

Support for a neoconservative social and economic platform has not disappeared, but it has suffered a major setback with the re-emergence of Clinton liberalism south of the border. To the extent that support remains in Canada, it is also being courted by the Conservatives and Liberals. Hence, the basic problem facing the RPC may be too many rats fighting over a shrinking piece of ideological cheese.

#### THE PROSPECT FOR A SHIFT IN THE WEATHER

It is, therefore, by no means surprising that the air has gone out of the RPC balloon. But what are the prospects that conditions might change in time for the upcoming federal election?

At best, the forecast is mixed. The ideological agenda is likely to be dominated by events in the United

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States and it is unlikely that Clinton's liberal agenda will disintegrate before the Canadian election. It is also unlikely that there will be any dramatic resurgence of western alienation or at least that there will be so without some major precipitating event taking place from outside the region. The most likely event would be a resurgence of Quebec nationalism and the reopening of the constitutional debate. This in turn could heighten more generalized discontent with the political system.

Thus, Quebec provides the most likely source of change for RPC fortunes. If Bourassa's cancer treatment is unsuccessful, if his retirement were to touch off a resurgence of nationalism, and if the federal election campaign were to feature two Quebec party leaders, Jean Charest and Jean Chrétien, battling

for the hearts and minds of Quebecers, then the stage could well be set for an RPC resurgence in English Canada. The currency of the counterweight argument could be quickly restored. This is the ideal RPC scenario, but it is also one that the party itself cannot bring into play. Conversely, the worst scenario is Bourassa's survival, continued quiescence among Quebec nationalists, and a change of leadership in the federal Progressive Conservative party that would bring a non-Quebecker to lead the party.

At present, the RPC is becalmed. If its sails are to fill again, the fresh winds are more likely to come from Quebec than from the west.

*Roger Gibbins is Professor and Head, Department of Political Science, University of Calgary. Western Report is a regular feature of Canada Watch.*



## QUEBEC REPORT

### BEYOND HONOUR AND ENTHUSIASM

*by Guy Laforest*

The Mulroney era in Canadian politics will soon be over. Joe Clark and Brian Mulroney announced almost simultaneously their respective intention to leave to others the direction of the ship of state. Beyond the pettinesses of personal feuding, I see in this no mere coincidence. Clark and Mulroney had come to represent the Old Canada, the country steeped in the political culture of 1867: a pragmatic approach to constitution making, elite accommodation, the value of ambiguity, and compromise over matters such as the definition of the political community. The

word "nation" is nowhere to be found in the 1867 *British North America Act*. Had they insisted on the necessity of a consensus on this symbolically central issue, the founders would probably have miserably failed. Their successors in the 20th century were not as wise.

I take it that Clark and Mulroney never really understood what occurred in 1982. In retrospect, we are beginning to realize that Pierre Trudeau achieved something of greater magnitude than Lincoln's realizations in the United States. Lincoln, for the United States, is the last founder. He modernized the work of his predecessors, but I would argue that he worked in continuation with them.

Trudeau did much more than that. He gave us a radically different political culture from the one we inherited from the founders in 1867. The new political culture feeds on popular sovereignty (although it was never ratified by the "people"), on individual advocacy of rights and group status. It seeks to establish a pan-Canadian code of values. Trudeau, like Rousseau's great law-giver, sought to foster a new civil religion for the nation. For it should have become clear to all of us by now, after Meech Lake and Charlottetown, that Canadian nationalism, rather than liberalism, was the overarching principle behind the 1981-82 patriation efforts.

Although not inimical to Canadian nationalism, Clark and Mulroney were first and foremost federalists. The two of them understood, more or less explicitly, that the one-nation dream of Canada would never sell in Quebec. Thus, in their constitutional efforts, they strove to restore the spirit of the federation, the principles of 1867. But if my intuitions concerning the meaning of 1982 are correct, this was an impossible task. Charles Taylor sent exactly the same mes-

sage to a stunned group of federalist liberals in his brief to the Bélanger-Campeau commission, light-years ago, in December 1990. He argued that to save the federal system, we would have to start anew.

Clark and Mulroney valiantly tried to repair the ship, but what we need is a new boat. Is there still time? What about the aspiring Tory captains? I shall turn to these questions in a future article. I wish to conclude this one with a matter that must be cleared once and for all.

It is often proclaimed in the English-Canadian media that Lucien Bouchard was a traitor to Mulroney, that he was ungrateful to the man

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who had opened all kinds of political doors for him. First, it must be recalled that Bouchard and his friends provided Mulroney with a platform, and with key allies, at a crucial time. It was Bouchard who wrote the Sept-Îles speech in 1984, when Mulroney pledged that Quebec would be brought back into the Canadian constitutional family, "dans l'honneur et l'enthousiasme." This was the spirit of René Lévesque's "beau risque" with the Tories. This platform brought Mulroney the broad Quebec nationalist-federalist vote.

Bouchard stayed with Mulroney until May 1990. Bouchard abandoned his friend on a matter of principle. He had become convinced, largely through the Charest report

affair, that Mulroney had been recaptured by the Canadian nationalists intellectually closer to Trudeau than to the alliance of MacDonald and Cartier. Bouchard left Mulroney politically, after the latter had abandoned the former intellectually.

It can reasonably be argued that Mulroney had no other choice during the last months of the Meech Lake saga, that as the prime minister of Canada he had to make compromises likely to bring onside New Brunswick, Manitoba, and Newfoundland. However, it can also be argued that what these provinces wanted was the predominance of the 1982 political culture over its 1867 counterpart. They wanted Canada to be a nation first and foremost, rather than a federation. The Report of the Manitoba Task Force is particularly instructive on this score. Meech Lake would have refashioned a fragile equilibrium between 1982 and 1867. When Mulroney altered the equilibrium in May 1990, Bouchard made his move. Not before.

The departure of Clark and Mulroney is received with a certain sadness in Quebec. These were honourable men who attempted to construct a generous definition of the Canadian federal community. The famous motto "My Canada includes Quebec" would never have been claimed by them in a way similar to the infamous motto we hear these days, "My Serbia includes Bosnia." Clark and Mulroney used all the tricks in their political struggles, but they were on the side of civility. Can this be said about all political leaders and opinion makers in contemporary Canada? Readers should ponder the question and answer for themselves.

*Guy Laforest is Associate Professor of Political Science/Département de science politique, Université Laval. Quebec Report is a regular feature of Canada Watch.*

## LEGAL REPORT

### CAMERAS IN THE LEGISLATURE: STRANGERS OR WATCHDOGS?

by Jamie Cameron

In *Donahoe v. CBC*, the Supreme Court of Canada held that the *Charter of Rights and Freedoms* does not protect the CBC's right to televise proceedings in a provincial legislature. Given a jurisprudence that is reluctant to acknowledge a distinctive role for the press, the court's unwillingness to endorse a right of television access under s. 2(b) of the Charter was less of a surprise than the conclusion that parliamentary privileges, including the right to eject strangers, are immune from the Charter. Citing "curial deference," the court held that our representatives are not legally accountable when exercising those privileges.

#### CAMERAS IN THE LEGISLATURE

Arthur Donahoe, speaker of the Nova Scotia House of Assembly, refused the CBC's request to film its proceedings from the public gallery. In Nova Scotia, the Trial Court and Appeal Divisions both found that s. 2(b) prohibited the speaker from denying television access to the legislature's public proceedings.

The Supreme Court of Canada allowed the appeal and dismissed the CBC's claim. Of the eight judges who decided the case, only two found that the Charter applies. Although Sopinka J. upheld the speaker's restrictions under s. 1, Cory J. alone would have protected a right to televise legislative proceedings under s. 2(b)'s guarantee of press freedom.