

and despite current protestations by the prime minister to the contrary, there is no question that the package would be reopened to make it more attractive for Quebec.

Even though it might appear that the west has nothing left to give in that event, it is possible with some effort to imagine a Senate deal that would be even worse. It would thus be better for western Canadians to also vote "no" if Quebecers do so, because a more general rejection of the package would not be an invitation to address Quebec's concerns alone. If western Canadians have their wits about them, their vote will be driven by the Quebec vote, or at least by perceptions of what that vote is likely to be.

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

QUEBEC REPORT

THE GOSPEL ACCORDING TO SAINT PIERRE

by Guy Laforest

Try to imagine just for one moment that the Catholic Church has given itself a new pope a few years ago, but that the old one has not died. The former pope is, indeed, alive and well, secure in the knowledge of his own infallibility. When the ancient pope considers that the church is drifting away from the course he had so skilfully steered — at least to his own error-proof eyes — he takes his sharpest pen to denounce the heretics of the day.

This would certainly be a weird situation for the church. Its leaders could turn to contemporary Canada for some advice and consolation. For there is a person whose role is akin to that of an old infallible pope in the politics of our country. The ancient pope is from Quebec and his name is Pierre Elliott Trudeau.

TRUDEAU'S OPENING SALVO

L'Actualité and *Maclean's* published in the last week of September an article by Pierre Trudeau, a sharp denunciation of the blackmail tactics supposedly imposed by Quebec and its politicians on the Canadian federation. This is only the first act in the former prime minister's referendum campaign of 1992. More fireshots are to be expected. On October 1, Mr. Trudeau will lecture the patrons of *Cité libre* at their regular meeting in a Montreal restaurant. His topic will be nothing less than the obsession of his own lifetime: the miseries of Quebec nationalism. After that, his plans remain unknown for the moment. It is widely believed, however, that he

will pronounce himself at some point against the Charlottetown Accord.

Mr. Trudeau's pamphlet should not have taken anybody by surprise. In a book released a few days after the publication of his article, I argue that as the founder of a new constitutional order for Canada in 1982, Mr. Trudeau is bound by every fibre of his personality to go on the offensive every time he considers under threat the greatest fruit of his political efforts (see Guy Laforest, *Trudeau et la fin d'un rêve canadien*, Sillery: Les Éditions du Septentrion, 1992, p. 19). Mr. Trudeau's attack against the recognition of Quebec as a distinct society, in the Canada clause of the Consensus

"Mr. Trudeau was not satisfied by such a victory. He did not want merely to triumph over his adversaries; rather, he desired their complete annihilation."

Report on the Constitution, was equally predictable. "Distinct society" smacks of duality, of two nations and two founding peoples. Throughout the Meech Lake saga, Mr. Trudeau and his disciples repeated that any concession made to the dualistic vision contributed to the weakening of the sense of Canadian nationhood fostered by the *Constitution Act, 1982*, particularly by the *Charter of Rights and Freedoms*. In the September 1991 proposals of the federal government, as well as in the Beaudoin-Dobbie Report, one could see that every effort had been made to prevent the emergence of criticisms like those Mr. Trudeau had lashed out at the Meech Lake Accord. The distinct society clause was defined in a way that discouraged any attempt to affirm the existence of a nation, or a people, formed by all the citizens of Quebec. Moreover, it was placed in sections of these documents that proclaimed the existence of a single Canadian identity, strengthened by the common

values cherished by all Canadians. Despite this obvious recuperation of Mr. Trudeau's language, from the federal proposals in September 1991 to the Charlottetown Accord in August 1992, the old pope remains adamant in his opposition.

THE TRUDEAU PHILOSOPHY

It is my contention that the Meech Lake Accord, if it had been ratified, would have left intact the preponderance of Mr. Trudeau's vision of the Canadian federation. The political culture of symmetrical treatment granted to individuals and provinces alike would have continued to penetrate deeper and deeper within the Canadian social fabric. Through the distinct society clause, the Accord would

"When the history of tragedy in the twentieth century will be written, Canada and Quebec will not be mentioned too frequently, but the historians of the future will likely take a few pages to explain how the most gifted politician in Canada came out of his retirement, ... to pit ... national communities in his country one against the other, and all this ... to obtain a total victory against his ideological enemies."

have opened some limited space for the dualistic vision held by Quebec nationalists, but not more than that.

Mr. Trudeau was not satisfied by such a victory. He did not want merely to triumph over his adversaries; rather, he desired their complete annihilation. There is something profoundly immoderate in such an ambition. I also think that such an attitude, coming from the most important politician in twentieth century Canada, is potentially very dangerous for our political system. Mr. Trudeau's article in *L'Actualité* and *Maclean's* is dominated by such an absence of moderation. In his own dictionary with regards to politics in

Canada and Quebec, the word "doubt" does not appear.

THE TRUDEAU LEGACY

It is hard to guess at this time what effect Mr. Trudeau will have on the referendum campaign of 1992. He will certainly make it more exciting, although the past two weeks have displayed their share of fascinating events. Whatever the results of the referendum, I would claim that Mr. Trudeau has provided us with a rare eruption of tragedy in our public affairs. When the history of tragedy in the twentieth century is written, Canada and Quebec will not be mentioned too frequently, but the historians of the future will most likely take a few pages to explain how the most gifted politician in Canada came out of his retirement, on two occasions, to pit the various national communities in his country one against the other, and all this in order to obtain a total victory against his ideological enemies.

As a critic of Mr. Trudeau who continues to respect and admire a number of his achievements, I must say I expected more from his years of freedom and lucidity in retirement. He had, and still possesses, the intellectual means to write books on such topics as nationalism in the twentieth century or, if he had wanted to liberate himself from this topic, on the cultivation of the self according to Seneca, or even on the seventeenth century French moralists such as La Rochefoucauld and La Bruyère. These ventures in the world of his youth would have been more edifying for future generations of Canadians and Quebecers than the negative pathos surrounding him in the months of our political discontent.

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

LEGAL REPORT

APPOINTING SUPREME COURT OF CANADA JUDGES

Would a more open process threaten or bolster the court's legitimacy?

by Jamie Cameron

THE EMPTY SEAT

On June 5, 1992, William Stevenson, puisne judge of the Supreme Court of Canada, retired after serving for less than two years. His resignation due to illness has revived concerns about the process of judicial appointment in Canada. Since 1977, at least nine judges on Canada's highest court have stepped down before mandatory retirement at age 75. And four months later, as the court prepares to commence another term of hearings, the federal government still has not filled the vacancy.

Delay has underlined the politics of choosing a successor in this case. By convention, the next appointee should be from a western province. Former Justice Stevenson's tenure was so brief that it is unclear which province is "entitled" to fill his position. Any appointment now, in the midst of a national referendum campaign, will unavoidably be political.

THE CHARLOTTETOWN ACCORD

The Charlottetown Accord would entrench the Supreme Court of Canada in the constitution, and guarantee its current composition of nine members, including three from the civil law bar of Quebec.

At present, there are no restrictions on the prime minister's power