The Three Failures in Modern Canadian Federalism: Why is it Impossible to Find a New Québec-Canada Partnership?

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The outcome of the recent referendum should be the signal for major constitutional reform and change in the federal administration. While 80.5% of Quebecers polled were hoping for such change after the slim No victory, they were not very optimistic: 44.2% thought those changes were unlikely to happen (see Table 1). Many Quebecers who voted No believed that the federal government would initiate the necessary reforms leading to the recognition of Quebecers as *un peuple distinct*. However, the attitude of Jean Chrétien and his advisors since the referendum, including the appointment of Stéphane Dion as Minister of Intergovernmental Affairs, certainly fails to reassure citizens who still believe that some progressive steps are possible.

Table I

Question:

Si le Non l'emporte au référendum, souhaitez-vous qu'il y ait quand même des changements dans la façon dont le Canada fonctionne?

Oui	Non	NSP/PR
80.5	12.4	7.1

Question:

Si le Non l'emporte au référendum, croyez-vous que des changements se produiront effectivement dans la façon dont le Canada fonctionne?

Oui	Non	NSP/PR
42.1	44.2	13.7

Source: SOM/Le Soleil/The Gazette, October 13-16, 1995. N=981.

On the other side, Quebecers who voted Yes did so because they had reason to believe the federal government is incapable of the innovations necessary to truly respond to Québec's demands. Their Yes vote was not directed against Canada, but arose out of the judgment that the risks of placing Québec's future in the hands of the Liberal government were too high. As *The Economist* wrote, if the federal government is incapable of initiating those reforms, then Canada is a country whose political breakup has only been postponed (*The Economist*, 1995).

The biggest losers of this referendum were Jean Chrétien and his government. The federal government, in choosing to put the constitutional issue on the back burner since its election in 1993, showed its misplaced confidence that the No side would prevail. Even during the referendum debate, its attention focused upon economic concerns — debt management and job creation. Indeed, not only were Quebecers expected to vote No, as they did by a thin margin, but they also were expected to give up any hope of attaining sovereignty in the future. These assumptions clearly were wrong. The outcome of the refendum proved that the federal government's assertion during this period — that it was in full control of the situation — misled the majority of Canadians and Quebecers. Québec history speaks for itself. Québec's demands will not vanish, certainly not after this last referendum. Instead of wishful thinking, pragmatism should guide the federal government in dealing with the political situation in Québec.

The important questions everyone is afraid to ask remain these: "Does the federal government have the capacity to deal with the difficult reality of Canada-Québec relations?" and "Do Canadians and Quebecers actually need the federal government to

solve their constitutional disagreements?" Before answering these questions, Canadians must ask themselves a more factual one: "Has Canadian federalism promoted or impeded democratic politics in Québec over the last thirty years?"

A good majority of Quebecers feel, wrongly or not, that federalism has limited their collective will and effectively hampered Québec's democratic rights. Calls for the partitioning of Québec if independence is achieved, threats to send in the army, and assertions that at least 60% of all referendum votes cast must favour sovereignty in order to proceed with the sovereignist project, are fine cases in point which should provoke an outcry from all defenders of democratic politics. Voices in favour of democracy, that is, *a system of government under which the people rule either directly or indirectly, where power is held by the many, and where the principles of equality, fairness and justice are central*, have remained silent during the past two years. It does not seem politically correct to have a moderate tone concerning Québec's requests. Yet conciliation and cooperation with Québec leads to decreases of support for sovereignty among Quebecers. (Lachapelle et al, 1993).

If political stability and democratic rights are shared values among Canadians, then the state of today's political climate indicates that Canada has probably reached a level of political stagnation rarely seen since the end of the Second World War. If intergovernmental relations are at the heart of cooperative federalism, Canada is now a dysfunctional state. Although some successes in cooperative federalism had been achieved before the arrival of Pierre Trudeau as leader of the federal Liberal Party, numerous federal confrontations with Québec governments followed Mr. Trudeau's election in 1968. Trudeau's vision of a strong central government, shared by Jean Chrétien and his advisers, precipitated two refusals: the refusal to see Canada as a confederation, and the refusal to recognize provincial rights. Logically, this stance led quite often to deadlock situations (Simeon, 1979; Lamontagne, 1954). Moreover, the inclusion of the *Charter of Rights* in the 1982 *Constitution Act* installed a regime that conditions and impedes the exercise of power by all provincial legislatures, including Québec's National Assembly, notwithstanding that Québec was not a signatory to the document.

According to this diagnosis, three factors have led to the present situation: the failure of interest-group liberalism; the failure of intergovernmental relationships; and the failure of the politics of accomodation. In this short essay, I wish to address each of these factors and offer some advice to Canadians who share the view that Quebecers do constitute a nation, *un peuple distinct*, having all the rights to universal recognition.

THE FAILURE OF INTEREST-GROUP LIBERALISM

In Canada's federation, as in any other political system, citizens do not participate as individuals: rather, they participate through the mediation of organized interest groups — clusters of people sharing common values. Politics is seen as a competition among interest groups which shapes public policy. Public policy, in turn, represents the equilibrium reached in group struggle at any given moment, as well as the balance which the contending factions or groups constantly strive to tip in their favour.

To date, this point of equilibrium has not been reached in Québec-Canada relations. One reason may be that the province is regarded as an interest group in itself, like the aboriginal people or francophones outside of Québec. Another reason may be the view that Québec should be treated equally in the policy-making process, that it should not have additional rights regardless of its cultural and economic differences from other provinces. One of the serious flaws in the federalist-pluralist model is that politics is seen as simply the epiphenomenon of overall socio-economic relations between sectional interest groups; the federal government is only one of the many power centres in Canada and just another actor in the market system. In response, Quebecers usually adopt a more neo-conservative approach, viewing the Québec government as the central actor that can assure their social and economic development.

The question is not so much whether Canada should attain a certain level of political stability as whether federalism can embody a system in which such a stability could exist. It is difficult to predict whether stability can be achieved at all. Federalists believe that it is possible to secure greater political equality in Canada or, at least, lesser economic inequalitites between groups and provinces through the Canadian political system (Canada, 1979). But a large majority of Quebecers believe that such stability cannot be attained without a major reorganization of the whole political system; so for some Quebecers,

sovereignty and a partnership offer to Canadians is the only solution.

More fundamentally, provinces should be recognized by the federal government as equal partners in the Canadian political system. The federal strategy has been to use interest groups to divide the provinces, this being the only way for the federal government to escape harsh criticism from the premiers. In my opinion, the Premiers' Conference in St. John's in August 1995 clearly indicated that a consensus regarding the social fabric of our societies can be achieved. New solidarity should be found among the provincial leaders to escape federal intrusion in provincial matters and, more importantly, to assert the fundamental role provinces should play in enhancing greater economic and social relations among North Americans.

THE FAILURE OF INTERGOVERNMENTAL RELATIONSHIPS

When it comes to applying the federalist-pluralist model to intergovernmental relationships, it can be argued that the Canadian political system is the result of the competing forces of local, provincial and central governments. The coordination-cooperation-consultation process among these levels of government is similar to an intergroup bargaining process: the party having the strongest interests will override the weaker ones. As Jean-Luc Pepin described it in 1965, cooperative federalism has its own limitations:

> Cooperative federalism requires, among other things, frequent meetings between federal and provincial government representatives ... Cooperative federalism, as its name implies, also means that the federal government must not take any action in a jurisdictional field which is reserved under the Constitution for the provinces without the approval of the provinces concerned. Cooperative federalism is easy to define but difficult to operate (Bella, 1977, 86).

Since a multiplicity of decision-making centres exist in all federal systems, it becomes very difficult for the federal government to reach a consensus with the various political actors regarding the attainment of certain political objectives, such as the lessening of regional social and economic inequalities (Canada, 1981). The failure of all constitutional discussions in the 1980s — the patriation of the Constitution in 1982, the Meech Lake Accord in 1990, and the Charlottetown Accord in 1992 — illustrates well the complexities of finding a *modus vivendi* between or among competing regional interests. Too many governments, each with a deadly veto power, or merely the capacity to undercut policies, may make policy implementation difficult, leading to governmental and bureaucratic stagnation that holds a country or a province in a political shackle.

Many Quebecers believe that Canada has already reached this level of political stagnancy. In a fragmented society such as Canada, intergovernmental relations are based upon cooperation among regional elites who represent the interests of their followers. This process of accommodation among the elites becomes essential to achieve stability (Lijphart, 1969, 1968). According to hyperpluralist theorists, policy goals can be thwarted by the fragmentation of government power. Many Quebecers are resentful that the public policies which are of concern to them are never passed in Parliament, and that transfer payments and the taxing power are used by the federal government to influence provincial policy decisions. In sectors such as health and cultural policy, the federal government's use of its spending and taxing powers has modified the priorities of the Québec government.

Federalists who advocate a strong central government in Ottawa argue that too much decentralization without some degree of federal authority cannot be effective. When there are too many forceful governments, public policies are either rejected or never implemented. From this viewpoint, intergovernmental transfer payments and revenue sources are a positive means of modifying policy decisions of another level of government. Consequently, federal hyperpluralists claim that a centralized government is the "best" political structure for preventing hyperpluralistic stagnation. With this belief at heart, federalists support the view that a federation is the optimal political structure to achieve harmony among the different regional interests, especially in a fragmented society like Canada. Pluralism and hyperpluralism are threats to democracy because they usually undermine the importance of social inequalities.

It has become clear that this type of political system, as proposed by Pierre Trudeau in 1968, has failed to accommodate Québec's political and social

interests. I am referring here not only to times when sovereignist leaders were in power, but also when Premiers such as Robert Bourassa headed the province. During Bourassa's leadership, the concept of centralized power had caused the failures of the Victoria Conference in 1971, the Meech Lake Accord in 1990, and the Charlottetown Accord in 1992. The federal application of its spending and taxation powers remain a source of contention between Québec and the federal government. But, as Mr. Trudeau wrote in 1969: "I find it even more extraordinary that political scientists fail to see the eroding effect that the 'power of the purse' will have on Canadian democracy if the present construction continues to prevail, and in particular what chaos will result if provincial governments borrow federal logic and begin using their own 'power of the purse' to meddle in federal affairs" (Trudeau, 1968, 137). Too much decentralization and the recognition of a "special status" for Québec were devilish ideas according to the former Prime Minister (Trudeau, 1969, 1971). The only thing that can be said for Trudeau is that he was right. This form of federalism has had, in fact, a corrosive effect on both Canadian and Québécois democracy. As a net result, the sovereignty option has never been so heartfelt in Québec.

THE FAILURE OF THE "POLITICS OF ACCOMMODATION"

The inadequacy of the federal pluralist agenda is evident when the economic and cultural differences between Québec and Canada, as well as those among anglophone provinces, are considered. As consociational theorists have already pointed out, federal-pluralism needs cleavages within economic cultural groups, but not between the groups themselves. Some important elements to sustain political stability are, firstly, that there be a minimum of heterogeneity between these groups, and, secondly, that there also be a minimum of homogeneity in order to facilitate group politics.

Some observers have suggested that consociational democracy or "elite pluralism-accommodation" can be a successful political system if four essential conditions are met: (1) elites have the ability to accommodate the divergent interests and demands of subcultures; (2) elites have the ability to transcend cleavages and to join in a common effort with the elites of rival cultures; (3) elites have a commitment to the maintenance of the system and to the improvement of its cohesion and stabiltiy; and (4) that elites understand the perils of political fragmentation (Lijphart, 1969). Elites in both Canada and Québec have failed in large part to meet these challenges.

The Canada-Québec relationship has always been perceived as an elite accommodation process. For the longest time, public policies have been perceived to be the manipulated results of influential elites representing both French and English Canadians. The failure of the Meech Lake Accord, a proposal which encouraged the supplantation of Canada's two founding nations concept by the newer theory of a federation of ten equal provinces, left many Québec federalists and confederalists skeptical of the future of elite accommodation. Since the rejection of Meech Lake, many Quebecers are not ready to commit to maintaining the Canadian political system as it is. Hence, the governing elites are unable to reach political stability along these lines of cleavage without provoking major conflicts between Québec City and Ottawa.

CONCLUSION

It is the search for greater democracy that has put Québec in a competitive position with the federal government, bringing with it the need to redefine the Canadian constitution. As polls are showing and the last referendum indicates, Quebecers are coming ever more strongly to the conclusion that the federalist approach has failed. The reasons are many. Firstly, it does not recognize the Canadian duality. Secondly, it places priority on the various groups involved in the policy process. Thirdly, the federal system fails to establish sound intergovernmental relationships with Québec. Competition over fiscal and political powers has resulted in a zero-sum game. Finally, the the federalist-pluralist approach fails because of the elites' incapacity to recognize a "special status" for Québec, and Quebecers as *un peuple distinct*.

Federalism theory has its limitations. Canada's federal failing of the last twenty years is largely due to its inability to respond to Québec's aspirations. To reach a political equilibrium, policymakers must bargain for political and economic advantages; the role of politicians and bureaucrats is, therefore, to balance the demands of society's different sectional interests so that they may attain political stability or "elite accommodation" in Canada.

For many federalists, the pluralistic image of democratic politics is comparable with the market theory of the economy; there are always mechanisms which can be used to permit the attainment of a certain level of stability within the political system. The demands of Québec have the ability to effectively influence public policy by means of the voting system; cases such as the election of the Parti Québécois in September 1994, the support of the Free Trade Agreement, the election of 54 Bloc Québécois MPs in Ottawa, and the 1995 referendum outcome can be readily acknowledged as Québec's assorted responses to relieving the risks imposed by the political system. The result of a convincing voting process should lead normally to greater and more efficient political stability, but the Canadian political system has shown that the opposite has been happening due to the competition for autonomy between levels of government.

Most Quebecers feel today that if the No side had won 60% of the referendum vote, as predicted by Jean Chrétien and Lucienne Robillard at the begining of the referendum campaign, it would have been detrimental for the future of Québec. Those who believed or wanted English Canada to believe that the referendum was a piece of cake had a misguided understanding of Québec voters. Québec will have another referendum on the sovereignty issue in the next few years. Canadians should take seriously the possibility that Québec will separate and act accordingly, with a deep sense of their social and democratic responsibilities. Are English Canadians ready again to endorse all federal proposals on the distinct society, manpower training, communication and cultural responsibilities?

The actual political debate facing Quebecers and Canadians concerns not only Canadian federalism, but also the value of democratic politics. Many citizens feel that they have been misinformed and blinded by the government in Ottawa over fundamental issues which are of conern to them, causing inflammatory discourse and emotional behaviour. Is it too late for Canadian federalists to have a more respectful attitude toward Québec's aspirations? I, for one, believe so. The design of a new partnership between Québec and Canada is what is needed.❑

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