

social policy is the victim. Unable to make gains through the political process, individuals and groups seek redress through the courts. There, they define themselves, not as citizens committed to some shared standard of living, but instead as victims capable of staking their claims in court. In parallel, social and labour market policies are thought of less in terms of labour market and broad adjustment problems than in terms of individual deficiencies and incentives. Again, as the focus is on the fate and behaviour of victims, Canada's constitutional deadlock pushes us in the same direction. Unable to define and recognize the basic communities around which solidarity could be built, Canadians are increasingly seeking solutions through the pursuit of specific interests, in the courts or in the political arena. "Whether it be provinces, women, Aborigines or the disabled, all can now be treated as groups seeking the protection of the Charter for their own group interests," writes political scientist Michael M. Atkinson in a recent discussion of Canadian democracy;

"rights are means of obtaining or furthering these interests to establish relatively weak bonds of association."

My point is not that the Charter is wrong and should be discarded, but rather that it is insufficient as a foundation for political community. We are told, observes sociologist Fernand Dumont in his book *Raisons communes*, that the constitution is not important. It remains, Dumont rightly points out, our fundamental social contract. If even such a contract does not matter, how can citizens put faith in politics as a means of doing things collectively and of promoting solidarity?

Quebec, like Canada, has a liberal institutional and political heritage, and whether or not it remains within Canada, it will have to struggle to define its own version of a generous welfare state for the 1990s. Nothing in this respect is guaranteed. Insofar as it understands itself as a political community united by more than individual and group rights, however, Quebec would at least have the possibility of adopt-

ing such a solidaristic vision for the coming years, and so could Canada without Quebec, which would thus be confronted with the necessity of rethinking its own status as a nation. Such a possibility would, to some, be destroyed by a "no" vote in 1995 because a "no" vote would also be the defeat of the left in Quebec. It would announce the definitive triumph of the "evolving status quo," of a "flexible federalism" that cannot amend itself and cannot even acknowledge the obvious existence of political communities within Canada. In the social policy documents prepared by the federal government in 1994 and 1995, the provinces in general, and Quebec in particular, are hardly ever mentioned. In the aftermath of a "no" vote, Quebec, along with the rest of Canada, is likely to drift toward the liberal model and gradually forget the values of solidarity that in the past many saw as a core component of Canadian identity.

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## THE REFERENDUM DEBATE AND THE ABORIGINAL QUESTION IN QUEBEC

by Daniel Salée

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In a recent *Maclean's* article, the grand chief of the Quebec Crees, Matthew Coon Come, is quoted as saying: "Quebec secession is a major threat to our status and our rights. The draft bill for sovereignty amounts to unilateral abrogation of aboriginal rights as defined under the Canadian Constitution as well as in numerous previous treaties and agreements in particular the James Bay and Northern Quebec agreement." In the same article, David Cliche, PQ spokesman for the gov-

ernment on aboriginal rights, gives a somewhat arrogant response: "I'm offering them a chance to get on board. The train's coming whether they like it or not."

Since the Oka crisis, the relationship between aboriginal nations and the Quebec government has been strained, to say the least. Oka, the Great Whale project in Northern Quebec, endless, arduous, and seemingly fruitless negotiations over land claims, and the oft-repeated, adamant unwillingness of Quebec's

First Nations to support the current government's drive for sovereignty are but some of the milestones of a political face-off that, in the last five years, seems to have gone from bad to worse.

On the sovereignty issue, Quebec's First Nations and the government are at loggerheads with each other. Land claims are a major stumbling block. Most aboriginal nations want to see their inherent right over ancestral lands respected, and ultimately seek separate boundaries. Until now, however, no Quebec government has been willing to entertain the thought of totally

*Continued, see "The Aboriginal Question in Quebec" on page 86.*

*"The Aboriginal Question in Quebec," continued from page 85.*

autonomous, geographically separate territories for aboriginals. Like its predecessors, the PQ government insists that the Quebec borders as currently designed are invidious and not open for negotiation.

### **A POLITICS OF COMPETING IDENTITIES**

This state of affairs should come as no surprise. Aboriginal claims and their characteristic ethno-nationalist undertones are totally in line with the particularistic and heterogenic logic of the contemporary political dynamic of liberal societies. That Aboriginal nations seem more vocal and more ready to stand up for their rights is but a function of the democratic gains made in recent years. Minority groups have learned and, indeed, are encouraged to struggle, for a space of their own in societies that have all too often been impervious to their plight. To a hegemonic majority, the claims of minority groups may often seem like a thorn in its side; instead, these claims should be seen as the healthy sign of the enlargement of the democratic sphere—a fact in which everyone should rejoice.

In recent years, representatives of the Quebec government have proudly and readily flaunted Quebec's record of democratic achievement regarding the aboriginal question: twice, through a cabinet decision in 1983, and through a National Assembly resolution in 1985, the Quebec state has recognized the existence of aboriginal communities in Quebec as distinct nations with the right to the preservation of their own language, culture, and traditions; it even acknowledged their right to control and own land. Such recognition is too fundamental to be made of empty words and inevitably creates high expectations. In the

light of these expectations that are of the Quebec state's own making, Quebecers should not be surprised that First Nations today are claiming the attributes of nationhood: land with clear boundaries, control over the management of self-determined, social, economic and political priorities, and hence full, unconditional, no-strings-attached self-government—indeed, all attributes that large numbers of Quebecers are claiming for themselves.

The aboriginal question in Quebec is unfolding much to the dismay of sovereigntists: the affirmation of Quebec identity and the foundation of their political and administrative claims are in many ways negated by the identity aspirations of First Nations. From the Quebec government's particular vantage point, aboriginals are claiming a political space to which, in the current political logic of things, the Quebec state could hardly consent. Doing so would jeopardize the political and institutional substratum necessary to realize the national aspirations of Quebecers, and the foundations on which Quebec's identity and sense of nationhood have been resting for over 30 years.

Clearly, First Nations and Quebecers, particularly through the land claims issue, are after the same political space—a space that each group deems essential to the full realization of its identity. Yet, demographic weight should work to no avail for Quebecers. To invoke some superior claim on the polity or hierarchy of rights would run counter to the current democratic ethic. Everyone, every subject, is on the same footing, whether or not they belong to a minority group. Morally, then, aboriginal claims are wholly legitimate for they are in line with the emerging and unchallengeable discourse favouring respect for difference, the recognition

of particular identities, and demands for the means of successfully expressing difference.

### **THE DOUBLE BIND OF DIFFERENCE AND COMMUNITY**

In a way, Quebecers may well find themselves trapped in the very democratic space within which they have located their polity. As the democratization process of the last three decades has contributed to their own sociopolitical advancement, the liberal-democratic logic to which they unequivocally adhere forces them today to water down their hegemonic pretensions to accommodate otherness and minority identity claims. Hence, with respect to the aboriginal question, Quebecers are caught in a double bind: either they consent to all the claims of First Nations and risk altering the foundations on which their own national existence and identity rest; or they resist, they continue to stake their claims and impose their own historical vision of what Quebec ought to be, at the risk of seeming illiberal, anti-democratic, and even racist.

The aboriginal question is a test directly aimed at Quebecers and Quebec society and will force a decision whether or how far to accommodate difference and otherness. It also tests the viability of the liberal-democratic paradigm: is it possible to promote singular subjectivities and the individual's right to difference, and also construct a political community beyond particular identities, around a conception of community shared by everyone—which is essentially what Quebec sovereigntists are trying to do?

It is unclear whether Quebec can pass this dual test. To be true to the discourse of difference recognition that sovereigntists officially claim to support, they would have to offer aboriginals the full panoply of the means of self-determination, includ-

ing political sovereignty for the First Nations who choose such a path (the Mohawks and the Crees are likely candidates). Such generosity is highly improbable: the government would never budge on the issue of territorial integrity and the reports of the regional commissions on sovereignty show that the population fully supports that stance.

But more important, the very nature of the Quebec state is not conducive to this kind of "compromise." Quebec is a liberal state. The sovereigntist project is essentially inspired by liberal principles and seeks nothing less than the establishment of a liberal, neo-Jacobine state. Admittedly, such a state can be committed to the protection or promotion of minority identities, but only so long as they willingly fit within a homogenizing, historically loaded, civic culture. Beyond this horizon, the liberal state is no longer available to guarantee the protection or promotion of minority identities, all the more so if they manifest themselves through ethno-nationalist expressions that are not those of the general public culture.

As long as we persist in looking for solutions within the liberal-democratic paradigm, the aboriginal question in Quebec will only continue to fester. Whether Quebec sovereignty ever becomes a reality or not, the aboriginal question stands as a reminder of the inherent limitations of a universalistic sociopolitical project. Today, Quebec is in the throes of a politics of competing identities. It is a game Quebecers know well and at which they are quite adept, but they are no longer playing it alone.

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## QUEBEC VERSUS ABORIGINAL RIGHTS TO SELF-DETERMINATION

by Reg Whitaker

Amid the various scenarios surrounding a "yes" vote in the Quebec referendum, there is one that stands out in its potential for conflict: the claim by aboriginal people that they have the right to opt out of an independent Quebec. In the aftermath of a "yes" vote, the aboriginal issue will be front and centre. It is about time for recognition of the aboriginal peoples' national rights. Yet, in this conjuncture, the danger is that aboriginal rights will be cynically manipulated as a kind of club with which to intimidate Quebec sovereigntists. This is a disservice to aboriginal peoples, which also opens the door to potential violence that will be to no one's advantage, whether Canadian, Québécois, or native.

### NATIONAL SELF-DETERMINATION: STATES VERSUS PEOPLES

One proposition that has gained some currency in the rest of Canada is that while Quebec, given a clear decision on a clear question, has the "right" to separate, the borders of an independent Quebec are negotiable. And native claims are the key to the borders question because they are expressed in the same language as the separatists' aspirations. These claims are often seen, both by Quebec and by aboriginal spokespersons, as contradictory, antagonistic, and incommensurate. Why should this be so?

There might be some broad consensus that claims to national self-determination have plausibility when the following conditions hold:

- 1) a people have developed clear self-consciousness of themselves as a distinct nation and

- 1a) could potentially form a viable nation-state;
- 2) their identities as members of this nation cannot be realized in their present political and economic conditions of citizenship, because:
- 3) another dominant group has imposed a state structure upon them that expressly denies their identity and/or actively seeks to repress it.

Quebec clearly answers to condition (1), but the argument fails at stages (2) and (3). Aboriginal claims are somewhat weak with regard to (1a), but are much stronger with regard to (2) and (3). We might summarize the differences in this way: aboriginal people have much stronger *moral* claims than the Québécois, but the latter have vastly greater political and economic power and capacity. Quebec's claims are taken seriously because the rest of Canada knows that Quebec could assume sovereign status, given the will of the Quebec people to take the risks associated with such a step.

Quebec's potential power does not diminish the political significance, and certainly not the moral weight, of aboriginal as against Québécois claims for self-determination. To privilege Quebec claims would be to assert that states, or potential *states*, are privileged over *peoples*. If aboriginal peoples cannot, for practical reasons, look to independent national statehood as a viable option, this consideration does not in any way weaken the claim to self-determination.

*Continued, see "Aboriginal Rights to Self-Determination" on page 88.*