PREFACE:

The election of a government committed to the goal of political sovereignty for Quebec has raised in a most acute fashion the question of the future of Canada, and more specifically that of the future of Quebec within Confederation. Confronted with the prospect of independence, those who support Canadian unity have been required to come to terms with recent developments in Quebec. Although by now the shock of the P.Q. victory has somewhat subsided, the formulation of an adequate federalist response has been a slow and confusing process. Since November 15, 1976, there have been a myriad of conferences, seminars, debates and speeches in which federalists have attempted to come to grips with the national 'crisis' and to respond to the independentist challenge.

One of the first of these was a weekend seminar/conference held at Queen's University, Kingston, April 29th - May 1st, 1977, and sponsored by the Institute of Intergovernmental Relations. The conference brought together about forty persons from across the country whose positions in public life, in government, in the media, and in the academic milieu gave them a particular interest in the questions now facing Canada. All participants at the seminar were 'federalists', that is they all desired to maintain Quebec within Confederation and a united Canada, but they all recognized the need to change the federal status quo. Thus they were in a position to discuss and start elaborating the basis of a federalist response to events in Quebec.

Shortly after that conference, David Boisvert, the Institute's Research Associate, wrote the following paper designed to analyze the form and content of the federalist

response to date. Although this analysis was primarily based upon the discussions held at the conference, it does not rely exclusively upon that discussion, and new elements were introduced. All sought to provide a critical evaluation of the issues confronting federalists and the way in which federalists tended to react to those issues.

As has been outlined in my postscript, the discussion within the federalist camp has increased significantly since May, 1977. Subsequent debate has shown that our conference was 'early' in terms of the debate as a whole, and many of the participants have since then developed their thoughts into more concrete forms and have gained a greater understanding of the issues. However, as is also outlined in the postscript, the conflicts, ambiguities and contradictions within the federalist debate have not changed since Mr. Boisvert's analysis. And, as we enter a new phase of the debate in the months to come, it will be even more important for federalists to stand back and take a long, hard look at their response to the independence movement in Quebec. This paper offers a lucid framework for this analysis.

INTRODUCTION

The Federalist Perspective

Although clearly disagreeing on many points of substance, federalists share certain elements which serve to define their perspective and approach to the current political situation. The federalists at the conference seemed to be in general agreement with the following points:

(a) the desire to avoid the dismemberment of Canada. A prime motivation for their concern with Quebec and the present political situation, this interest in avoiding the dismemberment of Canada unites federalists against the independentist

option and makes the retention of a Canada united from sea to sea, in some form or other, a necessary objective of any political and constitutional change.

(b) the recognition that to avoid the dismemberment of Canada it will be necessary to secure some measure of political accommodation with Quebec. After decades of mounting pressure from Quebec, few federalists would argue that the political and constitutional status quo should not be changed in some fashion in order to respond to the pressure on the system emanating from Quebec. The difficulty lies in determining the fashion and the degree to which the status quo should be changed.

In effect, if this description of the general federalist perspective is accurate, the present political situation creates problems for federalists at two distinct levels. First, in the short term, they are confronted with the immediate problem of meeting and responding to the Parti-Québécois independence-association platform. To avoid the dismemberment of Canada, it is essential that the PQ not succeed in this objective. In practical terms this reduces itself essentially to developing a federalist strategy for the referendum with a view to defeating the independence option. Second, federalists are in the longer term confronted with the problem of determining the political and constitutional changes which should be introduced short of the complete dismemberment of the country. If neither independence nor the status quo are acceptable options, then Quebec must be accommodated through some sort of restructuring of the existing political system. Somehow a consensus must be built on the question of the changes to be made to the status quo.

PART I

THE SHORT TERM PROBLEM: HOW TO RESPOND TO THE REFERENDUM

It is generally assumed that the referendum will require the Quebec electorate to choose between the PQ independence-association option and continued federal political association with Canada. Though to certain segments of the Quebec population independence remains a much less acceptable option than the status quo, federalists have recognized that the status quo is itself far from satisfactory to most Québécois. They therefore tend to agree that at the very minimum the Québécois voter must be made aware that the rest of Canada is not adamantly attached to the status quo, and that the possibility exists of changing federalism within the context of Confederation. What other measures federalists should adopt in light of the referendum remains a debatable issue. At the conference two tendencies seem to have made themselves felt.

Trying to influence the referendum by disputing essential PQ claims, particularly on the prospect of economic association.

Returning to the traditional federalist strategy which has figured so prominently in recent Quebec election campaigns, this tendency would place emphasis upon making Québécois aware of the probable negative economic repercussions of political independence. Quebec, it is suggested, derives significant economic benefits from Confederation, and these would be lost if the province were to separate. These benefits include not only the spending and program activity of the federal government but also such things as the common market and the economies of scale which come with participation in the Canadian economy. This line of argument is by itself

insufficient to deal with the pro-independence position. Independentists have repeatedly challenged the claim that Quebec receives a net gain from federal government activity in the province, and this contention has become, as the recent 'battle of the figures' disclosed, difficult to prove. Secondly, the Parti Québécois implicitly acknowledges the argument that Quebec benefits from a common market with Canada, and, in fact, proposes that an economic association ought to be negotiated with Canada after independence. In view of the PQ's position, federalists are brought to focus upon the feasibility of economic association, and the economic argument against political independence reduces itself largely to disputing the PQ's claim that English Canada would negotiate such an association with a sovereign Quebec.

One strategy for the referendum therefore suggests that the Québécois should be made aware that English Canada would not agree to an economic association. Several participants at the conference termed this the "association as a 'non-starter' option". The assumptions behind this strategy are (a) that Quebec would find it extremely difficult to survive economically without such an economic association, (b) that the Quebec voter would act 'rationally', that is, if independence could be shown to cost a great deal he would not buy it, and (c) that an economic association would in reality not be in English Canada's interests.

The first argument which must be faced with regard to this strategy is whether the claim that English Canada would not negotiate an economic association with an independent Quebec is in fact valid. Supporters of the strategy argue that a common economic association with Quebec would hold little or no

benefit to the various regions of Canada. Western Canada in particular would oppose such an association and would object to a common monetary union and a common body setting tariff policies with Quebec if that province were to leave Confederation. Although it is more difficult to argue that an economic association would be of no benefit to Ontario, it has been pointed out that the constellation of powers would in all probability shift westward if Quebec seceded and that this would have a definite impact on Ontario's position. Finally, it is argued that English Canadians generally would react to Quebec's secession in such a way as to rule out any possibility of assisting Quebec through agreeing to an economic association. Politicians would, in any event, find it difficult to sell this idea to the English Canadian electorate. There thus exist certain political realities in English Canada which make it very unlikely that it would agree to the economic association proposed by the PQ. This should be communicated to the Quebec voter.

On the other hand it is argued that there already exists such a high degree of interdependency between the Quebec economy and the Canadian economy that it would be hard to imagine English Canada refusing to negotiate economic matters with Quebec, including the establishment of common economic bodies where this proves to be of mutual interest. Would it not be in the interests of both parties, for instance, to avoid a catastrophic decline in the value of the Canadian dollar following independence by negotiating a monetary union? Perhaps English Canadians are willing to forego economic advantages, but one line of argument suggests that they are generally practical people and would agree to some form of economic association if it were in their immediate interest.

Whether or not English Canada would agree to negotiate an economic union becomes almost a moot point from the federalist perspective, for if the truth of this claim ever had to be tested, federalists would already have lost their struggle with the independentists. If the "association as a non-starter" option is to have any value at all, it must have a positive effect on the referendum outcome. On the one hand it is argued that, as public opinion polls have shown, the Quebec voter is more likely to vote for independence if it is coupled with association than if it is not. This serves to show that a strong position maintaining that association is a non-starter would very much reduce the possibility that Quebec would vote for independence. On the other hand it has been pointed out that such a position could very easily be interpreted as an intransigent attitude on the part of English Canada. Quebec could react by trying to give English Canadians yet another shock, but this time, the shock would be voting for independence, a decision from which it would be very difficult to return. Besides, it is not altogether certain that Quebec voters under the political circumstances surrounding the referendum would behave "rationally", nor is it altogether clear that deciding on the future of an entire people is at all analogous to deciding what priced beef to purchase in a super market. There are obviously differences of opinion on how much an attack against the association theme should figure in a federalist strategy toward the referendum. At a very minimum it can be said that no one suggests that any encouragement should be given to the idea that association would be easily realizable.

Besides the "association as a non-starter" option, two further arguments against PQ claims were at least hinted at during the conference. First, it is questionable whether the common institutions which would be created pursuant to an economic association would in fact be superior to those of a

revamped federal union. Would they in fact reduce the endless bickering which the Parti Québécois suggests is frustrating the development of both English and French Canada? Would Quebec be able to control joint economic policies any more than it can now? Would an economic association provide Quebec with any more freedom of action than it now possesses? An economic association might impose the same political constraints as would a revamped federalism without the advantages in terms of representation in policy making which a federal union could provide Quebec. Second, since the experience of other federations discloses that the process of disentanglement and separation often leads to violence, whether this is willed or not, the Quebec voter should be urged to avoid any possibility of violence by taking the peaceful road of negotiating changes to the present political system.

Both of these emminently logical suggestions imply that Québécois should abandon the independence option and concentrate on reforming federalism instead. The only serious criticism of the suggestions is that this has in fact been the road that Quebec has followed for several decades without being able to boast of any major achievements in terms of revamping the federal system. It would, moreover, take a very unperceptive political observer not to notice the striking relationship which exists between the growth of the Quebec independence movement and English-Canadian interest in changing in a significant way the structures of Canadian federalism. As for the likely effect these arguments could have on the referendum, this would to a large degree be conditioned by how seriously Quebec felt English Canada was committed to significant constitutional and political changes. This brings us to the second major trend brought forward by the discussion.

Trying to influence the referendum by putting forward positive proposals for a revamped federalism.

Certain participants at the conference, particularly Francophone federalists from Quebec, emphasized the need to develop a positive federal referendum strategy. The Parti Québécois is proposing a distinctive 'projet d'avenir' and it is incumbent upon federalists to develop their own 'projet d'avenir' to present to the electorate. Québécois would not be interested in voting for what Canada has been in the past, but rather for what it is proposed Canada will be in the future. In short, since the status quo is not an acceptable federalist option in Quebec, this strategy proposes that federalists make good their apparent willingness to alter the federal system by translating this will into more concrete proposals.

The strategic assumptions underlying this tendency are (a) that the current federal structures, the status quo can no longer be defended in Quebec. (b) that a significant portion of the Quebec electorate can nonetheless be won over to a federalist position, and (c) that Quebec federalists, upon whom will fall the burden of defending the federal option during the referendum debate, would find it much less difficult to do so if they could indicate to the electorate not only that English Canada is prepared to negotiate but also what sort of changes are being envisaged.

Since this strategy tends to merge the short-term federalist referendum strategy with the longer-term issue of how to change the federal system to accommodate Quebec, all the problems associated with agreeing on the longer-term solution, which we will examine shortly, come into play in implementing

this strategy. Over and above these problems, there is the question of time. The referendum will be held in less than two years and it is doubtful whether effective federalist counter-proposals can be elaborated in such a short time-frame. Perhaps the most that can be communicated to the Quebec electorate is that English Canada is prepared to negotiate changes to the constitution, but that there exists substantial disagreement among federalists over the scope and content of the changes to be introduced. Another major problem confronting the early development of counter-proposals is the difficulty of deciding upon and setting in motion the process by which these proposals can be debated and elaborated. There is a question of who can speak for English Canada - the Prime Minister, the First Ministers jointly, Parliament? Even if the spokesmen for English Canada could be identified, it is unlikely that the government of Quebec would agree to commence constitutional discussions until the referendum had already taken place, and without participation from Quebec it would be more difficult to devise counter-proposals which would be credible in the eyes of the electorate.

It can be argued that these difficulties are not insurmountable and that, if the federal government in particular acts quickly, a positive federal initiative can be developed before the referendum. It will be noted in this regard that the Trudeau government has recently established a commission, the Pépin-Robarts Task Force on Unity, which will be reporting to Parliament within a year, or shortly before the tentative date for the referendum campaign. Also important would be the result of any federal election held before the referendum, for this would not only partially settle the

leadership question, but would also serve as a test of alternative federalist counter-proposals as put forward by different national political parties.

Some more fundamental objections can be raised against the strategy of elaborating positive federal alternatives at the time of the referendum. There is the danger, for instance, that federalist proposals would become the centre of debate and critical scrutiny rather than the PQ program of independence-association. Such negative publicity is the last thing federalists need in Quebec just before the referendum. There is also the argument that no federalist 'projet d'avenir' could really compete with independence, for nationally conscious Québécois would always wish to explore first the possibility of Quebec undertaking, by itself, those things relegated to the central government in a federal scheme. These objections must, however, be balanced by the avowed need of Quebec federalist spokesmen to defend federalism in a positive manner in order to compete effectively for the undecided vote.

CONCLUSIONS

1. There seems to exist a fair degree of agreement that English Canada is not wedded to the status quo and is prepared to negotiate changes to the federal system. This should be communicated to the Quebec voter so that he knows that in the referendum he is not being asked to choose between the status quo and independence, or independence-association. Federalists are, however, confronted with the serious problem of finding it very difficult to elaborate positive and concrete proposals regarding the future structure of Canadian federalism in the time-frame and political constraints peculiar to the referendum.

2. There seems to exist general agreement that nothing should be done to encourage the idea that economic association will be easily realizable after independence. It is, however, question-

able to what degree federalists should emphasize the notion that "association is a non-starter" during the referendum campaign. As a point of strategy, such a position could have both positive and negative effects.

3. There is no agreement as to what would be the most effective strategy for federalists to adopt during the referendum campaign. It appears highly probable that the issue of economic association will figure prominently in the campaign, yet many federalists caution that a negative criticism of the PQ's economic association proposal cannot be the primary basis upon which to defend the federal option. In the light of the problems confronting the development of positive counter-proposals, an alternative strategy must be devised that will not rely exclusively upon attacking the independentist position in order to promote the federalist position.

PART II

THE LONGER-TERM PROBLEM: HOW TO ACCOMMODATE QUEBEC WITHIN A RESTRUCTURED FEDERALISM.

If federalists are unanimous in rejecting independence as the solution to Quebec's problems and aspirations, and if they generally agree that the status quo is no longer sufficient for Quebec, they are logically brought to admit that some restructured federal system is the only acceptable solution to the current political crisis. Unfortunately, as the conference amply demonstrated, federalists are by no means close to agreement on the scope and content of changes which should be made to the existing federal system.

This lack of agreement on the most serious issue facing Canada has a number of sources. First, just as the major issue uniting the PQ is commitment to independence, the major issue uniting federalists is their common opposition to independence. This united front quickly breaks down in both instances once the political question shifts to other domains. Federalists may thus agree on what they are against, but this is no guarantee that they will arrive at a consensus on what they are for in terms of the future of Canada.

Second, the nature and scope of changes to the existing political structures recommended by any individual federalist will be, to a large degree, a function of how he perceives the 'problem'. Since there is no agreement as to the nature of the problem there exists little common ground upon which to search for definitive solutions. If one conceives the problem in primarily linguistic terms, then one will offer proposals for constitutional changes different from those of a person who conceives the problem in, say, terms of economic inequality between French and English-speaking citizens in Quebec.

Third, the very framework federalists adopt hampers the search for a federalist solution. Though they are in fact searching for a response to the threat of political independence for Quebec, federalists are brought by the internal logic of their position to seek a response in the alteration of the structures and institutions of Canadian federalism. The concept of political independence is seen as little more than the process by which the Quebec state would assume formal and juridical sovereignty over the people and territory of Quebec. The notion of independence, to federalists, is therefore essentially legal and structural, because it connotates a change in the legal and jurisdictional status of the

government of Quebec, and in the structural and institutional relationships of the Quebec government with the rest of Canada. Hence the emphasis placed upon revamping in some way the constitutional and political structures of Canadian federalism.

This hampers the search for solutions, first, because such a conception of the meaning of independence fails to consider what independence means for the independence movement in Quebec. Political independence is rarely conceived of in the terms the independentists use - the legitimate aspirations of any mature people to self-determination. Even when this is noted, the necessary conclusion that to the independence movement independence itself is a goal and not a means to an end is avoided. Some federalists persist in assuming that the popularity of the independence option is a function of some "frustration" with existing political and juridical structures, and more specifically the frustration of Québécois "aspirations" by these structures. But independence may itself be one of those "aspirations". A misreading of the independence movement places in doubt the direction in which federalists have embarked in the search for solutions.

Second, the emphasis placed upon accommodating Quebec through changing its juridical status within Canadian federalism introduces a series of new elements which make it even more difficult to arrive at a consensus. The question of revamping Canadian federalism inevitably includes more than simply dealing with Quebec's status, and once this question is raised it tends to shift the focus of debate from the French-English or Quebec question to that of the adequacy of Canadian political structures in total. Thus, a crisis created by the intensification of the "national question" or "French-English" question

in Canada is transformed into the much broader question of review of Canadian federalism in general. This hampers rather than assists the solution of the question of the future of French Canada and Quebec within the multi-national state called Canada.

Finally, and related to the above, is the point that English Canada is a more heterogenous unit than is French Canada with the result that consensus building in English Canada is a more difficult process than it is in Quebec. Although Canadian history provides enough examples - from the Riel crisis to the "bilingualism in the air" crisis - that there exist, at least at the political level, two "nations" or "national groups" in Canada, the fact remains that the English portion of the French-English dichotomy is much more varied and regionally spread than is the "French fact". This, of course, has its effects on the search for solutions, since different perceptions of the "problem" and different approaches to its solution will manifest themselves in English Canada depending principally upon the "region" or province in question. More importantly, it suggests that the search for solutions will have to consider the different interests of the more heterogeneous English Canadian community, and this adds a new and more problematic dimension to the quest.

Coping with the nature of the problem.

Despite these difficulties, it is essential, if a federalist solution to the Quebec situation is to be developed, that an analysis be made of the nature and dimensions of the

current problem. Although from the federalist perspective the immediate problem remains the danger that Quebec become independent and separate from Canada, to arrive at a longer term solution it is necessary to investigate the source of the independence movement and to determine the nature of Quebec's aspirations and dissatisfactions.

The conference provided a number of different explanations of the rise of the independence movement and the source of Quebec's discontent. It was striking that in virtually every explanation put forward there was agreement that the problem involved much more than simply dealing with the Parti Québécois or the independence movement. These are usually seen as being the result of a more profound malaise. It follows that even in the event that the PQ was defeated electorally, the problem of dealing with Quebec's place in Confederation would still have to be resolved. In the last analysis, the question is not of responding to the PQ but of responding to Quebec.

Although the conference was in general agreement that the problem was a more fundamental one than that presented by the Parti Québécois there existed nonetheless a great deal of disagreement over its exact nature. There were at least five distinct lines of argument put forward:

(1) the problem as a language problem.

In this view, the source of Quebec's dissatisfaction with the status quo lies in the problems French Canadians have experienced in safeguarding their language and culture. The Québécois wish to maintain the French language, to combat assimilation, and generally to create an environment in Quebec where the French language and French Canadian culture can flourish and not merely survive. An insular minority surrounded by a sea of Anglophones, French Canadians have had to struggle to maintain their language, and it is this struggle which has given birth to

the independence movement.

One variant of this perspective traces the problems French Canadians have had in maintaining their language to a form of individual discrimination against French-speaking Canadians. In the past, the interests of the Church and French Canada's traditional elites, together with the chauvinism of Anglophone Canadians combined to maintain the French language in an inferior position relative to English in Canada. The new elites in Quebec will no longer tolerate this inferiority, and the time has come to place French on an equal standing with English so that French Canadians will no longer be discriminated against socially or economically if they wish to speak their language. All discriminatory practices must end, and French linguistic rights must be promoted. This view tends to support some form of bilingualism across the country, including Quebec.

Another variant suggests that it is insufficient simply to ensure that Canadians can use the official language of their choice. Taking a more collectivist view, it maintains that the French language will not be adequately safeguarded until French is made the principal language of everyday activity in Quebec in the same way that English is the predominant language of all activity in the Anglophone provinces. This is not the case at the present time since English in Quebec has a strength disproportionate to the number of Anglophone residents of the province. Creating an environment where French would be the predominant language is, moreover, the essence of the aspirations of Quebec's French-speaking community. This view tends to support some form of French unilingualism for Quebec.

A diagnosis of the problem as a language problem acknowledges that measures must be taken to protect and promote the French language and hence emphasizes the importance of linguistic policies as instruments to respond to the current problem. It remains questionable if major constitutional changes are required for, on the one hand, provinces, as Bill 101 shows, already have significant powers with regard to language, while, on the other

hand, much could be accomplished through federal-provincial cooperation. Constitutional guarantees and the entrenchment of the Official Languages Act in the constitution should, however, be considered.

(2) The problem as a majority/minority problem

In this perspective, French Canadian 'nationalism', whose most extreme form is the independence movement, has always been fed not only by the sense but also by the reality of minority status of French Canadians within Canada. There has always been the genuine danger that the interests of the French Canadian minority would be ignored or trampled upon by the dominant Anglophone majority. Because French Canadians are concentrated in one territory and are the majority in one provincial unit of government, Quebec, they have tended to use that provincial government to protect their interests. This has resulted in French Canadians looking upon Quebec as their national government rather than Ottawa which is perceived as the national government of English Canada. They have therefore sought to recuperate powers lodged in Ottawa where they are a minority and to place them in the provincial government where they are the majority.

Their minority status within Canadian federalism has also contributed to a monolithic political tradition, regarding federal politics, in Quebec. Quebec votes en bloc for the Liberal Party because it in practice has no other choice. Therefore, opposition to Liberal government policies, rather than being expressed through the federal electoral process, is expressed in the only alternative way, that is through the opposition of the provincial government to federal policies. Hence, the historical identification of the provincial government with opposition to Ottawa.

The minority status of French Canada has fostered an acute sense of nationality and national awareness among French

Canadians. The national demands of French Canada have generally been years ahead of those of Canadians in general and this has been a regular source of conflict between French and English Canada. The differences in the national aspirations of the two entities which make up Canada, has only served to reinforce French-Canadian nationalism.

This diagnosis of the problem implies that substantial changes be made to Canadian federalism in the direction of recognizing and guaranteeing the equal standing of the French minority with the Anglophone majority in Canada. The options to French Canada are essentially Egalité ou Indépendance; to English Canada the recognition of the political equality of the 'deux nations' or the acceptance of two separate states, in the long run.

(3) The problem as one of 'peoplehood' aspirations and nationalism.

This perspective maintains that the moving force behind the independence movement is a growing realization among Québécois that they are a 'people'. They thus aspire to all the attributes of 'peoplehood' but the B.N.A. Act and the structures of Canadian federalism, though perhaps once sufficient, are no longer adequate to express this new sense of peoplehood. This accounts for the pressure being placed on the existing political system.

Such a view in effect identifies nationalism, and in particular contemporary as opposed to traditional French-Canadian nationalism, as the principal cause of the current 'problem'. It tends in addition to consider nationalism as a general social phenomenon common to all societies, and then distinguishes between these societies on the basis of distinctions made between forms of nationalism. At the conference it was proposed that what distinguished English Canadian from French Canadian nationalism was that while the former was increasingly a 'non-ethnic nationalism', the latter was increasingly an 'ethnic nationalism', that is, while French Canadian nationalism was expressing itself in terms of common land, language and blood ties, English Canada had developed

a completely different conception of nationalism which made possible a more multi-cultural and multi-ethnic conception of Canadianism. This has served to create fundamentally different perspectives and attitudes between people in Quebec and people in the rest of Canada.

This diagnosis of the problem obviously calls for major changes to the political structures of Canadian federalism in order to accommodate the new sense of 'peoplehood' among Québécois. It also recognizes that there may exist a measure of incompatability between these 'peoplehood' aspirations and the national aspirations of Canadians generally. However, since other states, such as Switzerland and Belgium,have successfully resolved the problem of having two peoples in the same state, Canada should be able to do the same.

(4) The problem as a reaction against political and economic domination.

Though only briefly noted at the conference, this perspective has acquired increasing popularity in Quebec, particularly on the left. Although it has a number of currents and tendencies, it generally speaking attributes the rise of the independence movement to the struggle of the Québécois to alter the economic exploitation and political domination they have had, as a collectivity, to suffer at the hands of Anglo-Canadian and American capital. Depending upon one's ideological views, independence is seen as being anywhere from simply a result of economic inequality to a national liberation struggle. It is to be noted, however, that there exists a tremendous number of variations on this theme both in liberal social-democratic and Marxist interpretations.

The important point to retain is that this perspective necessarily posits that the independence movement is more than just a frustration with political structures, but is in fact the political manifestation of a deeper frustration with 'socio-economic'conditions. Whether one talks of the need to ensure

greater equality of opportunity for French-speaking Québécois in the Quebec economy, or of the need for the working class to overthrow capitalism in order to build a socialist society, in the last analysis it is 'socio-economic' relations that are at question. It follows that if the independence movement as a political phenomenon is rooted in conflicts within the socio-economic realm, then the political solutions proposed must resolve the socio-economic conflicts one identifies as being salient. Modifications to political structures though certainly not insignificant are by themselves not sufficient to deal with the roots of Quebec's discontent.

(5) The problem as a general dissatisfaction with Canadian federalism and the central government.

Though again only briefly noted at the conference, this perspective places the independence movement in Quebec within the framework of a general dissatisfaction of Canada's regions with central government institutions and policies. The fundamental problem is that the division of powers, the structure of central institutions, and the policies of federal governments have not adequately responded to regional needs and regional interests. This has led to serious dissatisfaction in all the regions, with the probable exception of Ontario, although only in Quebec has this led to the emergence of a strong separatist movement. Essentially this approach, rather than placing emphasis on such things as 'nationalism' conceives separatism and Quebec's discontent as being a function of a contradiction between 'regional interests' and existing political structures. Thus, although Quebec remains the region where the problem has manifested itself in its most acute form to date, the problem is nation-wide.

This approach, of all those noted, most directly links the present crisis in Quebec to the inadequacy of political structures. Its analysis leads to a search for solutions in the restructuring of Canadian federalism, but in such a way as to

respond to the phenomenon of Canadian regionalism and not exclusively to Quebec. Although some form of major decentralization of powers becomes an obvious solution in this perspective, it is not the only remedy proposed. A major restructuring of central government institutions to more effectively represent and respond to regional concerns would also be in order.

Although these five approaches often overlap, they are distinct from one another. Each leads to a different set of solutions to the present crisis, but in the absence of rigorous measures of their validity the choice of approach is left almost entirely to individual normative appraisal or the arbitrariness of political leadership.

The Search for Solutions

The diversity in approaches to understanding the nature of the problem naturally leads to a diversity of opinion on how to resolve it. Whatever the diagnosis, however, federalists are brought to concentrate upon restructuring Canadian federalism and its institutions, and all proposals put forward at the conference followed this line. This presents federalists with a methodological problem, for, to concentrate upon altering political structures, such as the division of jurisdictions and central government institutions, is a more suitable method for some approaches than it is for others. It may, for instance, be suitable for a perspective which sees the problem as being the failure of central institutions to deal with regional interests, but is clearly insufficient for a perspective which emphasizes the socio-economic roots of discontent in Quebec. This methodological problem often manifests itself as an uncomfortable inability to relate the analysis of the situation to proposals for change, the

diagnosis to the prescription. It is a strong indication that federalists should expand their search for solutions to include more than changing the structures of Canadian federalism.

Judging from the discussion at the conference, it is clear that, even within the framework of revamping political structures there exists serious disagreement among federalists. Broadly speaking, the controversy seems to revolve around the following points.

a) Should the solution emphasize the federal nature of the country, and therefore concentrate on altering federal-provincial relations, or the binational nature of the country, and therefore concentrate on altering English-French relations?

Canada is on the one hand a federal state with a central government and ten provincial governments, nine of which are predominantly Anglophone, and only one of which is Francophone. On the other hand, it is also a bi-national state for it is made up of two politically significant language groups, or nations in the sociological sense, English Canadians and French Canadians. Any attempt to change the Canadian political system to respond to the latter political reality, naturally impinges upon the federal structural reality of that political system. Federalists must therefore reconcile the federal character of the country with the bi-national character of the federation, and this is difficult to accomplish. Because Quebec is only a province, must all provinces be given the opportunity to increase their area of jurisdiction if Quebec is given the opportunity? Because Quebec is the only Francophone province and because it is considered by many to be the national homeland of French Canadians, must it be given powers which the population of the English-speaking provinces desire to see retained by the central government. It is questions such as these which federalists must answer. Depending upon the answers given, certain solutions, such as general decentralization, emphasize the federal nature of the country; others, such as special status or associated states, emphasize its French-English character.

b) Should the solution take an incrementalist or comprehensive approach to the restructuring of Canadian federalism?

Federalists are also confronted with the question of the extent to which federalism must be substantively altered. In responding to this question, they may take one of two approaches: either they seek to determine what is 'wrong' with the present structures and change these incrementally, or, they seek to determine what would be the basis of a federal union if Confederation were to be remade in this day and age, and alter structures on this comprehensive evaluation. In the first approach, emphasis is placed on identifying quite specifically what demands for change are being made and then evaluating if and how they can be met. In the comprehensive approach, the emphasis is placed upon identifying common objectives and interests between English and French Canada, and among provinces and regions, then determining the form central government institutions should take. Depending upon the approach used, very different conceptions of how present federal structures should be changed can be formulated. It may be significant that Québécois federalists attending the conference tended to speak in favour of the comprehensive approach.

Given this controversy, it is not surprising that a number of very different proposals in terms of possible solutions were presented at the conference. These fell into two general categories: proposals for jurisdictional changes, and proposals for changes to the structure of central government institutions.

A. Proposals for Jurisdictional Change

Modification of the existing division of powers between federal and provincial governments is a key element to any federalist response to the challenge of Quebec independence. Reliance upon this as an instrument does, however, come under criticism. Certain federalists maintain that it is idealistic to think that significant jurisdictional changes can occur. The federal government would not readily agree to any weakening of its

position, nor would the provinces agree to a weakening of theirs. Many provincial governments would, moreover, have vested interests in maintaining the current division of responsibilities. Their unwillingness to disturb federal powers affecting Ottawa's responsibilities for economic stabilization and the equalization of provincial revenues are a case in point.

Certain other federalists argue that it is premature to talk in any concrete way of jurisdictional changes. Taking the comprehensive approach to the restructuring of the federal system, they suggest that what is required is an analysis of why it is necessary to have a Canada or a federal union in the first place. Only when common objectives are determined will it be possible to deal with the question of which level of government should do what.

These are both serious objections to one of the most fundamental of federalist premises - that the federal system can be adequately restructured to accommodate Quebec. If the first argument is correct then there are obvious limits to how far restructuring can go - limits which may be too narrow to accomplish the end of keeping Quebec within Confederation. If the second argument is correct, then the task of deciding on jurisdictional changes becomes extremely complicated because of the heterogeneity of English Canada relative to Quebec. The development of common objectives in English Canada would be difficult not only because of its fragmentation, economic diversity, and differences in ideological position, but also because of the lack of a clear procedure by which these objectives could be aggregated and articulated. Therefore questions such as "What do federalists want?" and "What does English Canada want?" are not easy to answer. If Quebec were to insist on taking this approach to constitutional discussions, English Canada would be hard pressed to accommodate.

Since few federalists support the status quo, and since fewer still would consider independence for Quebec a viable option, the proposals for jurisdictional change presented at the conference tended to fall into one of the following three models:

1. Minimal changes to the Status Quo

This option is favoured by those who conceive the problem in language terms, and by those who feel that a major revamping of Canadian federalism would meet with too much resistance.

Generally speaking, it suggests that constitutional guarantees and certain national policies should be enacted to protect language and cultural rights. As for provincial governments, they are considered to have sufficient jurisdiction under the B.N.A. Act, and few additional powers, other than perhaps in the fields of communications and immigration, would be transferred to them. It would be important nonetheless to clarify the constitution so that provincial jurisdiction be protected from federal encroachment. The federal government should also allow provinces a greater voice, through consultation, in the setting of federal policies affecting their interests. A strong central government is, however, needed to protect the national interests and fundamental rights, such as language rights, and the possibility exists of actually enhancing federal powers in this latter area.

2. Various decentralization options.

Some form of decentralization of jurisdiction from Ottawa is favoured by those who feel that the only alternative to independence is a major revamping of federalism, in the direction of giving Quebec greater jurisdiction, but who nonetheless consider it important to maintain the federal character of the country. There are three major options put forward in terms of decentralization:

(a) general decentralization: under the assumption that all provinces must continue to be treated more or less equally, whatever decentralization of jurisdiction took place would apply to all provinces.

(b) differential decentralization: under the assumption that the Anglophone provinces could not agree on the degree of decentralization they each desired, and in recognition of Quebec's particular status, decentralization would take place in such a way as to allow each province to establish its own particular distribution of responsibilities between it and the federal government. This could be accomplished through the

greater use of concurrent powers, particularly if provincial paramountcy were to be specified in these fields, the differential application of federal laws on the model of the Family Allowance scheme, and the opting-out formula, and the introduction of legislative delegation in the constitution.

(c) 'Special status'; under the assumption that Quebec is not a province like the others and requires special treatment, decentralization would apply essentially exclusively to Quebec, and would at any rate clearly grant more powers to Quebec than to the Anglophone provinces.

As for what powers would be subject to decentralization, this depends, of course, upon what one conceives to be the nature of the problem, as well as upon whether one choooses to adopt an incrementalist or comprehensive approach to the revamping of Canadian federalism. This would naturally also be subject to the bargaining process in constitutional discussions. The tendency on the whole is to perpetuate the spirit of the B.N.A. Act and to place the 'more important' powers in Ottawa, these being essentially powers affecting the economic well-being of the country. Other than the policy areas of communications and immigration, the most frequently mentioned area which could be transferred to the provinces is that of the entire field of government income redistribution programs to citizens. Some limitation would also be placed on the use of the federal spending power.

Some federalists argue for a much greater degree of decentralization, particularly of economic and taxation powers. One line of argument suggests that decentralization would have to decentralize 'big government' to the provinces, or at any rate to Quebec City. Quebec is not only interested in controlling programs. Another line of argument suggests that Quebec would require greater control over the economy since the language and cultural questions are in Quebec so intermeshed with economic questions. Both suggest that very substantial powers would have to be transferred from the federal government to Quebec,

and perhaps to the other provinces. Others argue, on the other hand, that federal powers over the economy are essential to the economic stability and future prosperity of the entire country and any attempt at further decentralization would produce a balkanization which could only have negative effects on Canada's growing economic problems. English-speaking provinces, and particularly the 'have-not' provinces, would, moreover, seek to ensure that Ottawa retain the powers necessary to fulfil its responsibilities in the field of equalization and regional economic development. There therefore exists major disagreement over how extensive decentralization should be.

3. Some form of 'associated states'

Those who take a comprehensive approach to the restructuring of the Canadian political system, and who emphasize the 'deux nations' and English-French character of the country, tend to favour an option which would clearly recognize the existence of two nations. A fundamental premise of this option is that English and French Canada would be considered equal partners in the federation and this would somehow have to be reflected in political structures. This would involve a more comprehensive restructuring than that contemplated by any of the decentralized options, for Quebec would no longer be considered just one of the provinces within a wider federation of provinces. Central government institutions would legislate on matters of mutual concern between Quebec and the rest of Canada. Although it is not clear what these matters would be, it is usually understood that they would involve more than 'economic association'.

Although it is recognized that the heterogeneity of English Canada presents difficulties, this option rejects the notion that this heterogeneity necessarily requires greater decentralization. Although regionalism exists, it is also true that English Canadians share a great many things in common, and all contribute to a vibrant English Canadian culture. The majority of English Canadians are moreover very much attached to having a strong central government. Many would in fact desire to strengthen rather than weaken the national

government, and to have it control matters such as education, which are now within provincial jurisdiction. This suggests that rather than decentralize, a greater degree of centralization would be more in keeping with the desires of Anglophone Canadians.

Economic factors also dictate that greater powers be provided to the central government. Canada is faced with serious economic problems which can only be resolved if effective economic strategies can be developed at the national level. Strong provincial governments, or further balkanization can only impede the development of these strategies. All other advanced industrial states have found it necessary to further centralize economic decision-making, and if Canada is to maintain, let alone improve its economic performance, it will have to follow suit.

A restructuring of Canadian federalism which would on one hand give Quebec the powers it requires by virtue of its representing one of the component national entities of the federation, and which would on the other hand allow English Canada to strengthen its central or national government commensurate with the national aspirations and economic necessities of English Canadians, is essentially what this option calls for. Of all the options presented, it advocates the most comprehensive restructuring of the Canadian political system, and it is not wedded to maintaining a federal form of government for English Canada.

Again these models are imperfect and there are numerous areas where they overlap with each other. They do nonetheless encapsulate the three major themes being currently talked about in terms of jurisdictional modifications to the federal system. Each can be subject to critical scrutiny but there exists no absolute measure of determining which options are 'correct' and which are 'wrong'. Much more work would, in addition, have to be done to ascertain the probable long term implications of each of these models.

B. Changes to the Structures of Central Government Institutions

It is important to consider changes in the structure of central government institutions for two reasons. First, it can be argued that their structure has in fact contributed to the present problem. An electoral system that does not allow the 20 to 25 per cent of the vote which the Conservative party traditionally acquires in Quebec to be translated into representation in Parliament, contributes to the monolithic appearance of federal politics in Quebec, and to the Conservative party's image as an Anglophone party. This has done little to further national unity in Canada. A Parliament composed predominantly of Anglophone representatives does little to reassure French Canada that Ottawa will respect its particular concerns. The principle of party solidarity in Parliament has reduced the effectiveness of members of Parliament to represent the interests of their regions and this limits the effectiveness of central government institutions to accommodate regional concerns. A weak upper chamber, appointed by the federal executive, has failed in its avowed purpose of representing Canada's regions at the national level. Factors such as these have contributed not only to Quebec's discontent with the federal system but also to the disenchantment of other provinces and regions with Ottawa, thereby reducing the central government's legitimacy in the eyes of many Canadians. They have helped strengthen the role of the provinces rather than Parliament as the spokesmen of regional interests. They to a large degree account for the preponderance of federal-provincial, regional, and sectionalist issues, issues divisive to national unity, as the most significant political cleavage in Canada. Central government institutions must be restructured so that regional interests can be expressed and accommodated within central institutions, while at the same time reducing the tendency of the political system to emphasize regional differences to the detriment of cross-regional political cleavages.

Secondly, the modification of central government institutions is important in terms of accommodating Quebec. Whatever one's approach to the problem, whatever one's proposals for jurisdictional changes, it becomes vital to ensure that the central government consider Quebec's interests and aspirations more effectively than it has in the past. Whether this would involve simply entrenching the Official Languages Act in the constitution, requiring the central government to provide services in the two official languages, or whether this would involve more substantive changes, such as Senate and Parliamentary reform, remains a matter of debate.

Some perspectives suggest that central institutions should be reconstituted to ensure a greater degree of equality of representation between English and French Canada. A 'double majorities' concept could be invoked at some level in the legislative, executive and judicial institutions of the central government. This would mean that for some purposes action would require an affirmative by a majority of each of the francophone and anglophone groups. Such a view certainly has its merits particularly if one sees the problem in majority/minority terms. It would, however, meet with certain problems. First, it would be difficult to reconcile a 'double majorities' concept with the principles of representation by population, and 'one man, one vote' upon which our liberal democracy is based. Second, other provinces and regions would likely also wish to benefit from such an alteration of political structures, and it would be difficult to reconcile providing Quebec with equal representation with the rest of Canada without slighting the demands made by other regions. These problems are perhaps not insurmountable but they would have to be faced.

It can nonetheless be argued that making provisions to ensure adequate if not equal Quebec representation in central decision making could be a way to avoid the need for a major

decentralization of powers to Quebec. If Quebec could trust the central government to act in and to protect its interests, then it may be less inclined to demand a transfer of powers to the provincial government. The same would, of course, also hold true for any other region or provincial government. This argument, however, makes certain assumptions about the nature of the 'problem' in Quebec, and ignores the possibility that having a greater degree of self-determination is in fact a basic goal of the Québécois collectivity.

Suggestions for changes to central government institutions fall into three basic categories. First, there are suggestions for changes to 'symbols'. This would include such things as patriating the constitution, dispensing with the British monarchy, declaring hockey to be Canada's national sport, and putting a more Canadian symbol on the back face of our coins. Such changes would contribute to enhancing national unity, it is argued. Though symbols have important political effects, as the St. Jean Baptiste and Canada Day rallies disclose, it is important when dealing with change to national symbols to ascertain if in fact these respond to a Canadian national entity or to one or the other of the two 'national' groups.

Second are suggestions for the reform of central government structures such as the Senate, the House of Commons, the Supreme Court, regulatory agencies and the electoral system. These proposals usually attempt to render those structures more representative of regional concerns, or in the case of the electoral system, of actual regional voting behaviour. Though significant reforms could be introduced in some institutions of the central government without too much trouble, certain other institutions are so central to the political system that they could not be restructured in piecemeal fashion. For example, a greater regional say in the appointment of Supreme Court judges, or explicitly specifying the regional distribution of Cabinet posts could be accomplished

fairly simply. The same does not hold true of reforms to the Senate, to Parliament in general, or to the electoral system. It is characteristic of British Parliamentary Institutions to have relatively weak upper chambers, because otherwise the entire system of responsible government, whereby the executive is made responsible to the popularly elected representatives, would be called in question. Strengthening the power of the Senate relative to the lower house would therefore have important consequences for our entire Parliamentary and Cabinet system. Similarly, introducing a system of proportional representation rather than the present single member plurality constituency system would not only transform the party system but would also alter the way Parliament and the Cabinet operate. This is not to suggest that changes not be made to these institutions, but rather, that if changes are contemplated they should be planned and implemented in a comprehensive rather than piecemeal or incremental fashion.

Third, suggestions are made for reform of the relationship of government to citizen, particularly in the area of access to government information. The public is rarely well informed of the basis for government decisions since the bureaucracy, the Cabinet, and federal-provincial discussions are all enveloped in the fog of confidentiality. It is difficult for anyone outside government not to sympathize with this essential democratic demand, yet, to the extent that this emphasis on confidentiality is a product of Canada's executive centred system of government, it would require major changes to the system itself to secure in any meaningful way more openness on the part of government.

C. Reaching a Solution

Though united in their belief that federalism should be changed to some extent to accommodate Quebec, federalists remain divided and uncertain as to the form these changes should take. A diversity of opinion and a diversity of approaches exist on this fundamental question. This diversity highlights the need for a procedure by which choices can be made and a consensus reached. A procedure must be set in motion whereby a federalist solution to the problem presented by Quebec can be debated and hammered out.

A number of proposals have over the course of the last few months been made in this regard. Some groups have called for a Constituent Assembly to devise a new constitution. This would involve citizens in all walks of life as well as government representatives in a comprehensive review of the constitution. Others suggest that Quebec and Ottawa should be the principal actors in discussions of constitutional change. Still others consider the First Ministers Conference as the only realistic forum in which to hold constitutional discussions. Some suggest that Parliament and the elected representatives of the population are the only suitable agents to deal with such fundamental questions.

The choice of forum, if discussions ever reached this point, would certainly be crucial, for it would impose a tone and limits to the discussion. If provinces and the federal government were the principal actors, then it would be unlikely that provincial powers would be seriously disturbed, whereas the opposite could occur if the forum were a Constituent Assembly. Parliamentarians on the other hand would seek to protect and enhance their prerogatives and quite possibly the position of their own particular political party, and this could

very well colour their views on constitutional change.

In the last analysis, however, federalists are confronted with the problem of who could choose the forum for discussion. They are thereby made to accept certain political realities. First, the only legitimate authority to make such a decision resides with democratically elected and sovereign governments which, in a federal system, are the federal government and the governments of the provinces. Under normal circumstances, even a Constituent Assembly would have next to no legitimacy unless it was approved of and set in motion by these authorities.

Canada, by virtue of its British Parliamentary institutions, has developed a very executive centred form of governmental decision-making. Although sensitive to public opinion, it is the Cabinet with the assistance of its bureaucracy and the approval of the party caucus which establishes policy and these will remain the major actors in setting policies for constitutional reform. Parliament and the Press have an important oppositional and reactive role to play once policies are enunciated, but they are only indirectly involved in establishing policy itself. Under such circumstances, the federal government and the federal Cabinet naturally assume a leading role in directing and shaping the federalist response to Quebec. Prime Minister Trudeau, the Liberal Party and the federal bureaucracy have therefore become the key actors in setting out the federalist strategy.*

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* Since May, 1977, the political context in which this paper was written has changed somewhat. There are now two factors detracting from the Trudeau government and the federal Liberal Party's hegemony of the federalist cause. The first is the renewed strength of the federal Progressive Conservative Party, which many observers feel has an excellent chance of defeating the Liberals in the next general election; the second is the election of Claude Ryan to the leadership of the Liberal party in Quebec, thereby restoring credible leadership to the federalists in that province.
See also postscript.

In a federal system authority is divided and shared by two levels of government. When the question at issue is, as it is in this instance, the future of Canada, and the future of the federal system, provinces have a legitimate and very real role to play in formulating the federalist response. Their role will become all the more important and crucial to the extent that any effective opposition at the federal level is eliminated, for they will then become the only important institutions capable of temporizing and challenging if need be the policies adopted by the federal government. Certain provincial governments may wish to abdicate this responsibility, but they cannot avoid the fact that they have an objective interest in shaping the future of Canada and this alone demands that they take an active rather than passive role in formulating the federalist response to Quebec.

A second political reality which will condition the form and content of the federalist response will of course be the position of the government and citizens of Quebec. Any discussion of changing the nature of Canadian federalism which does not have Quebec as a major actor will be devoid of meaning. Again it is the Quebec government which is the primary spokesman of Quebec interests. Because we live in a federation, there exists the possibility that the opinions of representatives from Quebec in the federal government can be used to challenge the positions of elected representatives from the government of the province of Quebec. But under no circumstances can the government of Quebec be excluded from the negotiating process.

The Parti Québécois government finds itself in a difficult position to enter into any negotiations on constitutional changes at the present time and it is in fact unlikely

that it will agree to constitutional discussions until after the referendum. For one thing its mandate is subject to challenge, and in view of the fact that federalists were quick to point out that the election had not provided it with a mandate to start negotiating with English Canada, one can appreciate why the PQ would prefer to clarify its mandate via the referendum before entering upon formal constitutional discussions. Much will depend upon the wording and outcome of the referendum, but it will be instrumental in setting the terms of reference of any future negotiations involving Quebec. More constraining to the PQ perhaps is the fact that, to the degree that constitutional discussions would require the party to play down the independence theme, early acceptance to negotiate would create serious dissensions within the PQ itself. This the PQ could ill afford at the present time. Hence it is unlikely, though not entirely out of the question, that formal constitutional discussions - designed to modify federalism, not negotiate sovereignty/association - could get off the ground until after the referendum.

There may nonetheless exist one question which the Quebec government would be interested to talk about with the federal government and the provinces before the referendum - and this is the question of economic association. The feasibility of economic association promises to become a major theme of the referendum campaign and the Parti Québécois would not only wish to prepare a thorough dossier on this matter, but would certainly welcome evidence that English Canada is prepared to negotiate common economic issues. Although this could serve as a launching pad for more comprehensive discussions with Quebec, it could just as easily backfire.

Thus, while the procedures by which English Canada and federalists generally can articulate a response to developments in Quebec have already been set in motion by the Trudeau government, one essential condition of the resolution of the

"problem", the participation of the Quebec government, remains problematical. Under such conditions a heightening of confrontation politics between Quebec and Ottawa becomes a distinct possibility, particularly as the referendum approaches. Federalists are therefore confronted with a very serious and potentially explosive problem. Again, the English-speaking provinces are the only other element in the constellation of political forces which has sufficient power and influence to affect the course of events. Both in order to help develop a federal solution to the existing problem, and to avoid aggravating an already embittered political climate, it would seem appropriate for these provinces to try to set in motion more informal and low keyed mechanisms whereby the Quebec Government and English Canada could at least start talking about various possibilities for the future of Canada.

CONCLUSIONS

The belief that Canadian federalism can somehow be adapted to deal with the pressures for change emanating from Quebec, is fundamental to the federalist position. Three conditions, however, must be satisfied for this to be accomplished:

1. The presssures for change from Quebec must be of a nature that can be accommodated in a federal union.
2. The Canadian political system must be flexible enough to accommodate Quebec in the manner required.
3. A mechanism or procedure whereby decisions regarding the changes to be made must be agreed upon and set in motion.

The kinds of changes Quebec is likely to require

of the political system are critical. Obviously, if the Quebec electorate opts for political independence, the prospects of maintaining a united Canada become extremely remote. This explains the concern federalists have with the referendum and the conditions under which it will take place. But it also raises another issue and that is: what is the significance of the independence movement within the Quebec political process? By any measure, the independence movement has made great strides since 1960 and particularly since 1968. What accounts for its success? Is its support likely to diminish or will it continue to grow? In the light of this, can the Parti Québécois compromise or water down its commitment to political independence? If it does not compromise on independence, what are the implications for future constitutional discussions and Quebec's relations with English Canada? There is a tendency among federalists to assume either that the Parti Québécois can be brought to accept a federalist solution and abandon the independence option, or that, in the event of a PQ defeat, the independence option would cease to have any serious political significance. These assumptions may be correct, but they should be demonstrated, and only a more thorough understanding of the dynamics of the independence movement can shed light on this matter. In practical terms it becomes necessary to evaluate the possibility that the Quebec government may refuse to negotiate anything short of political independence of some form or other, for this would have serious long run implications for the feasibility of any federalist solution.

Assuming that the electorate rejects the independence option and that the Quebec government agrees to negotiate a new federal arrangement, federalists must realistically consider whether the political system can be adapted to the degree necessary to accommodate Quebec. For one thing, there is no

guarantee that the Quebec government would require only 'modest' changes to federalism. Even if the notion of independence were abandoned, the province may feel compelled to demand extensive jurisdictional and institutional changes. How likely are the federal government, other provincial governments, and English Canadians generally to accept these 'demands'? What are the repurcussions if they do not?

Though federalists in general show a genuine will to do what is necessary to keep Canada united, it is questionable whether goodwill is the only variable conditioning the federalist response. There are also such things as 'interests' and 'political realities' which must be taken into consideration. There are for instance economic interests to defend or to promote at the national level and in each of Canada's regions. The federal government and many provinces may have vested interests in preserving the most essential features of the current federal arrangements. Politicians, both in Quebec and in the rest of Canada, may face serious difficulties in selling certain 'concessions' to their respective electorates. Future constitutional discussions would take place within a certain political environment which might impose its own constraints on the negotiating process. The ability of the federal system to adapt to a demand for extensive change must therefore not be taken for granted. It should rather be seriously questioned.

Finally, since there are so many different suggestions and so many different ways to change the structures of Canadian federalism, it is important to establish a mechanism by which decisions regarding change can be made. Ultimately the choice of mechanism lies with the federal and provincial

governments and is contingent upon whether Quebec agrees to participate. Although there are numerous problems with getting such a mechanism going, unless federalists succeed in doing so it is unlikely that any federalist solution can even be worked out. If Quebec was prepared to enter constitutional discussions, important questions would still have to be resolved. Would Quebec negotiate with only the federal government, or would it deal with all the provinces and the federal government? If a comprehensive review of the constitution were decided upon, would provisions be made for participation of citizens and interest groups in the review process? If Quebec refuses to enter formal constitutional discussion are there other mechanisms by which talks can get started? The election of the Parti Québécois has awakened many Canadians to the need for change but has ironically made it more difficult to start discussing and implementing changes. It remains to be seen whether this situation can yet be salvaged or whether it will contribute to widening the gulf between Quebec and the rest of Canada.

POSTSCRIPT

The preceding analysis is both a summary of and a reaction to the intensive discussions at the Institute seminar in Kingston. In it, David Boisvert underlines the conflicts, ambiguities and contradictions in federalist thinking, demonstrates the need to relate proposals to a clear-headed analysis, and issues a challenge to federalists.

Since mid-1977, when the seminar was held, there have been many important political developments, and the great debate about Canada's future has moved to a new stage. In

Quebec, the Parti Québécois is facing the perils, as well as the advantages of governing, and appears increasingly pessimistic about its chances of decisively winning the referendum. Claude Ryan, former editor of Le Devoir has assumed the provincial Liberal leadership, thus offering a powerful new vision of federalism, which simultaneously provides a rallying point for Quebec federalists, and a challenge to federalists elsewhere. Ryan's vision of a renewed federal system with its fundamental assumption of the primacy of the Quebec government as the major political instrument of Quebec citizens, challenges the views of many outside Quebec at least as much as it does those of the PQ.

Meanwhile in English Canada there appear to have been two contradictory trends. On the one hand the intense fear of an imminent PQ victory in the referendum seems to have waned, and with it has declined a sense of urgency for constitutional or other reforms. This is accentuated by a growing preoccupation with economic problems and a partisan argument that "national unity" is the Liberal's issue. Moreover among some groups - especially constitutional lawyers - there is a fear that too freely tampering with existing constitutional arrangements risks confusion and may well threaten some of the basic constitutional values implicit in existing arrangements.

Yet at the same time intensive efforts to develop concrete proposals have been underway, by both government and non-government groups. Through the Spring and summer of 1978 a series of position papers appeared in rapid succession: the brief by the B.C. government to the Task Force on National Unity, the first report of the Ontario Advisory Committee on Confederation, the Progressive Conservative Discussion Paper on the constitution, and in June, the long awaited proposals

of the federal government, in the form of a White Paper, a lengthy draft Bill and a set of explanatory documents. While the Quebec Liberals have not issued a complete set of proposals, Mr. Ryan's views became well-known in the course of his leadership campaign.

Moreover, the federal government now sought to set a tough time schedule for consideration of changes. It proposed to divide constitutional reform into two broad stages. The first would deal with matters presently within the competence of the federal government to amend unilaterally. These refer primarily to federal government institutions, including the Senate and Supreme Court, and to civil and linguistic rights, as they apply to the federal government. While asserting its desire to consult as widely as possible with the provinces and other interested parties, the government made clear its intention to enact Phase One by July 1st, 1979. Phase II, focusing on the division of powers and other matters for which provincial concurrence was required, was to be completed by 1981. Whether or not this timetable could be met was unclear. It depended most crucially on the timing and outcome of the federal election: a fall election which the Liberals lost would kill the Bill; a fall election which they won would greatly strengthen their mandate to proceed to rapid enactment; a delay in the election call to the Spring might provide time to proceed with the Bill, but undermine the government's political legitimacy. Enactment also depended in part on the position taken by the federal opposition, and by the provinces. Both groups have stressed the dangers in unilateral federal action, even if the power technically existed within Ottawa, since many of the government's proposals bear heavily on provincial

interests and would require provincial cooperation if they were to be fully implemented. Similarly many provincial leaders would prefer to discuss the division of powers from the outset.

The proposals were discussed by the provincial premiers, meeting in August, and at a constitutional conference in the early fall. Meanwhile, the Task Force on National Unity, somewhat shunted aside by the recent developments, would be presenting its proposals, and the Liberal legislation would be under study by the joint committee of the Senate and the House of Commons.

The government's decision to take the initiative and go it alone contrasts with an earlier strategy which emphasized the need for unanimity among the eleven governments. It appears to be motivated by two factors. First was the memory of the failure of the governments to agree in previous rounds of constitutional negotiations between 1968 and 1971, and again in 1975 and 1976. The former was an attempt at wholesale constitutional review; the latter was an attempt to focus on the more limited, but still contentious issues, of amendment and patriation. Second, the government believed it must not go into the Quebec referendum campaign without a clear federalist position. Gordon Robertson, Secretary to the Cabinet, expressed the federal position:

> The people of Quebec must not be asked to declare themselves ... without having before them some clear indication of what the Canada of the future will be like. They must not think that the status quo, which so many of them think unsatisfactory, is the only alternative to separation. ... The struggle for the referendum is going to turn on whether the people of Quebec can be persuaded that there will, in fact, be a 'renewed federalism' in the future and that their aspirations can be met within the kind of Canada that will emerge.

Hence the need for quick action. But of course such a strategy could backfire if Ottawa fails to get the package through, or if it is undermined either by opposition from English Canada, or from Quebec federalists.

But while much has changed since Boisvert wrote, much has remained the same. The new proposals reinforce his analysis of the great difficulties which stand in the way of development of a federalist consensus which is at the same time responsive to Quebec aspirations and to those of other regions and groupings.

As this summary of recent developments suggests, his paper may underestimate the willingness of English-Canadian federalists to contemplate important changes and their ability to develop proposals before the Quebec referendum. There have indeed been many suggestions. But, on the other hand, most of them are incomplete in some important respects, and we remain a very long way from consensus on them. Many of the ideas have focussed on general dissatisfaction with the federal system, and on regional grievances other than Quebec's. While these are indeed vital matters, they have provided a justification for avoiding some of the basic questions about the role of the French-speaking community in Quebec.

None of the proposals so far has fully addressed the problem of the division of powers. The federal proposals leave this for Phase II, just as in earlier rounds of constitutional discussion they sought to give primacy to linguistic and civil rights and the political institutions of federalism. The Tories and the Ontario Advisory Committee also decided to tackle the division of powers later. Their discussions have demonstrated just how difficult debate about jurisdiction is,

since it relates more than any other aspect of the constitution to the relative roles of the two levels of government, to special status, and so on. The division of powers is at the center of the conflict between three images of the country: one country, 10 provinces, or two nations. Moreover, the sharing of powers not only engages these competing senses of community, but also a host of other issues related to efficiency and effectiveness in policy-making. Thus it is no wonder that these questions have been pushed aside: yet some kind of consensus on them is essential to meet the grievances of both Quebec and other provinces.

None of the proposals accept the view of Quebec as a distinct society, with its government playing a distinctive role. The focus has been primarily on accommodation of French and English Canadians at the centre, through such measures as language rights. The government proposals go further in this regard, and in one important aspect come close to adoption of a bi-national view of Canada. This is in the proposal for a double majority voting system within the proposed House of the Federation on questions of "special linguistic significance". If the term were interpreted broadly (and the Draft Bill envisions several methods of so designating a Bill), it could imply a major change in the balance of power between language groups in Ottawa, and a fundamental challenge not only to ideas of special powers for Quebec, but also of the majority principle elsewhere.

The proposals set out so far do not derive from, or address themselves to, analyses based on social and economic inequality. Nor do they deal with informal political institutions, such as political parties and interest groups.

Rather they focus primarily on rights - linguistic, political and civil - on political institutions, and, especially in the Liberal case, on the need for unifying symbols. Canada's difficulties, it implies, are rooted in cultural disunity and institutional failure. That is no doubt partly true, though other factors are also important. But even if it were not true, the attractiveness of institutional tinkering is obvious: for all its difficulty it is easier to change institutional forms than it is to change cultures, economic forces, or the structure and behaviour of private groups.

Most discussion has also focused on changes in the central institutions: Senate, Supreme Court, etc., The emphasis has been on the need to accommodate Canadian diversity at the centre. This reflects an analysis that it is weaknesses in these institutions which has greatly contributed to regional alienation, and that if one is to defend federal powers one must also find ways to reinforce its political legitimacy. This analysis also perhaps reflects the source of many of the proposals: two are from national parties, and one from the province closest to the centre. Yet there do remain important differences among the proposals for an upper house. As proposed by the Ontario Committee, Premier Bennett, the Tories and the Canada West Foundation, it becomes a body directly representing provincial governments and would thus be an arena for intergovernmental accommodation. The Liberal's House of Federation, with its membership appointed half each by Ottawa and the provinces, and with its proportional representation of parties, is more of a regional body.

Reaction to the proposals developed so far illustrates the continued difficulty of reaching agreement. None has been

hailed as the new vision of Confederation. Varied and often contradictory criticisms have been made of each of them.

Moreover, there remains disagreement about procedure. In particular there is opposition both to the order of debate suggested by the federal government, and to its proposal to proceed unilaterally, albeit with extensive consultation. Substantive agreement will remain hard to find both because of the conflicting goals and interests at stake, and because of disagreement on the urgency of reform.

The game has proceeded a long way in a year, but it remains in flux. In the next few months it will proceed in a confused mixture of the highest of constitutional purposes and the most immediate political advantage.

Meanwhile, the challenge to federalists in David Boisvert's provocative analysis remains.