom of Table 4. Nor do the differences go away when a host of other controls are introduced, most notably the person's feeling about racial minorities. Although feelings about racial minorities are more positive in metropolitan areas, the advantage in support in metropolitan areas is only reduced from 12 percent to 10 percent for the recognition of self-government and from 9 percent to 7 percent on the "own laws" question when we control for these feelings. Non-Aboriginal attitudes on questions of self-government appear surprisingly distinct from other political attitudes and general feelings toward other minorities in Canadian society. There are two potential explanations for the urban-rural differences on these questions. One is that they are driven by raw feelings toward Aboriginal Canadians: urban Canadians are probably slightly less likely to rely on negative stereotypes of Aboriginal Canadians and more likely to use general feelings of tolerance to inform their judgement. Or, urban Canadians will simply not have to deal with the implications of self-government, whereas some non-urban Canadians will. Unfortunately, we cannot adjudicate between these two possibilities.

None of the remaining variation on any of these questions can be attributed to something about the communities in which citizens live, even using the very detailed descriptors of characteristics of communities available from the census. That is, we have very accurate, exhaustive measurements of the kinds of places respondents live: including immigrant origins, religion, education, occupational composition, and so on. We wondered whether the prevalence of immigrants or visible minorities would affect opinion on racial minorities or immigration, and whether the prevalence of Aboriginal people would affect Aboriginal affairs opinions. Other compositional factors might influence these attitudes — education, income, occupation, religion — but we found no evidence of contextual/environmental influences. This is not simply due to the weakness of the measures or of contextual influences in general; Cutler shows that characteristics of locales can be powerful influences on opinion *if there is an obvious local interest*.[48] On these questions there is no clear local interest that might influence opinion, and so we find no contextual effects.[49]

For adherents of a provincial political culture view of Canadian politics, we found no evidence that the differences in Table 4 were simply a proxy for

provincial effects. In fact, most of the differences increased when we included province in a model of the opinions.

DISCUSSION

We began with common wisdom of a wide gulf between rural and urban Canada, but our results suggest that this expectation is rooted in an unfair stereotype. The intolerant rural hick is a straw man. A cleavage does exist but it is neither as wide nor as deep as is often suggested. On questions of moral traditionalism we find the largest differences, even after controlling for individual-level factors, but the differences are not as apparent when we move to ethnic and linguistic tolerance. The cleavage is most obvious when we tap group feelings and smaller or non-existent when we move to questions of policy. On the whole, the differences are unlikely to be an obstacle to future constitutional and social accommodation.

The bottom line is that some of the urban-rural cleavage on these questions can be put down to education, while the remainder appears to be something about a non-urban political culture. These two components of an explanation fit together if education is considered as a mechanism of socialization to the dominant, mainstream values of a society. In contemporary times, those values are determined and promulgated in urban settings. Rural residents are described as "behind-the-times" in many aspects of culture, in part because novelty or progressiveness begins in the metropolis and "catches on" there through social contagion. Tied to this is undoubtedly a self-selection mechanism when it comes to leaving the country and moving to the city. Whether this occurs because the rural economy has been in decline or because in smaller communities social pressures are stronger and thus conservative, more conservative individuals, in the deep and technical sense of the psychology of personality, tend to stay put. These phenomena combine to impart to rural areas their traditional, conservative character, which has some, perhaps weak, implications for national political affairs.

When public opinion has obvious geographic patterns, even if the clarity of these patterns is greatly exaggerated, there is the potential for political parties to align themselves according to these cleavages. The spatial distribution of seats for the Saskatchewan Party and the NDP in Saskatchewan after the 1999 election seems to be a prototypical example. There are clearly few incentives for federal parties to adopt such a strategy, partly because they will risk losing urban support[50] and partly because rural interests are nowhere near as homogeneous at the national level as they are within each province. On national unity issues the potential audience for an anti-Quebec appeal is not spatially defined. There is more scope for such appeals on minority, immigration, and Aboriginal issues, but it is only on questions of moral traditionalism that there

is a clear opportunity for a geographically based appeal. Of course, the relative size of the community types means that an appeal aimed at small-town and rural Canada must be fashioned in such a way as not to alienate urban Canadians since urban support is essential for political success. This is all the more difficult since the electorally influential mass media originates from the large urban centres — so parties must make even regionally specific appeals to an audience the majority of which is urban. Of course, this partially explains the fact that the Reform/Alliance Party support is not particularly rural. Yet it also leaves open the possibility that a party advocating intolerance could have national success under the right conditions.

None of this is meant to diminish the reputed importance of rural and small-town grievances, essentially independent of issues, or what Charnock terms "countrymindedness."[51] In fact, our results offer some insight into the issue. First, the lack of a large attitude cleavage means there is a reduced likelihood that parties will emerge to capitalize on the sense of grievance. Second, the importance of education for explaining the existing differences suggests that the cleavage may be a legacy of previous political conflict and socialization. When one considers that Canada is likely to become progressively more urban and educated, we might expect a further reduction of the cleavage and a political system less responsive to rural Canada in the future.

NOTES

1. Charnock suggests that the federal nature of Australia has led researchers interested in accounting for voting patterns to devote attention to federal rather than other types of regional effects. David Charnock, "Spatial Variations, Contextual and Social Structural Influences on Voting for the ALP at the 1996 Federal Election: Conclusions From Multilevel Analyses," *Australian Journal of Political Science* 32, 2(1996):237-54.

2. This process also has the effect of suggesting that individuals have opinions in a vacuum such that a number of people have argued that the survey is a blunt instrument for understanding attitudes and their role in politics. Susan Herbst, *Numbered Voices: How Opinion Polling has Shaped American Politics* (Chicago: University of Chicago Press, 1993); see also the literature on deliberative polls, for example, James Fishkin, *The Voice of the People: Public Opinion and Democracy* (New Haven: Yale University Press, 1995).

3. Bernard Berelson, Paul Lazersfeld and William McPhee, *Voting: A Study of Opinion Formation in a Presidential Campaign* (Chicago: University of Chicago

Press, 1954). For a review see John W. Books and Charles L. Prysby, *Political Behavior and the Local Context* (New York: Praeger, 1991).

4.   Michael MacKuen and Courtney Brown, "Political Context and Attitude Change," *American Political Science Review* 81, 2(1987):471-90; Robert Huckfeldt and John Sprague, "Networks in Context: The Social Flow of Political Information," *American Political Science Review* 81, 4(1987):1197-216; and K. Jones, R.J. Johnston and C.J. Pattie, "People, Places and Regions: Exploring the Use of Multi-level Modelling in the Analysis of Electoral Data," *British Journal of Political Science* 22(1992):343-80.

5.   Richard Johnston, André Blais, Elisabeth Gidengil and Neil Nevitte, *The Challenge of Direct Democracy: The 1992 Canadian Referendum* (Montreal and Kingston: McGill-Queen's University Press, 1996).

6.   C.J. Duncan and W.R. Epps, "The Decline of "Countrymindedness": New Players or Changing Values in Australian Rural Politics." *Political Geography* 11, 5(1992):430-48.

7.   David Charnock, "National Uniformity, and State and Local Effects on Australian Voting: A Multilevel Approach," *Australian Journal of Political Science* 31, 1(1996):51-66; Charnock, "Spatial Variations, Contextual and Social Structural Influences on Voting for the ALP at the 1996 Federal Election."

8.   Charnock uses a multi-level modelling strategy in which the respondent's socio-demographic characteristics are entered along with characteristics of the division in which the respondent resides (there are no attitudinal variables).

9.   Elisabeth Gidengil, André Blais, Richard Nadeau and Neil Nevitte, "Making Sense of Regional Voting in the 1997 Canadian Federal Election: Liberal and Reform/Alliance Support Outside Quebec," *Canadian Journal of Political Science* 32, 2(1999):247-72.

10.   Fred Cutler, "Local Economies, Local Policy Impacts, and Government Support in Canada," *Canadian Journal of Political Science* (forthcoming, 2002).

11.   Fred Cutler, "The Simplest Shortcut of All: Socio-Demographic Similarity, Information, and Voting," *Journal of Politics* (forthcoming, 2002).

12.   Larry S. Bourne, "Urban Canada in Transition to the Twenty-First Century: Trends, Issues, and Visions" in *Canadian Cities in Transition*, 2d ed., ed. Trudi Bunting and Pierre Filion (Oxford: Toronto, 2000).

13.   Richard Dupuy, Francine Mayer and René Morissette, *Rural Youth: Stayers, Leavers and Return Migrants,* Cat. No. 11F0019MPE. (Ottawa: Statistics Canada, 2000); Robert Mendelsohn and Ray D. Bollman, "Rural and Small Town Population is Growing in the 1990s," Working Paper No. 36. Cat. No. 21-601-MIE98036. (Ottawa: Statistics Canada, 1998).

14.   Philip D. Keddie and Alun E. Joseph, "Reclassification and Rural-versus-Urban Population Change in Canada, 1976-1981: A Tale of Two Definitions," *Canadian Geographer* 35, 4(1991): 412-20.

15.   Mendelsohn and Bollman, "Rural and Small Town Population is Growing."

16.   Distance to the nearest urban centre is used by Keddie and Joseph to distinguish between urban core, rural hinterland, and remote hinterland areas in their analysis

of population growth rates. For a discussion of how to define rural areas see Ken Deavers, "What is Rural?" *Policy Studies Journal* 20, 2(1992):184-89.

17.   Statistics Canada. Postal Code Conversion File.

18.   Larry S. Bourne, "Urban Canada in Transition to the Twenty-First Century: Trends, Issues, and Visions" in *Canadian Cities in Transition*, 2d ed., ed. Trudi Bunting and Pierre Filion (Oxford: Toronto, 2000).

19.   Ibid.

20.   A census subdivision (CSD) is included in a CMA or CA if some part of it lies within the urban core of the CMA or, if 50 percent of the employed workforce work in the urbanized core or, if 25 percent of the workforce of the CSD lives in the urban core (Mendelsohn and Bollman "Rural and Small Town Population").

21.   Dupuy *et al.*, *Rural Youth* and Mendelsohn and Bollman, "Rural and Small Town Population," use this criteria for distinguishing between rural and small town on the one hand and urban on the other.

22.   Researchers at Statistics Canada have experimented with other ways of differentiating the non-CMA/CA population. Howatson-Leo and Earl suggest a method based on metropolitan influence (commuting flows out of a CSD to a CMA/CA. Further work has led to the development of a census metropolitan area and census agglomeration influenced zones (MIZ) for this area to complement the breakdown of the urban areas into urban core, urban fringe and rural fringe. Linda Howatson-Leo and Louise Earl, "A New Approach to NON-CMA/CA Areas," Working Paper No. 31. Cat. No. 21-601-M1E96031. (Ottawa: Statistics Canada, 1996). Sheila Rambeau and Kathleen Todd, "Census Metropolitan Area and Census Agglomeration Influenced Zones (MIZ) With Census Data," Geography Working Paper Series. Cat. No. 92F0138MIE, 2000-1. (Ottawa: Statistics Canada, 2000); Chuck McNiven, Henry Puderer and Darryl Janes, "Census Metropolitan Area and Census Agglomeration Influenced Zones (MIZ): A Description of the Methodology," Geography Working Paper Series. Cat. No. 92F0138MIE, 2000-2. (Ottawa: Statistics Canada, 2000).

23.   The possibility of these types of differences was considered, but settling on an appropriate basis for breaking up areas is not intuitively obvious. Are Mississauga or Brampton suburbs of Toronto? They are both part of the Toronto CMA, but calling them suburbs of Toronto seems to overstate the distinction. A suburban designation may be more appropriately applied to geographical areas within municipalities (CSD). Our own analysis using the 1996 census data and the 1997 CES data indicates that the rural fringe, urban fringe, and urban core classification of CSDs within CMA/CAs is not superior to the one used here.

24.   These include St. John's, Halifax, Saint John, Chicoutimi-Jonquiere, Quebec, Sherbrooke, Trois-Rivières, Montreal, Ottawa-Hull, Oshawa, Toronto, Hamilton, St. Catharines-Niagara, Kitchener, London, Windsor, Sudbury, Thunder Bay, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver, and Victoria.

25.   We also compared the distribution of census tract (CT) characteristics but found no significant differences.

26. There are, of course, a number of anomalies that result from the strict application of the rules identified above. Caledonia (Ontario), Lunenburg (Nova Scotia) and Aylesford (Nova Scotia) all have CSD populations above 20,000 but are assigned a rural designation (this affects five respondents). Highly populated rural areas are the exception; half of the respondents classified as rural live in rural communities with fewer that 1,200 people.

27. Herbert Kitschelt, *The Radical Right in Western Europe: A Comparative Analysis* (Ann Arbor, MI: University of Michigan Press, 1995); Hans-Georg Betz, *Radical Right-Wing Populism in Western Europe* (New York: St. Martin's Press, 1994); and Richard W. Jenkins, "How Campaigns Matter: Priming and Learning as Explanations for Reform's 1993 Campaign Success," *Canadian Journal of Political Science* (forthcoming, 2002).

28. Leslie A. Pal, *Interests of State: The Politics of Language, Multiculturalism, and Feminism in Canada* (Montreal: McGill-Queen's University Press, 1993).

29. Ronald Watts, "Canada: Three Decades of Periodic Federal Crises," *International Political Science Review* 17(1996):360, 365-66; Matthew Mendelsohn, "Public Brokerage: Constitutional Reform/Alliance and the Accommodation of Mass Publics," *Canadian Journal of Political Science* 33, 2(2000):245-72.

30. Neil Nevitte, André Blais, Elisabeth Gidengil and Richard Nadeau, *Unsteady State: The 1997 Canadian Federal Election* (Toronto: Oxford University Press, 2000), p. 95.

31. Ibid.

32. There may be a rural interest in relaxed party discipline because it would allow for rural MPs to vote together on matters where a rural interest cuts across party lines.

33. It is possible that this breakdown may differ regionally. In the west the numbers are: 37 percent (rural), 42 percent (small town), 30 percent (urban), and 26 percent (metro). While in Ontario they are: 18 percent (rural), 23 percent (small town), 18 percent (urban), and 18 percent (metro). Thus the urban-rural divide pales in comparison with the west-Ontario one: even small-town Ontarians do not support the party as strongly as urban westerners, two-thirds of whom are from outside Alberta. The Reform/Alliance Party looks more like a western party and less like a rural party. In that sense, regional and provincial alienation look to be more important attitudinal factors for federalism in Canada.

34. Richard Johnston, André Blais, Elisabeth Gidengil and Neil Nevitte, *The Challenge of Direct Democracy: The 1992 Canadian Referendum* (Montreal: McGill-Queen's University Press, 1996), p. 170.

35. It probably would have been just as efficient to ask people whether they live in a rural area, small town, small city, suburb, or urban core. But this would not have enabled the addition of many measurements of the characteristics of the places people live in, as the current method allows.

36. Johnston *et al., The Challenge of Direct Democracy,* p. 170.

37. Ibid.

38. Ibid.

39. Of course, we are unable to control for the sexual orientation of respondents and, given the likely preference of homosexual persons for urban centres, this may explain some of the remaining difference.

40. This is simply to say that the difference we observe would be generated by chance in less than one case of 20 random trials.

41. We simply multiply the seven point difference by the coefficient 0.45 listed in Table 7-6 of Johnston *et al.*, *The Challenge of Direct Democracy*, p. 170.

42. This is not just an artifact of the distribution of "don't knows" across the four community types.

43. Elisabeth Gidengil, André Blais, Richard Nadeau, and Neil Nevitte, "Making Sense of Regional Voting in the 1997 Canadian Federal Election: Liberal and Reform/Alliance Support Outside Quebec," *Canadian Journal of Political Science* 32, 2(1999):247-72.

44. The only exception is that the urban coefficient gets modestly stronger with this control.

45. For our four place types, the percentage visible minorities is 0.2 percent, 0.5 percent, 1 percent, and 5.2 percent; the percentage immigrant is 5.6 percent, 8 percent, 10 percent, and 22 percent.

46. For further results and discussion of public opinion on Aboriginal self-government, see Paul Howe and Joseph Fletcher, this volume.

47. Johnston *et al.*, *The Challenge of Direct Democracy*, p. 281.

48. Fred Cutler, "Explaining Geographic Variation in Electoral Behaviour: Local Environments and Canadian Voting." PhD Dissertation, University of Michigan, 2000.

49. There could be a local interest for a very tiny portion of the non-Aboriginal Canadian population who live on or very close to reserves. This group is likely to be so small as to be missing entirely from the CES sample.

50. Richard Johnston and Janet Ballantyne, "Geography and the Electoral System," *Canadian Journal of Political Science.* 10, 4(1977):857-66.

51. Charnock, "National Uniformity, and State and Local Effects on Australian Voting."

V

Chronology

16

Chronology of Events
January 2000 – December 2000

Victoria Crites

4 January 2000 *Environment*	Documents reveal that the federal government has long been considering legislation to ban bulk fresh-water exports. However, only five provinces have thus far signed on to an accord with Ottawa that would create a national ban on bulk fresh-water exports, since the accord was introduced nearly a decade ago. Currently, Canada only sells its water in bottles and approximately 80 percent is shipped from Quebec to the United States. Quebec, Alberta, Saskatchewan, and Manitoba refused as recently as two months ago to sign on.
6 January 2000 *New Brunswick*	New Brunswick Premier Bernard Lord's "200 days of change" come to an end and Premier Lord seems to have accomplished 19 of his 20 promises. He is still working on one of the most controversial promises — that of eliminating tolls from all roadways in New Brunswick.
7 January 2000 *Political Parties*	Reform Party leader Preston Manning sends a letter to all 65,000 party members, in which he promises to quit as leader if the delegates to an upcoming national convention reject his initiative for a new United Alternative party. Manning's announcement comes as a surprise to

Reformers and prompts BC MP Jay Hill, who has been
against the United Alternative proposal, to say now that
he will stand behind Manning and his plan.

8 January 2000
British Columbia/
Political Parties

Former BC Finance Minister Joy MacPhail withdraws
from the provincial New Democratic Party (NDP) leader-
ship race and puts her support behind front-runner Ujjal
Dosanjh. Now only three candidates remain: Dosanjh,
Gordon Wilson, and Agriculture Minister Corky Evans.
NDP party members will elect a new leader and premier
at a convention in Vancouver 18–20 February. The new
leader will replace the interim premier, Dan Miller, who
has held the office since Glen Clark resigned amidst scan-
dal last August.

12 January 2000
Supreme Court

Chief Justice Beverley McLachlin is officially sworn in
as head of Canada's Supreme Court at a Rideau Hall cer-
emony. Prime Minister Jean Chrétien, several federal
ministers and Supreme Court judges were in attendance.
McLachlin replaces the retiring Antonio Lamer.

12 January 2000
Supreme Court

Ontario's Attorney General Jim Flaherty says it is his duty
as government protector of the vulnerable to defend On-
tario's right to prosecute child pornographers. Therefore,
he intends to appear before the Supreme Court of Canada
next week when they hear arguments about the controver-
sial child pornography possession legislation.

13 January 2000
Budget

Ottawa's Finance Department reports a budget surplus of
$7.8 billion in the first eight months of the 1999–2000
fiscal year. The surplus is expected to provoke further de-
mands for tax cuts in the upcoming budget, to be
announced in late February.

13 January 2000
Newfoundland

Newfoundland's Premier Brian Tobin shuffles his Cabi-
net, which causes speculation regarding the future of the
Voisey's Bay mining project and the Churchill River hy-
dro-electric proposal as Tobin replaces Roger Grimes, his
energy and mines minister, who has been the chief nego-
tiator on the projects. Opposition House Leader Loyola
Sullivan suggests that Grimes and Tobin could not agree
on how best to proceed with the proposals. The major
Cabinet shuffle also results in new postings in health, fi-
nance, justice, and municipal affairs.

13 January 2000
Agriculture

Federal Agriculture Minister Lyle Vanclief announces an aid program designed to give struggling farmers access to $1 billion over the next two years. The program will be cost-shared, with Ottawa picking up 60 percent of the tab and the provinces, the remainder.

14 January 2000
Premiers' Meeting

Quebec Premier Lucien Bouchard announces the date for the next Premiers' Meeting. It is set to take place in Quebec City on 3 February. The premiers and territorial leaders will gather to discuss a strategy to pressure the federal government into sharing some of the budget surplus, which is estimated to reach $95 billion over the next five years. The highest priority for all the premiers is the allocation of more money for health and education. All premiers are expected to attend.

15 January 2000
Quebec

Quebec Premier Lucien Bouchard declares that his government's first priority is health care. Next on the list of priorities are: youth and education, tax cuts, and then, sovereignty. When asked about the possibility of a sovereignty referendum this year, Bouchard responds by saying that "winning conditions" must be met before Quebecers wade into another referendum, and stabilizing the health-care system is an important aspect of stability — one of the necessary "winning conditions." Bouchard's declaration comes on the heels of the flu crisis, which exacerbated the health-care situation in Quebec over the New Year's holiday. Emergency rooms across the province are still overcrowded.

17 January 2000
Aboriginal Peoples

The Snuneymuxw (Nanaimo) First Nation rejects a joint federal-British Columbia government offer which included $40.3 million and 2,128 hectares of land. The 1,500 member band, which is currently living on 263 hectares south of Nanaimo, wants 4,300 hectares of Crown land plus 14,450 hectares of private land (potentially to be purchased from those willing to sell). The Snuneymuxw stated that they plan to take the land claim to court if the government does not substantially improve its offer. Peter Smith, of BC's Ministry of Aboriginal Affairs, says the package offer was the beginning of the process, not the end.

17 January 2000
Aboriginal Peoples

Phil Fontaine, the Chief of the Assembly of First Nations, says that the federal government's Clarity Bill is a "major cause of concern," for the 43 First Nations living in Quebec. Fontaine explains that although he partially supports the goal of the proposed legislation, he is concerned that the legislation does not take into account the viewpoint of First Nations people residing in Quebec with respect to any possible future secession negotiations between Quebec and the federal government.

18 January 2000
Ontario

Ontario Premier Mike Harris calls on the federal government to give Canadians a 20 percent cut in income tax. The request was forwarded in writing to federal Finance Minister Paul Martin by Ontario's Finance Minister Ernie Eves. Harris's provincial government has cut personal income taxes by 30 percent since it was elected in 1995.

18 January 2000
Ontario

Ontario Premier Mike Harris says that he will not be persuaded by pressure from Ottawa to provide funding for all private religious schools. A recent United Nations ruling found that Canada is violating international law because Ontario does not fund non-Catholic religious schools. Ontario remains the only province that does not, in some way, fund religious schools.

19 January 2000
Supreme Court

The Supreme Court of Canada's hearings on the controversial child-porn possession law wrap up today after the nine judges hear two days of arguments. At dispute is the question: Is the infringement upon Charter rights justifiable (under section 1 of the Charter) in the pursuit of child protection? Vancouverite Robin Sharpe, who was charged under the law nearly five years ago in BC, successfully challenged it; both a BC trial court and the BC Court of Appeal have struck down the law as a breach of the constitutional protection provided by the Charter. Lawyers for the federal and BC governments say they are using the court to put children's rights ahead of those who would create or possess child pornography, while civil liberties groups argue that the law is too broad and should be redefined to criminalize only those who abuse children in the production of child pornography.

19 January 2000
HRDC

An internal audit by Human Resources Development Canada (HRDC) reveals that as much as $1 billion in annual federal grants has been spent with few checks into how that money was being used. The audit discovered that at least 80 percent of the projects funded show no evidence of any financial monitoring by the federal government. Also, 87 percent of the projects received no supervision by officials, and 25 percent of the files did not even show what kind of activity Ottawa was funding. Opposition Reform Party's human resources critic Diane Ablonczy says this discovery will diminish Canadians' confidence in the government's ability to handle their money. Human Resources Minister Jane Stewart admitted to "sloppy administration," but said they were working to correct the problem. The audit examined programs funded by HRDC from April 1997 to June 1999.

25 January 2000
Quebec

The Quebec government refuses to renew a ten-year-old federal-provincial agreement that provides funds to ensure access to English-language health services in Quebec. The agreement was a 50–50 deal where the federal government contributed $359,000 per year as did Quebec. The program funds a group of coordinators who act as liaisons between Quebec's English community and the provincial health-care network. The deal was originally penned in 1989 when Lucien Bouchard was then a senior Cabinet minister in the federal Conservative government. At that time, Bouchard wrote, "It seems eminently possible to follow in Quebec, without contradiction, the objectives of the promotion of the French language and the respect of the minority English population." The deal was renewed in 1994 by Jacques Parizeau's PQ government. Bouchard's current PQ government justifies its denial of the renewal by accusing Ottawa of intruding into a provincial jurisdiction.

29 January 2000
Political Parties

After much debate, at the Reform Party's annual three-day meeting, the new name is official: the Canadian Conservative Reform Alliance or the Canadian Alliance for short. Reform delegates worked on the new policy platform for the new party, which is similar to the Reform Party platform, but now supports official bilingualism and

a specific flat tax rate of 17 percent. Reform Party members will vote on joining the Canadian Alliance through February and March. A two-thirds majority is required for the Canadian Alliance to become a registered party.

31 January 2000
Political Leaders

Saskatchewan Premier Roy Romanow declares that Ottawa must give struggling farmers more support than the recently announced $1 billion over the next two years. Romanow explained that farmers are facing the worst crisis since the Depression due to low commodity prices and he intends to lobby his fellow premiers at the upcoming Premiers' Meeting in Quebec City on 3 February.

1 February 2000
Aboriginal Peoples

At a native conference, Alex Denny, the leader of the Mi'kmaq Grand Council warns that more violent clashes between native and non-native fishers are likely to occur again in the spring. Federal negotiators have been working out deals with individual bands in New Brunswick since the Supreme Court rendered the *Marshall* Decision last September. The decision upheld an Aboriginal treaty signed in 1760 that allows Aboriginal people in Atlantic Canada to fish year-round in order to maintain a "reasonable livelihood." Disputes over whether or not this means *any* restrictions apply to Aboriginal fishing led to rising tensions and some violent incidents between the native and non-native communities in New Brunswick last fall.

3 February 2000
Premiers' Meeting

As expected, the health-care issue dominated the Premiers' Meeting that was held in Quebec City. The premiers emerged at the end of the day united in support of their letter to Prime Minister Chrétien asking for an immediate rescue of Canada's failing health-care system. This should include both a cash infusion and a possible future restructuring of the system itself. The premiers also repeated their call for transfer payments to the provinces to be restored to the levels that existed prior to the extensive cuts, which the Liberals began implementing in 1994. Also mentioned was support by the provinces for the tax cuts that have already been promised by Chrétien for the upcoming federal budget.

21 February 2000 *HRDC*	At a news briefing today, David Good, an assistant deputy minister at HRDC explains that it is difficult for businesses to make a go of it in the depressed regions of the country that the Canada Jobs Fund targets. His comments were an attempt to reply to the recently released audit that found that the Canada Jobs Fund gave more than $12 million to 51 companies between 1997 and 1999 that went bankrupt or simply closed down before any projects were completed or any jobs created.
21 February 2000 *Supreme Court*	The Supreme Court of Canada begins hearing arguments made on behalf of eight provinces and territories that are challenging the federal government's power to realize a national system of gun control. The challengers include Alberta, Ontario, New Brunswick, Saskatchewan, Manitoba, Nova Scotia, Northwest Territories, and the Yukon. With Alberta leading the way, the provinces claim that since guns are private property, their regulation falls under provincial rather than federal jurisdiction. Justice Frank Iacobucci pointed out that the *Firearms Act* is about not only the registration of guns, but about the registration of gun users, and moreover that Parliament has said that the issue is rooted in concern for public safety and criminal law. The *Firearms Act*, which was passed by Parliament in 1995, compels all gun owners to be licensed by the end of this year and every gun to be registered by the end of 2002. Over the next two days, the Court will also hear from the Coalition for Gun Control and several victims' organizations.
21 February 2000 *Atlantic Canada*	Provincial spokespersons in Newfoundland, Nova Scotia, and Prince Edward Island state that the provinces will not be seeking taxes from those cash settlements the federal government recently awarded to merchant marine veterans. The four provinces had previously threatened to seize the cheques issued by Veterans Affairs Canada in order to garner a portion in taxes. The federal Cabinet allocated $50 million for the program, which will include lump-sum payments of up to $24,000; the payments have been declared non-taxable by Revenue Canada.

| 22 February 2000
Atlantic Canada | The two-day truckers' blockade at the Nova Scotia-New Brunswick border of the Trans-Canada highway ends. The blockade had been organized to protest the steep rise in diesel fuel prices. A trucker's protest on Parliament Hill prompts Prime Minister Jean Chrétien to remark, "these prices have increased around the globe. The level of taxation by the federal government on these products is the lowest of probably any other country in the world." Similar trucking industry protests are also happening in the United States. |

| 23 February 2000
Aboriginal Peoples/
Clarity Bill | Chief Ted Moses of the Grand Council of the Crees tells the parliamentary committee on Bill C-20 that his nation supports the goal of clear rules for a sovereignty referendum, but he also believes that the bill ignores the constitutional rights of Aboriginals. Moses emphasized the need for Aboriginal participation in any secession negotiations with Quebec. |

| 23 February 2000
Clarity Bill | Joe Clark tells the parliamentary committee studying the Clarity Bill (Bill C-20) that the bill would tie the hands of future politicians with respect to preventing Quebec's possible separation. Clark says that the bill would make it impossible for politicians to employ "ambiguity ... and find ways in which we might save Canada." |

| 23 February 2000
Justice | The Federation of Saskatchewan Indian Nations demands that the province hold a public inquiry into the allegations surrounding the Saskatoon police force. More than 100 complaints of police threats and abuse have been called into the federation since two police officers were suspended in connection with a complaint from Darrell Night who alleges that the officers took his coat, dropped him outside town and told him to walk home. The RCMP is currently investigating the incident and the freezing deaths of four other Aboriginal men. |

| 25 February 2000
New Brunswick | The federal Fisheries Department plans to buy back more than 1,000 commercial fishing licences, as well as boats and equipment from fishermen who are ready to either retire or change careers. The move is aimed at easing the pressure on fish stocks in Miramichi Bay, New Brunswick and will allow more expansion within the native |

fishery. However, Robert Levi, the chief of Big Cove reserve in New Brunswick says that Aboriginal fishermen do *not* require licences under the *Marshall* Decision, rather they only need to proceed in an "orderly and regulated fashion."

28 February 2000
Budget

Federal Finance Minister Paul Martin delivers the annual federal budget. The message of the budget is a focus on the future and the underlying theme is, as Martin puts it, "the days of deficit are gone and they are not coming back." Accordingly, Martin's budget framework is based generally on the following principles: sound fiscal management, lower taxes to promote economic growth, investment in providing Canadians with skills and knowledge for jobs, and to build an economy based on innovation. Tax relief is the cornerstone of the budget. The personal income tax system is to be fully indexed and applied retroactively to 1 January 2000, actual tax rates are to be lowered over the next five years, and the Canada Child Tax Benefit (CCTB) will increase from $1,975 to $2,265 by July 2001 and up to $2,400 over the next five years. Higher taxed industries (like high technology services) will see their tax rates lowered from 28 percent to 21 percent over the next five years and investors will now be allowed a $500,000 tax-free rollover when investing in new ventures.

Other highlights of the budget include: increased funding of $2.5 billion to the provinces for postsecondary education and health care (CHST) over the next four years (Ottawa expects the provinces to spend $1 billion next year and $500 million in each of the following three years), $900 million in funding over five years for 2,000 new research chairs at universities, $900 million in funding to Canada Foundation for Innovation (CFI: a foundation that helps postsecondary institutions, research hospitals to modernize their equipment, labs, etc.), $700 million toward environmental technologies and research, an additional $240 million in relief for prairie farms, and as promised in the Speech from the Throne — an increase in maternity and parental benefits under the employment insurance program.

29 February 2000
Budget

An angry Premier Mike Harris demands that Ottawa give an explanation of the meager health-care funding

announced in yesterday's budget. The additional $2.5 billion over four years to provinces for health care, social programs and postsecondary education is not enough for even health care alone, according to Harris. He further suggests that the federal government has a top-down overhaul of the health-care system in mind and is deliberately underfunding the provinces in order to force them on board with the plan.

1 March 2000
Justice

Saskatchewan Justice Minister Chris Axworthy calls on his federal counterpart, Anne McLellan, to help formulate a plan that will restore the Aboriginal peoples' faith in the justice system. Axworthy's request comes in the wake of the unresolved freezing deaths of two Aboriginal men outside Saskatoon. Two Saskatoon police officers have been suspended with pay in connection with the incident, while an RCMP task force investigates.

1 March 2000
Health

Federal Health Minister Allan Rock offers to meet with his provincial counterparts as early as next week to discuss the problems of the health-care system. The offer comes in response to the provinces' laments about the budget's shortfall on health-care funding.

1 March 2000
Aboriginal Peoples

The new grand chief of the Council of Yukon First Nations Ed Schultz accuses the federal government of deliberately stalling on First Nations land claims agreements, while at the same time expediting the devolution of natural resources from Ottawa to the Yukon government. Schultz and other chiefs representing 11 First Nations communities warn that they may not support devolution if the federal and provincial governments do not move negotiations forward much more quickly.

2 March 2000
Ontario

Ontario Corrections Minister Rob Sampson asserts that Parliament's proposed changes to the young offender laws are insufficient. The new *Youth Criminal Justice Act* proposes lowering the age at which young people can face adult sentences from 16 years to 14 years, also the names of youth who face adult sentences would become public. Currently, the publication of the names of young offenders is banned.

3 March 2000 *Environment*	An environmental agreement is signed between Diavik Diamond Mines, the Northwest Territories (NWT) and the federal government which will potentially allow Diavik to start work on its $1.3 billion mine. Aboriginal and environmental groups have expressed concerns regarding the effects of Diavik's construction plans in the northern area. Diavik still requires a building permit from Indian Affairs Minister Robert Nault and a licence from the NWT water board. Diavik has already awarded $90 million in construction contracts.
3 March 2000 *Quebec*	Quebec Premier Lucien Bouchard states that on an upcoming trip to Paris he plans to denounce Ottawa's Clarity Bill as being undemocratic. In early April, Bouchard plans to meet with France's Prime Minister Lionel Jospin to discuss political, economic, and cultural issues. Federal Intergovernmental Affairs Minister Stéphane Dion sees this appeal to the international community as a sign of desperation within the separatist cause.
8 March 2000 *Newfoundland/* *Aboriginal Peoples*	Amid continuing stories of sky-high suicide rates and substance abuse in native communities, the Newfoundland government announces plans to form a committee to study the problems of Aboriginal communities in Labrador. Provincial Justice Minister Kelvin Parsons pointed to factors such as isolation, insufficient housing, high unemployment, substance abuse and unresolved land claims as the largest burdens on Aboriginals in Newfoundland and Labrador. Premier Brian Tobin is slated to lead the committee.
9 March 2000 *Political Leaders*	Alberta Treasurer Stockwell Day announces his bid for the leadership of the nascent Canadian Alliance Party. In turn, Reform Party leader Preston Manning, in an effort to focus on his own political future, says he will hand over his duties as opposition leader in the House of Commons to deputy leader Deborah Grey if Reformers vote for the new Canadian Alliance Party. The referendum results on the new party will be released 25 March and the subsequent leadership vote is set for 24 June.
9 March 2000 *Health*	Alberta Premier Ralph Klein announces that the provincial health ministers will meet the week of 21 March to discuss the problems plaguing Canada's health-care

system. Klein also expressed the hope that a follow-up premiers' meeting on health care will happen in April.

9 March 2000
Aboriginal Peoples

The Supreme Court of Canada is scheduled to hear the Benoit case which will examine the question of whether or not Ottawa granted tax-free status to Aboriginals under Treaty 8 when it was signed in 1899. The Benoit family of Ft. McMurray, Alberta argues that the federal government violates the treaty by compelling Aboriginals who earn off-reserve income to pay income tax and to pay GST on goods and services purchased off-reserve. Bonnie Moon, of the federal Justice Department, says that if the Benoits win, she expects that other treaty natives would file similar lawsuits.

13 March 2000
Aboriginal Peoples

A two-year pilot project aimed at providing culturally-sensitive justice programs in Northern Manitoba will cost $703, 088 and is set to be cost-shared by the federal and Manitoba governments. Six First Nations of Manitoba will participate in the community-based project.

13 March 2000
Political Leaders

In an interview with *le Journal de Montreal,* Prime Minister Jean Chrétien states that he intends to stay on the job. While acknowledging that some Liberals would like to see Finance Minister Paul Martin replace him, Chrétien emphasized that he is in charge of the party and is preparing for the next election. He also pointed out that 60 percent of Canadians are satisfied with his government according to recent polls and this suggests that winning conditions exist for a Liberal government at the election. "What more could you ask for?" Chrétien mused.

14 March 2000
Aboriginal Peoples

Aboriginal fishermen walk away from the federal negotiating table in Fredericton. A councillor at the Burnt Church First Nation, Kathy Lambert says the reserve has given up hope of an agreement with Ottawa and instead they intend to come up with their own plan for managing the fisheries. Federal Fisheries Minister Herb Dhaliwal recently stated that he hopes to have agreements in place prior to the opening of fishing season on Miramichi Bay on 1 May.

15 March 2000
Clarity Bill

The House of Commons overwhelmingly passes Bill C-20, the Clarity Bill, by a vote of 208 to 55; this was accomplished after 36 hours of recorded votes on nearly 400 Bloc Québécois amendments, which were all defeated. Two NDP amendments that proposed changing the bill to include Aboriginal peoples as political actors in the referendum review process passed. Bill C-20 is based on the 1998 Supreme Court of Canada decision which outlined broadly the required criteria for a province to secede. The bill states that the federal government will only negotiate secession with a province if there has been a clear question and a clear expression of the will of the citizens of that province. The Bloc Québécois has vigorously opposed the bill, calling it undemocratic. Stéphane Dion claims that the bill protects the interests of all Canadians in that it helps to protect federalism. It remains for the Senate to approve it before it becomes legislation.

21 March 2000
*Reform Party/
Quebec*

At a hearing on Quebec's Bill 99, Reform MP Grant Hill says that the Reform Party would propose changes to the federation that would accommodate Quebec's long sought-after demands, thereby resolving the national unity problem. Hill stated that the Reform Party would propose a legislated "withdrawal of the federal government from health, education, language and culture, family policy, natural resources, manpower training, municipal affairs, sports and recreation, and housing and tourism." Joseph Facal, Quebec's intergovernmental affairs minister said he was appreciative of Hill's remarks. The Bloc Québécois created Bill 99 in response to the Liberals' Clarity Bill.

22–23 March 2000
Agriculture

In what is said to be an excellent example of cooperation among federal, provincial, and territorial governments, agriculture ministers from these governments, in a meeting in Ottawa, agree on a tentative plan that includes basic safety-net programming and an income disaster component. After ratification, the plan is later signed at the annual meeting of agriculture ministers and deputy ministers in Fredericton on 5 July. At the latter meeting, there is also agreement on the general principles of a proposed Canadian Farm Income Program — an initiative for disaster assistance programming. CFIP will contribute $2.2 billion of the $5.5 billion, three-year agreement by ministers.

23 March 2000
Aboriginal Peoples

Chief Ted Moses of the Grand Council of the Crees declares that the Cree are not a part of the Quebec people and they will not be assimilated. Moses's comments are in response to the Quebec government's Bill 99, which refers to "the Quebec people." The Cree have denounced the proposed legislation as "colonial and anti-democratic." The bill is currently before a legislature committee.

23 March 2000
Political Parties

After a Liberal caucus meeting, MPs emerge united behind Prime Minister Jean Chrétien as their leader. In recent weeks, squabbling between Liberal supporters of Paul Martin and Chrétien loyalists had intensified over Martin's prospects for leadership. At the caucus meeting, Chrétien discussed plans for a possible fall election and reminded his caucus that there will be no leadership race until he retires.

24 March 2000
Quebec

Ottawa pledges $700,000 in funding in order to ensure that Quebec anglophones will have access to health and social services. The money will pay for English health-access coordinators whose continued employment in the province was in question earlier this year when the Quebec government refused to renew a long-standing intergovernmental agreement that had obligated the Quebec government and Ottawa to share the cost of the coordinators.

30 March 2000
Aboriginal Peoples

Some Aboriginal fisheries start opening for the season in Atlantic Canada while federal Director General of Resource Management David Bevan declares, "fishing will be orderly and regulated." The Fisheries Department is currently negotiating agreements with several First Nations bands in the area in an attempt to ease tensions between the native and non-native fishing communities. Tensions remained and have often erupted into violence, since the Supreme Court's *Marshall* Decision last September upheld the 1760 Aboriginal treaty right to "hunt, fish and gather" in order to maintain a moderate living. Subsequently, the Supreme Court also released a statement clarifying that the federal government still had the right to regulate Aboriginal access to resources like lobsters, trees or minerals. Bevan said that three of 34 bands have signed agreements and negotiations continue on a band-by-band basis.

4 April 2000
Political Parties

Stockwell Day, candidate for the leadership of the Canadian Alliance Party, drops in on Tory leader Joe Clark's fundraiser in Regina in order to let Clark know that the "door is open" to the federal Tories. Day emphasized that many Tory members are coming over to the Canadian Alliance. Clark, in turn, suggested that Day's momentum would not hold, especially given his tough opponent in the leadership race, Preston Manning.

4 April 2000
Aboriginal Peoples

The First Nations National Accountability Coalition releases a report condemning the spending practices of several bands. The report is the result of the hearings that were held across the country to gather information on band management and spending. Leona Freed, president of the coalition says that unless changes occur, many band members are ready to engage in uprisings. Among the coalition's recommendations are: direct delivery of federal funds to band members rather than through chiefs and councils; a native ombudsman for dispute resolution; and an overhaul of the election method for chiefs and council that would eliminate the "family connection advantage" and promote competitive appointments. The Canadian Alliance Party helped to finance the hearings.

7 April 2000
Senate

The Prime Minister's Office announces the appointments of entertainer Tommy Banks and former lieutenant-governor/farmer Jack Wiebe to the Senate. Liberals in the Senate now number 55, Progressive Conservatives total 40 and there are five independents and five vacancies. Recently, Prime Minister Chrétien expressed confidence that the Senate will likely ratify Bill C-20 and these appointments should further support his conviction.

7 April 2000
Clarity Bill

Intergovernmental Affairs Minister Stéphane Dion states that Ottawa will not define specifically what percentage of the vote in a Quebec referendum would constitute a clear majority. Many circumstances would need to be considered, says Dion, including the views of all political parties in Quebec and those of Aboriginal peoples. Bill C-20, which was passed by the House of Commons on 15 March, outlines the rules for any province's future secession. The bill stipulates that a clear question in a referendum and a clear expression of the will of the people

must occur if secession negotiations with the federal government are to begin.

9 April 2000
Quebec

Quebec's Intergovernmental Affairs Minister Joseph Facal says that public hearings on Bill 99 have made it clear that the bill requires revisions. More than 60 submissions were made over the course of the hearings. Yet, despite the many requests for changes to the bill, many feel that the bill has failed to stir nationalist emotions among Quebecers.

20 April 2000
Supreme Court

The Supreme Court agrees to hear the precedent-setting case in which the Osoyoos First Nation is appealing the decision made by the BC Court of Appeal that denied the band the right to tax the nearby town of Oliver for an irrigation canal that runs through reserve land. The case will not be heard for at least several months.

27 April 2000
Atlantic Canada/
Fisheries

Ministers responsible for fisheries in Quebec, Nunavut, the Atlantic provinces and federal government meet in St. John's to discuss the implementation of the *Marshall* Decision in the Maritimes, with universal support for access to the commercial fishery for affected First Nations groups, based on the Supreme Court of Canada ruling. The Nova Scotia minister emphasizes the importance of keeping the commercial sector informed of the details on the interim agreements.

4 May 2000
Environment

Prime Minister Jean Chrétien and BC Premier Ujjal Dosanjh visit Clayoquot Sound to mark the region's designation as a UN biosphere reserve. The beautiful, densely-forested area was the focus of international scrutiny when protestors took on the logging companies there in the early 1990s. A huge road blockade in 1993 led to over 800 protestor arrests. International pressure combined with a near riotous demonstration at the BC legislature led then-premier Mike Harcourt and his NDP government to change its logging industry policy. Prime Minister Chrétien is set to formally hand over $12 million in federal funds for the reserve to begin an endowment fund dedicated to research and training.

7 May 2000
Aboriginal Peoples

On a visit to Yellowknife, Minister of Indian Affairs Robert Nault announces the creation of an intergovernmental forum between Aboriginal leaders, the territories, and Ottawa. The aim of the forum is to organize agreements that will transfer more money and control over northern resources (such as diamonds and natural gas) to the territories from Ottawa. NWT Premier Stephen Kakfwi stated that this move toward local control could result in the Northwest Territories becoming Canada's first "have" territory.

8 May 2000
National Unity

Premier Lucien Bouchard rallied 1,800 delegates at a Parti Québécois convention on the weekend by affirming the party's objective of independence and promising that the next vote on sovereignty will be held "as soon as possible." The stance earned Bouchard a 91 percent confidence vote despite the fact that he failed to offer any firm sovereignty deadlines to party hardliners.

8 May 2000
Aboriginal Peoples

Settlement of a land claims agreement creates a new First Nation in Northern Alberta. The Alberta government will transfer 7,689 hectares of unoccupied Crown land and $3.2 million to the federal government. The federal government agrees to transfer a one-time payment of $28 million and 1,000 hectares of land within Wood Buffalo National Park to the Smith's Landing First Nation. Chief Jerry Paulette says the historic agreement fulfils the obligations the government made to his people under Treaty 8, signed in 1899. Smith's Landing First Nation has 272 band members.

8 May 2000
Political Leaders

Progressive Conservative leader Joe Clark challenges the Canadian Alliance leader, who is yet to be decided, to run against him in a by-election in the Calgary centre riding. Clark issued the challenge at a Tory fundraising banquet, where he also called the Alliance Party's policies "racist, homophobic and anti-French." Clark has yet to hold a seat in the House of Commons since he took over the leadership of the Tory Party nearly two years ago.

9 May 2000
Health/ Ontario

The Ontario government pledges $25,000 in compensation for each person who contracted hepatitis C from infected blood, but was excluded from last year's federal-provincial compensation deal. That $1.2 billion national

agreement only applied to victims who contracted the disease between 1986 and 1990, whereas the Ontario deal will extend compensation outside that window. $25,000 is the same compensation amount given to victims under the federal-provincial plan of last year.

10 May 2000
National Unity/
New Brunswick

New Brunswick creates a team of lawyers to work on constitutional matters such as Quebec sovereignty questions, native treaty rights, and French-language education. The province intends to budget $800,000 for the current seven-member team.

12 May 2000
Aboriginal Peoples

Federal Indian Affairs Minister Robert Nault and BC Premier Ujjal Dosanjh attend festivities in the Nass Valley of British Columbia as hundreds of Nisga'a members celebrate the formal enactment of the historic Nisga'a Treaty. The treaty gives self-governing powers, approximately 2,000 square kilometres of land and cash to the 5,000-member band. The deal, which has been approved by the Nisga'a people, the federal government, and the BC government, is being challenged on a constitutional basis by the BC Liberal Party.

15 May 2000
Atlantic Canada

Canada's four Atlantic premiers sign an agreement that creates the Council of Atlantic Premiers. The premiers believe that the Council will give the Atlantic provinces more clout in Ottawa and strengthen regional unity. One of the first items on the Council's agenda is to pressure Ottawa to remove the ceiling on equalization payments to provinces.

17 May 2000
Aboriginal Peoples

Federal Indian Affairs Minister Robert Nault announces a new $75 million fund created to stimulate Aboriginal economic development. Nault explains that the money will not be used on a per capita basis, but rather on strategic investments in the hope of reducing long-standing, high unemployment in Aboriginal communities.

19 May 2000
National Unity

Quebec Intergovernmental Affairs Minister Joseph Facal and federal Intergovernmental Affairs Minister Stéphane Dion mark the twentieth anniversary of the first sovereignty referendum (20 May 1980) by discussing sovereignty at an academic conference. Facal declared that

he is confident that Quebecers will "choose the path of a modern sovereignty," while Dion told attendees that most Quebecers are very attached to Canada and would prefer to see improvements in Canada and Quebec's place in the federation since "Canada belongs to Quebecers just as much as it does to other Canadians."

22 May 2000
Clarity Bill

Ontario Liberal Senator Anne Cools claims that the Prime Minister's Office has deliberately excluded senators who might be critical of Bill C-20 from studying it. She argues that the PMO set up a special Senate committee to study the bill that does not include members of the Standing Senate Committee on Legal and Constitutional Affairs — of which Senator Cools is a member. Senate Leader Bernie Boudreau replied to Senator Cools and other Liberal senators who are critical of the bill by saying that the Senate's role in constitutional affairs is a limited one.

23 May 2000
Premiers' Meeting

The Western Premiers' Conference gets underway today in Brandon, Manitoba. The two-day meeting will focus largely on health-care issues but is set to include discussions on the environment and the deterioration of services in the airline industry since the Air Canada /Canadian Airlines merger.

24 May 2000
Premiers' Meeting

Alberta Premier Ralph Klein spends much of the Western Premiers' Conference defending his controversial Bill-11 legislation. The bill, which allows for overnight stays in private clinics for medicare-covered procedures, has been widely criticized both inside and outside Alberta as a step toward a two-tier health-care system. Saskatchewan Premier Roy Romanow, although critical of the bill, suggests that the premiers should focus on the bigger picture — the ailing health-care system, which simply provokes provincial responses like Bill-11. Premier Gary Doer of Manitoba agreed and remarked that in the past five years the four western provinces have had to come up with an additional $7.5 billion in health-care funding while Ottawa has withdrawn $2.4 billion. The premiers are united in calling on the federal government to restore health and social transfer payments to pre-1995 levels.

25 May 2000
Agriculture

A meeting between the four western premiers and two US governors (North Dakota and Idaho) concludes at the International Peace Garden on the Canada-US border. A number of issues were discussed, including the role of the Canadian Wheat Board in grain marketing, but nothing was resolved. The one conclusion of the short afternoon meeting was an agreement among all the attendees that agriculture subsidies to both Canadian and US farmers require study.

27 May 2000
Aboriginal Peoples

An agreement to begin negotiations on Aboriginal self-government is signed by the federal government, the Saskatchewan government, and the Federation of Saskatchewan Indian Nations. Saskatchewan has 74 First Nations groups which are collectively represented by the federation. The agreement outlines guiding principles for developing new relationships between the three governing bodies, which is intended to facilitate extensive future negotiations in specific areas such as justice, lands and resources, health, housing, and taxation.

30 May 2000
Health

Provincial and territorial health ministers meet in Quebec City, unanimously agreeing on the following requests and initiatives: immediate unconditional reinstatement of the Canadian Health and Social Transfer to 1994–95 levels of funding; an appropriate CHST escalator; to continue to explore innovation and adaptation deemed necessary to ensure the sustainability of a quality publicly-funded health-care system.

31 May 2000
Atlantic Canada

Federal Natural Resources Minister Ralph Goodale announces the creation of a binding arbitration panel to end the 14-year-old dispute between Newfoundland and Nova Scotia over the boundary line in the North Atlantic. The dispute can be traced back to the 1986 Canada-Nova Scotia Offshore Petroleum Accord, which drew a boundary that gave a larger share of a potentially oil-rich 60,000 kilometres to Nova Scotia. Retired Supreme Court Justice Gerard LaForest will head the panel.

13 June 2000
Clarity Bill

Federal Intergovernmental Affairs Minister Stéphane Dion tells the Quebec Cree that if they challenge Bill C-20, they would likely fail because of the bill's constitutional

strength. Grand Chief of the Cree Ted Moses has said that his people may challenge the bill unless the Aboriginal right to be included in any secession negotiations is explicitly recognized in the bill. Dion says it is unnecessary to include Aboriginal participation in the bill since the constitution already guarantees Aboriginal people the right to participate in any negotiations that would affect their interests.

15 June 2000
Supreme Court

In a unanimous judgement, the Supreme Court upholds Parliament's 1995 gun control legislation. The nine justices clearly reject the provinces' arguments that guns do not fall under federal jurisdictional powers. The decision stated that, "Gun control has traditionally been considered valid criminal law because guns are dangerous and pose a risk to public safety."

Justice Minister Anne McLellan took the opportunity to announce changes to the gun control system that are geared to simplify and reduce the costs of the registration process, in an effort to encourage more gun owners to comply with the *Firearms Act*.

19 June 2000
Political Parties

Membership in the Canadian Alliance jumps significantly — from approximately 78,000 members in March to over 200,000 this month. Ken Kalopsis, the party's co-president also adds "the memberships reflect interest in every part of the country."

19 June 2000
Finance

Ottawa outlines a new $90 million fund designed to create awareness of the federal government's activities across the country. The fund, which is to be spent over the next three years, will largely be used directly for advertising purposes ($57 million). The remainder will support projects at the Canada Information Office to ensure federal presence in the provinces. This new fund is in addition to the $45 million that is already earmarked in the annual budget for federal government advertising.

20 June 2000
Political Parties

Current and former Tory Party members in Quebec and Ontario receive free and unsolicited Canadian Alliance membership cards in the mail. The cards bore their addresses but other people's names. The incident adds to the Alliance's growing credibility problem, since a recent

21 June 2000
Aboriginal Peoples

The government of Nunavut decides to back a major Aboriginal group in its court challenge of the federal government's gun control legislation. Nunavut Tunngavik Incorporated, the firm that administers the Nunavut Land Claims Agreement, argues that the *Firearms Act* contradicts the land claim agreement which extends to the Inuit the right to hunt without fees or licences.

23 June 2000
Aboriginal Peoples

One day after the BC Treaty Commission releases its annual report, in which it states that the treaty process is at a stand-still, Grand Chief Ed John of the First Nations Summit calls on Premier Ujjal Dosanjh to become involved in the treaty negotiations before the process dies entirely. John claims that both the federal and provincial governments are not living up to the agreement made in a 1991 Claims Task Force Report where all parties promised that no pre-conditions would apply to the negotiations. John states that both the federal and provincial governments are maintaining positions that preclude discussions on shared resources and jurisdictional powers.

24 June 2000
Political Parties

The two-day Canadian Alliance Leadership Convention ends today without a definitive leader being chosen. Candidate Stockwell Day received 44 percent of party member support, while Preston Manning garnered 36 percent and Tom Long 18 percent. Of the 205,000 Alliance members, only about 120,000 voted in the leadership contest. Both the Manning and Day camps are expected to campaign aggressively until the run-off ballot, which is to be held 8 July.

6 July 2000
Aboriginal Peoples

The BC Court of Appeal decides that Canada's fisheries minister does have the right to set up a separate commercial fishery for natives. The BC Fisheries Survival Coalition has been struggling for seven years to put a stop to the Aboriginal fishery in BC claiming that a "race-based fishery" is unfair to all Canadians. The coalition is considering taking its case to the Supreme Court of Canada.

7 July 2000 *Aboriginal Peoples*	Federal officials and representatives of the Westbank First Nation of BC sign an Aboriginal self-government agreement, which dispenses with much of the *Indian Act*. The signing marks the end of nearly ten years of negotiations.
8 July 2000 *Political Leaders*	In a much-anticipated run-off vote, Stockwell Day claims victory as the leader of the newly named Canadian Alliance Party with 64 percent of the vote. Day is formerly the Treasurer of Alberta.
12 July 2000 *Aboriginal Peoples*	Matthew Coon Come, a Cree leader from northern Quebec, receives 58 percent of the vote at the Assembly of First Nations to become its new national chief. Of the 494 votes cast by eligible chiefs, Coon Come garnered 287 supporters, while current chief Phil Fontaine conceded defeat with 207 votes. Coon Come gained national prominence when, as the Cree Grand Chief he fought the Hydro-Quebec project planned on Cree land. As the new AFN national chief, Coon Come says he plans to use international organizations like the United Nations to shame Canada into recognizing Aboriginal rights and sharing natural resources. Coon Come's campaign emphasized that the AFN under Fontaine's leadership had become too much of a service provider for Ottawa rather than an organization aggressively fighting for native concerns, whereas the Fontaine camp focused on the accomplishments of the AFN in recent years because of Fontaine's "bridge-building" approach. Marilyn Buffalo, former president of the Native Women's association won only 13 votes and Lawrence Martin, Grand Chief of the Mushkegowuk First Nation (near Timmins, Ontario) received 26 votes.
16–18 July 2000 *Atlantic Canada*	The 25th Annual Conference of the New England Governors and Eastern Canadian Premiers takes place in Halifax. A number of resolutions are made, such as each member government of the conference will make efforts to identify and, if possible, remove unnecessary impediments restricting the further development of the knowledge economy, and to work collaboratively in its further development; a call to respective university-level organizations to explore significant expansion of university-level exchange programs; the establishment of the Standing

Committee on Trade and Globalization; a call to the United States Environmental Protection Agency and Environment Canada to intensify efforts for the implementation of effective emission reduction strategies.

18 July 2000
Environment

Pollution Probe, a Toronto-based environmental group, presents an environmental report card to the Atlantic premiers at the conclusion of the two-day conference of Atlantic Canadian premiers and New England governors held in Halifax. Prince Edward Island received an "F," Nova Scotia a "B-," and New Brunswick and Newfoundland both received "Ds." The aim of the conference was to promote business relations between New England and Atlantic Canada. However, several Canadian and US environmental groups were also given some time at the meetings during which they emphasized the goals of reducing acid rain and mercury emissions.

25 July 2000
Local Government

Walkerton, Ontario receives $3.5 billion in an interest-free loan from the provincial government to replace pipes that cannot be cleared of the E. coli virus. In May of this year, Walkerton's water supply was contaminated with the E. coli virus causing the deaths of seven residents and illness for over 2,000 residents. A public inquiry into the cause(s) of the tragedy is currently underway.

25 July 2000
Political Leaders

Joe Clark announces his intention to run in the Kings-Hants Nova Scotia riding. Current MP Scott Bryson will step aside to allow the federal Progressive Conservative leader to run in the traditional Tory stronghold riding. The by-election now remains to be called by Prime Minister Chrétien, and although he has six months to do so, Clark has made it known that he would like to be in the House of Commons by September.

25 July 2000
Aboriginal Peoples

The BC Supreme Court rejects the BC Opposition Liberal Party's challenge of the Nisga'a Treaty. Justice Paul Williamson said in his 76-page ruling that "[a]lthough the right of Aboriginal people to govern themselves was diminished [by Canada's Confederation] it was not extinguished." The BC Liberal Party plans to appeal the ruling.

4 August 2000
British Columbia/
Aboriginal Peoples

Justice Douglas Halyard of the BC Supreme Court reserves his decision in the Haida court challenge to Weyerhauser's licence to log in the Queen Charlotte Islands. The BC Forest Ministry first issued the licence in 1961 to MacMillan Bloedel and it was transferred to US-based Weyerhauser after the company took over MacMillan Bloedel. The Haida Nation argues that the licence (which covers one-quarter of the Queen Charlotte Islands) should not have been transferred without settling the outstanding Haida land claim first.

5 August 2000
Health

Ontario Intergovernmental Affairs Minister Norm Sterling says the federal government is stalling on paying its share of health-care costs and furthermore, it is trying to break up the unity among provincial governments on the health-care issue. Sterling's comments were a reaction to a letter sent this week to premiers from Prime Minister Jean Chrétien. The letter outlined Ottawa's position on health care.

9–11 August 2000
Annual Premiers'
Conference

The forty-first Annual Premiers' Conference takes place in Winnipeg, with a strong focus on the future of federal transfers in Canada. The premiers release a final report on the sustainability of the health-care system called "Understanding Canada's Health Care Costs," which includes a number of facts and reasons that support a call by the provinces and territories for the federal government to restore cash funding to 1994–95 levels, or before the CHST was implemented. Fiscal imbalance is also a hot topic, with discussion once again returning to a call for a restoration of federal transfers — the premiers support their argument with "A Federation Out of Balance," a paper commissioned by the western finance ministers. Overall, the major agreement among premiers is a call to the prime minister to restore the $4.2-billion to the CHST along with some guarantee of annual funding increases. Jean Chrétien has stated that he wants an agreement on health-care reform before any increased funding takes place.

Early childhood development is also discussed, with the premiers agreeing on the importance of family and community support for the well-being and proper physical, emotional and social development of children. The

premiers list a number of priorities, principles and recommendations to enhance progress on this issue, particularly on cooperation and assistance from the federal government.

The premiers release the *Fifth Annual Status Report on Social Policy Renewal*, which provides updates on the status of the Social Union Framework Agreement and the National Children's Agenda, as well as a number of other social programs.

15 August 2000
Environment

Federal Environment Minister David Anderson promises that Aboriginal people will have input into upcoming legislation regarding the protection of endangered species. National Chief of the AFN Matthew Coon Come applauded the announcement and added that guaranteed harvest levels would be a part of the establishment of a list of endangered species. Environmental groups such as the World Wildlife Fund and the Sierra Club acknowledged the importance of recognizing Aboriginal traditional knowledge where endangered species are concerned.

17 August 2000
Supreme Court

The Supreme Court of Canada agrees to hear arguments and decide whether sections of BC's *Heritage Conservation Act* surpass provincial jurisdiction when it comes to the protection of Aboriginal artifacts and historical sites. The Kitkatla First Nation located near Prince Rupert is appealing a January 1999 ruling by the BC Court of Appeal that said that BC did have the power to make decisions regarding native sites. Lawyers for the Kitkatla band argue that the Kitkatla people specifically have the Aboriginal right to a coastal tract of land that has been logged by Interfor Ltd. since 1982, and the area contains marked trees of significant cultural and spiritual value to the band. The case will not be heard for several months.

23 August 2000
Aboriginal Peoples

Lasting tensions in Miramichi Bay, New Brunswick boil over as several Aboriginal fishermen throw rocks at Department of Fisheries and Oceans officers who were seizing native lobster traps. One officer is in hospital awaiting reconstructive surgery to his face. Two native boats sank during the violent clash, while the RCMP helped fisheries officers seize 553 native lobster traps and one native boat and arrest two native fishermen. Indian Affairs

Minister Robert Nault plans to be in Burnt Church in a few days for more discussions on the issue. The RCMP are expected to maintain a strong presence in the Burnt Church area while the tensions continue.

25 August 2000
Quebec

Premier Lucien Bouchard tells a news conference in Granby, Quebec that Quebecers will not support Canadian Alliance leader Stockwell Day because Day's values are too different from those of Quebecers. Particularly, Bouchard pointed to Day's support of the death penalty and his opposition to abortion and gun control as fundamentally irreconcilable with Quebec voters. Bouchard also took the opportunity to tell the press that he is frustrated because Prime Minister Chrétien never calls him.

31 August 2000
Aboriginal Peoples

Approximately 30 Tyendinaga Mohawks block off a major commuter bridge east of Belleville, Ontario in support of the Mi'kmaq natives of New Brunswick. The blockade was in place from early morning to early evening, but protestors were allowing motorists to pass after handing them information on the Mi'kmaq cause.

5 September 2000
Alberta

Alberta Premier Ralph Klein announces more than $200 million in spending initiatives which include funds for postsecondary institutions and energy-rebate cheques for taxpayers and businesses. Alberta's budget is currently in a $5 billion surplus position thanks to even higher than expected oil and natural gas revenues. Klein also hinted at the possibility of a spring election.

5 September 2000
Ontario

Thousands of Ontario students return to school today amidst the fight between Ontario teachers and the provincial government over class size and extracurricular activities. Students will also be getting used to a new "code of conduct" which includes mandatory singing of the national anthem every morning.

5 September 2000
British Columbia

An all-day kindergarten class funded by user fees gets underway at West Bay elementary school in Vancouver. User-pay public education is a first in BC where 12 families are each paying $350 per month to allow their children to stay in school until 3:00 pm, rather than 11:30 am when other public-financed classes end. BC Education Minister

Penny Priddy says she has "huge difficulties" with the program and wonders whether it will lead to a trend toward privatization within the province's public school system.

7 September 2000
Justice

Manitoba's Justice Minister Gord Mackenzie plans to bring the issue of establishing a national child-support collection system to the annual meeting of Canada's ministers of justice set to take place next week in Iqualuit. Mackintosh hopes to streamline the jurisdictional process for enforcing support orders when they apply to parents who are delinquent in paying support and have moved to other provinces.

8 September 2000
Justice

The Ontario government calls on the federal government to make DNA testing mandatory upon arrest. Blaine Harvey, a spokesman in the federal solicitor general's office, responds by stating that Ottawa has already considered the idea but ruled it out because it "posed too great a Charter risk." Ontario's Attorney General Jim Flaherty acknowledged the challenge that exists under the *Charter of Rights and Freedoms*. However, he suggested that the law could be "designed in such a way to withstand constitutional challenge." The issue is expected to be discussed at the justice ministers' meeting in Iqualuit next week.

8 September 2000
Health

Ontario Premier Mike Harris announces that if Quebec does not sign off on a potential new health-care deal with the federal government, then he will not sign either. The surprise announcement was made at a joint press conference with Quebec Premier Lucien Bouchard.

10 September 2000
First Ministers' Meeting

The First Ministers' Meeting is launched over dinner at 24 Sussex Drive. The meeting, which is expected to centre on health-care reform and funding, will take place tomorrow.

11 September 2000
First Ministers' Meeting

The First Ministers' Meeting concludes with Prime Minister Chrétien announcing a health-care deal that gives the provinces an additional $23.4 billion in transfers over the next five years for health and social programs (of that, $2.2 billion is earmarked for early childhood education), plus an extra one-time payment of $2.3 billion specifi-

cally for diagnostic equipment. The prime minister and the premiers appeared to be uniformly satisfied with the agreement, which appears to many to be a signal that a federal election is on the horizon.

Also briefly discussed at the meeting was the $2.65 billion infrastructure program, which was part of last February's budget. The plan is geared to repairing Canada's aging roads and water and sewage systems. However, no details of the plan were worked out. Ontario and Quebec both have concerns (Ontario about its share of the money and Quebec about how the federal-provincial jurisdictions will be worked out).

11 September 2000 *Elections*	Two new MPs will be joining the House of Commons. Joe Clark surprises nobody by winning the Kings-Hants riding of Wolfville, Nova Scotia in a by-election. Likewise, Stockwell Day wins his seat easily in his chosen riding of Okanagan-Coquihalla, BC.
11 September 2000 *Political Leaders*	Former Ontario Premier Bob Rae is appointed as mediator in the Mi'kmaq fishing dispute in Burnt Church, New Brunswick.
12 September 2000 *Political Parties*	Quebec Progressive Conservative MPs Diane St-Jacques and David Price defect to the federal Liberal Party. Pundits see this as another sign of an upcoming federal election as Prime Minister Chrétien holds a news conference introducing the two new Liberal MPs as being part of a strong team.
18 September 2000 *Local Government/ Environment*	The city of Hamilton, Ontario is fined $300,000 under the federal *Fisheries Act* and an additional fine of $150,000 levied by the provincial Ministry of the Environment for allowing toxic waste to seep into Red Hill Creek and then Hamilton Harbour from a nearby landfill. The city pleaded guilty to the charges after a study was completed by the Environmental Bureau of Investigation. The investigation had been prompted by water samples that were collected and brought forward by environmentalist Lynda Lukasik and other Hamilton residents.
21 September 2000 *Environment*	A House of Commons Environment Committee unanimously recommends a federal environmental assessment

of the already Ontario government-approved plan for Toronto to dump its garbage into an abandoned mine near Kirkland Lake, Ontario. The committee also plans to hold a public hearing on the issue. Liberal MP Benoit Serre of Temiskaming-Cochrane riding in Northern Ontario declared that the Adams Mine project must be stopped, while the Chief of the AFN, Matthew Coon Come said the project could be a disaster for Aboriginal peoples in the northern regions of Canada. Federal Environment Minister David Anderson has asked the arm's-length organization — the Canadian Environmental Assessment Agency — to advise on the matter.

25 September 2000
Political Leaders

Saskatchewan NDP Premier Roy Romanow resigns after nine years as premier and 35 years of political service. Romanow was first elected to the Saskatchewan legislature in 1967 and between 1971 and 1982 and he served as both deputy premier and Saskatchewan's attorney general. In 1979, after being appointed Saskatchewan's first minister of intergovernmental affairs, Romanow became an integral part of the federal-provincial negotiations, which led to the deal to "bring home" the constitution in 1982.

26 September 2000
Aboriginal Peoples

Federal Fisheries Department boats launch another raid on Aboriginal lobster traps in Miramichi Bay, New Brunswick. Although there were no direct confrontations between the fisheries' boats and native boats, the RCMP and Coastguard helicopters maintained a presence in the area. More than 1,300 native lobster traps have already been seized, but native fishermen have been trying to replace them on an ongoing basis. The Mi'kmaq band council has declared that the lobster fishery will close down 17 October.

28 September 2000
Political Leaders

Former Prime Minister Pierre Elliott Trudeau dies in his home in Montreal. Born in 1919, Trudeau graduated from the University of Montreal's law faculty in 1944. He also went on to study at Harvard, the London School of Economics, and in Paris. In the 1950s, Trudeau co-founded the small but influential magazine *Cité Libre*. Entering politics in 1965, Trudeau remained an advocate of a "just society" and an opponent of Quebec nationalism throughout his career. As justice minister in 1967, Trudeau gained

public attention when he spearheaded the amendments to the criminal code that liberalized the laws pertaining to homosexuality and abortion.

In 1968, he was elected leader of the Liberal Party and in short order became prime minister when the Liberals won the June election. The *Official Languages Act* was introduced under his guidance in 1969. Trudeau remained prime minister until the Liberals lost to Joe Clark's Tories in 1979. After the Tory government failed in 1980, Trudeau returned to his posting as prime minister, which gave him the opportunity to patriate the constitution and introduce the *Charter of Rights and Freedoms* in 1982. Trudeau retired from politics in 1984, returning to a career in law in Montreal.

28 September 2000
Aboriginal Peoples

National Chief of the AFN Matthew Coon Come delivers an intense speech to a group of 300 at the University of Alberta. He declares that Ottawa is proceeding illegally in the Burnt Church fishing dispute and he accuses Canadian Alliance leader Stockwell Day of having a dangerous lack of understanding with respect to Aboriginal issues. Coon Come also accused Fisheries Minister Herb Dhaliwal of endangering lives by "playing cowboys and Indians." Coon Come warned that more disputes and road blocks were on the way if political leaders did not begin to take Aboriginal negotiations seriously.

30 September 2000
Political Leaders

Prime Minister Jean Chrétien receives Pierre Trudeau's coffin in Ottawa. Trudeau will lie in state in Parliament's Hall of Honour today and tomorrow, then in Montreal on Monday. A state funeral will be held Tuesday at Notre Dame Basilica in Montreal.

4 October 2000
Environment

The Pembina Institute, an environmental think-tank, delivers a report stating that Canada's five largest provinces (BC, Alberta, Ontario, Quebec, and Saskatchewan) have failed to take any real action to reduce greenhouse gas emissions. Since the provinces have jurisdiction over areas like fossil fuel production, their action is fundamental to Canada's international environmental commitments. The United Nation's Kyoto Protocol was signed by Canada in 1997 and is due to be ratified by all the signatories by 2005. Under the agreement, Canada promises to reduce

its gas emissions to 6 percent below 1990 levels sometime between 2008 and 2012.

5 October 2000
Political Parties

A new poll by Leger Marketing show the Liberals have risen in popular support to 48 percent, while the Canadian Alliance has slipped to 19 percent. The poll also shows that support for the Tories is at 10 percent, the Bloc Québécois at 9 percent and the NDP at 10 percent. Rumours about a fall election persist and Prime Minister Chrétien has stated that he intends to invoke Trudeau's legacy on the campaign trail as he considers himself a key defender of Trudeau values. Chrétien explained that these values include tolerance, compassion, and social justice.

10 October 2000
Finance

Thirteen private sector economists meet today with Finance Minister Paul Martin to complete economic projections for the next five years. The group projects that the federal government will have approximately $121.5 billion to use toward a combination of new spending, tax cuts, and debt repayment between now and 2006. The panel also pointed out that the Canadian Alliance Party's tax reduction plan would cost Ottawa between $22 and $25 billion per year, which would use up all of $121.5 billion, leaving nothing for spending or debt reduction. Martin is expected to base his upcoming mini-budget on the forecasts offered by the group of economists.

11 October 2000
Local Government

Toronto City Council approves the controversial 20-year contract to send Toronto's garbage north to an abandoned mine near Kirkland Lake, Ontario. Hundreds of anti-dump protestors have gathered at City Hall over the past four days and many of the protestors vow that they will not allow Toronto to go forward with the plan. Both the Ontario and Quebec environment ministers have now signed off on the project, but City Council gave the federal government the option to decide whether or not they would carry out any environmental assessment on the project. The deadline for the federal government's decision on the assessment is 15 February 2001.

13 October 2000
Political Parties

Prime Minister Jean Chrétien appears to have successfully persuaded Royal Bank economist John McCallum and Newfoundland premier Brian Tobin to run for the Liberal Party in the still-to-be-announced federal election.

14 October 2000 *Environment*	Canada and the US reach a draft agreement to cut smog-causing emissions on both sides of the border. The pact calls for Ontario to reduce by 50 percent emissions from power plants that burn coal, oil, and natural gas by 2007. In return, the US would reduce their emissions of nitrogen oxide by 35 percent. Ontario Environment Minister Don Newman criticized the federal government for not demanding more of the US. Newman lamented that the 35 percent reduction in US emissions is the standard that the US Environmental Protection Agency has already set for the US. Federal Environment Minister David Anderson, on the other hand, stated that he was pleased with the deal and that, in fact, Ontario presented the biggest obstacle in obtaining tighter restrictions in the pact.
15 October 2000 *Political Parties*	Brian Tobin prepares to step down as premier of Newfoundland, so that he can enter federal politics. The move fuels further speculation that the federal Liberals are about to make an election announcement.
17 October 2000 *Environment*	Ontario rejects a national program to cut greenhouse gas emissions. Instead, the province insists that its own air-quality plans should set national standards. At a meeting of environment ministers, Ontario's Environment Minister Don Newman expressed disappointment with Ottawa's plan, while federal Natural Resources Minister Ralph Goodale said that it was regrettable that Ontario did not endorse the plan "but the door is still open." Environmentalists at the meeting criticized Newman, charging that Ontario's plan was too weak. Since Mike Harris's Conservative team formed the government, severe cuts have been made to the Environment Ministry and the province has been criticized for its use of coal-fired power plants.
17 October 2000 *Political Leaders*	Lloyd Axworthy officially steps down as minister of foreign affairs and confirms that he is moving to a position at the University of British Columbia. John Manley is appointed the new minister of foreign affairs and Brian Tobin replaces Manley as the minister of industry.
18 October 2000 *Budget*	Finance Minister Paul Martin unveils his mini-budget in the House of Commons. The key component of the mini-budget is the largest tax cut in Canadian history. The

five-year, $100 billion tax plan is aimed at largely reducing the tax burden for Canadians at all income levels, but will especially benefit the middle-class (or upper-middle-class, depending on your definition) with the creation of a fourth income tax bracket for those earning between $60,000 and $100,000. Most of the tax changes are slated to come into effect on 1 January 2001 after the new legislation is passed. Also included in Martin's plan was a pledge to pay down the public debt by another $10 billion in the 2000–2001 fiscal year. The debt currently sits at $564.5 billion.

20 October 2000
Political Leaders

New federal Industry Minister Brian Tobin meets with shipyard owners and union leaders who are jointly demanding a national shipbuilding policy that they say would put thousands back to work. Les Hollaway, the director of the Marine Workers Federation expects cooperation, given that the minister had expressed support for the plan in his previous capacity as the Newfoundland premier.

22 October 2000
Elections

After a visit to Governor-General Adrienne Clarkson, Prime Minister Chrétien officially calls the much-anticipated early federal election for 27 November. The last federal election was held on 2 June 1997, just a little over three years ago.

24 October 2000
Political Parties

Former Prime Minister Brian Mulroney introduces Joe Clark at the Progressive Conservatives' first major campaign event. Tory organizers are hopeful that Mulroney's presence will help revive support for the party.

25 October 2000
Political Leaders

Canadian Alliance leader Stockwell Day promises to give Newfoundland a break on resource development. Day pledged that, if elected, he would suspend Ottawa's clawback of equalization payments.

1 November 2000
Elections

Prime Minister Jean Chrétien releases the Liberals' election platform in the form of the *Red Book III*. Since most of the plans have already been detailed over the past few months, the Liberals emphasize their focus on new technologies, the Internet, and education.

6 November 2000 *Elections*	A new poll by Léger Marketing shows that the Liberals and the Bloc Québécois are tied in popularity with Quebec voters. Although the Bloc has the majority of francophone support, once all voters are considered each party has exactly 43 percent of popular support in the province.
6 November 2000 *Elections*	Alliance leader Stockwell Day spends the day campaigning with Peter Stock, the Alliance candidate in the Ontario riding of Simcoe-North. The move triggers renewed criticism of the Alliance Party as "anti-gay." Peter Stock is the director of the Canadian Family Coalition, which promotes the strict definition of family — as two married people of the opposite sex and their children — as the only definition that should be recognized by law. Alliance spokesperson Phil von Finckenstein says that the Alliance Party welcomes people of all backgrounds and viewpoints and although Peter Stock is a party member, he does not speak for the party as a whole.
9 November 2000 *Newfoundland/ Quebec*	Newfoundland Energy Minister Paul Dicks releases the province's new plan to dramatically cut back on the $12 billion hydro-electric joint project with Quebec, originally proposed by former Premier Brian Tobin. Dicks said the project is now cut down in size to a $3.7 billion project and there is no longer any intention to include Quebec. "It's a lot cleaner for [Quebec] to buy power than to get into a construction project with another province," Dicks explained. Quebec Premier Lucien Bouchard seems to agree. Bouchard responded to Newfoundland's plan by saying that Hydro-Québec will buy the electricity and that prices are under discussion. Dicks also added that the province will not move forward with the plan unless a potential US buyer of electricity is also secured in advance.
16 November 2000 *Newfoundland/ Aboriginal Peoples*	After an emergency meeting is held to discuss the intensifying crisis of gas-sniffing and suicidal children in Sheshatshiu, the largest Innu community in Labrador, the Innu leaders call on the Newfoundland government to remove the high-risk children from the community for their own safety. Newfoundland Health Minister Roger Grimes says that the province has no intention of forcibly removing

children from their parents' homes without permission from the parents. Rather, he plans to first send additional social workers to the overwhelmed community to talk with and assess the 30–40 children considered to be at risk. Innu Nation president Peter Penashue says the unprecedented move is necessary because of the rapidly increasing rate of addiction for youth in the communities and that the removal of children would allow the parents to get counselling and treatment for their own addictions. Penashue added that the Innu call on the Newfoundland government because they do not have the authority to remove children from unsafe environments, but the province does have that authority.

20 November 2000
Political Leaders

Prime Minister Jean Chrétien rejects calls by Alliance leader Stockwell Day, Tory leader Joe Clark and NDP leader Alexa McDonough to hold an inquiry into his actions with respect to his involvement in securing a $615,000 loan for the owner of the Auberge Grand-Mère, which is located in his riding. Chrétien insists that he acted appropriately, that all details are already public information and therefore an inquiry is unnecessary.

21 November 2000
Nova Scotia

A child poverty report released in Nova Scotia shows that 19.1 percent of the province's children live in poverty, which is an increase of 18.6 percent over the 1989 level. Annual child poverty reports continue to compare their figures with the 1989 numbers since that was the year in which the House of Commons unanimously passed a resolution to end child poverty by 2000. Poverty groups report that child poverty is on the rise in nearly every province, and nationally approximately 1.3 million children are poor, which is a 43 percent increase since 1989.

22 November 2000
Political Leaders

Ethics Counsellor Howard Wilson rules that Prime Minister Jean Chrétien did nothing inapproprate by calling a bank president on behalf of a constituent — the owner of the Auberge Grand-Mère. Wilson concludes that the prime minister had no personal financial interest in the arrangement and his communication with the then-president of the Business Development Bank of Canada, François Beaudoin, "did not violate any government rule."

The Auberge Grand-Mère is owned by Yvon Duhaime, who purchased the hotel from a company partly owned by Chrétien in 1993, before Chrétien became prime minister. However, the deal to also sell the shares Chrétien held in the golf course adjoining the hotel fell through in 1993, and he did not receive payment for them until 1999. Ethics Counsellor Wilson pointed out that Chrétien's business dealings have been held in a blind trust since 1993 and thus Wilson again ruled that the prime minister had no conflict of interest. Critical of the fact that Wilson was appointed by the prime minister and that Wilson reports to him directly, Stockwell Day, Alexa McDonough and Joe Clark all pledged to continue to press the issue. Interestingly, many of the provinces (including Ontario and BC) have their ethics counsellors report directly to the legislature instead of the premier so as to keep them separate and independent.

26 November 2000
Political Leaders/
Aboriginal Peoples

Prime Minister Jean Chrétien meets with Innu leaders in his home riding of Shawinigan on the day before the federal election. The Innu leaders travel from Labrador to discuss the much-publicized crisis of youth addicted to gas-sniffing in the communities of Davis Inlet and Sheshatshiu. Also, Industry Minister Brian Tobin makes the twin announcement that "millions" will be spent to build a detox centre to help addicts and their families in both communities; and the Innu people will now be included under the *Indian Act*, which will qualify the Innu for tax exemptions and food subsidies not previously available to them.

26 November 2000
Elections

The 36-day election campaign draws to a close today and the party leaders make their last-minute efforts to sway undecided voters. Speaking in his Shawinigan riding, Prime Minister Jean Chrétien tells Canadians that they should elect a majority Liberal government as a strong bulwark against the Quebec separatist movement. Alliance leader Stockwell Day recorded a 15-minute "infomercial" in which he urged Canadians not to vote Liberal because their leader "cannot be trusted to spend Canadians' money wisely."

27 November 2000
Elections

As many pundits had predicted, the Liberals garnered their third majority under the leadership of Jean Chrétien in today's federal election. Additionally, the Liberal Party made significant headway in Quebec, winning 36 seats to the 38 seats won by the Bloc Québécois (the BQ lost six seats). The Canadian Alliance, while increasing its overall number of seats, failed to make its critical breakthrough in Ontario, winning only two seats in the province. The lowest voter turnout since Confederation (62.8 percent) gave the Liberal Party 40.8 percent of the popular vote, which translated to 172 seats; the Canadian Alliance formed the Official Opposition with 25.5 percent of the vote and 66 seats; the Bloc Québécois won 38 seats; the NDP 13 seats; and the Progressive Conservatives 12 seats. Of the 301 elected MPs, 62 are women.

30 November 2000
Saskatchewan

The entries for the leadership of Saskatchewan's New Democratic Party are known and the seven candidates that party members will choose from are: Environment Minister Buckley Belanger, farm activist Nettie Wiebe, former Social Services Minister Lorne Calvert, former Justice Minister Chris Axworthy, lawyer Scott Banda, Labour Minister Joanne Crofford and Highways Minister Maynard Sonntag. Members will vote for the new leader at a convention on 27 January in Saskatoon, or by mail. The new leader will become premier, since Roy Romanow announced his retirement in September. Lorne Calvert is considered by some to be the front-runner.

30 November 2000
Political Parties

Canadian Alliance aide Bob Runciman, who acted as co-chairman of the Alliance's Ontario election campaign suggests that a "new party on the right," is the only way to challenge the federal Liberals. Runciman also claims that there is not a lot of difference between the platforms of the Canadian Alliance and the Progressive Conservatives, and therefore a merger between the two parties should be possible. Runciman further suggested that PC Leader Joe Clark was an obstacle to such a plan and that possibly even Stockwell Day may have to step down as a new party would need a new leader.

1 December 2000
Finance

Health Canada cuts funding to a native treatment centre on the Sagkeeng reserve 145 kms northeast of Winnipeg.

The funding is cut as a result of centre staff refusing to cooperate with a forensic audit that was ordered by Health Canada in October after the controversial story about 70 treatment centre employees taking a Caribbean cruise funded by the centre. Health Canada has been providing more than $7 million annually to help the centre treat those suffering from drug, alcohol, and solvent abuse.

1 December 2000
Ontario

The Ontario government introduces legislation that will separate Ontario income tax rates from federal tax rates starting in January 2001. Ontario Finance Minister Ernie Eves emphasized that tax forms will still be processed the same way; Ontario will simply now be levying tax on an individual's income rather than collecting a percentage of federal income tax. The freedom to levy their own rates allows Ontario to give tax cuts beyond those offered by the federal government, Eves explained.

1 December 2000
Quebec

Quebec Premier Lucien Bouchard cancels his trip to Mexico City to attend President-Elect Vicente Fox's inauguration ceremony after he receives a downgraded invitation from the Mexican government. Bouchard angrily accused Ottawa of sabotaging his visit to Mexico as a national leader, claiming that Ottawa must have contacted Mexico after Bouchard received an invitation that was meant for heads of state. However, the Mexican government was quick to point out their error and send out the correct invitation as soon as the error was caught.

4 December 2000
Atlantic Canada

The Council of Atlantic Premiers calls on the prime minister to hold a First Ministers' Conference in January to discuss increasing equalization payments to poorer provinces. The Council explained that even with current equalization payments, the ability of their provinces to generate funds is far below the national average. Equalization payments to Quebec, Manitoba, Saskatchewan, and the Atlantic provinces totalled $9.8 billion this year. Premier Bernard Lord of New Brunswick stressed the importance of resolving the issue quickly since most provincial budgets are due in March of next year.

4 December 2000
Quebec

Quebec Premier Lucien Bouchard defeats a motion to use public funds to re-establish the Council for Sovereignty.

He argues that this is not the right time to push for sovereignty with public money when health-care services in the province already exceed the budget by $430 million. However, the separatist hardliners see the Council for Sovereignty as an important step in showing that the PQ is serious about working toward sovereignty, and that commitment, they argue, requires public funding.

9 December 2000
Aboriginal Peoples

Speaking in Port Alberni, BC, Deputy Minister of Indian Affairs Shelley Serafini apologizes on behalf of the federal government to the Nuu-chah-nulth people who were the victims of abuse at residential schools. The lawyer for seven former residents of the Alberni Indian Residential School on Vancouver Island questioned the timing of the apology since a prolonged civil trial in which his clients are seeking damages for alleged physical and sexual abuse is due to close in two days. The result of the civil suit is expected to be precedent-setting with approximately 5,000 outstanding claims of former students of residential schools throughout Canada.

10 December 2000
Local Government

Tens of thousands of peaceful protestors gather in downtown Montreal to show their anger over Bill 170, which mandates municipal mergers in Quebec. The PQ government plans to amalgamate the 28 municipalities that surround Montreal, creating a megacity. Protestors from all 28 communities took turns voicing their concerns over the potential loss of services and community spirit that could result from the merger. Bill 170 is expected to pass in the Quebec National Assembly on 18 December. Further plans to merge the Quebec City and Hull regions are in the planning stages by the provincial government.

11–12 December 2000
Finance

Provincial and territorial finance ministers meet in Winnipeg to follow up on issues raised at the Annual Premiers' Conference, and state that a number of these have remained unresolved, resulting in a call to their federal counterpart for an immediate meeting to address the following issues: expenditure and tax pressures; strengthening equalization and the Canadian Health and Social Transfer, which includes the removal of the equalization ceiling; transfers outside CHST and equalization; taxation issues, such as tax collection agreements.

13 December 2000 *Budget*	Finance Minister Paul Martin announces that there will be no traditional February budget next year since the Liberals are not planning any new spending initiatives. Martin further explained that the mini-budget that was announced in October goes into effect on 1 January 2001 and is expected to guide the government's spending for the next year provided that there are no drastic changes in the economy.
15 December 2000 *Supreme Court*	One of the Supreme Court's most anticipated decisions this year blames Canada Customs for 15 years of harassing a Vancouver gay and lesbian bookstore, but only strikes down one provision under section 152(3) of the *Customs Act* that supported the actions of Customs agents. Reaction to the 6–3 majority decision are mixed. The president of the Civil Liberties Association John Dixon called the decision a "landslide victory," but many other civil libertarians expressed disappointment that the court did not clarify or alter the existing "community tolerance" standard for obscenity (under section 163(8) of the Criminal Code) which allows the seizure of materials if the "community believes it could potentially cause harm." The striking down of the *Customs Act* provision reverses the onus of proof from the importers to Canada Customs agents; agents will now have to prove within 30 days that any seized materials are obscene. Previously, importers had to prove that a seized item was not obscene.
18 December 2000 *Ontario/Local Government*	Stan Koebel, former manager of the Walkerton, Ontario public utilities admits, at a public inquiry into the E coli water contamination crisis, that he had neither the skills nor the education to perform the job he held for the past 12 years. Koebel corroborated the evidence given earlier this week by his brother (who also worked at the utilities commission) that they had mislabelled bottles and falsified reports in an attempt to keep up with their jobs. Koebel also said that since the Ontario Progressive Conservatives amalgamated local municipalities and deregulated public utilities, he held managerial responsibility for both the electrical and water utilities and was spending only 5 percent of his time managing the town's water supply.

21 December 2000
Aboriginal Peoples

The Ontario Court of Appeal rules that the social costs of returning more than 1,000 hectares of land in Sarnia, Ontario outweigh the necessity of returning the land to the Chippewa band over a bureaucratic error made back in 1853. The land in question was originally protected by a 1827 treaty which stipulated that the Chippewa band members must collectively consent to any sale of their land. However, three Chippewa chiefs did sell the land and surrendered it improperly to a land speculator. And no record of the band's collective consent has ever been found. Earl Cherniak, the lawyer for the Chippewa band says that the court's decision will affect all land claims cases since the idea of applying discretion to the sanctity of Aboriginal title is new.

22 December 2000
*Aboriginal Peoples/
Health*

A Health Canada report prepared in light of last May's water crisis in Walkerton, Ontario, states that at least 10 percent of native reserves' water supplies are at risk. Several reserves' water-treatment plants show higher than acceptable limits for contaminants, while many of the reserve water managers have insufficient training for their position. Seventy-nine treatment plants were highlighted as potential problems and of those, 30 are in Saskatchewan, 27 in BC, and 14 in Ontario. One of the Saskatchewan reserves — the Yellowquill First Nation — has been under a boil-water order for four years because of farm run-off in their reservoir. Gilles Rochon, the director general for community development for Indian Affairs, says that his department is reviewing existing regulations and water funding for reserves.

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