

A Double Take:
Quebec within the Canadian Federation
Or
Racing in the Rain Canadian Style

By: Kathy L. Brock
Associate Professor, School of Policy Studies
Queen's University at Kingston, Ontario
Kathy.Brock@queensu.ca

A paper prepared for the for the 2011 CPSA annual conference,
Wilfrid Laurier University, Waterloo, Ontario
May 16-18, 2011

Introduction: The State of the Federation: Diversity within Unity

Federal systems are not intended to bridge differences among citizens in a homogenizing way or even to eliminate those differences. Federal systems both are chosen and will function to preserve diverse identities within a common rule. Political institutions are designed to channel and influence the articulation of diversity and unity. In a well-functioning federal system, the peaceful articulation and accommodation of differences within existing structures serving all of society is critical. Thus, achieving and maintaining a flexible balance between diversity (federalism, multiple communities) and unity (the political whole, a binding community) is fundamental to this exercise. Just as factions in the Madisonian sense should not be suppressed or denied, neither should the whole be sacrificed to a part. Either imperils the system.

This federal spirit must penetrate beyond the national and subnational level to be reflected within the jurisdictional units of the federation. Just as the national government must respect the diversity represented by the subnational governments, those governments must reflect and respect the diversity within their communities while uniting them into a whole. In a well-functioning federation, these diverse communities will reach out to their counterparts in the other jurisdictions creating cross-cutting cleavages that bind the nation together while diffusing the passions that could erupt if contained in one jurisdiction alone. Confidence, generosity and the federal spirit of comity must combine to create the sustaining balance between these competing interests always at operation in a federation.

This paper focuses on Quebec to offer a two level analysis of how well the Canadian federal system is achieving a flexible balance between the competing tensions of diversity and unity. On one level, the paper examines how the tensions surrounding Quebec's role within the federation have changed in the past 20 years and how effective some of the proposed solutions for meeting Quebec's aspirations have been. On a second level, the paper examines the efforts within Quebec to accommodate diversity while maintaining social cohesion. When the challenge of Quebec to Canadian federal practices is viewed in relation to the challenges of Aboriginal and

racial and ethnic minorities within Quebec, some interesting and instructive lessons emerge for federalism at both the national and provincial level that may be extended to other provinces. The paper proceeds in four stages beginning with a discussion of the federal ideal, followed by evaluations of Quebec within Canada and the accommodation of diversity within Quebec. The paper concludes with some brief reflections on the Quebec experience and the meaning for Canada.

I Diversity within Unity: The Key to the Canadian Federation

Federal systems are designed to disperse power in such a way that benefits citizens. According to the traditional definition,

In a federal state, governmental power is distributed between a central (or national or federal) authority and several regional (or provincial or state) authorities, in such a way that every individual in the state is subject to the laws of two authorities... The central authority and the regional authorities are “coordinate”, that is to say, neither is subordinate to the other (Hogg 1992, 98).

While federalism is traditionally viewed as a means to allocate power between two levels of government, its effects extend beyond the institutions to the citizens. Not only are citizens subject to the two levels of authority as Hogg asserts, they are entitled to benefits from both levels of government. Thus, any measurement of the system must take into account the extent to which the respective autonomy of the two levels of government is respected but also how well the arrangement serve the needs of the citizens in both the regions and the whole.

For a federal state to be effective, it must adapt to changing social and economic realities while continuing to bind its citizens into a whole community. As Ron Watts observes, “It is in the interplay of the social foundations, the written constitutions and the actual practices and activities of governments that an understanding of the nature and effectiveness of federal political systems is to be found” (1999, 16). Understanding the social forces and dynamics operating in a political system will only yield insight into key problems or structural realities facing political decision-makers. Going beyond that step to understand and evaluate the reaction of politicians or government officials to social tensions or problems within the system, is necessary for understanding the principles and objectives laid down for society in the constitution. Together these measures yield a picture of how well the system is functioning. So for example in the case of citizen groups it is not sufficient just to examine whether a workable arrangement was forged to recognize their rights and respond to particular needs, it is necessary to go the extra step of evaluating the reaction of the political actors and institutions to the situations and whether or not the process and end result resulted in both recognition and reflection of the different needs of citizen groups within government structures and the political system that leads to a more inclusive and harmonious society.

Federal systems are not intended to bridge differences among citizens in a homogenizing way or even to eliminate those differences. Factions are inevitable but need to be balanced (Madison, Federalist Paper 10). Indeed, Watts reminds us that federal systems both are chosen and will function to “preserve regional identities within united rule” (1999, 110-111). Political institutions are designed to channel and influence the articulation of diversity and unity. In a well-functioning federal system, the peaceful articulation and accommodation of differences within existing structures serving all of society is critical. Thus, achieving and maintaining a

flexible balance between diversity (federalism, multiple communities) and unity (the political whole, a binding community) is fundamental to this exercise. Just as factions in the Madisonian sense should not be suppressed or denied, neither should the whole be sacrificed to a part. Either imperils the system.

While this tolerance of difference applies to the national and subnational levels of government, it also applies within the units of the federation. Diversity is not just intended among provinces or states in a federation but also within those provinces and states. The genius of federalism lies in its ability to foster differences within the units without enabling those differences to combine in a monolithic whole that threatens the existence of the federation. Instead, allegiances among citizens are divided not only between the national and subnational governments but also within the subnational units among communities (Vernon). The citizen groups within the different jurisdictions of the federation will recognise and respond to each other, thus creating the cross-cutting cleavages and alliances that off-set tensions at the subnational (provincial) level of government and create multi-jurisdictional bonds (Cairns 1988, 1995). So for example, in an election like the recent Canadian national election, citizens with social democratic values in Quebec allied with citizens with social demographic values elsewhere in Canada by voting NDP. Similarly, urban voters in Quebec from various ethnic and racial backgrounds found common allegiance in voting Conservative with similar voters in Vancouver or Toronto and Mississauga. Both groups of voters find common cause with citizens of different backgrounds who then share their political affiliation. In the process, the self-identity of groups becomes reflective not just of local characteristics but also diverse national linkages. In the words of Robert Putnam (2000), bonding social capital combines with bridging social capital to create a vibrant society and political system.

The challenge of the federation, then, is to reflect and recognize differences that exist within the federation and within the citizenry rather than negating or suppressing them and to encourage the different groups to recognise their bonds with similar groups throughout the nation as well as their common interests with different groups. Diversity within the units helps bind the federation together by acting as a countervailing force to differences that exist among the subnational units. To attempt to suppress these layers of differences would not only prove futile, it would have deleterious effects on the whole and parts:

Where diversity is deeprooted, the effort simply to impose political unity has rarely succeeded, and indeed has often instead proved counter-productive creating dissension. It is clear that more regional autonomy may contribute to the accommodation of diversity, but by the institutional encouragement of common interests that provide the glue to hold the federation together (Watts 1999, 16-17).

A well-functioning federation then will respond to and reflect deep-rooted differences but will also promote common allegiances – a form of deep federalism (Leo & Enns 2009; Leo 2005). These shared allegiances will foster common norms and expectations. Political institutions must reflect these arrangements and allegiances and operate to integrate them into the whole. So, self-rule for units as well as shared rule through accepted common institutional frameworks that transcend the units are both essential to the effective and peaceful combination of unity and diversity.

From these ruminations on an effective and well-functioning federal system, a measurement of the state of a federation may be derived. The three components to measure are:

1. How well and accurately do the federal political institutions reflect the social and political balance of forces within the system?

2. To what extent do these institutions channel the influence and articulation of unity and diversity into peaceful and productive means that benefit both the constituent parts as well as the whole?
3. Is the appropriate balance in combining unity (shared rule) and diversity (self-rule of units) achieved?

Ultimately, a well-functioning and effective federal political system will be one that secures a peaceful accommodation of differences without experiencing undue political paralysis or atrophy. This understanding of how well a system is functioning must be viewed in a dynamic and ever changing context with institutional change influencing society and the economy and with social and economic forces influencing federal institutions in turn. In sum, a healthy federal system engages citizens in a myriad of ways that reflect the differences among them without diminishing those differences and, at the same time, creates a whole to which all can belong.

In the case of Quebec, this federalizing process operates at two levels. First, the needs and aspirations of the province as a unit of the federation must be accommodated and balanced with those of the other provinces. The ability of the federal institutions and actors to respond to these differences must be measured as well as the level of belonging and identification within Quebec to the whole or other parts of the federation. Second, the ability of that province to reflect and accommodate differences within its boundaries and to encourage or at least not stifle common bonds with similar groups elsewhere in the federation needs to be assessed. Similarly, it must be considered to what extent that province provides models of accommodation for the rest of the country. The next two sections begin this analysis.

II Quebec within Canada

At the beginning of the 2011 Spring Canadian general election, political pundits and pollsters began whispering that the separatist Bloc Québécois (BQ) would become the official opposition party in the House of Commons once again if the Liberals did not catch the voters' imagination during the campaign.¹ When the election results began to roll in on 2 May 2011, many Canadians began celebrating. The separatist party from Quebec had lost its electoral footing in the province, plummeting from 49 seats in the Canadian House of Commons to just 4 seats. The other surprise of the night was that neither the Liberals nor the Conservatives took the Bloc's place in the hearts of Quebeckers. The Liberals dropped from 14 seats to 7 and the Conservatives from 10 to 6 seats. No, the real surprise was that the New Democratic Party (NDP) had surged from 1 seat in 2008 to 58 in 2011. While some commentators remarked that this was evidence of a shift of the social democratic voter in Quebec from the left-wing BQ to the equally left-wing NDP and thus was logical, many observers declared that the separatists had been dealt a fatal blow with the shift from a Quebec-based separatist party to a national one. Jack Layton, leader of the NDP, had slain the separatist dragon as was endowed with heroic status.

Attractive as this tale is, it is no more real than Shrek is. Two observations lay bare this fairy tale. A look at the popular vote share suggests another story; one that Canadians would do well to heed. The BQ fell from 38% of the federal vote in Quebec in 2008 to 23% while the Liberals fell from 24% to 14%, the Conservatives from 22% to 16%, and the NDP rose from 12% to 43% as shown in Table 1. Almost 25% of the vote share stayed with the separatist party even

¹ The following statistics are compiled using data on the 2011 election from Elections Canada, available at http://enr.elections.ca/provinces_e.aspx and on the 2008 and 2011 elections from ThreeHundredEight.com, available at <http://threehundredeight.blogspot.com/> The election results for 2011 are accurate to the download date of 8 May 2011.

Table 1

Party	2011 Seats	2011 Vote Share	2008 Seats	2008 Vote Share
Bloc Québécois	4	23.4%	49	38.1
NDP	58	42.9%	1	12.2
Liberals	7	14.2%	14	23.7
Conservatives	6	16.5%	10	21.7
Green	0	2.1%	0	3.5%
Other	0	--	1	--

when it was clear that the party was going to lose a significant portion of its support. The separatist party in the House of Commons may have been dealt a lethal blow but the cause of separatism has not necessarily suffered the same fate. Instead, support for separatism tends to hover between 30 and 45% in Quebec. The second observation supplements the first. The tide of support buoying up the NDP, drew its strength from the BQ (15 points) as well as the Conservatives (5 points), Liberals (9 points) and Greens (1 point). This could be indicative of the fact that the main of the support was owing to a social democratic sympathy rather than an antipathy to separatism or Quebec independence and to disillusionment with the mainstream Canadian parties as well as the BQ and its lacklustre campaign. Certainly a Leger marketing poll foretold this eventuality on April 21st when 69% of BQ supporters stated that they would vote NDP if the BQ did not exist (Leger 2011a). In 2011, voter turnout was 62.2%, up slightly from 61.7% in 2006 but down from 63.9% in 2006,² indicating no distortion due to turnout. Again, disgruntlement in Quebec may lie as much with the separatist party as federal politics. While it is too soon to declare the separatist or independence cause dead in Quebec, it is also evident that an attachment to and hope for the federal experiment persists in that province. As always, Quebec's ambivalence towards Canada remains central in its political stands.

The focus on the decline of the BQ may generate complacency towards Quebec that is unwarranted. It ignores the fragility of the relationship between that province and the rest of the country while paradoxically discounting the potential bonds that foster national unity. Canadians would be well-advised to reflect back on the lingering tensions from the constitutional wars in the 1980s and 1990s in their current manifestations as well as new sources of tension. At the conclusion of the constitutional battles in the early 1990s, key issues remained unresolved. These problems have simmered as attention shifted away from the constitution and now assume different and more complex forms (cf. Brock, 2006).

More than any other province, Quebec has been buffeted by the winds of constitutional change. The process leading to patriation of the constitution in 1982 left Quebec feeling isolated and its government refusing to sign the deal. The Meech Lake round of constitutional negotiations, initiated as a means of bringing Quebec back into the constitutional fold, ended in bitter tension between Quebec and the rest of Canada. That process spawned the federal separatist party, the Bloc Québécois, under the charismatic leadership of Lucien Bouchard, a federal Cabinet Minister until he resigned over the constitutional negotiations. By comparison, the 1990-92 process was not as divisive. Quebec was not offside from the rest of Canada but voted against the constitutional accord along with many of the other provinces. But the feeling

² These results available from Elections Canada at <http://www.elections.ca/scripts/OVR2008/default.html>

of disquiet with the Canadian federation had settled into the Quebec culture, leading its separatist Parti Québécois government to call a second referendum on Quebec sovereignty.³ The slim margin (50.6% to 49.4%) voting against the sovereignty option startled Canadians, prompting the federal government to renew its efforts to convince Quebecers of the merits of life within Canada.

Sixteen years later, Quebec's relationship with Canada remains ambivalent despite the attempts of the federal government to address its concerns in the federation. Popular support for sovereignty remains consistently strong. A 16 April 2011 poll conducted by Leger Marketing in Quebec asked voters if they would vote for or against Quebec sovereignty if a vote were held and 37% responded yes with this number rising to 43% with the undecided factored into the results. Among the provincial separatist Parti Québécois supporters the answer was 77% would vote yes, and 45% of francophones would vote yes (Leger 2011b). An Angus Reid poll registered a lower level of support in December 2009 when voters were asked if Quebec should become a country separate from Canada, and 34% responded affirmatively. However, this support rose to 40% when the question was cushioned by adding that it would happen after an offer had been made to Canada for a new political and economic partnership within a bill respecting Quebec's future (Angus Reid 2009). Successive polls have registered support for the sovereignty option in the 30-40% range, and while down from highs of 50, 54 and 58% in the 2000s, the numbers are high. While these numbers also indicate that there is a firm body of citizens who would not support sovereignty, it cannot be denied that core support for a sovereignty option remains consistently strong with its full strength dependent on the process chosen to obtain that end. With the PQ poised to replace the provincial Liberal party in the fall, if polls are any valid indication (Leger 2011b), these numbers are cause for concern not complacency. This concern is heightened by 64% (75% after undecided factored in) of PQ voters and 65% (76%) of sovereigntists believing that the current leader of the PQ, Pauline Marois, is the right person to make Quebec a country (Leger 2011b). In an April 2011 leadership review, Marois was endorsed by 93% confidence vote.

What is dismaying is that support for sovereignty remains strong despite the close to ideal circumstances for the federalist option to gain strength. Since 2003, the federalist Liberal government under Jean Charest has been in power in Quebec winning majorities in 2003 and 2008 and a minority in 2007. This signals an openness, on part of the province and the government to federalism and overtures by the federal government. During this period, the Canadian federal government has been led by three Prime Ministers: Liberal Jean Chretien who was replaced by Paul Martin late in 2003 and won a minority government in June 2004, and Stephen Harper whose Conservative party defeated the Liberals in January 2006 winning minority governments in 2006 and October 2008 and a majority 2 May 2011. Each federal government pledged to work with the Quebec government to consolidate its place in Confederation.

Two approaches have been adopted by these successive federal governments towards increasing support for federalism and decreasing support for sovereignty in Quebec. Both approaches are types of asymmetrical federalism, that is, the different treatment of particular

³ The first referendum was held by the PQ on May 20, 1980. The result was 59% of voting Quebecers against the sovereignty option as posed in the question.

provinces within the Canadian federation whether to offset their disabling differences or to enhance their natural assets. As I explained in an earlier article (Brock 2008), the two approaches are captured by the 2004 federal-provincial Health Accord and the 2007 Equalization Agreement.

The 2004 federal-provincial Health Accord was hailed as a significant achievement in advancing intergovernmental cooperation in the healthcare field for a 10 year period. The agreement contained an escalator clause ensuring stability in federal funding for healthcare in the provinces, a commitment to a set of general principles and objectives, and a pledge for specific guidelines that would result in timely access to healthcare for citizens. Thus, the agreement set down a symmetrical framework that would apply to all provinces in Canada. Asymmetry was embedded in the Accord through the two separate communiqués attached to the Accord. One communiqué committed the federal and provincial governments to working towards improving healthcare for Aboriginal peoples given their pressing and special needs. The other communiqué recognized that asymmetrical federalism allows for specific agreements for any province and provided for a separate deal between Quebec and the federal government that gave that province flexibility in interpreting, implementing and reporting arrangements for the Health Accord. In particular, the separate deal ensured Quebec control over planning, organizing and managing its healthcare services and contained a non-derogation clause protecting Quebec's jurisdiction in this area. According to Tom Courchene, in order to ensure all provinces signed onto the Accord and its communiqués, the federal government agreed orally to extending similar provisions to Alberta and British Columbia and thus to any other province should they want them (Courchene, 2004).

There are three significant features of this approach to asymmetrical federalism. First, the Accord and communiqué recognised and affirmed Quebec's jurisdiction in healthcare and its right to operationalise the Accord as it saw fit but within the parameters set down in the agreement on general principles and objectives. Thus, a framework of principles and objectives bound the 10 provinces, creating a common set of standards for all citizens. Provincial uniqueness could be realised within that space. Second, although the meaningfulness of these exceptions for Quebec have been debated (Maioni 2007; Lazar), they did recognize Quebec's uniqueness and special concerns. This simple fact demonstrated that federalism could accommodate and respect that province. Third, the approach recognised Quebec's uniqueness but within an understanding of provincial equality. Yes, Quebec would be accommodated but so would other provinces in similar fashions if they deemed it necessary. This was a symmetrical approach to asymmetry or asymmetry in practice and symmetry in theory: recognise each province as unique by extending the same offer to all. This approach then provides a balance between unity and diversity by providing room for difference among the provinces while setting down federal-provincial commitments to common goals and standards.

The second approach to asymmetrical federalism was embodied in the 2007 discussion on equalization payments by Ottawa to the provinces. The Harper Conservative government had been elected to a minority government in January 2006 in part on its promise to restore fiscal balance between Ottawa and the provinces. One component of this promise was to return to a principle-based formula for calculating equalization payments to the provinces, after the departure from this approach by the previous Paul Martin government had undermined

provincial consensus on equalization (Boadway 2006). The formula applied equally to all provinces but was intended to offset disparities in revenue generating capacities among the provinces so that they could all provide a reasonable level of public programs at a reasonably comparable level. It was symmetry based on the equal treatment of all provinces but with asymmetrical results to help citizens in have-less provinces. However, the asymmetry really kicked in when provinces given favourable deals under the old 2004 formula decried the new formula and called for a return of what they now perceived as their entitlements. Under intense pressure, the federal government backed off the principled approach and supplemented it with special deals for Newfoundland and Labrador and Nova Scotia to take into account off-shore revenues. These deals were not unlike the special deals that had been signed in the past with Quebec on immigration, pensions, income tax collection and social programs: opting-out of national deals affecting social policy is a common strategy of Quebec governments (Noel, 2000; Graefe, 2005).

How is this approach different than the one above? First, there was no common set of principles and objectives agreed upon by all the governments. Instead, the view was cultivated that the provinces should stand together unless they can cut a better deal for themselves. Instead of national deals that accommodate provincial difference within a common and agreed upon framework that builds a sense of belonging and reciprocal responsibility within the federation, there is only a partially national deal that allows each province to pursue its own interests without reference to the others. This is the most deleterious form of provincial self-interest or province-building in the Cairns-Black diagnostic (1966). A national framework and sense of fairness was sacrificed for the feasible. No wonder then, that Ontario and Quebec have added their voices to the fray calling for compensation and “fairer” treatment and Alberta has grouched about being the milch-cow of the federation. Second, special deals for the most vocal provinces is not an accommodation of provincial difference or special needs based on legitimate arguments but simply a crass pragmatic and short-term arrangement that does not build a sense of reciprocity. Third, these deals do not speak to provincial equality or fairness in the federation. No binding set of commitments undergirded the separate arrangements. Inequality of the worst sort prevails. In the former case of the Health Accord, provinces are empowered and able to advantage of a defined range of options if they deem it necessary for their citizens and the federal government agrees. In the latter case of equalization, the unified, equal front of the provinces is subject to political opportunism with no shared understanding of the principles governing what arrangements may be negotiated. This neither creates the balance between unity and diversity desirable in a federal system nor the sense of belonging so critical to the maintenance of a federation.

This second approach to asymmetrical federalism was embodied in the Council of the Federation (COF) created by the provinces upon the initiative of Quebec. COF was intended to promote interprovincial dialogue on intergovernmental issues such as health care, internal trade and the fiscal imbalance. By creating a common provincial front on critical issues, COF would pre-empt federal interference in provincial jurisdiction and drive the federal-provincial agenda in a direction more favourable to provincial interests. The rule among the provinces was that they would stand united unless a province could forge a better deal with Ottawa as happened with the equalization debate when the federal and provincial commissions on the

fiscal balance differed with the results discussed above. Since 2007, COF has proved to be ineffective in building provincial consensus and as a vehicle for Quebec to press its demands on Ottawa (Bakvis, Baier and Brown, 2009:110-11; Rowe 2010, 108-9). COF emphasized diversity over unity and was neither effective nor conducive to fostering federal comity.

The election of the Harper Conservatives was intended to usher in a new era of federalism in Canada under the banner of open federalism. Inter alia, open federalism promised federal government respect for provincial jurisdiction and no incursions via the spending power without provincial agreement, correcting the fiscal imbalance, and cooperation with the other governments while clarifying roles and responsibilities. The Conservative intention was to buttress the federalist option in Quebec and deliver a setback to the sovereignty option by expanding Quebec's role in international affairs, respecting its mixed public/private healthcare model, responding to reasonable calls for fiscal balance, and encouraging fiscal responsibility. Most recently, the federal government is engaged in talks with Quebec over compensation for the HST, a blended federal provincial services and consumption tax that replaced the provincial sales tax. In November 2006, the federal government and parliament passed a motion recognizing the "Québécois as a nation within Canada" to alleviate its concerns that it was not recognized as a distinct society, a lingering wound from the constitutional wars. Despite these attempts to woo the hearts of Quebeckers, the Conservatives lost seats in Quebec in 2011 and have not created the sense of national unity to slay the separatist movement, although the factional voices have been expressed through peaceful means.

In the wake of the 2011 election of a Harper majority, three potential flashpoints could flare tipping the balance away from unity towards diversity with significant repercussions. First, during the 2011 election campaign Prime Minister Harper announced his intention to pursue Senate Reform through legislative means by limiting 8 year terms of office for senators instead of appointments to age 75, introducing framework legislation to offer the provinces the option of electing Senate nominees that the federal government would then appoint, and applying the same ethics code to the Senate as currently applies to the House of Commons (Kennedy 2011). Although the Prime Minister has vowed not to open the constitution on this question, his proposals could promote a backlash in Quebec, particularly if the change in the term and methods of appointment are seen as infringing on provincial rights and prompt a court challenge. The federal government could also appear to be responding to the western agenda for institutional reform while burying the Quebec agenda for constitutional recognition of its status in Confederation. This perception would be heightened if the Conservatives press ahead with plans to expand the House of Commons based on the demographic shift by increasing the number of seats for Ontario (18), Alberta (5) and British Columbia (7) (Weese, 2011). Quebec could perceive itself as losing clout or if it is given more seats as compensation the other provinces could claim foul and trigger a defensive reaction in Quebec. Second, during the 2011 election campaign and debates, leader of the NDP Jack Layton, the newly elected official opposition, promised to fight for legislation to require Supreme Court Justices be bilingual, extend Bill 101 making French the official language in the workplace to federal employees in Quebec and to reopening constitutional talks "to create winning conditions for Quebec within Canada," a reference to the referendums on Quebec sovereignty (Globe and Mail, 2011). He also pledged to increase the seats for Quebec in the House of Commons if the

Conservatives introduce legislation to increase its size (Weese 2011). The promises on judges and constitutional talks could fan the flames of separatism, particularly if they meet resistance in the rest of the country and fail. Finally, Canada lost an important voice in Ottawa on 2 May 2011 when the BQ lost official opposition status. The presence of the BQ in Parliament meant that a dialogue between separatist and BQ supporters in Quebec and the rest of the country was ongoing. Without a significant presence in the House of Commons, a means of channelling the articulation and influence of diversity (separatist views and Quebec's interests) and unity in the federation is gone. Whether these combined flashpoints will result in disunity remains to be seen.

Quebec remains in an uneasy alliance with the rest of Canada. The federal government has embraced various approaches to strengthening the bonds between Quebec and the rest of Canada. While these approaches have created a balance between unity and diversity and channelled the expression of provincial dissent into peaceful and accepted, although not necessarily preferred, means, the relationship remains fragile. Asymmetry based on shared understandings and provincial equality with respect for difference offers a potential means of finding a balance between Quebec's needs and aspirations and national unity. However, asymmetry based on opportunism and province-building, threatens this balance. And, as the election of 2011 demonstrates, serious differences between Quebec and Canada have been avoided not resolved, leaving a state of settled unsettlement in the words of David Thomas (2000?). These issues have been managed but have the potential to create losing conditions for Quebec in Canada. In sum, the Canadian federation has managed to find a balance between unity and diversity that is workable but has not fully measured up to the challenge of finding a place for Quebec in Confederation.

III Social Cohesion and Diversity within Quebec

How far has the spirit of federalism penetrated into Quebec? Does the nationalist project prevent that province from respecting and embracing or even understanding the nationalist aspirations of other peoples like the First Nations and Aboriginal populations? Does Quebec's fight to preserve its culture, language and identity in North America prevent it from accepting the degree of change necessary to incorporate newcomers whether from Canada or elsewhere in the world? Or has its drive to be recognised and to be "maitres chez nous" resulted in a more inclusive and respectful society? Has the federal government worked with the Quebec government to foster the proliferation of the federal spirit of tolerance for diversity at the subnational level?

On the surface, Quebec seems to fall short of the ideal of an inclusive community. On the night of the 1995 referendum, the then leader of the Parti Quebecois, Jacques Parizeau, was heard to comment that the failure of the sovereignty option was due to the "money and ethnic vote." He resigned shortly after making this comment but his colleague, Pauline Marois, who was overheard to make a similar comment stayed on in the party and is currently its leader. In the 2011 election, BQ MP Yvon Levesque declared that his constituents would never elect a First Nations candidate after the NDP recruited the popular First Nations leader Romeo Saganash. Although Levesque was forced to backtrack on his comments, neither he nor BQ leader Gilles Duceppe apologised for what was perceived as a racist slur (Beaudet 2011). After a bitter and divisive debate in the province over the banning of the niqab and burqa, the Quebec National Assembly passed legislation in March 2010 requiring Muslim women to uncover their faces when providing or receiving government services including non-emergency healthcare, education, French language instruction, on the grounds that such religious dress and face-

coverings offended the principle of gender equality embraced by the province (Bloomberg, 2010). The population of niqabis in Quebec is estimated to be approximately 25, only 10 of the more than 118, 000 visitors to the Montreal health board offices wore face veils in 2008-9, and no face veils were worn among the 28,000 people visiting the Quebec City service centre during the same time (Siddiqui, 2010; Bloomberg 2010). In 2011, the Quebec National Assembly voted to ban the ceremonial kirpan from its premises after four World Sikh Organization leaders wore the religious symbol to an invited legislative committee hearing on religious accommodation and the banning of the niqab (Seguin 2011). Prem Singh Vinning, president of the World Sikh Organization, commented that “It’s unfortunate that the PQ believes multiculturalism is a value in Canada but not in Quebec,” particularly after the Supreme Court of Canada has accepted the wearing of the religious dagger (Ibid.). The Jewish population has faced incidents of harassment by the state and other Quebecers over the years, including the 2010 threat by provincial officials to close a private Jewish school in Montreal for not complying with provincial standards and refusing to focus less on religion, restrictions imposed on Hasidic Jews over time, and the 2010 fining of a Jewish taxi driver in Montreal for the display of religious objects in his car. The anecdotes abound challenging the depiction of Quebec as a tolerant and inclusive society.

The status of Aboriginal peoples and First Nations in Quebec is similarly troubling. The Oka crisis in 1990 crystallized the tensions between First Nations and the state. What was a dispute over land claims and sovereignty for the Mohawk nation was perceived in Cabinet as a situation of lawlessness (Ciaccia). The Canadian army was called in to restore peace after the Quebec police force conducted an incendiary raid on the barricades that the Mohawks had erected to defend their lands from unwarranted exploitation by a local developer supported by the adjacent local government. Twenty years later and despite an agreement signed between the Mohawks and Quebec government to improve relations, tensions still simmer as a recent dispute over a developer’s plan to develop the land across the street from the original Oka barricades illustrated (CBC 2010). However, much of the blame is deflected from Quebec onto the federal government by participants like Ciaccia, the former Minister of Aboriginal Affairs (Ibid). Even scholars like Alain Noel and Florence Larocque assert that First Nations in Quebec fare better than in the western provinces, that Quebec’s poverty reduction strategy is “a distinct path,” one that seeks “to promote bilateral, nation-to-nation relationships with Aboriginal peoples,” that Quebec promotes a poverty reduction strategy of engagement and innovation with First Nations, and that Ottawa is largely absent or to blame for conditions facing Aboriginal peoples (Noel and Larocque 2007). Assertions like these are often made despite federal-provincial-First Nation agreements on social assistance (CBC 2010a) and child welfare (INAC 2010) and previous such agreements, as well as data demonstrating the Aboriginal poverty in Quebec is as severe as elsewhere in the country and that Aboriginal educational outcomes are worse in Quebec than the rest of the country despite the lauded Quebec poverty reduction strategy (Richards 2011). Quebec’s relations with First Nations remain troubled and tense despite the rhetoric of equality.

These charges are at variance with the Quebec state promotion of an inclusive society and a policy of interculturalism or reasonable accommodation in contrast to the Canadian state policy of multiculturalism. Multiculturalism is premised on the recognition and respect for group identities but has been criticised as fostering “otherness” rather than integration, operating on a symbolic and rhetorical level only, and as serving commercial interests by providing a competitive advantage in a global economy (Gagnon and Iacovino 2007; cf. Abu-Laban and Gabriel 2002). In contrast, interculturalism involves incorporating immigrant and minority cultures into the larger political community on the basis of a moral contract which involves a

reciprocal process that empowers all. The moral contract creates a common public culture in which French is the common language, participatory democracy is the expected norm, pluralism is encouraged within the parameters of fundamental democratic values, the creative tension between continuity of the francophone core and diversity is preserved, and there is an ongoing interaction between communities (Gagnon and Iacovino 2007: 98; Bouchard and Taylor 2008: 42; McAndrew 2007; Tully 1995:53-57). Thus, unlike multiculturalism which is seen as promoting diversity at the expense of unity and not encouraging dialogue between and among the various communities, interculturalism is an integrative dialogue among communities that respects core values and helps the public community to grow and change as it is enriched by these exchanges. Thus, the ban on kirpans, facecoverings, religious objects is justified as consistent with the promotion of core democratic values essential to the preservation of the common space.

Viewed from this perspective, is interculturalism working? The Bouchard-Taylor Commission, struck to look into the question of the reasonable accommodation of difference in Quebec, noted that tensions are inevitable as different cultures collide. Intercultural harmonization through citizen negotiation may involve some disagreement and ongoing tension but is preferable to authoritarian or legal resolution of conflicts provided there is no undue imposition of hardship on individuals or state institutions (Bouchard and Taylor 2008: 51-8). They drew on the writing of Marie Mc Andrew, a specialist in interculturalism, whose analysis of three controversies involving the Muslim community in Quebec schools led her to conclude that while controversies and prejudices involving the Muslim community are highly visible in Quebec, “a reasonable consensus on religious adaptation is slowly emerging” encouraged by the “strong recognition” of diversity in public institutions, the development of practical tools for achieving compromises, and enhanced civic participation among Muslims (Mc Andrew, 2010: 14-15). According to these prominent commentators, as well as others (Gagnon and Iacovino 2007; Karmis 2004, 2009; LaBelle and Rocher 2004), interculturalism is distinct from multiculturalism and is working more effectively than multiculturalism but more needs be done. This appears to be a reasonable enough conclusion.

Is it satisfactory? No, it is not for two reasons. First, in a remarkably astute and informed analysis of interculturalism and the status of ethnic and religious minorities and Aboriginal peoples in Quebec, Daniel Salée offers the trenchant comment that the differences between multiculturalism and interculturalism matter more for political than analytical reasons and are overstated (Salée 2007). Both offer an all-encompassing integrative form of citizenship within the context of respect for liberal democratic values derived from a common normative framework and both depart from their ideals without coherency or conviction (Ibid.). Quebec scholars and practitioners use them to justify the nationalist project in Quebec and present diversity management by the state as a question of whether the federal government or Quebec offer immigrant and racialised communities better protection for their linguistic, cultural, religious and political rights. Certainly Alan Cairns criticism of the Bouchard-Taylor Commission notes the lack of the connection between the policy of reasonable accommodation and nation-building in Quebec and the effects on the non-francophone population as well as the exclusion of the Aboriginal population from the dialogue. Why? He suggests that the “most plausible explanation is that the language of nation and nationalism would not be warmly received by the ethnocultural communities the commission hoped to bring into a more civil, less tense relation with the francophone majority by the vehicle of reasonable accommodation” (Cairns, 2008: 69). The framing of the dialogue around interculturalism then encourages a form

of province-building and nation-building that is inimical to the Canadian federation and rather than fostering ties among the communities in Quebec with others in the federation, it isolates them. The federal spirit of comity and shared belonging is diminished.

The second problem with diversity management is common to both interculturalism and multiculturalism and affects ethnic and racialised communities in Quebec and Canada alike. The growing socioeconomic divide between minorities and the core Anglophone and Francophone societies in Canada and Quebec respectively suggests a deeply troubling phenomenon. Many advocates of interculturalism do not connect the socioeconomic conditions of ethnic and racialised minorities with their rejection of the nationbuilding project and sovereignty option in Quebec. Instead, they argue that these communities are torn between Quebec and Canadian nationhood and once Quebec is sovereign, the tension will be resolved with groups accepting Quebec citizenship or that the failure of ethnic and racialised communities to support the sovereignty option is due to the tension between accepting difference and expecting communities to integrate in to the mainstream society (Salée 2007). But the problem is more fundamental. Interculturalism, like multiculturalism, is a means of managing diversity that is based upon the systemic social hierarchies and power relations inherent to the modern state. Just as Quebec has been treated as a minority and inferior within Canada owing to the forms of social exclusion central to a racialised Western liberal-democratic state, ethnic and racial communities within Quebec will be consigned to a minority status. The social origins of the state, reinforced by market capitalism, preclude the full promotion and realisation of socioeconomic equality and justice and focus on cultural integration instead. Hierarchies and hypocrisies persist: sovereign claims of First Nations are dismissed as offences against law and order; religious regalia of ethnic and racialised groups are banned while religious paraphernalia of Francophone and Anglophone groups are not; and agreements between First Nations and the Quebec (and Canadian) state are signed but not honoured (Amnesty International 2009). Neither Quebec nor Canada are framed to address the relations of power and domination that operate against ethnic and racialised minorities (Ibid; cf. Lajoie, 2009). In sum, federalism works to protect ethnic and racialised communities but only within certain bounds. The expression of difference is channelled into peaceful venues but for how long? Perhaps racialised incidents like Oka and the anecdotes relayed above suggest that the balance between unity and diversity is beginning to tip.

Conclusion

Ideally federalism operates to create a balance between unity and diversity, to reflect differences and the balance among them in the political institutions, and to channel expression of difference into peaceful and productive means of encouraging political and societal growth. The discussion of Quebec suggests that this ideal remains an ideal goal that is manifested imperfectly in Canada. While separatist forces impose a centrifugal pull on the Canadian federation, countervailing pressures have kept them from rending the national fabric. Despite the defeat of the BQ in the 2011 election, the sovereignty option persists with its provincial vehicle, the PQ, poised to come into office. The loss of a separatist voice within Parliament means an important component of an integrative dialogue is lost at the national level and separatists enter a soliloquy within Quebec. The pursuit of federal policies respecting provincial jurisdiction and endorsing asymmetry do not build the ties that bind. Quebec independence could be realised within the federation within the foreseeable future. Is sovereignty long behind or is it even necessary if sovereignty by association is realised in fact? In the process, the spirit of comity and belonging is lost. The rationale for the federation is sacrificed in the process. The reciprocal obligation of communities

to help and understand each other is gone. But this line of thinking might be too predetermined: after all, that which you manifest is before you (Stein 2010). The rise of a common commitment to social democratic values in Quebec and in Canada, witnessed in the 2011 election, in the face of challenging socioeconomic global times, may prove to be a binding force. The willingness of governments within Canada to continue to seek common ground among provincial difference is encouraging.

The spirit of federalism is only partly achieved within Quebec as well. Interculturalism fosters a division between communities within Quebec and the rest of Canada. Cultures are isolated rather than being encouraged to reach across jurisdictional boundaries. The national-building projects of Quebec and Canada clash in the process with ethnic and racialised communities caught in the middle. Difference is accommodated but only to the extent that it does not derail these projects. When the challenge to the provincial or national projects becomes too great, the coercive arm of the state is employed in the name of harmonisation and reasonable accommodation. The very nature of the Quebec and Canadian state precludes the attainment of social and economic equality and social justice. The key to attaining the appropriate balance between unity and diversity remains the ongoing dialogue whether among communities in Quebec, or between communities in Quebec and the rest of the country and between Quebec and Canada. Are we there yet? No. We are still learning to race in the rain.

References

- Abu-Laban, Y. And C. Gabriel. (2002). *Selling Diversity: Immigration, Multiculturalism Employment Equity and Globalization*. Montreal and Kingston: McGill-Queen's University Press.
- Amnesty International Canada. (2009). "Canada (Quebec): Long Point First nation frozen out of decisionmaking." May. Available at http://www.amnesty.ca/writeathon/?page_id=1031. Downloaded 8 May 2011.
- Angus Reid. (2009). "Question Shapes Views in Sovereignty in Quebec." 6 December. Available from <http://www.angus-reid.com/>. Downloaded 5 May 2011.
- Bakvis, H., G. Baier and D. Brown. (2009). *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*. Toronto: Oxford University Press.
- Beaudet, P. (2011). "Quebec Nationalist Slip." 3 April. Available from <http://rabble.ca/>. Downloaded 5 May 2011.
- Bloomberg businessweek. (2010). "Quebec passes law regarding Muslim veil." *The Associated Press*. 25 March. Available from <http://www.businessweek.com/>. Downloaded 5 May 2011.
- Boadway, R. (2006). "Two Panels on Two Balances." *Policy Options*. 27;7, 40-45.
- Bouchard, G. and C. Taylor. (2008). *Building the Future: A Time for Reconciliation*, abridged report. Quebec Commission de Consultation sur les Pratiques D'Accommodement Reliées Aux Différences Culturelles. Gouvernement du Québec. Quebec City: Bibliothèque et Archives nationales du Québec.
- Brock, K.L. (2006). "Fault Lines in the Federation." *Policy Options*. 27:7 (September), 18-26.
- Brock, K. L. (2008). "The Politics of Asymmetrical Federalism." *Canadian Public Policy* XXXIV:2 (June), 143-162.
- Cairns, A.C. (2008). "Bouchard-Taylor and Nation-building." *Inroads: The Canadian Journal of Opinion*. 22 (Winter/Spring), 64-69.
- Cairns, A.C. (1995). "The Embedded State: State-Society Relations in Canada. In D.E. Williams, (ed.). *Reconfigurations: Canadian Citizenship and Constitutional Change*. Toronto: McClelland and Stewart, 31-61.
- Cairns, A.C. (1988). "The Governments and Societies of Canadian Federalism." In D.E. Williams (ed.). *Constitution, Government, and Society in Canada*. Toronto: McClelland and Stewart, 141-170.

- Cairns, A. and E. Black. (1966). "A Different Perspective on Canadian Federalism." *Canadian Public Administration* 9:1, 27-44.
- CBC News. (2010a). "Aid Agreement signed for Quebec First Nations." 6 July. Available from <http://www.cbc.ca/>. Downloaded 5 May 2011.
- CBC News. (2010). "Oka Crisis legacy questioned." 11 July. Available from <http://www.cbc.ca/>. Downloaded 5 May 2011.
- Courchene, T. (2004). "Pan-Canadian Provincialism – The New Federalism and the Old Constitution." *Policy Options* 25:10, 20-28.
- Daly, B. (2011). "Sovereignty Movement Hurting following Bloc Collapse." *IFPress*. 3 May. Available from <http://www.Ifpress.com>. Downloaded 8 May.
- Gagnon, A-G. And R. Iacovino (2007). *Federalism, Citizenship, and Quebec*. Toronto: University of Toronto Press.
- Globe and Mail. (2011). "Jack Layton's delicate Quebec dance." 3 May. Available from <http://www.theglobeandmail.com/>. Downloaded 5 May 2011.
- Graefe, P. (2005). "Scope and Limits of Asymmetry in Recent Social Policy Agreements." Institute of Intergovernmental Relations, Queen's University. Available at <http://www.iigr.ca>. Downloaded 15 January 2006.
- Hogg, P. W. (1992). *Constitutional Law of Canada*. Scarborough, Ontario: Carswell.
- INAC – Indian and Northern Affairs Canada. (2010). "Economic Action Plan – Canada-Quebec and First Nations in Quebec Reach an Historic Child Welfare Framework." Available from <http://www.ainc-inac.gc.ca/ai/mr/nr/m-a2009/nr000000435-eng.asp>. Downloaded 2 May 2011.
- Karmis, D. (2009). "The Multiple Voices of the Federal Tradition and the Turmoil of Canadian Federalism." In A-G. Gagnon (ed.). *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*. Toronto: University of Toronto Press, 53-76.
- Karmis, D. (2004). "Pluralism and National Identit(y)ies in Contemporary Quebec: Conceptual Clarifications, Typology, and Discourse Analysis." In A-G. Gagnon (ed.). *Quebec: State and Society*, 3rd ed. Peterborough: Broadview Press, 69-96.
- Kennedy, M. (2011). "Harper pledges Senate Reform, but without constitutional wrangling." 25 April. Available from <http://blog.decisioncanada.ca/>. Downloaded 2 May 2011.
- Labelle, M. And F. Rocher. (2004). "Debating Citizenship in Canada: The Collide of Two Nation-Building Projects." In P. Boyer, L. Cardinal and D. Headon (eds.). *From Subjects to Citizens: A Hundred Years of Citizenship in Australia and Canada*. Ottawa: University of Ottawa Press, 263-86.

Lajoie, A. (2009). "Federalism in Canada: Provinces and Minorities – Same Fight." In A-G. Gagnon (ed.). *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*. Toronto: University of Toronto Press, 163-186.

Lazar, H. and F. St. Hilaire (eds.). (2004). *Money, Politics and Health Care*. Montreal and Kingston: Institute for Research on Public Policy and Institute of Intergovernmental Relations.

Leger Marketing. (2011a). *The Bloc Québécois*. Available at www.legermarketing.com.

Leger Marketing. (2011b). *Provincial Politics in Quebec*. Available at www.legermarketing.com.

Leo, C. 2006. "Deep Federalism: Respecting Community Difference in National Policy." *Canadian Journal of Political Science*. 39:3, 481-506.

Leo, C. and J. Enns 2009. "Multilevel Governance and Ideological Rigidity: The Failure of Deep Federalism" *Canadian Journal of Political Science* 42:1 (March), 93-116.

Madison, J. Federalist Paper #10.

Maioni, A. (2007). "Health Care." In H. Bakvis and G. Skogstad. *Canadian Federalism: Performance, Effectiveness and Legitimacy*. Toronto: Oxford University Press, 161-81.

Maslove, A. (2005). "Health and Federal-Provincial Fiscal Arrangements: Lost Opportunity." In G. B. Doern (ed.). *How Ottawa Spends 2005-2006: Managing the Minority*. Montreal and Kingston: McGill-Queen's University Press, Published for The School of Public Policy and Administration, Carleton University, 23-40.

McAndrew, M. (2010). "The Muslim Community and Education in Quebec: Controversies and Mutual Adaptation." *Int. Migration & Integration*. 23 January. Available from http://www.chereum.umontreal.ca/publications_pdf/Publications%20de%20a%20titulaire/community%20Muslim%202010.pdf. Downloaded 8 May 2011.

McAndrew, M. (2007). "Quebec's Interculturalism Policy: An Alternate Vision." In K. Banting, T. Courchene and F. L. Seidle (eds.) *Belonging? Diversity, Recognition and Shared Citizenship in Canada*. Montreal and Kingston: McGill-Queen's University Press, 143-152.

Noel, A. (2000). "Collaborative Federalism with a Footnote." *Policy Options*. 21:5, 44-6.

Noel, A. and F. Larocque. (2009). "Aboriginal Peoples and Poverty in Canada: Can Provincial Governments Make a Difference?" Paper presented for the Annual Meeting of the International sociological Association's Research Committee 19 (RC-19), Montreal, 20 August. Available at http://www.cccg.umontreal.ca/RC19/PDF/Noel-A_Rc192009.pdf. Downloaded 5 May 2011.

Payton, L. (2010). "Sovereignty debate far from over." *The Sarnia Observer*. Available from <http://www.theobserver.ca/> Downloaded 5 May 2011.

Putnam, R.

Richards, J. (2011). *Aboriginal Education in Quebec: A Benchmarking Exercise*. Toronto: C.D.Howe Institute Commentary, The Education Papers.

Rowe, B. (2010). *Danny Williams The War with Ottawa*. St. John's: Flanker Press Ltd.

Salée, D. (2007). "The Quebec State and the Management of Ethnocultural Diversity: Perspectives on an Ambiguous Record." In K. Banting, T. Courchene and F. L. Seidle (eds.) *Belonging? Diversity, Recognition and Shared Citizenship in Canada*. Montreal and Kingston: McGill-Queen's University Press, 105-42.

Seguin, R. (2011). "Sikh Community speaks out against Quebec kirpan ban." *The Globe and Mail*. 10 February. Available from <http://www.thglobeandmail.com/>. Downloaded 5 May 2011.

Siddiqui, H. (2010). "Quebec's Witch Hunt Against Niqabi Minority." *Toronto Star*. 29 March. Available from <http://www.islamtimes.org/vdchmqni.23nivd10t2.html>. Downloaded 5 May 2011.

St. Hilaire, F. and H. Lazar. (2004). "A Fix for a Generation." *Policy Options*. (September 2004), 118-123.

Stein, G. (2010). *The Art of Racing in the Rain*. Toronto: HarperCollins.

Thomas, D.M. (1997). *Whistling Past the Graveyard: Constitutional Abeyances, Quebec and the Future of Canada*. Toronto: Oxford University Press.

Tully, J. (1995). *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge; Cambridge University Press.

Vernon, R. (1988). "The Federal Citizen." In R.D. Olling and M.W. Westmacott eds., *Perspectives on Canadian Federalism*. Toronto: Prentice Hall.

Weese, B. (2011). "Tories to add House of Commons Seats." *Toronto Sun*. Available from <http://www.torontosun.com/>

Watts, R. (1999). *Comparing Federal Systems*, second edition. Montreal and Kingston: McGill-Queen's University Press.