

Laxer of the University of Alberta recently noted, asymmetry might actually have some appeal for western Canada: when Quebec MPs do not vote on a measure, western and Atlantic Canada will control a majority of the House seats.

In sum, this most recent episode clearly proves, if proof were still necessary, that the Canadian constitution cannot be revised without affording greater powers to Quebec. Given the continued support of English Canada for a strong federal government, accommodating Quebec means asymmetrical federalism. In all likelihood, such a formal asymmetry in powers would complicate the functioning of our central institutions, and would require a certain degree of innovation and even improvisation. That, however, might be a small price to pay when compared with the costs in energy and time of Canada's interminable constitutional debate.

The problem is that we may have just missed our last opportunity to put this option to work. A great many Canadians have concluded from this last episode that Canada's constitution *cannot* be revised. Few political leaders will be prepared to risk yet another fiasco. Thus, when Quebecers once again raise the constitutional question, as inevitably they will, the response will be that there is only one alternative to the status quo — Quebec sovereignty. Under these conditions they may well conclude that sovereignty is the answer. Compared with the potential costs of this answer, for Quebec and for the rest of Canada, asymmetry looks like a bargain.

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## AFTER THE REFERENDUM

by Ramsay Cook

Once the noxious rhetorical gases generated by the referendum have dissipated, the good sense of the majority of Canadian voters may gradually become obvious — and for two reasons. For a time, the constitutional question, or at least the Quebec-Ottawa part of it, will slip to the margins of the political agenda. A minor, but only temporary, respite. More important, however, is what the voters said about the future options available to constitution makers in Canada. What they said is hardly novel, but they shouted it so loudly that not even a journalist should mistake the message.

### QUEBEC'S QUEST FOR SPECIAL STATUS

Over the last 30 years, two constants have been present in our constitutional discussions, and those constants were reaffirmed during the referendum. The first has been Quebec's quest for a status reflecting its self-description as "une province pas comme les autres." The second constant has been the unwillingness of the other provinces, or the federal government, to accept that claim at least as far as it involved transferring federal powers to Quebec alone. Out of the conflict between these views has emerged a view of the federation that was once rejected by most scholars and federal politicians — namely, a federalism in which all provinces are equal with a central government that is merely *primus inter pares*. Ironically, this view of the federation has actually reduced the *de facto* "special status" that Quebec has traditionally had in such matters as Senate representation and in constitutional amendment.

Quebec's quest for a formal "special status" under whatever name — "two nations," "distinct society,"

"asymmetrical federalism" — represents an understandable attempt to enjoy the benefits of both federalism and independence. As often as not, it is advocated by politicians and academics who view "special status" as a version of *étapisme*, the gradual evolution of Quebec from colony to province to "distinct society" to nation. It is almost invariably the position of those who have only a marginal interest in the efficient

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operation of the Ottawa level of government since their primary, sometimes exclusive, focus is on Quebec. That probably explains why no advocate of "special status" has ever seriously attempted to provide a blueprint explaining the manner in which "asymmetry" would work — that is, the role of Quebec federal members of parliament in areas where Quebec had withdrawn from federal jurisdictions. Philip Resnick has at least made an attempt, but the result is hardly promising.

### TWO CONCERNS

The rejection of the "special status" option by non-Quebeckers has reflected two concerns. The first is the suspicion that "special status" really means "special" treatment — as, of course, it does, although special treatment may be justified. More significantly, however, "special status" has been looked at skeptically

because most federal and provincial politicians cannot conceive of a system in which one province operates on a half-in, half-out basis. The problem here is simple: the advocates of "special status" have never proposed a workable plan — except, of course, the open-ended ad hocery of opting out.

During the Trudeau-Lévesque years, the "special status" option virtually disappeared, only to return, smelling of mothballs and the Queen's

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University Institute of Intergovernmental Relations, as federal Conservatives celebrated the shotgun nuptials between Brian Mulroney and Lucien Bouchard at Meech Lake. The October referendum once again demonstrated that the "special status" option remains unacceptable outside Quebec while its appeal in Quebec remains strong. So what conclusions should be drawn?

The first is that Quebec federalists must now face the obvious conclusion that there are really only two options for their province. One is independence, the logical choice for Jean Allaire and Mario Dumont. The other is a federal system not very different from the existing one in which Quebec's distinct society will be protected by the efficient exercise of its existing powers, its political clout at the federal level, the notwithstanding clause and a pragmatic, gradual redistribution of powers as need is demonstrated. As Quebeckers are weighing these options, Canadians elsewhere in the country will have to realize that they will be obliged, in the near future, to accept Quebec's

choice in the full understanding that the preferred choice may well be independence. This clearing of the air is the first benefit of October 26.

#### THE ABORIGINAL ISSUE

The second benefit is that the issue of self-government for the native people can, or at least should, now be treated separately from the other questions with which it was unfortunately entangled in the Charlottetown Accord. If the various governments, separately or together, can take the framework for self-government established in the Accord and flesh it out in a way that will remove the doubts of both natives and non-natives about the many fuzzy edges left unspecified at Charlottetown, there is no reason why this issue should not be amicably resolved. Some native leaders have emerged from the referendum depressed and bitter, and that is understandable, but their task may have been made easier in the long run if they can now present the case for self-government as valuable in its own right rather than as simply a bargaining chip in the larger constitutional lottery that federal-provincial relations has become since 1984.

One can only hope that the native people and their supporters will press at once for renewed discussions of self-government because that would result in yet another positive result. It might prevent the Mulroney government from fulfilling its promise to concentrate exclusively on the economy. Given the government's record in that field to date, single-minded concentration may produce results even more disastrous than its record on the constitution.

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## CANADA AFTER CHARLOTTETOWN

### Picking up the pieces won't be as easy as some imagine

*by Patrick J. Monahan*

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In the weeks immediately following the October 26 referendum, political leaders and pundits were literally tripping over themselves in their hurry to minimize the consequences of the sweeping "no" vote. The same authorities who had been predicting dis-

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*"Some have argued that Charlottetown was simply the rejection of a particular set of amendments and does not foreclose negotiation of a 'better deal' in the future. But the practical problem is in imagining what this 'better deal' would look like."*

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aster if the Accord were defeated now suddenly reversed course. With the body still warm, we were told that the death of Charlottetown was not a "no" to Canada, but rather a "no" to the country's political elites and a "no" to a bad deal.

The money markets certainly seemed persuaded. On October 27, the Canadian dollar held firm and the Toronto Stock Exchange registered its third biggest gain of the year. Onward to the economy!

But the consequences of the failure of Charlottetown are unlikely to be as insignificant as these post-referendum analyses would have us believe. The defeat of the Accord is likely to provide a major boost to the forces of fragmentation, regionalism, and division, at least over the medium to long term.

Consider the following political realities facing Canada after the defeat of the Charlottetown Accord.