

Turning the page: Deterrence against legitimacy

“Nothing gives me greater satisfaction than the knowledge that we have prevailed in Quebec. That we have earned the respect of the people of Quebec. That we have turned the page and are working on real solutions to real problems.”

— Jean Chrétien, Liberal Convention, November 13, 2003

Is Jean Chrétien right when he asserts that the Quebec question has finally been resolved under his reign? Is he justified in saying that he has gained respect from the people of Quebec for his role in clarifying the stakes concerning the future of Quebec within Canada?

In his Toronto farewell speech to Liberal Party members, Chrétien justified with great emphasis and emotion the efforts he deployed to reconstruct Canadian unity, once jeopardized by what he calls “the myths that had been created by those who wanted to break up Canada.” Canadian unity was restored with the 2000 *Clarity Act*, which, in his own words, “secured the future of Canada.” One thing is for sure, Chrétien can be proud of the fact that he paddled against the current, first bringing Stéphane Dion to the forefront of the constitutional debate and then imposing the idea of the *Clarity Act*, thereby going against most political pundits and media elites in Canada.

It can easily be said that English Canada rallied around his strategy but it is not at all clear whether Quebecers, politicians as well as a majority of the population, have agreed upon what has been interpreted there as a “coup de force.” There is a difference between passive acceptance and active agreement. We must remember that Quebec has not yet signed the Canadian constitution and that its Parliament, under a federalist government, recently voted unanimously on a motion recognizing Quebec as a nation.

BY JULES DUCHASTEL

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CHRÉTIEN’S CONSTITUTIONAL LEGACY

Nevertheless, we have to recognize that Chrétien has been a major player at

three important moments of recent Canadian constitutional history. The first moment was the patriation of the Canadian constitution in 1982, in which the *Charter of Rights and Freedoms* was entrenched. This event has profoundly transformed both French and English Canada. The Charter came as the outcome of a cultural and social dynamic that redefined Canada from the traditional opposition between two founding peoples to the much more complex representation of a multicultural society where citizenship is based on a multiplicity of rights. But the vision was Pierre Elliot Trudeau’s, not Chrétien’s.

As chief negotiator, Chrétien played a more instrumental role in rallying the English provinces against Quebec, around the project of patriating the constitution. A confidence from Claude Charron, at the time an important minister in the PQ government, convinced him that Quebec manifested no goodwill in the negotiation process and that it would never agree to any form of compromise. With his allies from Ontario and New Brunswick, Chrétien succeeded in breaking up the alliance formed against Trudeau’s project by the eight remaining provinces. Quebec was kept out of the final decision. If there was a vision on the part of Chrétien, it was a very simplistic view about the greatness of Canada and a profound insensitivity to Quebec’s own identity. For the rest, he was a brave soldier, faithfully and effectively accompanying his commander Trudeau.

FOLLOWING TRUDEAU’S FOOTSTEPS

Chrétien’s second opportunity to reaffirm his vision of Canada came in 1990 when he became leader of the Liberal Party. From the beginning of the Meech Lake campaign, he had been hesitating

Deterrence against legitimacy, page 26

on the position he should take. At first, he approved of the distinct society clause, but his statements introduced many innuendos. In his view, the Accord was to be seen as a basis for future negotiations. Furthermore, the man who had secretly negotiated the patriation of the constitution introduced the idea that any Accord should give way to a referendum.

By the end of the campaign, under constant pressure from Paul Martin and Sheila Copps to take a clear position on the Accord, he finally stated that “If the Charter of Rights is not protected, it’s no.” Chrétien showed no courage on this occasion. Again, he appeared as Trudeau’s follower. Pierre Elliot Trudeau spent much energy in sinking the Accord with the complicity of, among others, Clyde Wells, who was seen “hugging [Jean Chrétien] in front of the nation” on the night of his election as Liberal Party leader, just one day after the collapse of the Meech Lake Accord.

THE CLARITY ACT: A TEST OF VISION

The *Clarity Act* represents the third moment in the constitutional epic of Jean Chrétien. Once again, there are questions surrounding Chrétien’s political vision. It seems that he was devoid of any vision at the time of the 1995 Quebec referendum, except to maintain the status quo. All testimonies concur that up to nearly the end of the referendum period, Chrétien was paralyzed. He remained backstage and refused to cooperate with the provincial committee for the No side.

The declaration of Verdun on the 24th of October 1995, a few days before the referendum, was a last minute initiative to try to reverse the momentum that was going the way of the Yes camp. Chrétien’s speech illustrates two things. He had no problem with the complexity of the question and made it very clear to Quebecers that a Yes vote would be a vote for separation from the rest of Canada. Second, Chrétien re-employed Trudeau’s

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strategy of 1980 by promising changes after a No victory. He promised that Quebec would be “if possible, constitutionally” recognized as a distinct society, he reintroduced the idea of Quebec’s veto, and he promised new arrangements concerning labour training programs. The victory for the No side was extremely close with less than 51 percent of votes.

Chrétien met his obligations: first with the adoption in Parliament of a motion that recognized Quebec as a distinct society without any legal binds; second with the obligation of consulting all regions of Canada before any change in their constitutional jurisdictions could be adopted, a far cry from the traditional demand for a Quebec veto; and third, by making the proper arrangements with the provinces in the labour training programs. At that point, after a mission during which he met with many world leaders, he was convinced that no further referendum should constitute a menace to Canadian unity.

It is probably more accurate to speak of instinct rather than vision to characterize Chrétien’s actions. The best example is the recruitment of Stephane Dion who became his closest counselor on the Quebec front. From that point on, the federal government became much more aggressive toward the demands of Quebec. Taking advantage of a legal victory in Quebec Superior Court

by the former sovereigntist Guy Bertrand, who had challenged the right to secession for a province, the federal government went to the Supreme Court with two additional questions on the right to secede in both Canadian and international contexts. “The decision allowed each side to claim victory” and in turn opened the way for the introduction of the *Clarity Act*, which stated that the question should be clear and the majority significant.

THE CONSTITUTIONAL STANDOFF

The *Clarity Act* was condemned by all parties in Quebec, and at the same time celebrated in the rest of Canada. Nevertheless, contrary to expectations, the Act did not spark political turmoil in Quebec. Its practical effect has been to deter any future referendum project. At the same time, the legitimacy of the *Clarity Act* was not accepted in Quebec, no more than the patriation of the constitution had been.

What is there to conclude? Chrétien is not a man of vision, unless we consider his basic attachment to Canada to be a vision. More than a man of vision, he is a fighter, a scrapper. Although he suffered from his engagements against the nationalist movement in Quebec, he has fought to the end against what he always considered an evil. His actions, the means to Trudeau’s ends, contributed to reinforcing a new Canada. Like Trudeau, he was allergic, from the beginning to the end, to any form of national political identity for Quebec. Their common work has contributed to a new form of national representation, which has had some influence in the evolution of Quebec’s own representation.

But the limit of that vision is the impossibility of recognizing any form of distinctiveness for the historical situation of Quebec. In that sense, Chrétien has not succeeded in turning the page and his view has certainly not prevailed in Quebec. 