The Compatibility of Equal Individual Rights and Recognizing Difference:
Recognizing Quebec as a Nation within Canada

By: Melissa Perri, B.A.

Thesis submitted to: Faculty of Graduate Studies and Research
In partial fulfillment of the requirement for the degree of Master of Arts

Department of Law

Carleton University

Ottawa, Ontario

May 6, 2003

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Recognizing Quebec as a Nation within Canada**

Submitted by

Melissa Perri, B. A. Hons.

**in partial fulfilment of the requirements for
the degree of Master of Arts**

Thesis Supervisor

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May 2003**

Abstract

This study examines the need for recognition of Quebec as a nation, within Canada, in order that it may protect and promote its “distinct society.” It will consider the extent to which demands for group rights are compatible with individual rights, in order to ensure that minority groups (i.e. immigrants and Anglophones), within Quebec, may also have access to their cultural identity. The Québécois and minority groups may make competing claims for recognition. The project proposes to examine the legitimacy of claims for recognition made by the Québécois and minority groups and it will consider whether the competing claims can be reconciled. The project looks at the possibility of ensuring that all groups, Quebec and minorities, and all individuals, can preserve their identity, simultaneously, within Quebec and Canada.

Acknowledgments

I would like to thank Professor Bartholomew and Professor Purvis for their support and their feedback. I would also like to thank my mom, dad and David for their continuous support and encouragement. Michael, thank you for always believing in me. Carissa, my Western Canadian friend, although we often disagree, you provide me with the 'other' perspective. I would like to thank my family and our countless discussions of the Quebec-Canada debate, those discussions have been a source of inspiration for me. Claudia and Eric, I dedicate this thesis to the both of you and I hope that if there is a third referendum, you may decide to vote 'No.'

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The Compatibility of Equal Individual Rights and Recognizing

Difference: Recognizing Quebec as a Nation within Canada

Introduction

In this thesis I attempt to explore a possible solution in order that Quebec and the rest of Canada may put an end to their constitutional bickering and reach an agreement. This, however, is no simple task, for there have been three attempts at constitutional renegotiations, without success; that is, without resulting in an agreement that was accepted by both Quebec and the rest of Canada. One problem with coming to an agreement is that Quebec seeks recognition as a 'distinct society', within Canada, while the rest of Canada supports equal individual rights. Therefore, there is an ideological conflict between Quebec's demand for the recognition of its difference and the majority of the rest of Canada's support for the politics of universalism.

In chapter 1, I explore this conflict focusing mainly on Charles Taylor's argument advanced in his article "The Politics of Recognition" (Taylor, 1994). I will argue that recognition of a group's particularity through granting group rights can be compatible with a commitment to individual rights. I will attempt to demonstrate that group rights are necessary in order to ensure equality between the majority and minority groups. What I suggest needs to be accepted, is that Canada is a multination state and, as such, any uniform conception of identity is unjust. The current Canadian Constitutional language is reflective of the majority's unitary vision of the country; as a result, what is needed is "mutual recognition" between all groups. However, I will argue that asymmetrical

recognition between the rest of Canada and Quebec is required, for the majority English-speaking Canada has a greater responsibility for ensuring that French Canadians are given due recognition, as they are a national minority.

I will argue throughout this thesis that Quebec, the province, is a nation. Not a nation-state and therefore an independent, sovereign state, but a nation, within Canada, defined by a form of civic nationalism, and not the much more exclusionary and, therefore, problematic form of ethnic nationalism. In chapter 2, I will explore the historical development of Quebec nationalism and the desire to be recognized as a distinct society within Canada. I will also examine the three attempts at Constitutional negotiation the aim of which was to recognize Quebec as a distinct society, each of which failed. In addition, I will explore the reasons why Quebec feels it is a distinct society and the urgency of granting Quebec such recognition.

In chapter 3, I will turn my focus away from Canada-Quebec related issues and explore the potential problems with recognizing Quebec as a nation; as such recognition may have exclusionary consequences for those individuals and groups who do not fit the pre-political conception of the nation's identity. That is, if the Québécois identity is based on a form of ethnic nationalism (i.e. race and descent), then the nation will be exclusionary toward its internal minorities. Therefore, I will argue that, in order for minorities within Quebec to be included in the conception of the nation, the Québécois identity needs to be based on a form of civic nationalism. I will continue by examining the extent to which Quebec society is open to immigrants and Anglophones and whether minorities within Quebec can be considered as Québécois. I will consider whether reconciliation is possible between the claims made by Quebec and minorities. Reconciliation, I believe, is possible when advanced through Peter Swan's dialogical

orientation, who argues for a “more procedural model of justice”, which is the institutionalization of procedures legally guaranteeing all citizens’ rights (including minorities) to participate in the decision-making process (Swan, 1996, p. 189). In my conclusion, I will explore James Tully’s reference to *The Spirit of Haida Gwaii* and how this portrayal can be used as an example for Canada, Quebec and cultural minorities to come “together in difference” (Young, 1993, p. 124).

Throughout history, the term used to identify French Canadians has not remained the same. During the time of New France, they were referred to as *habitants*, then later as *Canadiens*. After the Quiet Revolution there was a shift from *French Canadians* to the now used term *Québécois*. I will use the term French Canadians when discussing the historical development of Quebec nationalism up to the Quiet Revolution of the 1960’s and then I will use the term *Québécois*. Up until the Quiet Revolution the demand for recognition was less Quebec centered. However, with the growing discontent toward the federal government, French Canadians, concentrated mostly in Quebec, felt that the Quebec government would better defend the interests of French Canadians, which resulted in a shift in the demand for recognition of French Canadians to the recognition of Quebec as a distinct society. This shift will be explored in chapter 2. In chapter 1 and 2, I use the term *Québécois* to refer to those people who are *Québécois* by birth. However, in chapter 3, I will argue that identity is not static and therefore, the identity of who is *Québécois* also needs to change, in order to include minorities. Therefore, I envision a future where all citizens living in Quebec society may be considered *Québécois*.

Chapter1

Equal Individual Rights and Recognizing Difference: Are they Compatible?

Canada is a multicultural and multinational society, with two national minorities, Aboriginals and French Canadians. Both the Aboriginals and the Québécois demand federal government recognition of their identity. In this thesis, the central focus is Quebec's demand for recognition as, not only a distinct society, but also as a nation *within* Canada. However, the demand for such recognition of Quebec's difference within Canada comes into conflict with the ideal of equal individual rights, which is supported in the rest of Canada. Therefore, there are conflicting beliefs over how best to ensure the identity of individuals and groups – is it best achieved by relying on equal individual rights, universally shared by all with no special or different rights for certain groups, or is it best achieved by granting different rights to groups in order that they may better protect the survival of their culture?

In dealing with this question, I will explore Charles Taylor's article "The Politics of Recognition."¹ I believe that Taylor justifiably deals with this issue, as he argues that the recognition of difference does not necessarily conflict with the principle of equal individual rights. As such, I believe that Taylor's argument can convincingly demonstrate that individual and group rights are compatible, therefore, providing a satisfactory solution to the conflicting ideals held by the rest of Canada and Quebec.

¹ Taylor's article is followed by an article written by Jürgen Habermas entitled "Struggles for Recognition in the Democratic Constitutional State", which deals with the politics of recognition from a different theoretical perspective.

Identity, Taylor argues, is of central importance to all individuals. We all want to ensure that we are able to define our own identity, based on our own understanding of who we are. According to Taylor, there is a link between recognition and identity. He argues that “our identity is partly shaped by recognition or its absence, often by misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves” (Taylor, 1994, p. 25). As a result, Taylor views recognition as a vital human need, for identity is a crucial part of every individual and as Herder stated, every one of us has “an original way of being human” (Taylor, 1994, p. 30). Thus, our originality is something only we can articulate, which we do, not only alone, but also in dialogue with others. In order to understand the connection between identity and recognition, Taylor argues that we need to look into the crucial feature of human life, which is its fundamentally dialogical character. Thus “we define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us.” Given that identity is shaped through dialogue with others, recognition of our identity is important (Taylor, 1994, p. 33). Without recognition, the “dialogue” will, in fact, be monological in nature, thus the parameters and the language of expression in defining one’s identity will be set by others who may have no understanding of one’s identity. As a result, our identity can be “malformed through the course of our contact with significant others” without recognition (Taylor, 1994, p. 36). Therefore, for an individual or group to have their identity assured, recognition is needed, because recognition is the acceptance of an individual’s or group’s identity defined in their own terms.

This link between identity and recognition leads to the question of whether recognition of identity is best ensured through individual rights or group rights. I will explore the issue of whether individual rights are compatible with group rights, and whether it is possible to grant recognition to certain groups and still ensure individuals, both within the group and those not belonging to the group, the ability to protect their identity. However, this latter question will be dealt with in chapter 3. The debate about whether or not a state should legally recognize difference is especially pertinent to Canada as it continues to deal with Quebec's desire to be recognized as a distinct society. The key issue is that Quebec seeks recognition of its difference, whereas the rest of Canada favours equal individual rights. In the past there have been three attempts at recognizing Quebec as distinct: the patriation of the Constitution in 1982, the Meech Lake Accord in 1987, and the Charlottetown Accord in 1992, which will be explored in chapter 2. However, these attempts failed and at the present the question has yet to be resolved in a manner in which both Quebec and the rest of Canada can be satisfied.

The continued unwillingness to recognize Quebec as distinct fuels the anger of Quebec nationalists and increases support for sovereignty. Therefore, I argue that the rest of Canada needs to address the historical grievances that Quebec holds or face the potential break-up of the country. This may seem extreme, but I will argue that it is necessary. The core difficulty in addressing the 'distinct society' issue is that Quebec and the rest of Canada hold competing national visions. I believe that reconciliation between the two national visions is possible; however, I will argue that the majority English-speaking Canada bears a greater responsibility to Quebec and that asymmetrical recognition is necessary since the Québécois are a minority within Canada. For reconciliation to occur, I suggest that the rest of Canada needs to accept three principles:

First, it should recognize that group rights are necessary for ensuring equality between the English-speaking majority and the Québécois minority. Second, the rest of Canada needs to recognize that Canada is a multination state, and thus any uniform conception of Canadian identity is unjust. And finally, the rest of Canada needs to realize that the current Constitutional language is reflective of the rest of Canada's unitary vision of the country; and that in order for the Constitution to better reflect the multinational character of Canada, all parties must be willing to engage in an "intercultural dialogue" to ensure mutual recognition.

In order for the collective difference of the Québécois to be legitimately recognized in the Canadian Constitution, the Quebec government also has responsibilities, the most important of which is respecting the individual rights of minorities within its society. I believe that it is possible to recognize Quebec's identity as a distinct society, thereby granting Quebec a group right, on the one hand, and ensuring the respect of immigrants and Anglophone's in Quebec society, on the other hand. This issue will be explored in chapter 3. The question of why Quebec is a distinct society, or perhaps a nation, will be dealt with in chapter 2. In this first chapter, I will begin by exploring the issue of whether individual and group rights are compatible.

Section 1: Recognizing Difference in a Liberal Society

Charles Taylor distinguishes between two different meanings of the discourse of recognition. First, is the politics of universalism, which focuses on the equal dignity of all citizens that has resulted in the equalization of rights, and is based on the idea that “all humans are equally worthy of respect” (Taylor, 1994, p. 41). It is considered universal because all individuals are given the same opportunity, or as Taylor argues, they are given “an identical basket of rights and immunities” (Taylor, 1994, p. 38) for forming, defining and revising their own identity as individuals and as members of their respective cultures, and this must be respected equally in everyone. What is to be avoided, according to this view, is a hierarchical structure of citizenship (Taylor, 1994, p. 37). Such a view, of equal individual rights, is favoured in the rest of Canada, as is demonstrated by the strong support for the Charter of Rights and Freedoms.

Second, is the politics of difference, which seeks to grant recognition of the distinctive identity of an individual or group. In this view, it is this distinctness that has been ignored and assimilated into the majority identity (Taylor, 1994, p. 38). Such a view is held by Quebec, as it demands to be recognized as distinct from the majority English-speaking Canada. Recognition of Quebec’s difference is considered necessary by many if Quebec is to maintain its cultural viability. Furthermore, Quebec argues that the universal principles favoured within the rest of Canada (i.e. the politics of universalism) are in fact a reflection of one hegemonic culture, that of English-speaking Canada. Thus the principles of universal equal rights are viewed as denying Quebec’s identity, “by forcing [them] into a homogeneous mold that is untrue to them” (Taylor, 1994, p. 43). In this view, this assimilation is considered “the cardinal sin against the ideal of authenticity”

(Taylor, 1994, p. 38); for the universal principles pose certain obstacles for the Québécois in defining their identity in their own terms. Rather, they are forced to define their identity by terms that have been predetermined by the majority.

Taylor argues that these two approaches to the politics of recognition come into conflict. The politics of universalism believes in the principle of equal respect, whereas the politics of difference recognizes particularity. The tension between the two is evident in the Canadian debate over 'distinct society' status for Quebec. The issue of distinct society centers around the claim made by the rest of Canada that such a collective goal is incompatible with the individual rights guaranteed in the Canadian Charter of Rights and Freedoms. For the Québécois, distinct society status is viewed as necessary for the survival of the French language and culture. However, the rest of Canada is concerned with the fact that Quebec will be able to place certain restrictions on its population; examples are that French must be the only language used on commercial signs and the regulations concerning who is eligible to attend English language schools. The issue is the disparity between having these restrictions, where such restrictions would not be permitted in other Canadian provinces due to the Charter of Rights (Taylor, 1995, p. 55). The fundamental question, according to Taylor, is whether or not this variation is acceptable. That is, the Québécois seek recognition of difference, but can this be granted without being seen as a threat to the equal dignity of individuals?

The Charter of Rights defines a set of individual rights and it also guarantees the equal treatment of citizens. For the rest of Canada, granting Quebec group rights or recognizing cultural difference, may be viewed as violating the provisions of the Charter. The concern is that the "collective goals may require restrictions on the behaviour of individuals that may violate their rights" and promoting the collective goals of a group

can be thought to be “inherently discriminatory” (Taylor, 1994, p. 55). The conflict revolves around which ideas should take precedence: the view that all citizens must be treated equally, or the view that a group’s substantial difference within a society should be acknowledged.

According to Taylor, group rights and individual rights are potentially compatible. A society, Taylor argues, “can be organized around a definition of the ‘good life’, without this being seen as a depreciation of those who do not personally share this definition” (Taylor, 1994, p. 59). So long as a society with collective goals respects the diversity of its society (especially when dealing with those who do not share its collective goals) and it offers adequate safeguards for fundamental rights, the society can be just (Taylor, 1994, p. 59). Taylor argues that the politics of universalism has the potential to be homogenizing, violating the authenticity of a culture and inflicting misrecognition on a group by refusing to protect the survival of their culture. Thus, Taylor favours the recognition of collective goals and he supports the use of public policy in order to guarantee the survival of an endangered culture, such as Quebec’s French culture (Taylor, 1994, p. 59). The rest of Canada needs to recognize that the interests of Quebec differ from the interests of the rest of Canada², and as such, the means through which they advance their differing interests will also vary. However, at present, the means have been determined by the rest of Canada, consisting of an English-speaking majority, thus limiting Quebec’s ability to pursue their interests through the necessary means.

The rest of Canada, I believe, remains committed to a form of the politics of universalism, which Taylor argues “is inhospitable to difference, because it insists on

² With regards to French Canadians outside Quebec, the federal government has a responsibility in ensuring they have the ability to protect and maintain their language and culture.

uniform application of the rules defining these rights, *without exception*, and it is suspicious of collective goals” (Taylor, 1994, p. 60). Such a view of liberalism, held by the rest of Canada, is homogenizing and it remains unwilling to help sustain what members of distinct societies really desire, which is survival (Taylor, 1994, p. 61). Similar to Taylor, James Tully argues that justice requires the recognition of different cultural ways of life and that the multiplicity of views must be taken into consideration in decisions regarding constitutional association. However, where the diverse cultures are either excluded or assimilated the constitutional order is unjust (Tully, 1995, p. 6). Canada, I will argue throughout this thesis, is a multination state, and once the rest of Canada recognizes this, it will become clear that the rigid model of liberalism that tends to prevail is unjust in a multinational community, in which more than one national culture seeks to survive. What is crucial, as Taylor argues, is the willingness to reconsider the importance of certain forms of universal treatment and recognize the importance of cultural survival (Taylor, 1994, p. 61). The reason why I believe Quebec has the right to cultural survival will be addressed in chapter 2, however, for the moment, my argument centers on Quebec’s need for recognition of its distinct culture in order for the Québécois to have access to their culture, defined by their own standards, not just now, but also in the future. However, I am not advocating a static conception of culture, and I will explore the fluidity of cultural identity in the subsequent chapters.

According to Taylor, “the view that individual rights must always come first, and along with non-discrimination provisions, must take precedence over collective goals, are often speaking from a liberal perspective that has become more and more widespread in the Anglo-American world” (Taylor, 1994, p. 56). The principles in the Charter are not necessarily representative of “our” values and principles as Canadians, for this only forces

a homogenizing mold of the unicultural Pan-Canadian identity held by the rest of Canada. Tully, similar to Taylor, argues that a constitution cannot avoid recognizing any cultural difference, because constitutions in their modern form are representative of the culture of the majority and as such represent the imposition of an “imperial yolk” on minority cultures and nations (Tully, 1995, p. 7). To deal with such concerns justly requires “mutual recognition” and an examination of the constitutional language; the former issue will be discussed in section 2.

For a constitution to be regarded as just it is first necessary to investigate whether the language used in discussions for recognition is in fact just: that is, do the means available adequately allow individuals and groups the ability to defend their interests (Tully, 1995, p. 34)? A central concern for Tully is that “the language employed in assessing claims to recognition continues to stifle cultural differences and impose a dominant culture, while masquerading as culturally neutral, comprehensive or unavoidably ethnocentric” (Tully, 1995, p. 35). With regard to the Charter, the government of Quebec argued that it was an imposition of the dominant English-speaking Canadian culture over Quebec’s distinctive French language and culture. The concern for Quebec was (and continues to be) that the French language and culture has always been in a minority position in its dealings with the majority English-speaking Canada and what Quebec seeks is recognition of its cultural distinctiveness, in order that it amend its minority position (Tully, 1995, p. 12). What Quebec seeks is the *recognition* of its cultural distinctness, which the Canadian Charter of Rights and Freedoms overlooks. However, a problem to achieving such recognition is that the rest of Canada favours the equality of the provinces. Their belief in the equality of the provinces is coupled with their support for equal individual rights (i.e. politics of universalism). Thus their

unwillingness to recognize that Quebec is a province unlike the others correlates with the rest of Canada's unwillingness to recognize difference in the granting of rights for minority national cultures.

With regard to the Charter, it is not that Quebec does not support the respect of individual rights, (which I will make clear in chapter 3) for Quebec does uphold a commitment to individual rights, which are enshrined in its own Charter, the Quebec Charter of Human Rights and Freedoms (Government of Quebec). The issue is that the Québécois seek recognition of difference to ensure their cultural survival and as a result, there may be instances in which their collective goals and the rights of individuals living within Quebec come into conflict. Consequently, there will be occasions in which Quebec's collective goals will take precedence over the individual rights of its citizens, for as Taylor argues, "one has to distinguish the fundamental liberties, those that should never be infringed and therefore, ought to be unassailably entrenched, on the one hand, from privileges and immunities that are important, but that can be revoked or restricted for reasons of public policy, [in order that the group secure the survival of their culture] – although one would need a strong reason to do this – on the other" (Taylor, 1994, p. 59). Therefore, as long as Quebec has a commitment to respecting the diversity of its society and it upholds fundamental rights; there are occasions in which placing Quebec's collective goals as a primary concern is justifiable.

This should not be seen as a contradiction because, as Taylor argues, a political culture cannot be entirely neutral; given that there is no one favoured conception of the 'good life', disparities in the application of rights will result (Taylor, 1994, p. 62). The fact remains that it is impossible to have complete "separation of state and ethnicity" (Kymlicka, 1995, p. 115); given the fact that issues such as public holidays and national

symbols are a reflection of the historical roots of the state, or nation. As I will explore further in chapter 2, Quebec is a nation and as I have been arguing thus far, Quebec seeks recognition and protection of its distinct culture. It is false to assume that through respecting equal individual rights a society can remain neutral to questions of the 'good life' because, as Taylor argues, "substantive distinctions of this kind are inescapable in politics" (Taylor, 1994, p. 62). Just as Quebec makes decisions regarding issues like immigration, language and education, the federal government of Canada is faced with the same issues.³ Immigrants entering Canada, outside Quebec, integrate into the English-speaking society and they typically attend English schools.⁴ Thus even a society that favours the politics of universalism simultaneously favours the recognition of the dominant English-speaking Canada's culture. If this poses no contradiction for English-speaking Canada, it should not be viewed as a potential injustice in Quebec.

³ Habermas deals with this issue in "Struggles for Recognition in the Democratic Constitutional State" (1994).

⁴ There is, however, a section in the Canadian Charter of Rights and Freedoms granting minority language educational rights, where numbers warrant; thereby providing access to French schools for Francophones living outside Quebec.

Section 2: Constitutional Justice and the Need for Asymmetrical Recognition

The problem with the Canadian Charter of Rights and Freedoms, I believe, is not that it severely hinders Quebec's ability to protect and promote its culture. Rather, it is the fact that the Charter institutionalizes the universal equality of all individuals (i.e. politics of universalism), thus failing to recognize Quebec's distinctiveness. The Charter, therefore, not only institutionalizes the equality of individuals, at the expense of recognizing difference, it also institutionalizes the equality of the provinces. Quebec rejects, on the one hand, the failure of the Charter to recognize difference; however, this does not mean that it rejects the protection of individual rights. On the other hand, Quebec rejects the equality of the provinces principle.

How can the Canadian Charter of Rights and Freedoms be regarded as just by Quebec, if during the Constitutional discussions Quebec's demands were not taken into consideration? As Tully argues, the "condition of self respect, which is the sense of one's own value and the relatively secure conviction that what one has to say and do in politics and life are worthwhile, is met only in a society in which the cultures of all the members are recognized and affirmed by others" (Tully, 1995, p. 190). For Quebec, the Charter clearly fails to recognize and affirm the Québécois culture. Constitutional justice, according to Tully, requires an intercultural dialogue, for the diverse cultures of the society need to be recognized in public institutions in order to foster mutual cultural awareness (Tully, 1995, p. 190). The institutionalization of equal individual rights (i.e. politics of universalism) in the Charter is representative of the majority English-speaking Canada's political culture; as a result, any attempt at accommodating Quebec's demand for recognition is difficult when advanced through this view. The politics of

universalism, favoured in the rest of Canada, argues for the neutrality of the law⁵, however, it is inaccurate to regard the politics of universalism as ethically neutral; for such universal principles are only wholly representative of the majority culture.

Finding a just solution involves looking beyond the pre-established means, such as the Charter and the notion that equal individual rights must predominate; rather we need to consider new ways of approaching the issue. A just solution would involve, first, the realization that the exclusionary dimensions of the politics of universalism are unjust, for in some instances group rights are essential to equality; that is, to equalize the power imbalances between the English-speaking Canadian majority, and the Québécois minority. Second, justice requires mutual recognition.

Thus far I have explored the differences between the politics of universalism and the politics of difference. I have argued that the politics of universalism is potentially homogenizing as it fails to recognize difference, inflicting misrecognition on minority cultures. For the same reasons that I argue against the politics of universalism, the principle of the equality of the provinces is also unjust.

The model of federalism favoured in the rest of Canada is that of “territorial federalism” (or symmetrical federalism), which is “reflected in the insistence that all provinces [should] be equal in their legislative powers” (Kymlicka, 1998, p. 138). Under symmetrical federalism there is no room for self-government rights for national minorities to be recognized. Rather, what is envisioned is the redefinition of the national minority’s sense of allegiance to their perceived homeland, so that it includes the country as a whole. This was Trudeau’s goal with his strategy of ‘sea-to-sea bilingualism’, which tried to

⁵ The concept of the neutrality of the law is explored in great detail by Jürgen Habermas in The Inclusion of the Other (1998). Cambridge, Massachusetts: The MIT Press.

encourage French Canadians to view their home as all of Canada and not only Quebec (Kymlicka, 1998, p. 18). Such a strategy was desired to ensure a uniform conception of the Canadian identity. In the rest of Canada, allegiance to Canada is based on the notion that all Canadians form a single nation, which includes all citizens whatever their language or culture; and the federal government is regarded as the means through which to promote and express this common national identity.

The English-speaking majority in Canada typically favour a common citizenship - a unicultural Pan-Canadian identity – “because they think this is what the moral principle of equality requires, and they reject any multinational conception of Canada because they think it is inconsistent with this principle” (Kymlicka, 1998, p. 26). This ideal of a common citizenship is taken to mean that “Canadians are Canadians” and distinctions between French and English Canadians should not be made (Kymlicka, 1998, p. 26). Due to such a unitary conception of Canadian national identity, which reflects the view of the politics of universalism, the rest of Canada remains unwilling to recognize Quebec’s distinctiveness as a nation, within a multination state.⁶ Rather, there is a persistent preference for symmetrical federalism, which entails equal legislative powers for all provinces, and symmetrical recognition, which is the “identical [constitutional] status for all provinces”, and thus no recognition of cultural differences among national minorities (Kymlicka, 1998, p. 142).

The ideal of a unicultural Pan-Canadian identity, which is predominant in the rest of Canada, inadequately recognizes the reality of the multinational character of the Canadian state. Creating a unicultural Canadian identity, as an effort to create solidarity among all Canadians, is a harmful utopian vision that, regardless of how well intentioned

⁶ The idea that Quebec is a nation is explored in chapter 2.

it is, will remain unacceptable to Quebec. Such a homogenizing ideal of Canadian identity is viewed by Quebec as a threat to the existence of its distinct culture, within Canada. Kymlicka argues that most Québécois believe that “a vibrant francophone culture cannot survive in Canada unless it survives in Quebec, and the Quebec provincial government is seen as pivotal in the role of maintaining the viability of the French society in Canada” (Kymlicka, 1998, p. 134).

However, the problem remains that the English-speaking majority in Canada have continually failed to recognize the multinational reality in Canada, where there is room for dual allegiances. For a multination federation like Canada to endure, what is required, according to Kymlicka, is that “we accept that Aboriginal peoples and the Québécois are national minorities, we must also accept that their national community will remain a powerful locus of political allegiance, and that loyalty to Canada will be conditional on respect for national identity and self-government aspirations” (Kymlicka, 1998, p. 134). This remains difficult when the rest of Canada is apprehensive toward the idea of ‘distinct society’ status, for consistent with their worry over the recognition of difference, they believe that granting Quebec ‘special status’ will create two classes of citizens. However, the language of equality, used by the rest of Canada – implying that all provinces must be treated identically – “disguises an even deeper concern with nationhood; for English-speaking Canadians interpret equality to require common citizenship because any other conception of equality would undermine their sense of Canadian nationhood” (Kymlicka, 1998, p. 26).

Equalization of the disparity in political power between the English-speaking majority and the French Canadians (as well as Aboriginals) would require the recognition of difference. Recognition of difference within the Canadian state should function to

equalize the bargaining power between the majority and national minorities. This is precisely what Quebec has demanded throughout history, a demand which has been rejected repeatedly. Quebec seeks equality with the rest of English-speaking Canada, which it argues will reflect the true Canadian identity based on the two-founding nations principle.⁷ Quebec, according to Kymlicka,

“is the only province that is a vehicle for a self-governing national minority, while the nine other provinces reflect regional divisions within English-speaking Canada. Quebec, is a ‘nationality-based unit’ – it embodies the desire of a national minority to remain as a culturally distinct and politically self-governing society – while the other provinces are ‘regional-based units’, which reflect the decision of a single national community to diffuse the powers on a regional basis” (Kymlicka, 1998, p. 23).

The distinction between nationality-based units and regional-based units is significant because it lays the foundation for recognizing that Canada is a multinational federation. Accepting that Canada is a multination state will clear the way for recognizing, on the one hand, the necessity for national minorities to promote and protect their culturally distinct societies, within the larger English-speaking majority, and on the other hand, the need for granting national minorities the powers necessary to ensure the viability and vitality of their cultural distinctiveness, even if it entails granting differential powers, from those powers held by the nine other provinces. This is regarded as a necessary condition to ensure that the distinct culture of the national minority will be protected and it equalizes the bargaining power between the English Canadian majority and the French Canadian minority. What is required is that the English-speaking majority in Canada comes to realize that their interests are different from the interests of Quebec, in regards to

⁷ The notion of the two-founding nations principle will be discussed in chapter 2.

protecting their culture, and that the necessary powers required for pursuing their differing interests will also vary.

Accepting the distinction between nationality-based units and regional-based units recognizes that Canada is a multinational state and, as Kymlicka argues, accepts some form of asymmetrical federalism – “in which some federal units have greater self-governing powers than others” (Kymlicka, 1998, p. 24). Along with asymmetrical federalism, asymmetrical recognition follows, which is the constitutional recognition of national minorities’ (i.e. Aboriginals and French Canadians) ‘special status’ in order that they may ensure the survival of their distinctive cultures. Kymlicka argues that “since nationality-based units and regional-based units serve such different functions, there is no reason to assume that they [should] have the same powers or forms of recognition. Indeed, there is every reason to think that they will require some degree of differential treatment” (Kymlicka, 1998, p. 24). However, the problem is that the rest of Canada continues to reject the idea of granting Quebec ‘distinct society’ status, because it is seen as creating a hierarchical structure of citizenship. But the argument for equality, at times, requires recognizing the power imbalance between groups and granting differential rights according to their needs, thereby ensuring “mutual recognition.” As Kymlicka argues, asymmetrical federalism and asymmetrical recognition is a way of ensuring equality, as the identity of the national minority and the majority are given the same respect and consideration (Kymlicka, 1998, p. 25). Asymmetries with regards to self-governing powers and recognition of a national minority’s ‘special status’ is justifiable, for as Tully similarly argues, to treat them “‘just like all the rest of us’ is not to treat them justly at all. It is to treat them within the imperial conventions and institutions that have been constructed to exclude, dominate, or assimilate them” (Tully, 1995, p. 97), thereby

ignoring the concerns the politics of difference has towards the politics of universalism. Finally, as Taylor argues, the politics of universalism is potentially homogenizing and inflicts misrecognition on a group by refusing to protect the survival of their culture. As a result, what is crucial is the willingness “to weigh the importance of certain forms of uniform treatment against the importance of cultural survival, and opt sometimes in favour of the latter” (Taylor, 1994, p. 61).

The difficulty remains in trying to convince the rest of Canada to accept the recognition of difference, thereby granting Quebec ‘distinct society’ status. What is needed in order that a just solution may be reached, is that the rest of Canada must attempt to understand why Quebec feels that it is essential to be recognized as a distinct society. At the moment I believe that there is a lack of understanding and interest in the rest of Canada concerning Quebec; its history and desire for cultural survival. One possible solution, as outlined by Taylor, is to broaden the academic curriculum, in order to include a more extensive cultural base, which will give due recognition to those currently excluded (Taylor, 1994, p. 65) or at least misrecognized. Taylor argues that the only way to make a judgement, of whether a particular culture should be given recognition, is that “the validity of the claim has to be demonstrated concretely in the actual study of the culture” (Taylor, 1994, p. 67). The judgements reached can only be arrived at by transforming our standards, through a “fusion of horizons”, which indicates that we must learn to make judgements based on a broader understanding of those who seek recognition, rather than making judgments based on a limited understanding (Taylor, 1994, p. 67). Taylor argues that “real judgements of worth suppose a fused horizon of standards. They suppose that we have been transformed by the study of the other, so that we are not simply judging by our original familiar standards” (Taylor, 1994, p. 70). This

is one way of effecting, what Tully refers to as a “world reversal”, where all individuals and groups, engaged in the intercultural dialogue, “listen to the voices of the others in their own terms” (Tully, 1995, p. 24).

At the moment, the rest of Canada does not appear to fully appreciate or understand Quebec’s interests and the urgency it places on protecting its distinct society. Thus far I have argued that asymmetrical recognition, between Quebec and the nine other provinces, is needed in order to equalize the bargaining power. However, mutual recognition also requires that Quebec listens to the rest of Canada; Quebec should try to better understand the rest of Canada and their concerns with granting distinct society status to Quebec. This is one reason that Quebec has a responsibility of demonstrating that in pursuing its collective goals it does not infringe on fundamental rights (the extent to which this is achieved will be demonstrated in chapter 3). However, it is due to the Québécois’ minority position within Canada, that asymmetrical federalism and asymmetrical recognition is required. For, as Tully argues, mutual recognition prompts allegiance and unity in the instances in which “all have a say in the formation and governing of the association and all see their own cultural ways publicly acknowledged and affirmed in the basic institutions of their society” (Tully, 1995, p. 198). And at present, the Québécois culture is not affirmed in the Canadian Constitution.

Once the rest of Canada better understands the needs of the Québécois, and the Québécois understand the rest of Canada’s concerns with ‘distinct society’ status for Quebec, constitutional discussions can take place in a forum of mutual understanding and respect. For a constitution to be regarded as just, Tully argues, that mutual recognition is required where this is understood as “recognition of the legitimate demands of the members of diverse cultures in a manner that renders everyone their due, so that all would

freely consent to this form of constitutional association” (Tully, 1995, p. 7). The difficulty with the current language of the Canadian Constitution, which favours the politics of universalism, is that it makes mutual recognition difficult, because it cannot be achieved through the “recognition of each culture in the same constitutional form” (Tully, 1995, p.8). To achieve mutual recognition, the constitutional dialogue must not be pre-determined by the dominant group of the society. That is, “without imposing a metalanguage or allowing any speaker to set the terms of the discussion.” Rather, the constitutional dialogue should be regarded as a “multilogue”, in which all participants are recognized, defined by their own terms (Tully, 1995, p. 24).

Mutual recognition is not achieved by putting aside the collective identity of a group, in public forums, but rather it is achieved by placing a group’s collective identity at the fore of political/legal discussions; because mutual recognition is achieved only when all individuals and groups can learn to understand, and recognize one another’s culture. What is desired is that through “intercultural dialogue, each group has the ability to change perspectives – to see and understand aspectually” (Tully, 1995, p. 25). This argument is similar to Taylor’s “fusion of horizons”, in that each group attempts to understand the perspective of the other. The aim is that all members will be recognized and accommodated, based on their own cultural identity (Tully, 1995, p. 26). And it is this idea of “mutual recognition” that is essential to just constitutional negotiations in a multinational state.

For mutual recognition to occur, the English-speaking majority within Canada needs to recognize that Canada is a multination state. As Canada is home to two national minorities, French Canadians and Aboriginals, it may be viewed as a multination state, where it is possible to have more than one political allegiance. Since on the one hand,

Quebec's political allegiance is divided between Quebec and Canada (i.e. dual national allegiances) and, on the other hand, the rest of Canada seems unwilling to recognize the possibility of multiple allegiances, there is a tension between these two visions of the Canadian identity. Kymlicka argues that to "cope with our contending nationalisms requires that we confront the challenges of our history as a multination state. Yet, the problem remains that people in Canada are ignoring the reality of minority nationalism in Canada" (Kymlicka, 1998, p. 128).⁸ Given the fact that Quebec nationalism is apparently a permanent feature of the Canadian polity, it is necessary for Canada to recognize the distinctive status of Quebec, if Quebec is to remain within Canada. Therefore, what is needed, according to Kymlicka, Tully and Taylor is that the English-speaking majority within Canada accept a multination model of federalism, thereby recognizing difference.

⁸ Kymlicka also discusses the idea of Canada as a multination state in Multicultural Citizenship. (1995). Oxford: Clarendon Press.

Conclusion: Avoiding the Harm of Misrecognition

Thus far I have argued in favour of the legal recognition of difference, for the constitutional principles currently used are structured by the ethical orientations of the majority. As a result, minorities must make their plea for recognition within a confining and unjust structure. In the case of Quebec, there are three clear occasions in which it put forward its demands for recognition: the patriation of the Constitution in 1982, the Meech lake Accord in 1987, and the Charlottetown Accord in 1992 (the details will be discussed in chapter 2). However, in all three cases Quebec failed to achieve recognition.

Multinational societies, according to Taylor, “can break up, in large part because of a lack of (perceived) recognition of the equal worth of one group by another” (Taylor, 1994, p. 64). This can be seen at present in Canada, where the continued unwillingness to recognize Quebec as distinct fuels the anger of Quebec nationalists and thus increases the support for sovereignty. What Canada needs, according to Taylor, is to allow “deep diversity, where a plurality of ways of belonging would be acknowledged and accepted, therefore abandoning a uniform conception of citizenship” (Taylor, 1993, p. 94). Constitutional recognition of difference is needed for the sake of equality between the English-speaking majority and the Québécois minority. In addition, recognition of difference is also necessary for the sake of Canadian unity, as such recognition is what Quebec seeks and deserves – it is its “due.”

At present, an intercultural dialogue does not exist between the rest of Canada and Quebec. Granting Quebec distinct society status, thus recognizing difference, would aim to ensure that the constitutional dialogue involves an equal partnership between the English-speaking majority within Canada and Quebec. Recognizing difference would

seek to ensure that the constitutional language is not uniform, but rather, a reflection of the multinational character of the Canadian state.

Canadian unity will not develop from the persistence to push forward the ideal of a unicultural Pan-Canadian identity. As Tully argues, “the imposition of uniformity does not lead to unity but to resistance, further repression and disunity” (Tully, 1995, p. 197). This is the current situation in Quebec; the more the federal government and the rest of Canada refuses to recognize Quebec as distinct and the more it views Canadian identity in a uniform manner, the more support for Quebec nationalism will likely increase. In addition, such imposition of uniformity serves only to strengthen the view that Canada is unwilling and unable to provide Quebec with what it views as necessary to ensure the survival of its culture. In such a situation, allegiance to a uniform Canadian identity is unlikely. How can Quebec have an allegiance to Canada when Quebec has been denied mutual recognition within the Canadian multinational state? It is through mutual recognition that allegiance and unity will most likely ensue. This is because, “citizens have a sense of belonging to, and identification with, a constitutional association in so far as, first, they have a say in the formation and governing of the association and, second, they see their own cultural ways publicly acknowledged and affirmed in the basic institutions of their society” (Tully, 1995, p. 197). Recognizing Quebec’s interests in the Constitution will respect the multinational character that I believe Canada embodies, and it will recognize Quebec’s historical demand for a partnership “égal à égal.”⁹

⁹ Quebec has sought an equal partnership with the rest of Canada as a whole, and not equal to each province.

Chapter 2

The Historical Development of Quebec Nationalism and the Desire for Recognition

A persistent feature of Quebec nationalism is the desire to be recognized as a 'distinct society', which is viewed as essential in order to ensure the survival of Quebec's culture and French language. This chapter explores the historical development of nationalism in Quebec. Such an exploration is important to understanding why Quebec feels that it is a 'distinct society' within Canada and how it feels that it has been misrecognized within the Canadian Constitutional framework. The Québécois, I believe, are in a continual "struggle for recognition" (Habermas, 1994, p. 108), as the rest of Canada persistently fails to recognize and affirm their distinctive identity. In chapter 1, I argued in favour of the need for an "intercultural dialogue" between the rest of Canada and Quebec; this chapter will articulate the concerns of the Québécois, a voice which I believe is not sufficiently heard.

I will begin with the historical development of Quebec's desire to be recognized as a 'distinct society', and a province unlike the others. The second section will examine the three attempts at renewing federalism: the patriation of the Constitution in 1982, the Meech Lake Accord in 1987, and the Charlottetown Accord in 1992. Quebec has historically sought recognition as a 'distinct society', within Canada. However, the continued unwillingness by the rest of Canada to recognize Quebec as a 'distinct society' strengthens support for the sovereignty of Quebec as an independent state. In the final section, I will explore the reasons why Quebec is a 'distinct society', and why it is

imperative that Canada recognize Quebec as a nation in order to maintain unity within the country. This chapter deals exclusively with Quebec and provides a brief introduction to the theory of nationhood. Further analysis of the language of nationhood and the difficulties that may arise for minorities within Quebec will be considered in chapter 3.

Section 1: The Historical Evolution of Nationalism in Quebec: 1920 to 1976

The emergence of French Canadian identity and nationalist sentiment in Quebec is not solely a contemporary phenomenon. Rather, its evolution can be traced back to the British Conquest in 1760, which may have served to strengthen the emerging French Canadian identity and the need to protect it under the British regime (Coulombe, 1995, p. 76). In 1774 the Quebec Act granted French Canadians religious freedom and the use of their traditional civil law. “This recognition of the two basic elements of the [French Canadians’] old national rights, Catholicism and French civil law, was the foundation of a regime of cultural coexistence for the British and French in Canada” (Russell, 1993, p. 13). The emergence of the French Canadian identity evolved further through the establishment of Upper and Lower Canada, with the Constitutional Act in 1791, which established a French-Catholic majority in Lower Canada and an English-Protestant majority in Upper Canada. The existence of a French Canadian identity was further distinguished through the failed attempt at assimilation by Lord Durham in 1840, and Confederation in 1867, which gave the “majority of French Canadians a provincial status with powers over those matters that were considered central to the preservation of their identity” (Coulombe, 1995, p. 78). Despite the centrality of these historical occurrences

in the evolution of nationalism in Quebec, it is not possible to explore all these issues at length. Therefore, I will focus on the contemporary evolution of nationalism in Quebec. In this section I will explore three significant periods in the evolution of nationalism in Quebec: traditional nationalism of the 1920s to 1945, the emergence of neo-nationalism 1945 to 1960, and the period of the Quiet Revolution and the election of the Parti Québécois 1960 to 1976. This section is not a complete account of Quebec history; rather it is a brief outline of the significant events in the development of Quebec nationalism that have led to a strong claim for recognition of their 'distinct' status, within Canada.

The "traditional nationalism", which dominated the French Canadian nation from the 1920's to 1945, was based on a form of ethnic nationalism. The three dominant figures that had an influence in the early shaping of traditional nationalism were Henri Bourassa, Lionel Groulx, and Maurice Duplessis. For Bourassa, the traditional ideology was that they were an agrarian nation and that the "true expression of the French Canadian identity lay in the parish community" (McRoberts, 1988, p. 84). Religion was of paramount importance to the national identity of French Canadians, thus providing the Church with the main role of ensuring the survival of the nation. The link between the French Canadian nation and religion was demonstrated by the view that the preservation of the French language was regarded as a duty to protect the means of disseminating Christianity across America (Coulombe, 1995, p. 79). This belief was reiterated by Henri Bourassa, who stated that the "French language, in Canada, was the best safeguard of the faith" (Oliver, 1991, p. 20). As a result of the centrality of the Church, rather than the state, the French Canadian nation was regarded as an *église-nation*.

Bourassa was a strong supporter of a Canada founded on a federation of autonomous provinces with two distinct and equal "races" (Cook, 1995, p. 90). As

Bourassa supported federalism based on the cooperation of the two national groups, he did not support separatism, which was promoted by Groulx's followers. Rather, Bourassa believed that the "French Canadians actually needed their association with English Canada for their own particular ends. In addition, the combined qualities of English and French Canadians promised Canada a prominent place in world affairs" (Oliver, 1991, 9. 28).

Further developing a separate identity of French Canadians was the ideology conveyed by Lionel Groulx and the publication *L'Action française*, first published in 1917.¹⁰ For Groulx, there was a strong interdependence between nation and religion. Groulx's conception of French Canadian history, in Canada, was that a new race was born. This was seen as an extraordinary event, "for nations were the primary media through which the divine Idea worked itself out" (Oliver, 1991, p. 73). Thus, grew a desire for an "*esprit collectif*", which was seen as a prerequisite to gaining freedom as a nation. Given Groulx's conception of French Canadians, it was an impossibility to "share their destiny with a different 'race'. English Canadians were to be feared, for they might distract French Canada from its mission; for the survival of a 'petite nation catholique' could not be brought to naught." The continuation of Confederation was dependent on French Canada acquiring the autonomy it viewed as necessary in order to promote and protect their collective goals (Oliver, 1991, p. 74). Whether independence from Confederation was supported is unclear. However, *L'Action française* demanded either more autonomy from the Canadian federal government or complete separation, thereby severing all ties with the rest of Canada (Oliver, 1991, p. 74).

¹⁰ *L'Action française* was renamed *L'Action nationale* in 1932.

L'Action française “made race and ancestral locale the determinants of nationality and desired to eliminate the influence of other bloods from their affairs” (Oliver, 1991, p. 86). Groulx argued that the plight of the French Canadians was “not so much political as national” (Oliver, 1991, p. 89). This national plight created suspicions in the political process, both at the federal and provincial level. *L'Action française* felt that “democracy itself was a manipulative myth designed to perpetuate the subservience of Quebec, and the continuing Anglo-Saxon dominance was inevitable” (Oliver, 1991, p. 91). In addition, there was concern with the French Canadians’ economic inferiority, as they were viewed as subservient to “foreign” capitalists (i.e. non-francophones, such as English Canadians and Americans). Of primary concern, was the belief that French Canadians had to replace foreigners as “masters of their province’s wealth” (Oliver, 1991, p. 149-152). There was also criticism that Canadian politics lacked a *mystique nationale*. The nationalists of the 1920’s felt that they had to produce a “political model which focused attention exclusively on the French Canadian nation and maximized its unity; which emphasized order and authority without neglecting a *mystique*; and which subordinated economic interests and promised to eliminate economic corruption” (Oliver, 1991, p. 94).

The creation of a hero myth was seen as an important means of attaining these political ends. Thus the Dollard des Ormeaux myth was created. Dollard was a symbol of French Canada, who resisted an attack made by the British. He also embodied the union of Church and nation, as he and his comrades received the sacraments before setting out on their mission, which sought to ensure the national preservation of French Canadians. There is the portrayal of honour and faith, as they fought to their death, for their beliefs. Dollard, the hero, set out on his mission in late May 1610; as a result, May

24 was chosen as the date of the annual celebration, thus transforming an imperial holiday (Victoria Day) into a national one (Oliver, 1991, p. 95).

The significance of the nationalism espoused by Groulx and *L'Action française* is that it established the basis of a separate French Canadian identity, which viewed itself as a nation with a desire for survival. Emphasizing the common characteristics of French Canadians – their race, language, religion, culture, and history – was a way of unifying national identity, thus creating a sense of belonging to a society that shares the same history. As Keating argues, “national culture provides the symbols of identity for the community” (Keating, 1996, p. 9). The myth of Dollard can be seen as the use of an historical legend or symbol of the French Canadian nation, and its continuing plight against the “other races.” And, as a hero who fought for the French Canadian nation.

A third figure that exemplified traditional nationalist ideology was Maurice Duplessis. Duplessis controlled the Quebec government for most of the period between 1936 and 1960. What characterized Duplessis’ government was how the dominant traditional ideology was used to hinder the expansion of the state, regardless of the potential drawbacks for economic and social development. Quebec’s industrial economy was largely controlled by English Canadians and Americans, especially in the areas of ownership and management. Regardless, of “foreign” control over the economy, it was believed that the economy should not be controlled by the state (McRoberts, 1988, p. 80). The concern with using the state to deal with social and economic matters was due to the fact that traditional nationalist ideology “contained a strong suspicion of the state, including the Quebec provincial government, due to its Anglo-Saxon, liberal democratic heritage.” This anti-étatisme stemmed from the belief that it was “both safer and more in keeping with French Canadian traditions to rely on the autonomous French Canadian

institutions, especially the Church, to deal with social problems, as well as in ensuring the protection of the French Canadian nation” (McRoberts, 1988, p. 85).

The period between 1945 and 1960 was a time of great transformation in Quebec. World War Two had a twofold effect. First, the divisive debate over conscription for overseas service provided unity among French Canadians, who desired an increase in provincial autonomy. French Canadians believed that since federal politics had involved Canada in the war, an increase in powers held by the provincial government would provide a defensive against Ottawa (Oliver, 1991, p. 197). Second, the increase in industrialization and urbanization contributed to the decline of the agricultural society and “ensured the demise of the highly mythologized rural way of life” (Behiels, 1985, p. 8). The resulting economic growth created a new secular elite, who were constrained by the continuing ideology that did not place a great importance on economic success and resisted an interventionist state in areas of the economy and education (Cook, 1995, p. 92). In addition, there was a growing realization of the Anglo-Canadian and American domination over Montreal’s economic life. As a consequence, French Canadian businessmen were suffering from the powerful competition. This led to an increase in support for a more active, secular, francophone-oriented Quebec state (Behiels, 1985, p. 17).

These changes and realizations led to an ideological renewal (Behiels, 1985, p. 8) and the new secular elite began to challenge the traditional ideology that dominated French Canadian society, ushering in what has been characterized as “neo-nationalism” (Behiels, 1985, p.185). A second ideology that presided in Quebec was that of Citélibristes. The neo-nationalists and Citélibristes shared a common concern with the “comprehensive modernization of Quebec society; the renewal of the attitudes and mental

outlook of the francophone community and the reform of various sociocultural, economic, and political institutions governing its survival and growth” (Behiels, 1985, p. 185). However, the two groups held opposing views when Quebec was confronted with a “new” federalism, which followed from the rapid industrialization and urbanization of the 1920’s and the collapse of the Canadian economy as a result of the depression. Consequently, the federal government’s response was to create a highly centralized social welfare state (Behiels, 1985, p. 185).

Neo-nationalists rejected the doctrine of the new federalism. Rather, they argued for a stricter following of the division of powers established in the Constitution of 1867, guaranteeing provinces complete sovereignty within areas of their jurisdiction. Neo-nationalists viewed the “new federalism as a serious threat to provincial autonomy and therefore, to the French Canadian nation. It was thought to jeopardize the ability of a modern Quebec state to ensure francophone control and development of a dynamic French Canadian society” (Behiels, 1985, p. 186). This led to a shift in perspective, which came to view the province of Quebec as the national state of French Canadians, whereas in the past the French Canadian nation was taken to consist of all French Canadians, both in and outside the province of Quebec. Neo-nationalists argued that the new federalism “failed to take into account the ethnic pluralism and regional diversity of the country” (Behiels, 1985, p. 193). The new federalism with its centralist policies, it was argued, would lead to the French Canadian subordination to the English-speaking majority. The only government able to “defend and promote the common good of the French Canadian nationality is the province of Quebec, in which French Canadians are a majority. It was for this reason that neo-nationalists argued that Quebec has a right to

claim special status, and that it not be viewed as a province like the others” (Cook, 1995, 93). However, the federal government rejected these demands.

Citélibristes, which refers to the group of thinkers who published the magazine *Cité libre*, whose most prominent leader was Pierre Elliot Trudeau, did not support the neo-nationalists’ position on the new federalism. Rather, Citélibristes supported the new federalism but “stressed that it remain federal in nature and democratic in spirit and operation” (Behiels, 1985, p. 186). They advocated a functionalist conception of Canadian federalism, which would “reconcile federal responsibility for economic stability and regional disparities with the need for provincial autonomy. Furthermore, to avoid the development of special status for any region or ethnic community the solution had to be available to all the provinces” (Behiels, 1985, p. 201). Therefore, contrary to neo-nationalists, Citélibristes did not support the view that Quebec had a right to special status. Such political views remained a source of conflict, as Trudeau would enforce his view of the equality of the provinces, once he became Prime Minister.

Of significance during this period was the challenge brought against the traditional ideology of anti-étatisme. With the transformation of Quebec society, due to industrialization and urbanization, French Canadians were becoming aware of their inferior status, economically and socially, compared to their English Canadian compatriots. In addition, the “erosion of the traditional values that had formed the French Canadian identity, but left the language intact, may have contributed to the definition of an identity through differentiation” (Coulombe, 1995, p. 80). This differing identity, argued the neo-nationalists, required “special” status within the Canadian federation, thus arguing that French Canadians should be regarded as a nation, entitled to their autonomy in order to ensure their collective survival. As a result, the state, more specifically the

Quebec provincial government, was beginning to be viewed as necessary for the promotion and preservation of French Canadian interests. This in turn laid the foundation for the shift from French Canadian to Québécois nationalism.

Of further significance during this period is the strong opposition neo-nationalists felt toward the new “centralist” federalism. This opposition stemmed from the desire that French Canadians be regarded as “special” or “distinct” in status, and thus be given more autonomy in order to promote and preserve their collective identity. The rise in Québécois nationalism at this time, it can be argued, was a reaction to the new federalism during this period and its growing persistence during the Quiet Revolution of the 1960’s. As Louis Balthazar has argued, “the more the [federal government] is present, powerful, and interventionist, the more intense nationalism will be. It may also mean that a national consciousness will arise as a resistance to [federal] intervention and its invariable efforts to create homogeneity” (Balthazar, 1993, p.9).

The period of the Quiet Revolution of the 1960’s was of great significance to the strengthening of Quebec nationalism. Traditionalism was abandoned, and the central goal for Quebec, during this period was that of “*rattrapage*”, which meant the “catching up to social and economic development elsewhere” (McRoberts, 1988, p. 129). There was a shift from an *église-nation* to an *état-nation*. The Quebec state, under the control of francophones, assumed central importance as the primary agent in acquiring the social and economic development that Quebec demanded. What was also demanded was that the “Quebec provincial government needed not only to exercise all the jurisdictions presently under its control that had not been occupied, but it must also assume responsibilities currently held by Ottawa” (McRoberts, 1988, p. 131). What was beginning to characterize this period was that Quebec, viewed as the national homeland of

French Canadians, or as they now called themselves, Québécois, could no longer accept being equal to the other provinces. Rather, Quebec needed to be recognized as a nation (Cook, 1995, p. 94).

The 1960's also brought a new provincial government, the Liberals under Jean Lesage. Three significant initiatives can be attributed to the Lesage government. First, was the establishment of a Ministry of Education. This meant that the Church would no longer control education, but rather the state. The "aims of education would now be defined more in relation to the needs of the state than the needs of the Church, thus inevitably altering the definition of the nature of Quebec's distinctiveness" (Cook, 1995, p. 129). The state became involved in the area of education (which was within provincial jurisdiction) to address the economic inferiority of French Canadians, and attempt to ensure that they could compete with English Canadians and Americans.

Second, was Lesage's nationalization plan, to make the Québécois "*maîtres chez nous*." It was argued that "the state must not be absent from the economic scene, for in the case of Quebec that would be equivalent to pure and simple abandonment of the most effective instrument of economic liberation that we possess" (Cook, 1995, p. 129). One measure that was taken was to "bring the remaining privately owned power companies under the publicly owned Hydro-Quebec system established in 1944" (Cook, 1995, p. 129). For the Québécois to become "*maîtres chez nous*" the Quebec state, representing "*la nation entière*", had to take control rather than allow for the continued domination by the Anglo-Canadians and Americans.

Third, due to the Lesage government's commitment to political modernization, Quebec began challenging the established procedures of Canadian federalism (McRoberts, 1988, p. 140). One area was federal programs of expenditure with provincial

jurisdiction. Lesage demanded that the federal government withdraw from all such spending programs in areas of provincial jurisdiction, with financial compensation to the provinces – to be known as “opting-out” (McRoberts, 1988, p. 140). This was definitely a gain in provincial autonomy. Quebec demanded that opting-out be extended to what it viewed as areas within exclusive provincial jurisdiction: health, education, and social welfare, allowing the Quebec government to ensure that the interests of the Québécois were being protected. Opting-out “helped legitimize the idea that Quebec had special needs and responsibilities beyond those of the other provinces” (McRoberts, 1988, p. 142).

During the Quiet Revolution, language was a central concern. Similar to traditional nationalism, the new nationalism of this period was determined to defend the French language “as a sheet anchor of Quebec’s distinctiveness” (Cook, 1995, p. 133). Francophones were increasingly concerned with their economic position, relative to English Canadians and Americans, who dominated Quebec’s economy. They wanted to break this domination, which was an obstacle for Francophones entering higher-level management positions. Francophones had a “strong preoccupation with the strength and persistence of French Canadian society and of the quality of the French language. It was the language of their education, professional training, and the language in which most other aspects of their lives were conducted” (McRoberts, 1988, p. 148). In order that Francophones become *maîtres chez nous*, they began to pressure the Quebec government to make French the primary language of work. In addition, strengthening French Canadian society and language, would allow Francophones “to identify with the primary site of their society: Quebec” (McRoberts, 1988, p. 149).

The period between the late 1960's and the 1970's were characterized by a rise in "political discontent and alienation among Quebec Francophones" (McRoberts, 1988, p. 209). It was felt that the expectations of the Quiet Revolution to bring about change were not met. Some felt that "the federal system itself was to blame; it would not permit the Quebec state to assume the role it had come to expect, therefore, only through independence could the Quebec government play its 'proper' role in Quebec society" (McRoberts, 1988, p. 213). This growing dissatisfaction contributed to what is referred to as the October Crisis. The Front de Libération du Québec (FLQ), a sovereigntist group, who used violence to display their disdain for English dominance in Quebec and their distrust in the state, kidnapped James Cross, the British trade commissioner in Montreal on October 5, 1970. The FLQ threatened to kill Cross and gave authorities forty-eight hours to meet their demands, some of which were:

"the cessation of police actions to find the abductors and Cross; the broadcast of the FLQ manifesto on prime-time television over the CBC and its affiliates across Quebec and its front-page publication in the major Quebec newspapers; the 'liberation' of twenty-three 'political prisoners'; the provision of a plane to take the freed FLQ cadres to Algeria or Cuba; the payment of 'a voluntary tax of \$500,000 in gold bullion' to be placed on the plane" (Conway, 1992, p. 77).

Both the federal and Quebec governments initially rejected their demands, but later they agreed to the broadcast and publication of the FLQ manifesto. What resulted was a show of support among the Québécois, however, not of their use of violence, but of their analysis and political message. When the federal and Quebec governments announced that there would be no more concessions to the demands made by the FLQ, Quebec Labour Minister Pierre Laporte was kidnapped by the FLQ.

What occurred next was that Robert Bourassa (Liberal Premier of Quebec) announced his offer to the FLQ, which was the release of Laporte and Cross in exchange

for five FLQ prisoners. In an effort to show support for Bourassa's decision, sixteen prominent Québécois leaders, including René Lévesque, and the leaders of the major trade union federations, "issued a statement declaring that this crisis was a Quebec crisis to be solved by Québécois" (Conway, 1992, p. 80). Trudeau was opposed to Bourassa's decision to release the FLQ prisoners and that Bourassa accepted the term "political prisoner." For Trudeau, Bourassa's decision to "break with Ottawa and the declaration of the sixteen essentially telling Ottawa not to meddle amounted to a demand that Ottawa cease acting as an effective federal government with the overriding constitutional power to ensure 'peace, order and good government' in Canada." Trudeau was certain that such a course would quicken Quebec's path toward separation (Conway, 1992, p. 81). On October 15th troops were sent to Quebec, at the request of Bourassa, who was frightened by the escalating situation. Trudeau's concern with giving into the demands made by Quebec nationalists, who demanded that the federal government stay out the crisis, as it should be resolved by Quebec, led him to invoke the War Measures Act (WMA) on October 16th and over five thousand troops were deployed in Quebec. The FLQ was outlawed, and "all civil rights and liberties across Canada were suspended: a person could be arrested without charge, held incommunicado and without bail for twenty-one days, and without trial for ninety days" (Conway, 1992, p. 82). In the rest of Canada, outside Quebec, there was a strong support for Trudeau's action – about 87 percent (Conway, 1992, p. 82).

The day after the declaration of the WMA Laporte's body was found in the trunk of a car in the parking lot of a small military airfield. The FLQ statement suggested that Laporte's 'execution' was a "cold-blooded" response to the severe actions of the authorities (Conway, 1992, p. 83). Laporte, Conway argues, "was the victim of FLQ

political violence”, but Laporte was also “sacrificed for reasons of state – to protect the integrity of state power” (Conway, 1992, p. 84). In the end, those responsible for Laporte’s kidnapping and murder were arrested in November and in December negotiations resulted in the release of Cross, in exchange for safe passage to Cuba for his kidnappers (Conway, 1992, p. 86).

After the October Crisis, Lévesque “denounced Bourassa’s weakness and vacillation vis-à-vis Ottawa and he declared that he and the PQ would fight if Trudeau tried to ‘tie up Quebec in impotence’.” In the provincial election of 1973 the PQ vote was 30 per cent and it was now the Official Opposition (Conway, 1992, p. 90). The Liberal provincial government under Robert Bourassa during 1970-1976, strengthened the discontent of the Québécois due to the absence of a strong interventionist state in such areas as language and the economy, and the failure to secure major transfers of powers from the federal government. The experience with the Bourassa government and its lack of commitment to the interests of Quebec Francophones, “only reinforced the judgement of some Quebec Francophones that political modernization of Quebec could no longer be achieved within the federal system: only through political independence could the Quebec state resume the role it set for itself during the Quiet Revolution of an active, dynamic actor within Quebec society” (McRoberts, 1988, p. 227).

This growing discontentment, it can be argued, led to the election of the Parti Québécois government in 1976. “The party had a mandate for change; however, it did not necessarily mean that all PQ supporters favoured independence” (McRoberts, 1988, p. 260). The major initiative undertaken by the PQ government under René Lévesque was

Bill 101¹¹, which was a policy, aimed at asserting the dominance of French in Quebec (McRoberts, 1988, p. 276). The central tenets of Bill 101 were the requirement that all public and commercial signs should be in French only; there was stricter access to English schools; French became the only language of the National Assembly; “the proclamation of fundamental language rights, that workers have the right to work in French and that an employee cannot be fired because he or she knows only French; and the creation of *francisation* certificates, compulsory for enterprises with fifty or more employees”, which certifies that the enterprise operates in French (McRoberts, 1988, p. 277).

Lévesque’s aggressive response to the growing concern of the status of the French language was seen as the means through which “to emancipate the national collectivity, and thus the ‘people’ from external domination” (McRoberts, 1988, p. 282). The PQ’s language legislation was very successful. French was the official language of the province, and by “1980 French Canadian ownership of the economy was increasing while Francophone salaries had caught up and even passed those of Anglophones” (McRoberts, 1988, p. 96). Lévesque may not have been successful in the 1980 referendum on sovereignty-association;¹² however, the Lévesque government did have an impact on the development of a stronger “national consciousness” among the Québécois. The Québécois were now beginning to assert themselves in their central goal of survival within North America. Furthermore, the “Quebec provincial government became *L’Etat du Quebec*. And it was important to many Québécois that the newly modernized Quebec state be clearly differentiated from all other provincial governments” (McRoberts, 1988, p. 427). Therefore, Québécois nationalism, nationalism defined by Cook as “the

¹¹ The legitimacy of Bill 101 will be explored in chapter 3.

¹² Sovereignty-association is a view that an independent Quebec could continue to have an economic partnership with the rest of Canada.

articulated will of a community to preserve its distinctiveness” (Cook, 1995, p. 135) clearly became stronger during this time.

Section 2: The Continued Demand for “Distinct Society” Status

At present, the desire for Quebec to preserve and be recognized for its “distinctiveness” remains a central issue in Quebec nationalism. The Québécois, however, seem undecided on how best to achieve this goal. Can they achieve their desired autonomy, necessary to promote and protect their collective identity, through independence or by remaining in the Canadian federal system? This question remains unanswered. In 1980, under the Lévesque government, the ‘softer’ sovereignty-association question was proposed; however, the citizens of Quebec rejected this option: “59.6 per cent voted ‘No’, while 40.4 per cent voted ‘Yes’” (McRoberts, 1988, p. 327). This failed attempt did not signify the end of the call for sovereignty nor did it demonstrate a clear choice to remain in Canada and accept the status quo. This indecision led to a second referendum in 1995, under the Jacques Parizeau government, which called for complete sovereignty, rather than sovereignty-association, which suggests some form of continued attachment to Canada. While sovereignty was not chosen, the results: “50.6 per cent voted ‘No’ and 49.4 per cent voted ‘Yes’” (Conway, 1997, p. 219), clearly demonstrate that the issue was still not settled.

Between the two referendums there have been three failed attempts to bring Quebec into the Canadian Constitution: the patriation of the Constitution in 1982, the Meech Lake Accord in 1987, and the Charlottetown Referendum in 1992. Thus, the issue of whether it is in Quebec’s best interest to stay within Canada or become an independent

state is unresolved. The Québécois have not chosen sovereignty nor have they agreed to the terms of the Canadian federal system. And, the rest of Canada has not yet agreed to recognize Quebec's demands.

After the second referendum, and no further attempts at Constitutional reforms, the issue of sovereignty remains an important issue in Quebec politics. Whether the Québécois actually support sovereignty remains unclear. Nevertheless, the issue of sovereignty remains a central goal of the PQ. Bernard Landry made a promise, in September 2002, of 1000 days to the sovereignty of Quebec. However, this was interrupted with the election of a Liberal government under Jean Charest, on April 14, 2003. Regardless, of a Liberal win, the sovereignty issue is far from over. For the moment it is no longer at the forefront of the political agenda of the government. However, the "winning conditions" of any future referendum, I fear, will be achieved when there is a strong sense of nationalism in Quebec. Nationalism can be seen, as argued by John Stuart Mill, as "an identity of political antecedents, the possession of a national history, and consequent community of recollections; collective pride and humiliation, ... connected with the same incidents in the past" (Mill quoted in Keating, 1996, p. 8). These "winning conditions" will be met when Landry or his successor can effectively advance an argument compelling enough to convince the Québécois that they have once again been "betrayed", and that historically Quebec has not had its identity recognized; rather it was "betrayed" in 1982, 1987, and 1992. In addition, Landry will likely argue that the Canadian federal system cannot and will not recognize the distinctness of Quebec's identity, thereby threatening the preservation of the Québécois culture for the future. He will need to appeal to their sense of "collective pride" and their desire to have a Québécois nation. If this is achieved, what will result is an increase in

nationalist sentiment. However, if someone as charismatic and with such broad populist appeal as René Lévesque or Lucien Bouchard could not succeed in bringing Quebec to sovereignty, how will Landry? I will begin this section with a brief overview of the three attempts at renewing the constitution, and how Quebec's central demand for recognition of its "distinct" status has not been met.

Three Attempts at Renewing the Constitution

The first attempt at dealing with Quebec's constitutional concerns was in 1982 with the patriation of the Constitution, under Prime Minister Pierre Trudeau. The event that preceded this was Trudeau's promise during the 1980 sovereignty referendum that a vote for the "No" side would result in the renewal of federalism. Trudeau's promise suggested a renewal of the constitution that would deal with Quebec's concerns: recognition of Quebec's 'special status'; an opting-out clause, with compensation; a veto for Quebec (Conway, 1997, p. 107). However, "Trudeau interpreted the 60 per cent 'No' victory as providing him with a strong mandate from Quebec, and that he was in a position to proceed to realize his dream of patriation of the constitution with a Charter of Rights and Freedoms forever enshrining individual rights and defending them from the collective assaults of Quebec nationalism" (Conway, 1997, p. 108). In Quebec, Trudeau's vision of renewed federalism was believed to deprive Quebec of the means to defend itself as a nation, and which would eventually lead to assimilation. Remembering the promise, which Trudeau made during the referendum campaign, Trudeau's unilateral action was seen as a "profound betrayal" in Quebec (Conway, 1997, p. 109).

It was beginning to be clearly obvious that Trudeau was going to proceed unilaterally and if necessary, without provincial consent. As Conway argues, this

initiative upset not only Quebec, but also the West, as they both viewed it as a “blatant attempt to increase federal powers at the expense of provincial powers” (Conway, 1997, p. 109). Lévesque allied himself with the West and the other dissenting provinces and what resulted was the establishment of a provincial alliance known as the Gang of Eight, which did not include Ontario and New Brunswick. The central compromise reached between the Gang of Eight in order to support Trudeau’s patriation of the constitution was that they all opposed the Charter of Rights and Freedoms, and “Lévesque agreed to relinquish Quebec’s veto, since there was an agreement for the opting-out/financial compensation clause, which would protect Quebec from future unacceptable changes” (Conway, 1997, p. 110).

Ultimately, however, Trudeau was successful in convincing the seven provinces from the Gang of Eight “to abandon Lévesque, and to drop the opting-out and financial compensation elements of the premiers’ accord and to yield on the question of the Charter” (Conway, 1997, p. 112). This betrayal, referred to as the “night of the long knives”, left Lévesque shocked and humiliated. In the resulting package none of Quebec’s concerns were addressed. It contained a Charter of Rights and Freedoms (but the western premiers insisted on the inclusion of a notwithstanding override clause for certain key sections), a minority-language law, no opting-out clause with financial compensation, and a mobility clause that could possibly hinder Quebec’s involvement in the labour market (Conway, 1997, p. 112).¹³

¹³ Section 27 of the Charter states that “this Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” Despite this interpretative clause, Quebec’s concerns are not addressed, for it fails to recognize Quebec’s “special status” within Canada and it reinforces the equality of the provinces principle.

The 1982 renewal of the Constitution is viewed by Quebec as conveying an anti-Quebec sentiment. It can be seen as a form of misrecognition by the rest of Canada, as Quebec's identity was not recognized within the Constitution or the Charter. As expressed by the Bélanger-Campeau Commission in 1991, "Quebec could not accept the 1982 Canadian Constitution and Charter because it entrenched the equality of all Canadians on the same basis, thus denying Quebec's distinct society status; its provisions for multiculturalism reduced the Québécois to one ethnic group among many; and the equality of provinces deprived Quebec of the means for promoting its distinct society" (Keating, 1996, p. 75). Quebec could not accept Trudeau's insistence on the equality of the provinces (i.e. the politics of universalism) and his view of a unicultural Pan-Canadian identity, which was enshrined in the Charter, as it did not recognize duality. Therefore, Quebec's central goal, to be recognized as "equal to those of the federal government or of all the other provinces combined", and to be given "special status" recognition, in order to ensure its security, was rejected (Cook, 1995, p. 108).

The second attempt at renewing federalism was in 1987 with the Meech Lake Accord. The central focus of Meech Lake was to deal with Quebec's concerns, which were not addressed in the 1982 Constitution. Thus, the

"unique feature of Meech for Quebec was the distinct society clause. The other provisions demanded by Quebec: a veto, significant powers on immigration matters, opting-out rights, a say on Supreme Court and Senate appointments, were granted not only to Quebec, but to all the other provinces. Thus, in exchange for allowing Prime Minister Brian Mulroney to slip the distinct society clause into the Accord to win Quebec, the other nine provinces obtained enormous new powers" (Conway, 1997, p. 122).

Quebec was to be recognized as a distinct society; however, the Meech Lake Accord also stated that

“the Constitution of Canada shall be interpreted in a manner consistent with the recognition that the existence of French-speaking Canadians, centered in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada” (Milne, 1991, p. 346).

Therefore, the “distinct society” clause was “Canadianized”, and for many Quebec nationalists it weakened the significance of such recognition for Quebec.

The defeat of Meech Lake was a result of the rest of Canada’s uneasiness toward recognizing Quebec as a ‘distinct society’, and also a concern with decentralized federalism, as many Canadians worried how this might affect national standards.¹⁴ It was viewed as “giving too much to Quebec and made the English-speaking Canadian provinces second-class constitutional creatures” (Conway, 1997, p. 129). Granting Quebec ‘distinct society’ status was also rejected because the rest of Canada viewed such an “interpretative clause as capable of undermining the essence of the Charter, and creating a variance in the character of Canadian citizenship rights” (Cook, 1995, p. 169). This view held by the rest of Canada was further strengthened when the Supreme Court declared that the provisions of Bill 101 were unconstitutional. “When Quebec decided to use the notwithstanding clause [a clause, which the other nine provinces agreed to include in the Charter], this was viewed as intolerable as it undermined the Charter and they feared that the ‘distinct society’ clause would only legitimize or encourage such actions by Quebec” (Latouche, 1993, p. 47). Thus the Supreme Court’s decision reinforced the

¹⁴ I acknowledge that the rest of Canada’s uneasiness with decentralized federalism played a part in the rest of Canada’s rejection of both the Meech Lake Accord and the Charlottetown Accord. However, for the sake of this thesis I am focusing on the rest of Canada’s uneasiness toward granting Quebec recognition as a ‘distinct society’.

federal government's unwillingness to recognize the collective goals of the Québécois; rather they continue to impose a monolithic definition of being Canadian, which Quebec views as the misrecognition of its identity and a failure to recognize the multinational character of Canada.

As a result of the failure, once again, to recognize Quebec as distinct, there was an increase in support for separation. In 1979, support for separation was only 18 per cent for complete sovereignty. From 1989 to 1992, support varied between 30 and 40 per cent. However, on the softer sovereignty-association question, support varied between 50 and 60 per cent (Conway, 1997, p. 136). This can be explained, according to Daniel Latouche, by the fact that "nationalism is reinforced when outside events follow an apparently incoherent logic and thus threaten the future of the group" (Latouche, 1993, p. 48). A clear refusal to recognize the distinctiveness of the Québécois can be expected to result in strengthening nationalist sentiment and support for sovereignty. If the federal government and the nine other provinces are seen as once again misrecognizing Quebec's distinctiveness, by not taking the needs of Quebec seriously in order to allow Quebec to promote and protect its language and culture, then sovereignty, for them, may be seen as the only remaining option.

The third attempt at renewing the Constitution was with the Charlottetown Accord in 1992. What was most urgent during this round of negotiations was Quebec's disaffection and sense of misrecognition had to be addressed (Conway, 1997, p. 140). However, the Charlottetown Accord also failed to satisfy the concerns of the Québécois. It did grant Quebec 'distinct society' status in the new proposed "Canada clause", which stated that "the Constitution of Canada, including the Charter, shall be interpreted in a manner consistent with the following characteristics:

- a) Quebec constitutes within Canada a distinct society, which includes a French-speaking majority, a unique culture and a civil law tradition.
- b) Canadians confirm the principle of the equality of the provinces at the same time recognizing their diverse characteristics” (Russell, 1993, p. 240).

The recognition of Quebec as a ‘distinct society’ was, however, less significant due to the commitment to the ‘equality of the provinces’ and to Canada’s ‘linguistic duality’ in the same clause (Conway, 1997, p. 140). The Charlottetown Accord was put to a referendum and it was defeated, both in Quebec and in the rest of Canada. It was rejected in Quebec because it failed to recognize Quebec’s ‘special status’ (i.e. the politics of difference) and there was a commitment to the equality of the provinces (i.e. the politics of universalism) (Conway, 1997, p. 167). It was rejected by the rest of Canada mainly as an affirmation to the Charter and for the protection of individual rights and it was also rejected due to the rest of Canada’s uneasiness toward decentralization.

The Charlottetown Accord was a third occurrence of the misrecognition of Quebec’s distinct identity by the rest of Canada. Quebec did not obtain what it viewed as necessary for protecting the survival of the Québécois identity, and the rest of Canada believed that Quebec was getting too much power. The Constitutional issue was far from dead. Three years later Quebec was faced with a second sovereignty referendum, which inspired a massive show of support for Quebec days before the sovereignty referendum.

As a Quebecer, not a Francophone, but an English-speaking Quebecer of Italian descent, one of my fondest memories is the 1995 Unity Rally. Rather, I should say, it was my fondest memory up until a year ago. I was overcome by the number of people who declared their affection for Quebec and how they simultaneously believed in a strong, united Canada. I remember the sea of Canadian and Quebec flags, and what it felt like to stand underneath the enormous Canadian flag, and the sense of pride I felt to be Canadian.

The solidarity of Canadians from “sea-to-sea” was moving. I felt that there was hope that the Québécois could be persuaded and that they would begin to feel an attachment to a strong and united Canada. In the weeks that followed, I could not understand the resentment expressed by Québécois nationalists. Why would they resent such a show of solidarity from the rest of Canada?

Eight years later, my fondest memory has turned into one of contempt. Perhaps I was naïve and I lacked the historical and political understanding of Quebec, the nation. What I see now, is that the rest of Canada was being hypocritical; how could they say that they “loved” Quebec, when they completely disregarded the demands Quebec has made for years? How can they be convincing of their “love” for Quebec, when they refuse to recognize Quebec for what it is - a nation? On three occasions, as I outlined above, the rest of Canada had the opportunity to recognize Quebec as a ‘distinct society’, which would have been seen as the ultimate avowal of its “love” for Quebec. The rest of Canada chose not to rise to the occasion. Rather, it refused to recognize Quebec’s identity as a ‘distinct society’, within Canada.

Since the 1995 referendum no measures have been taken to rectify the historical refusal to constitutionally recognize Quebec as a ‘distinct society’. To add insult to injury, Prime Minister Jean Chrétien passed a House of Commons resolution bill recognizing Quebec as a ‘distinct society’, however, the bill has no legal force and it grants no additional powers to Quebec. That is, the resolution only formalized what people already believe is in existence, but with no Constitutional recognition. Without Constitutional recognition, such a resolution is unacceptable to Quebec. How can this token gesture be taken seriously, when the Prime Minister, during the debate on this bill, stated that “Quebec is a distinct society, which includes its French-speaking majority,

unique culture and civil law tradition...In Canada there is only one culture and it is Canadian” (Library of Parliament, 1995). Thus, such a resolution is wholly inadequate, as it fails to deal with Quebec’s constitutional demands. By stating that there is only one Canadian culture, Chrétien further diminishes any significance of the bill. As a result, Quebec opposed this resolution and the Bloc Québécois’ response was that “Quebec is no longer content with crumbs” (Library of Parliament, 1995).

Section 3: The Legitimacy of Quebec’s claims

The issue that remains is whether the rest of Canada will constitutionally recognize Quebec’s ‘distinct’ status, or will it continue to support a homogenizing ideal of identity by favouring a unicultural Pan-Canadian identity? The choice seems clear: either the rest of Canada must recognize Quebec’s ‘distinct’ status or face the possibility of Quebec separating from Canada. For the sake of Canadian unity, it is crucial that the rest of Canada understand and sympathize with Quebec’s demand for recognition of its ‘distinct’ status. It is time, as John Conway states, that the rest of Canada “pay their debts to Quebec” (Conway, 1997, p. 254). The rest of Canada needs to address the historical grievances Quebec holds toward the rest of Canada. If they fail to do so they will be contributing to the potential break-up of our country. As Louis Balthazar argues, “the Québécois are willing to subscribe to some form of Canadian federation, but their nationalism will always oppose an ideal that would have them ‘pledge allegiance to one nation’, indivisible, unless it would be a Quebec nation” (Balthazar, 1993, p. 11). Quebec will not sit quietly by, as the rest of Canada continues to reject Quebec’s demand for

recognition. This apparent ambivalence, or outright refusal to recognize Quebec, will most likely lead to the future break-up of the country. Following the referendum of 1995, the probability of separation became even greater with an evenly divided vote. With the possibility of a third referendum, the outcome will depend largely on the rest of Canada.

Historically, as outlined in greater detail above, Quebec has never been a province like the others. After the British Conquest of 1760, the Quebec Act of 1774 recognized French civil law, and gave official recognition to the French language and the Catholic religion. The Constitutional Act of 1791, which divided the territory of Canada into Upper and Lower Canada, established a French-Catholic majority in Lower Canada and a mostly English-speaking Upper Canada (Coulombe, 1995, p. 76). Further demarcating the territory of French Canadians to current day Quebec was the British North America Act of 1867, which gave the “majority of French Canadians a provincial status with powers over those matters that were considered central to the preservation of their identity” (Coulombe, 1995, p. 78). The Québécois have long held that the BNA Act of 1867 constitutionally recognized that Canada was founded on a two-nation theory.¹⁵ Section 94 recognized the civil law of Quebec as distinct and section 133 recognized the “special character” of Quebec, which also made French, for the first time, an official language of Canada (Cook, 1995, p. 161).

The conception of Canada as a single national community fails to recognize the multinational character of Canada. Such a conception is not acceptable to Quebec, nor should it accept such a homogenizing ideal, which fails to consider the needs of the

¹⁵ I recognize that the two-nation theory is debatable, and furthermore, it excludes Aboriginals as a founding nation of Canada. I acknowledge that Aboriginals are a nation within Canada, but for the sake of this paper I am focusing on Quebec and their interpretation of the BNA Act recognizing two founding nations, English and French.

Québécois in order that they protect their identity. Such promotion of the politics of universalism, fails to consider the consequences of not providing a “vital human need”, which is access to one’s identity; for as I argued in chapter 1, identity is a crucial part of every individual and group. Without the recognition of difference, what occurs, as Taylor argues, is “a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves” (Taylor, 1994, p. 25). As I explored in chapter 1, recognition of one’s identity and having full access to live one’s life being true to one’s identity, are interdependent. It is for this reason that recognizing Quebec as a ‘distinct society’ within Canada is essential. A central concern for many Québécois has long been the recognition and security of its language and culture. Looking back historically we see that Quebec feared assimilation from the English-speaking majority in the rest of Canada, as well as the English-speaking minority within Quebec. In addition, Quebec has always been preoccupied with its minority position within the majority English-speaking Canada, and whether it would be able to secure enough recognition and enough power from the federal government to protect and promote the survival of its culture.

Presently, Quebec is quite safe from the threat of assimilation, as it has extensive powers in the areas of education, immigration, the labour force and the protection of its language. Regardless of these powers, the Québécois still desire recognition of their distinctive identity, which they believe is not sufficiently dealt with by the implementation of official multiculturalism and official bilingualism, promoted by Trudeau, as such policies diminish the significance of the “French fact” in Quebec. First, the policy of multiculturalism regards Quebec as one of many minority ethnic groups in Canada. The policy of multiculturalism is acceptable to Quebec as a means of granting

recognition to ethnic groups within Canada; however, it is not acceptable as the means through which recognition will be granted *to Quebec*. Second, the policy of official bilingualism regards Quebec as a province like the others, and as Kymlicka argues, “unless sea-to-sea bilingualism is accompanied by recognition of the special status of Quebec, it is often seen by the Québécois as a threat to their very existence” (Kymlicka, 1998, p. 133). The issue with official bilingualism is that it fails to *recognize* Quebec as a ‘distinct society’ and as the centre of the French Canadian nation. The policy of official bilingualism is acceptable when applied to the rest of Canada. However, in Quebec, among the Québécois, the policy is viewed as not recognizing the concentration of French in the province of Quebec and “sea-to-sea bilingualism masks the reality of Anglophone domination” as it maintains French Canadians in a minority position (Conway, 1997, p. 240). Quebec is not recognized as a bilingual province and it seeks to protect the “French fact” of its society, and therefore, official bilingualism is viewed as a potential threat to “la survivance” of the French language and culture.¹⁶ The only way the Québécois feel that they can protect the survival of their culture, is if the Quebec provincial government plays a central role in the promotion and protection of their culture. However, the federal government’s implementation of official bilingualism, within Quebec, is viewed as an impediment to the promotion and protection of the French language and culture, within Quebec.

For Quebec has always been, and will likely always be, the heart of the French-speaking nation in Canada. Trudeau was a great idealist, with praiseworthy ideals. However, the attitude that he held toward Quebec served only to intensify the tension between Quebec and the rest of Canada. Trudeau was opposed to the recognition of

¹⁶ The legitimacy of Quebec’s language laws will be explored in chapter 3.

Quebec as the primary centre of Francophones and was opposed to special status for Quebec; rather Quebec was to be regarded as a province like the others. Furthermore, Trudeau believed that “the whole of the [Canadian] citizenry must be made to feel that it is only within the framework of the federal state that their language, culture, institutions, sacred traditions, and standard of living can be protected from external attack and internal strife” (Trudeau, 1968, p. 193).

Even though Trudeau left politics in 1984, his legacy and ideals concerning the Quebec issue still have force in today's government. The problem is the continued unwillingness to tolerate alternative and/or complementary allegiances – to Quebec and to Canada. It should not be seen as a contradiction for some to feel a stronger allegiance to Quebec as one's national homeland, and for others not to feel an attachment to Quebec as their nation, but rather Canada in its entirety. With regard to the issue of alternative allegiances, there are some who will feel a stronger attachment to another homeland, other than Quebec or Canada; such as immigrants who feel a stronger attachment to their cultural roots. Therefore, there are some immigrants who feel that they are Italian or Lebanese and who do not identify with being Canadian or Québécois. Both the Quebec government and the federal government are quite resistant to complementary allegiances. For instance, I have noticed that in front of all French elementary schools and high schools there are two flagpoles at the entrance to the school. However, there is only one flag, the Quebec flag and the other lays bare. Similarly, the federal government, in areas of its jurisdiction places only the Canadian flag. When one crosses the Champlain Bridge, in Montreal, there are two flagpoles, both with the Canadian flag. Both governments, I believe, are using the power of symbols to push their cause. The federal government, on the one hand, is trying to convince the people that there is only one nation, and that is

Canada, with a unicultural Pan-Canadian identity. On the other hand, the Quebec government, with the display of only the Quebec flag in areas of its jurisdiction, is trying to make clear that for them there is only one nation, and that is Quebec and they want to distance themselves from any association with the federal government. It is time that we move beyond this pettiness and accept complementary, as well as alternative allegiances. Thus, it should not be seen as a contradiction to feel Québécois and Canadian.

It is time to stop dealing with the issue of how best to recognize the identity of Quebec, from the same perspective, which is trying to eliminate Quebec nationalism by enforcing a strong Canadian national identity, as well as enshrining the politics of universalism. Rather, we must move in a new direction and recognize Quebec as a nation within the Canadian state, thereby supporting the politics of difference. I recognize that my claim that Quebec is a nation, delineated by territory, is controversial and some may argue, highly problematic. However, as I have shown thus far, historically Quebec has been the heart of the French Canadian nation. The Québécois identity goes hand-in-hand with the French language and culture, and Quebec's defined borders. Questioning the territory of Quebec as the centre of the French Canadian nation is counterproductive to achieving a realistic solution that would keep Canada together. To do so would create outrage among the Québécois and it would likely heighten Québécois animosity toward the rest of Canada.

I recognize that my claim that Quebec is a nation may be difficult for some to accept. They may fear that I am advocating some form of sovereignty-association, but I am not. In addition, they may fear that such recognition of Quebec as a nation has the potential to be exclusionary toward minorities living within Quebec, such as Aboriginals, immigrants and Anglophones. This issue, however, will be dealt with in chapter 3; what I

am concerned with at the moment is what constitutes a nation. Will Kymlicka defines a nation as “a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture” (Kymlicka, 1995, p. 11). Quebec fits Kymlicka’s definition. Throughout this chapter I have explained the history of the French Canadians or Québécois and have argued how they differ from the rest of Canada, in their language, culture and their common sense of purpose to be recognized as a distinct society. With regards to territory, one cannot deny that Quebec, the province, delineated by territory, has been and continues to be, the heart of the French Canadian society. Similar to Kymlicka, Louis Balthazar argues that a nation encompasses a group who shares “a common culture, common history, common aspirations, a certain territory, and almost inevitably, at least an embryonic political organization” (Balthazar, 1993, p. 3). These definitions are clear and concise, however, they are somewhat lacking, for a nation is more complex than Kymlicka and Balthazar’s definitions reveal.

In considering what constitutes a nation, one must also take into consideration the feelings of the group, who believe that they are a nation. Ernest Renan argues that common interests are not the only determining factor of a nation, but that “nationality [also] has a sentimental side to it” (Renan, 1990, p. 18). A nation, according to Renan, “is a soul, a spiritual principle... it is to have common glories in the past and to have a common will in the present; to have performed great deeds together, to wish to perform still more – these are the essential conditions for being a people” (Renan, 1990, p. 19). One must consider the feelings involved, which foster a sense of community, within the group, such as a sense of loyalty and allegiance to the group, developed by what they have endured in the past and their common sense of purpose. In the case of Quebec, it seems clear that there has been a strong sense of collective pride among the Québécois and their

desire to protect and maintain their language and culture. They share a common history, which was demonstrated in some detail throughout this chapter. Furthermore, there is a feeling of misrecognition among the Québécois at the hands of the rest of Canada, as a result of their continued unwillingness to grant Quebec recognition as a distinct society.

Chapter 3

Including the Other in the Conception of the Nation

In chapter 2, I explored the historical development of Quebec nationalism and some historical and sociological reasons that Quebec should be recognized as a nation. I ended the chapter with a brief introduction of a theory of nationhood. In the previous chapters, I focused exclusively on Quebec's claim for recognition and the reasons why the rest of Canada has the responsibility of granting such recognition to Quebec. In this chapter, I will shift my focus away from the Quebec-Canada issue and I will turn my attention to Quebec's responsibility toward its internal minorities, such as immigrants and Anglophones. I will begin by discussing the potential problems with the language of nationhood, as it can be exclusionary to those individuals and groups who do not conform to the pre-political conception of the nation's identity. I will also examine Will Kymlicka's theory of societal culture and consider the extent to which immigrants and Anglophones are included in the societal culture of Quebec. In addressing this issue I will explore Brian Walker's criticism that Kymlicka's theory is homogenizing. In examining the case of Quebec, I will look at whether the societal culture of Quebec excludes immigrants and Anglophones from being full members of Quebec societal culture. In the second section, I will examine Quebec's "moral contract" with its minorities and ask whether the stated principles demonstrate Quebec's openness to minorities and its willingness to respect diversity. I will conclude by considering whether reconciliation is possible between the claims made by Quebec and its internal minorities.¹⁷

¹⁷ For this thesis I am not examining Aboriginal claims to nation status. I believe that it is a complex issue and for the sake of my thesis I am focusing on immigrants' and Anglophones' rights as minorities within Quebec. I acknowledge the Aboriginal nations and that any argument that I make in favour of recognizing

Section 1: The Language of Nationhood

A nation, according to Benedict Anderson, is “an imagined community.” Anderson argues that “nationality, or nation-ness, are cultural artefacts and to understand them properly we need to consider carefully how they have come into historical being, in what ways their meanings have changed over time, and why today, they command such profound emotional legitimacy” (Anderson, 1991, p. 4). Thus, a nation is a social construction, which is a cultural artefact. This “imagined community” may be able to sustain emotional legitimacy due to fear that what once was, will be extinguished forever. As I demonstrated in chapter 2, French Canadians have historically had a profound concern with ensuring the survival of their culture in the midst, not only of an English Canadian majority, but also a North American English majority.

Further developing Anderson’s theory that a nation is an “imagined community” is Stuart Hall who argues that a nation is a “symbolic community and it is this which accounts for its power to generate a sense of identity and allegiance” (Hall, 1992, p. 612). One approach to narrating the nation is through the telling and retelling of “national histories, literatures, the media, and popular culture. These provide a set of stories, images, ... historical events, national symbols, which stand for, or represent, the shared experiences, sorrows, and triumphs and disasters which give meaning to the nation” (Hall, 1992, p. 613). Shared sorrows, for example, can be seen in the patriation of the Constitution in 1982 without Quebec’s consent, and the failed Meech Lake Accord and Charlottetown Accord, which would have recognized Quebec as a distinct society. These shared experiences of sorrow for the Québécois were viewed by many as acts of

Quebec as a nation may also apply to Aborigines. Quebec holds a responsibility of respecting the rights of the Aboriginal nations within the Canadian multinational state.

misrecognition or betrayal; they have served to strengthen an allegiance to the Quebec nation, and have led to the deepening distrust of the 'other', those who are regarded as a threat to the survival of the Quebec nation. An example of the use of national symbols as a form of narrating the nation was the PQ government's decision to change la Fête de Dollard to la Journée nationale des Patriotes. Les Patriotes was the name given to the popular movement that contributed to the rebellions in Lower Canada of 1837-1838. This holiday underlines the Patriotes' fight for the national recognition of French Canadians, for their political freedom and for democratic government (Canadian Press, 2002, p. A6). This is also a means of retelling national history, and the symbolic value in the Patriotes who fought for the national recognition of the French Canadian people.

A second way of narrating the nation is that "national identity is often symbolically grounded on the idea of a pure, original people or folk" (Hall, 1992, p. 615). Such a narration of the nation is problematic, as it is exclusionary toward minority groups living within the nation who do not fit the pre-political conception of the nation's identity. This notion of a "pure" people was reflected in Lionel Groulx's idea that nationality was determined by race and ancestry, as well as the depiction of English Canadians as "alien", even those who lived in Quebec. A more recent comment was made by then Premier Jacques Parizeau, who said that the sovereignty referendum was lost due to "money and the ethnic vote", which implied that the vote was not a reflection of the desires of the true "pure-laine" Québécois.

A third way of narrating the nation, according to Hall, is through the "emphasis on origins, continuity, tradition, and timelessness" (Hall, 1992, p. 614). Depicting the nation in this way is also problematic, as it may promote a false reality. Quebec is no longer an agrarian "petite nation catholique", and it is no longer in a minority economic position in

the province. Since the Quiet Revolution of the 1960's, Quebec has gone through significant changes, which reflect that Francophones are no longer in an inferior economic position in the province of Quebec and they have taken measures to ensure the protection of their culture, such as Bill 101, which ensures the predominance of the French language.

Regarding the nation in such mythical ways, as outlined by Hall's narration of the nation, can be problematic. As James Booth argues, the "memory of a nation also erects very high barriers to admission and is typically exclusionary in its conception and practice of belonging" (Booth, 1999, p. 251). Defining a nation according to territory can lead to further exclusion of minorities. Roger Brubaker argues that "political territory as we know it today – bounded territory to which access is controlled by the state – *presupposes* membership. It presupposes some way of distinguishing those who have free access to the territory from those who do not, those who belong to the state from those who do not" (Brubaker, 1992, p. 22). Therefore, if state and nation are viewed as inseparable, then those who belong to the nation, belong to the state, and vice versa. This view is objectionably exclusionary because regarding "a nation's state as the state *of* and *for* a particular, distinctive, bounded nation" (Brubaker, 1992, p. 28) will ensure that the interests of the nation will be pursued through the state, as a result, there is the distinct possibility that individuals not belonging to the nation will be excluded from having their interests attended to by the state which they also inhabit.

Furthermore, linking state and nation differentiates between "insiders", those belonging to the nation, and "outsiders", those regarded as not belonging to the nation. Outsiders, or, as Michael Shapiro, argues "'alien others', have been constructed as threats to valued models of personhood and to images of a unified national society and culture" (Shapiro, 1997, p. 1). Historically, English Canadians, among Quebec nationalists, have

been viewed as the “other”; they were feared because they dominated Quebec’s economy, and today, Anglophones and immigrants are viewed as a threat to “la survivance” of the French language and culture. It is understandable that there is a desire to protect and promote the French language and culture in Quebec; however, having a pure definition of the nation can infringe on the rights of minorities within the nation, such as Anglophones and immigrants. The very idea of being *maîtres chez nous* explicitly states the desire of the French Québécois to be masters in *their* home. This implies the possible subordination of other groups and individuals. With regard to English Canadians within Quebec, there seems to be a denial of historical fact – that English Canadians were one of the founding nations of Canada. There may have been a linguistic division between Upper and Lower Canada, but regarding English Canadians within Quebec as the “other”, denies them the right to maintain their national identity as Canadians and the dual allegiances they may hold.

Shapiro argues that, “the production of identity coherence and exclusivity continues to be a matter of how a people’s story is told; [it is] designed to legitimate the ethnic and spatial boundary policing the modern state” (Shapiro, 1997, p. 13, 22). A uniform conception of the province of Quebec is not reflective of today’s reality, for it does not take into account that English Canadians, Aboriginals and immigrants have shared this territory and continue to do so; thus they are also a part of the territory. There can be no static conception of the nation; English Canadians, Aboriginals and immigrants have all had an impact on defining and redefining Quebec society. As Shapiro argues, “culture [should be seen as] a dynamic that moves on, despite, not because of, state cultural productions and national master narratives; it emerges from encounters and negotiations” (Shapiro, 1997, p. 27).

A nation defined as encompassing a “pure” people, continuing through time, can be homogenizing and exclusionary for those living within the nation and who are viewed as not belonging to this “pure” nation. Such ethnic nationalism is an exclusionary conception of a nation, which fails to recognize difference within society, since the nation is defined pre-politically. It fails to recognize, as Shapiro argues, that “unified and fixed national cultures are fictions, products of national fantasies. Once one recognizes the [inherent fluidity] of cultural boundaries, there can be no culturally dangerous others, only dangerous ways of estranging others” (Shapiro, 1997, p. 27). The definition of the nation must remain open to challenges from those individuals and groups within the nation, in order to reflect accurately the constantly changing dynamics of its society. The perceived “other”, therefore, needs to be integrated and recognized within the conception of the nation’s identity.

A nation, according to Daniel Villeneuve, is a “community of citizens”¹⁸ (Villeneuve, 1999, p. 240). Contemporary citizenship can be viewed as a “fragmented citizenship; citizenship as a construction or as the dissolution of classic citizenship conceptions” (Villeneuve, 1999, p. 239). This, however, “does not necessarily entail the dissolution of the nation, rather, fragmentation can also be conceived as a mode of reproduction of the nation” (Villeneuve, 1999, p. 239). Villeneuve recognizes that the nation may include a cultural or ethnic dimension, thus the tendency to link the nation with *l’ethnie*. However, the nation has a political nature, whereas *l’ethnie* is pre-political (Villeneuve, 1999, p. 241). Linking the nation and its political nature with *l’ethnie*, it can be argued, is a thick conception of civic nationalism, which maintains a connection between the political and cultural principles of the nation. This differs from a thin

¹⁸ My own translations.

conception of civic nationalism, which is based solely on the attachment to political principles and it differs as well from ethnic nationalism, which is based exclusively on birth and blood. Arguing that the nation has a political nature and is thus open to re-conceptualization, does not imply the denial or the dissolution of *l'ethnie*'s connection to the nation and it does not mean that Quebec needs to abandon the idea of being a nation based on certain fundamental characteristics, such as the French language; rather its identity should be re-conceptualized in order that the nation becomes more inclusive of its internal "others." For without the re-conceptualization of the nation's identity, the identity of the nation will remain static, which is both exclusionary and homogenizing.

Kymlicka's Theory of Societal Culture

Respecting the identity of minorities within the nation is important to their individual freedom and to their cultural identity because, as Kymlicka argues, "freedom is intimately linked with and dependent on culture" (Kymlicka, 1995, p. 75). Culture, for Kymlicka, is essentially synonymous with nation and the kind of culture that he emphasizes is what he calls "societal culture" (Kymlicka, 1995, p. 76). A societal culture is "a culture, which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, based on a shared language. They involve not only shared memories or values, but also common institutions and practices" (Kymlicka, 1995, p. 76).

Freedom, for Kymlicka, "involves making choices amongst various options." People make choices based on their beliefs and values which are shaped by their understanding of the meanings of these options attached to them by their culture

(Kymlicka, 1995, p. 83). Therefore, according to Kymlicka, having access to a societal culture is essential to the availability of meaningful options, which results in an increase in personal autonomy.

Central to Kymlicka's argument is the distinction he makes between national minorities and immigrant groups. Kymlicka argues that national minorities have the kind of societal culture that should be protected, whereas immigrant groups typically do not. He argues that immigrant groups have abandoned their societal culture and their institutionalized practices, carried out in their mother tongue. What they bring with them are their traditions (Kymlicka, 1995, p. 77). However, even though immigrant groups do not have societal cultures, they should be granted group-differentiated rights (i.e. polyethnic rights) and potentially special representation rights. On the other hand, national minorities "did not have to re-create their culture in a new land, since their language and historical narratives were already embodied in a full set of social practices and institutions, encompassing all aspects of social life. These practices and institutions defined the range of socially meaningful options for their members" (Kymlicka, 1995, p. 79).¹⁹ Thus, in order for a national minority's culture to survive, within the larger common culture, they have chosen to solidify their own societal culture. "Societal cultures", according to Kymlicka, "tend to be national cultures" (Kymlicka, 1995, p. 80).

The interdependence between having access to a societal culture and individuals' and groups' freedom and the ability to live their life in accordance to their cultural identity leads to the question of whether immigrant groups have access to meaningful options given that they have left their societal culture behind? More specifically, what

¹⁹ I acknowledge that French Canadians were a colonized nation, as were English Canadians, and there were no French Canadians prior to the 17th C. However, French Canadian nation-ness has evolved over time.

about the rights of minorities, such as Anglophones and immigrants? Are they part of the same societal culture as Francophone Québécois? Can minorities, within the nation, have access to their identities and can they be considered full members of the nation, rather than the perceived “other”?

The primary way a nation can be open to the re-conceptualization of its identity is if national membership is not defined in terms of race or descent (i.e. ethnic nationalism). As Kymlicka argues, “what distinguishes ‘civic’ nations from ‘ethnic’ nations is not the absence of any cultural component to national identity, but rather the fact that anyone can integrate into the common culture, regardless of race or colour” (Kymlicka, 1995, p. 24). This distinction is important because it does not preclude immigrants or Anglophones, within Quebec, from becoming part of the nation. This is pertinent, in that, such an argument for a non-ethnic conception of national membership establishes the basis for a form of civic nationalism, which is far more inclusive than ethnic nationalism. Ethnic nationalism is exclusionary, since belonging to a nation is defined by birth, blood and ethnicity. On the other hand, civic nationalism is a form of political nationalism, in that identity rests with the acceptance of political beliefs and principles. Similar to Kymlicka, Kai Nielsen argues that civic nationalism is not *purely* a political nationalism, but rather there is always a distinct cultural component as well. This cultural nationalism “defines the nation in terms of a common encompassing culture” (Nielsen, 1999, p. 125). Excluding ethnicity as a defining factor of national membership allows individuals and groups from various ethnic backgrounds to maintain their ethnic identities (for example individuals or groups can maintain their “Greekness”, or their “Jewishness”), as their required loyalties are political in nature.

In Quebec, the aim of the nationalist movement is to ensure the survival of the French language and culture; however, this does not necessarily lead to the exclusion of Anglophones and immigrants from being considered as members of the nation. Ethnic nationalism is undeniably exclusionary toward internal minorities. However, if the nation defines membership based on participation in the common culture and the expectation that minorities will learn the language and history of the nation, the nation will not be exclusionary toward minorities (Kymlicka, 1999, p. 133). What I am advocating is a thick conception of civic nationalism, which I argued in the previous section, is the coupling of both the political and cultural principles of the nation. A thick conception of civic nationalism is not necessarily exclusionary or homogenizing, as long as minorities' individual rights are respected and the expression of their particular ethnic or religious identity is ensured through the implementation of polyethnic rights (Kymlicka, 1995, p. 38).²⁰ This would enable minorities to maintain their ethnic identities and have their particularity recognized, while still partaking in the societal culture of the majority; and in addition, it does not disallow the idea of plural identities (for example, someone can be Italian and Québécois and Canadian).

The Inclusiveness of Societal Cultures

I will now explore the extent to which those immigrants who choose not to exclude themselves (i.e. who accept integration) from the societal culture of a national minority, with which they share the same territory, can be included as part of it. In criticizing Kymlicka's notion of societal cultures, Brian Walker argues that "concepts

²⁰ The extent to which minorities are able to express their particular identities is explored later in the chapter.

such as that of a ‘societal culture’ or ‘encompassing groups’ are confusing in the sense that they group together such a range of different criteria that they offer us little guidance when we attempt to make meaningful distinctions for modern cases” (Walker, 1997, p. 223).²¹ Walker provides an example of,

“Two Montrealers meeting at the Jean Talon Market, where one has Italian as a mother tongue but speaks English at home with his wife and works in French. The other, whose mother tongue is French, works and lives in French. In terms of ways of life they are similar, as established urbanites, they share the same public transportation, watch many of the same television shows, and they share the same territory. They differ, however, in the language that they use, which should be seen as them belonging to a different culture. But if we look at ways of life, patterns of recreation and religion then they must be seen as belonging to the same culture” (Walker, 1997, p. 223).

Walker argues that Kymlicka’s notion of societal culture is unhelpful to such an example; this demonstrates that Walker seems to be missing the point. In fact, I think that Walker’s example clearly supports Kymlicka’s notion of societal culture. One point, where I think Walker is mistaken, is his view that the two Montrealers differ in their language. The Italian/English/French-speaking Montrealer still shares the same language as the French-speaking Montrealer. They may use different languages in the private sphere, but that does not suggest that they are not shaped by the same societal culture of Quebec. They also share a common language used in daily interactions – French – and its effects on this Italian/English Montrealer are to be expected. Walker is wrong to argue that these two Montrealers do not share the same language because, while one may not

²¹ One criticism that Walker makes is that Kymlicka is playing “cultural game warden”, setting up a hierarchy of groups who deserve group-differentiated rights (Walker 1997, p. 225). Walker’s main argument is that he does not see the justification for focusing solely on the identity claims of ethnic and national groups. I acknowledge this criticism, however, I will not address it because, for the sake of this thesis I am accepting Kymlicka’s definition of societal culture and his exclusive focus on “ethnic identity claims”, given that Kymlicka explicitly states his focus by stating that the “focus in this book will be national minorities and immigrant groups; and not the sorts of lifestyle enclaves, and social movements” (Kymlicka, 1995, p. 19).

speak it as often as the other, it is still a part of their everyday lives and it still shapes who they are.

For instance, some Anglophones and immigrants have a tendency to francize their mother tongues. They may watch the same French television shows and understand the Québécois humour in “Les Boys” and “Elvis Gratton.” Adolescents in Quebec watch “Musique Plus”, as it is the music video channel of Quebec, which is representative of pop culture with a Québécois twist. There is no “corner store”; in Quebec it is referred to as a “dépanneur”, regardless of which language is being spoken. Thus, as the Québécois culture is embodied in everyday life, for those who are open to it, it becomes a part of who they are. They may not identify with it to the same extent as the French Québécois, but nevertheless, they identify with it in some way, as it is a part of who they are, perhaps not exclusively, but it is one of their ‘plural identities’. Therefore, the Italian/English Montrealer is, in fact, part of the Italian and English culture; however, he/she is also part of the French Quebec societal culture. One cannot really be separated from the other, given that the Québécois culture is an integral part of their everyday life. The fact that these people do not share the same memories and values of the past does not preclude them from being part of the same societal culture; rather they establish new memories, as it is an ongoing process.

Walker also gives an example of a Francophone living in Montreal and another Francophone living in a rural village. They share the same language, but they differ in ways of life. He argues that “to suggest that language is what determines cultural background and that it can stand in as a marker for one’s context of choice and way of life is misleading”, given that two people who share the same language may differ in their ways of life (Walker, 1997, p. 224). At first glance one can come to the conclusion that

two francophones living completely different lives might suggest that they do not belong to the same societal culture, but, in fact, they do. They may lead different ways of life, but what is different is the way in which they relate to the same societal culture. As Kymlicka points out, we need to “distinguish between the existence of a culture from its ‘character’” (Kymlicka, 1995, p. 104). Thus, despite some differences in their way of life, the cultural structure is similar, based on a shared language and history. Over time, Quebec society has become more “pluralistic internally,” with differences among the Québécois (e.g. a diverse society, atheists and Catholics, urban yuppies and rural farmers, socialists and conservatives) (Kymlicka, 1995, p. 88). Thus, “to be Québécois today, therefore, simply means being a participant in the francophone society of Quebec” (Kymlicka, 1995, p. 87). Thus, despite some internal differences, what unites them is their common cultural structure.

What follows from my argument is that a Francophone from Montreal, a Francophone from a rural village, and an Italian/English-speaking immigrant in Montreal all share the same societal culture. What differs is the way in which they see through the “spectacles” which their shared societal culture provides. They are all given the same basis of a culture; they may just choose different options. Thus, the existence of the structure of the societal culture in Quebec provides a foundation; however, it is the character (i.e. urban yuppies, rural farmers) of the culture, which varies according to the diverse population.

Is a Societal Culture Homogenizing?

Walker argues that advocating, as Kymlicka does, that national minorities “deserve the powers and resources required to maintain their societal cultures as operational structures, is in essence an argument advocating ethnic hegemony, which will likely lead to cultural homogenization” (Walker, 1997, p. 225). He points out that “arguments about protecting culture cannot by themselves justify using majority rule to replace the institutions of a city, such as Montreal, which was formerly bilingual and still multicultural, so as to give it a Francophone ‘visage linguistique’” (Walker, 1997, p. 227). Walker’s concern is valid. I believe that granting national minorities special rights for self-determination does have the potential to threaten the rights of those groups who do not belong to the majority. However, I believe that Kymlicka is aware of this concern and his theory neither advocates nor has the consequence of supporting cultural homogenization.

Kymlicka argues that since immigrants do not have their own societal culture, the dominant culture (i.e. French Quebec) must ensure that it is “hospitable to immigrants and to the expression of their ethnic differences” (Kymlicka, 1995, p. 96). Therefore, immigrants not only integrate into the mainstream society, but they also have claims to the expression and recognition of their own identity. To ensure that this is possible “requires some modification of the institutions of the dominant culture in the form of group-specific polyethnic rights, such as the right of Jews and Muslims to exemptions from Sunday closing legislation” (Kymlicka, 1995, p. 96). This is as true in a national minority, as it is in a majority societal culture (i.e. Canada).

Walker argues that classing “state decisions about national symbols, public holidays and so on under the same rubric as choices about language, results in a model of

ethnic hegemony.” As a result, Walker argues that “if all the cultural choices that a state might make are essentially deeply particularistic then there is really no alternative to the ethnic hegemony model” (Walker, 1997, p. 228). However, Walker is wrong to assume that state choices about these aspects are homogenizing. First, as Kymlicka argues, there is no reason to “regret the fact that government decisions on language, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular ethnic and national groups” (Kymlicka, 1995, p. 115). Similarly, as discussed in greater detail in chapter 1, Taylor argues that “substantive distinctions of this kind are inescapable in politics” (Taylor, 1994, p. 62). It is naïve to assume that it is possible to have a complete “separation of state and ethnicity”; given the fact that such public holidays and national symbols are a reflection of the historical roots of the societal culture, insofar as it is necessary for the preservation of the cultural heritage of the nation or state. However, this does not preclude the possibility of immigrant groups being integrated into the mainstream society while still maintaining their culture. According to Kymlicka, “integration is a two-way process – it requires the mainstream society to adapt itself to immigrants, just as immigrants must adapt to the mainstream” (Kymlicka, 1995, p. 96). Kymlicka argues, “in so far as existing policies support the language, culture, and identity of dominant nations and ethnic groups, there is an argument of equality for ensuring that some attempts are made to provide similar support for minority groups through polyethnic rights” (Kymlicka, 1995, p. 115). In Quebec there are policies which seek to ensure the dominance of the French language, in the same vein, support is needed for minorities within Quebec. They should also be granted rights (i.e. polyethnic rights) in order that they may have access to their own cultural identity (i.e. Italian, Lebanese, or Vietnamese).

The necessity for granting polyethnic rights to minorities within Quebec society derives from Taylor's argument (explored in chapter 1), which is that recognition is a vital human need; without which, individuals and groups would suffer misrecognition, which can cause "real damage, real distortion" of the identities of minorities (Taylor, 1995, p. 25). In the case of public holidays in Quebec, we see that all public holidays are a reflection of French Canadian history; however, this does not necessarily inflict misrecognition on minorities. For instance, if one were to go to Little Italy in the month of August one would see numerous street festivals celebrating special Italian holidays, and during the time of the Chinese New Year there are many celebrations in Chinatown; these celebrations include people from an array of cultural backgrounds. While these are examples of toleration, recognition of minorities' identity is also required, in order that minorities can be viewed as part of the societal culture of Quebec and provided with the opportunity to maintain their identity, defined by their own terms. However, I also argue that the claims of national minorities (i.e. Quebec) are stronger than the claims made by minority immigrant groups; it is for this reason that claims for recognition differ. Recognition of minority immigrant groups is granted when, for instance, students are able to miss school and exams, without penalties, for religious holidays, and public institutions, such as Concordia University, provide Muslim prayer rooms. Since immigrants' religious and cultural holidays are not established public holidays the principle of recognition would require days off, either from work or school, in order that minority groups may continue with their traditions. Such recognition allows individuals who are part of minority groups in Quebec society, the ability to live their life in accordance with their identity, defined in their own terms. Therefore, the granting of Muslim prayer rooms, at Concordia University, allows Muslim students the ability to live

their daily life in accordance with their own traditions and religious/cultural values. An additional example, which demonstrates a polyethnic right and recognition of a cultural minority, is that there are over thirty-seven Jewish schools and daycares in the Montreal area. The curriculum of Jewish high schools, for instance, seeks to carry on the “distinctive pluralistic Jewish tradition of its founders” and the curriculum is delivered in English, French, Hebrew and Yiddish (Bialik High School, 2001).

Furthermore, Kymlicka argues that the character of a culture is not static (Kymlicka, 1995, p. 104). Societal cultures “revise [their] deepest ends, as a result of new experiences or circumstances which may reveal that [their] earlier beliefs about the good are mistaken” (Kymlicka, 1995, p. 91). Societal cultures are not static; through modernization and immigration the character of a culture will change. As immigrants will, to some extent, integrate into mainstream society, they will have an impact on the dynamics of the current character of the mainstream society. In addition, as the mainstream society should, according to Kymlicka’s theory, grant immigrants polyethnic rights in order to maintain their ethnic particularity, they will also have to adapt their institutions to accommodate immigrant groups. Thus, the societal culture will change, if even in small ways. As groups interact with one another they are creating a new history.

Section 2: Is Quebec's Societal Culture Inclusive of Minorities?

Thus far I have argued that Kymlicka's theory of societal culture is inclusive and it is not homogenizing. However, if one looks at Quebec, a different conclusion might be reached. In the case of Quebec, there is no simple answer to whether its societal culture is, in fact, inclusive or is, on the contrary, homogenizing; it depends on which angle is being explored. On the one hand, in an attempt to create an "intercultural coexistence" and instill a sense of being Québécois (based on a thick conception of civic nationalism), the Quebec government developed its position on immigration and integration (Labelle & Salée, 2001, p. 9). In 1990 *Let's Build Quebec Together: Vision: A Policy Statement on Immigration and Integration* outlined Quebec's goal in the area of immigration and integration. This policy set out a "moral contract" between immigrants and Quebec as a society, in which both have rights and responsibilities in the integration process. The three principles that form the basis of the "moral contract" are that Quebec is "a society in which French is the common language of public life; a democratic society where everyone is expected and encouraged both to participate and contribute; and a pluralist society that is open to multiple influences within the limits imposed by the respect for fundamental values and the need for intergroup exchanges" (Carens, 1995, p. 42). Such principles suggest Quebec's openness to immigrants and its commitment to respecting diversity.

The first tenet of *Vision* asserts that French must be accepted as the common language of public life. Such an assertion clearly demonstrates the importance Quebec places on building and maintaining its distinct society. At the same time, it "intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the

institutions of the English-speaking community of Quebec, and respectful of the ethnic minorities, whose valuable contribution to the development of Quebec it readily acknowledges” (Government of Quebec). Nonetheless, Joseph H. Carens questions whether such a commitment to French as the language of public life is justifiable, given Quebec’s commitment to the principles of democracy and pluralism. The French language, Carens points out, is “at the heart of Quebec’s self-understanding as a political community, as is the potential vulnerability of that fact, given Quebec’s history and the overwhelming dominance of the English language in the rest of North America” (Carens, 1995, p. 43). Quebec holds a commitment to promoting and protecting the distinct status of Quebec’s society, and as such the learning of French and its acceptance as the common language of public life is regarded as the necessary condition for integration. For this reason, “linguistic adaptation is the strongest demand that the moral contract makes on immigrants. This is the one demand that the government is prepared to enforce with legal regulations” (Carens, 1995, p. 45). The goal of linguistic adaptation is to make the French language part of the “shared heritage of all Quebecers whatever their origin” (Carens, 1995, p. 46). However, given Quebec’s commitment to democracy and pluralism, Carens argues that this entails that Quebec be open to transformation, and this includes Quebec’s understanding of the concept of distinct society, including the French language.

Given Quebec’s diverse ethnic population, what Quebec requires of immigrants for full social membership is knowledge of French. Belonging to the societal culture of Quebec is not linked to ethnic ties; rather it is based on civic allegiances and a shared language. Given Quebec’s stated commitment to pluralism in *Vision*, Carens argues that “Quebec’s distinct society becomes identified, almost exclusively, with the French Fact” (Carens, 1995, p. 65).

For Carens,

“the commitment to French as the language of public life clearly is something that derives its normative status entirely from the fact that it is Quebec’s ‘social choice’ – i.e., from the fact that the majority of Quebecers are deeply committed to this principle. But once immigrants are members of Quebec’s society, and certainly once they have become citizens, they have a right to participate in that process, or, as [*Vision*] itself states, ‘to help define the major orientations of our society’. But language policy cannot be excluded from the democratic process in which the immigrants participate” (Carens, 1995, p. 66).

Quebec is a distinct society - a nation - as was argued in chapter 2. An additional characteristic of Quebec’s distinctive character is its culturally diverse population, which should be recognized. However, Carens is incorrect to argue that the French language, the language of public life, should be open to the democratic process. Over time the distinctive nature of Quebec society will, in fact, change. Both immigrant groups and the societal culture of Quebec will experience some transformation as a result of the interaction between the two, and as a result of Quebec’s commitment to the principles of democracy and pluralism. However, recognizing the diversity of Quebec’s society, and ensuring that immigrants feel that they are a part of the distinct society of Quebec should be achieved through polyethnic rights, rather than calling into question the concept of distinct society, based on the French language and history. As I argued in chapter 1, there will be instances when Quebec’s collective goals will take precedence over the individual rights of its citizens, and as Taylor argues, certain rights may be “revoked or restricted for reasons of public policy”, in order that the group secure the survival of its culture (Taylor, 1995, p. 59). However, recognizing immigrants as part of the societal culture of Quebec does involve addressing their concerns with the language issue. For instance, the French Language Charter stipulates that “public signs must be in French; they may also be both in French and another language provided that French is markedly predominant”

(Government of Quebec). Such a legal stipulation is respectful of immigrant minorities within Quebec. Thus, for example, in Chinatown in Montreal, Chinese stores and restaurants can have their signs in French and also in Chinese. This is a reasonable accommodation, that, on the one hand, allows the French language of Quebec to be assured and the 'visage linguistique' to be upheld, and, on the other hand, grants recognition of the Chinese community, which allows the Chinese community to maintain its cultural particularity and for this particularity to be reflected in the societal culture of Quebec.

Carens argues, "in the long run, the viability of Quebec's distinct society and maintenance of the French Fact may depend in major respects on the extent to which immigrants and their children identify with, and are committed to, that project. Such a commitment will be created by making sure that the project of the distinct society is genuinely open to them, that it is not too closely identified with a particular group – namely, those descended from the early francophone settlers" (Carens, 1995, p. 67). This argument is legitimate because, as I have been arguing, if belonging to the distinct society of Quebec involves being a "pure-laine" Québécois (i.e. ethnic nationalism) it will be an unjustly, exclusionary society. However, as I argued in the first section, it is possible for the societal culture of Quebec to be inclusive of immigrant groups, based on a thick conception of civic nationalism. Yet it may still be difficult for immigrants to feel that they completely belong as part of Quebec's distinct society, due to the fact that they may receive contradictory opinions, as to their acceptance as full members within the societal culture of Quebec from the current separatist government of Quebec – the Parti Québécois – and the separatist members of Parliament who represent Quebec in Ottawa – the Bloc Québécois.

On the one hand, there are the “soft nationalists” within the Parti Québécois, whose stated vision for Quebec, other than the obvious, which is to separate from Canada and form its own nation-state, is to be “a civic nation, which is inclusive and transcends all ethnicities” (Parti Québécois, 2001). Such a statement suggests that the societal culture of Quebec is open to those immigrants that choose to integrate into the Québécois culture. What is being promoted is a thick conception of civic nationalism in which all citizens share political and cultural (i.e. language) loyalties, rather than ethnic nationalism, which presupposes that members share the same ethnic descent. Therefore, no one is to be excluded from being part of the societal culture of Quebec due to his or her ethnic background.

However, on the other hand, there are the “hard-line” nationalists, whose comments suggest the societal culture of Quebec is (or should be) based on ethnic nationalism, and some go even further to include political loyalties. In this conception of the nation “true Québécois” are considered those who are “pure-laine”; such hard-liners have even explicitly questioned whether Jean Chrétien, Jean Charest and Céline Dion are “true Québécois”, suggesting that they have turned their back on Quebec, given that they are not separatists. Therefore, not only do they exclude immigrants from being regarded as belonging to the societal culture of Quebec, but they also exclude those who are Québécois by blood if they do not hold the hard-line beliefs.

An additional example, which indicates that on this hard-line view immigrants are not regarded as belonging to the societal culture of Quebec, is the infamous speech given by then Premier of Quebec, Jacques Parizeau, in 1995 after losing the sovereignty referendum, when he stated that the referendum was lost due to “money and the ethnic vote.” Such a statement regarding the “ethnic vote” reflects a sentiment that immigrants

are not valued as equal citizens in Quebec society, given that, presumably, they have inhibited Quebec's pursuit for independence. This also enforces the "us" versus "them" dichotomy, by suggesting that not all citizens are equal since they are not "true Québécois." Whether the societal culture of Quebec is, in fact, homogenizing is again not entirely clear. On the one hand, the Bloc Québécois youth wing has stated that "the real role for immigrants is to quickly forget they are immigrants and blend in because minority rights must not spell the defeat of the majority" (Authier, 2001, p. A1). Such a statement has serious, negative implications for immigrants, as it is in fact an argument that supports cultural homogenization. It reflects that immigrants should have no polyethnic rights and they should sever all ties with their cultural origins and adopt not only the political beliefs and principles of the Québécois hard-liners, but all the cultural practices as well, while giving up their own. This would clearly result in the misrecognition of immigrants. However, the statements made by the Bloc Québécois youth wing were strongly criticized by the older members of the party for "espousing a supposedly old-fashioned 'ethnic' version of Quebec nationalism instead of the currently fashionable 'civic' kind" (MacPherson, 2001, A1). Thus, there are divisions in the Party over the extent to which immigrants should integrate into the societal culture of Quebec. That is, whether Quebec is a 'civic' nation that revolves around political loyalties and a shared common language, or an 'ethnic' nation where immigrants must completely assimilate, but where, on the latter model they will nonetheless never be regarded as "true Québécois." After such harsh comments and conflicting opinions, it seems difficult that immigrants would feel that they could ever belong as part of Quebec's distinct society.

The Government of Quebec states, "Quebec is a democratic and pluralistic society that respects the right of individuals to choose their values, lifestyles and religion"

(Government of Quebec). Such a statement implies that the societal culture of Quebec recognizes cultural diversity and it will accommodate immigrants' rights to maintain their ethnic particularity. An example of such accommodation is a Quebec court decision permitting a Sikh boy to wear his kirpan (a ceremonial Sikh dagger) to school (Khan, 2002, p. B3). An additional example of religious accommodation for Quebec's minorities is the court ruling allowing Orthodox Jews in Outremont to string symbolic fishing line around their homes. "Under Jewish religious law, it is forbidden to move items of any kind between households on the Sabbath or on a Jewish holiday. An eruv, made of fishing line, symbolically turns an encircled area into a single dwelling, getting around a rule against carrying anything outside one's house – including strollers and wheelchairs" (Becker, 2001, p. A1). However, such recognition of Quebec's cultural diversity was met with confrontation among members of Quebec society. In spite of this, such court decisions reflect the value of freedom of religion, outlined in the Quebec Charter of Human Rights and Freedoms, and the recognition of cultural minorities within Quebec. With such recognition of immigrants' identities, the recognition of the collective goals of the Québécois is compatible with the individual rights of minorities within Quebec, for as Taylor argues, "a society with strong collective goals can be [just] provided it is also capable of respecting diversity, especially when dealing with those who do not share its common goals; and provided it can offer adequate safeguards for fundamental rights" (Taylor, 1995, p. 59), such as freedom of religion.

In my view, there is no clear answer as to whether the societal culture of Quebec is, in fact, inclusive. It depends on too many factors that pull in opposing directions. Based on some of the comments made by some members of the Parti Québécois and the Bloc Québécois, it may be difficult for immigrants to feel welcome in Quebec and the

comments also make it difficult for all individuals and groups, who are not “pure-laine”, to feel that they can be part of the societal culture of Quebec, even those who were born in Quebec to immigrant parents. However, the intolerant comments sometimes made toward immigrant groups by the Parti Québécois and the Bloc Québécois do not necessarily reflect the views of all the Québécois or its institutions; rather it is representative of a minority of the hard-line members. When looking at the whole picture, I believe that the societal culture of Quebec is accommodating to immigrant groups, but the degree of this accommodation is open to debate.

Carens argues that “if the collective identity of Quebec is too closely tied with the ‘founding nation’ principle and with its particular history and culture, then immigrants will find it hard to feel as though they belong to that collectivity and will be disinclined to support its project” (Carens, 1995, p. 68). According to Carens, these “historical links can no longer serve as a criterion of authenticity for what is or is not part of the culture of Quebec’s distinct society. With the opening of francophone institutions and public life to immigrants, it becomes necessary to think of the culture of Quebec’s distinct society as including whatever is part of the culture of the inhabitants of Quebec” (Carens, 1995, p. 71). Recognizing immigrants as part of Quebec’s distinct society will only be achieved through respecting diversity in the form of polyethnic rights and by Quebec society adapting in certain circumstances, such as the Orthodox Jews in Outremont being permitted to put up an eruv, or granting Sikh men exemption from helmet laws. On the other hand, the ‘founding nation’ principle and the historical links are part of Quebec’s distinct society, which is central to its goal to preserve and protect its cultural viability, not only in the present, but also for the future. These historical links and the French language are fundamental to the societal culture of Quebec, and should not be

compromised. Carens fails to recognize, as Kymlicka does, that the claims made by national minorities (Quebec) are stronger than those made by immigrant groups. Kymlicka argues that “what is important is that in the case of a national minority [like the Québécois], unlike that of immigrants, the imposition of the majority language (English) threatens a culturally distinct society that is already embodied in a full set of social practices and institutions, encompassing all aspects of social life” (Kymlicka, 1998, p. 31). Providing immigrants access to English schools would potentially threaten, not only the survival of the French language, but also the flourishing of the French language among the citizens of Quebec. Preserving these historical links and the French language are central to Quebec’s identity as a nation, within Canada. Denying this fact or asking Quebec to discard such principles will fundamentally weaken the societal culture of Quebec and its ability to protect the viability of its culture for the future. However, this does not mean that immigrants cannot be included in Quebec’s societal culture. Incorporating the diversity of Quebec society involves adapting the common institutions and granting immigrant groups polyethnic rights, but it does not include compromising the fundamental principles of the societal culture of Quebec (i.e. the French language).

A concern remains regarding the Anglophone community (i.e. English Canadians) and their ability to maintain their identity. There are measures taken to “de-anglicize” Quebec, especially in Montreal, in order to assure a French ‘visage linguistique.’ The previous PQ Premier of Quebec, Bernard Landry has said that “he is worried that Montreal might be becoming too English again, and he raised the spectre of renewed language legislation if Montrealers are not careful enough to keep the city French” (Bauch, 2002, p. A1). Landry is worried that business people are being negligent by failing to keep up Montreal’s French face. The concern with the preservation of the

French ‘visage linguistique’ is a legitimate concern; however, the English language does not have the numerical force to take over Quebec, or Montreal for that matter. As reported by Statistics Canada for 2001, the proportion of Anglophones in all of Quebec is “8.3%, the Allophone proportion is 10.3%, and the Francophone proportion is 81.4%” (Gyulai, 2002, p. A3). In Montreal, there are 423, 153 whose mother-tongue is English, 667, 490 whose mother-tongue is neither French nor English, and 2, 290, 003 whose mother tongue is French (Gordon, 2002, p. A1). With these kinds of numbers, I do not share Landry’s concern. French is no longer in a minority position; the Québécois are now “maîtres chez nous”, thus, it is time to let go of the view that the English language is a threat to Quebec.

What is needed is to find some kind of compromise that, on the one hand, affirms the French fact of Quebec society and addresses its concerns for continued survival and, on the other hand, respects the rights of the Anglophone community. Anglophones require respect and legal recognition in order that they can ensure the protection and survival of their culture and language, not just now, but also in the future. Such legal recognition is granted under the Charter of the French language, which guarantees access to English schools for “those children whose parents were educated in English in Canada, or a child whose mother or father is not Canadian, but who received elementary instruction in English in Quebec, provided that that instruction constitutes the major part of the elementary instruction he or she received in Quebec” (Government of Quebec). However, for reasons of the survival of the French culture and the preservation of the ‘visage linguistique’, there will be instances where the rights of the French Québécois will take precedence over the rights of Anglophones and immigrants. Such an example is the sign laws, which exclude the use of English on outdoor signs. This regulation is

justifiable as it ensures the French 'visage linguistique' of Quebec. On the other hand, as Taylor argues, fundamental rights should be "unassailably entrenched" (Taylor, 1995, p. 59). Therefore, providing access to English language schools for English Canadians can be considered a fundamental right, as is the right to access to health care in one's language. With regards to health care some institutions in "Montreal are designated as bilingual" (where more than 50% of their clientele is non-francophone), which offer a full range of services in English (Government of Quebec). In the same respect, as access to health care is a fundamental right, immigrants are provided with interpreters and translators, who work in about 50 languages (Government of Quebec).

Section 3: Moving Past Ressentiment and Including the “Other”

Can there be reconciliation between Quebec’s goal to preserve and protect its identity as a distinct society and immigrant groups’ and Anglophones’ demands to have their cultural particularity recognized? Such a tension between the majority and minority results from the politics of identity and the need for recognition and, on the opposite side, the need to avoid the harms of misrecognition. As Salée argues, “the possibility of expressing difference is a precondition for the recognition of one’s identity, which in turn, is a requisite for empowerment. And that is the fundamental, underlying logic of the modern public space: everyone wants to make sure that they are not left out of it, that their input is taken into consideration, and that what they are or think is appropriately reflected in the very outlook of the public space” (Salée, 1997, p. 10). Recognition, however, seems a complicated affair where immigrant groups, Anglophones and Aboriginals share the same territory as a national minority – the French Québécois, who seek to ensure the survival of their culture. The difficulty with trying to find a satisfactory agreement between the majority and minority is, as Salée argues, that “when one’s identity is at stake, there is little room for negotiation, for meeting the other half way” (Salée, 1997, p. 10).

The discovery of a common ground seems unlikely. Another reason is that “the tone of Quebec politics is now irremediably set in the language of *ressentiment*” (Salée, 1997, p. 12). For Salée, *ressentiment* “is about power – who holds it and who does not – and about exclusion – who is an integral part of society, and who is not... But it is also about self-centredness, about the wound left after one’s self or way of life has been unrecognized, dismissed, or trampled on by others” (Salée, 1997, p. 12). For Quebec

nationalists, *ressentiment* stems from their view that Quebec francophones are the “true victims of Canadian history, whose claim for reparations supersedes the claims any other group might make on the Quebec polity” (Salée, 1997, p. 14). Minorities within Quebec, however, feel that “French-speaking Quebecers enjoy hegemonic status within Quebec society and that francophones are the ones who are imposing a public culture on Quebec that is patterned after their needs, their own priorities, and, most of all, their own particular sense of identity” (Salée, 1997, p. 14). Paradoxically, the very politics of *ressentiment* that has served Quebec’s political purpose is “playing against them”, as non-francophone minorities now display an “emancipatory and vengeful quality” (Salée, 1997, p. 15, p. 13).

With such feelings of *ressentiment*, held both by the French Québécois and minority groups within Quebec, it seems rather unlikely that either group can move past such feelings and work together to find a solution – to arrive at the “mutual recognition” between all groups. A possible way to reconcile the competing claims is, as I argued in section 1, to define the Québécois identity around a thick conception of civic nationalism, and ensure certain fundamental principles that profoundly shape the Québécois identity, such as the French language and its social and political institutions. However, at the same time the societal culture of Quebec needs to ensure that minority groups’ identities are recognized through polyethnic rights and the respect for fundamental individual rights. The central difficulty, however, remains. Given the sometimes contradictory messages immigrants groups and Anglophones receive from Quebec nationalists, it is still debatable whether the French Québécois societal culture is in fact open to minority groups. There remains a feeling among non-francophone Quebecers that “they can be *in* the nation, if they wish; somehow, they will never really be *of* the nation” (Salée, 1997, p. 9).

The question remains: are both groups – the majority Francophone Québécois and the minority immigrant groups and Anglophones – destined to live begrudgingly together, or can they engage in an “intercultural dialogue”? I remain unconvinced that the answer lies in Carens’ argument that Quebec needs to move away from the founding nation principle, and that it needs to let go of its historical links. This will never be acceptable to Quebec nationalists who have struggled to ensure that the distinct society of Quebec be maintained, not just now, but also in the future. The solution may lie, rather, in Salée’s argument that “both the majority and minorities, must move beyond their own limited identities, and realize that in reality identities are translational; hence fluid and mutable” (Salée, 1997, p. 19). Similarly, Kymlicka argues that “integration is a two-way process”, which entails that both the majority and the minority groups need to adapt themselves to the other. As I argued in section 1 and 2, through the interaction between the majority and minority groups, and as both groups will try to accommodate the other, the identities of both groups will, in fact, transform.

In order to engage in an “intercultural dialogue”, what needs to be addressed is how to ensure that immigrant and Anglophone groups’ rights, to maintain their cultural identity, is respected: that Quebec does not “abuse” its special rights, as a nation. In order to address this concern, I will look at one aspect of the argument put forward by Peter Swan, which holds to the same dialogical orientation as Taylor and Tully.²² Swan argues that “members of vulnerable or disadvantaged groups are often systematically denied the opportunity to participate in the decisions that affect their lives and their communities” (Swan, 1996, p. 181). If we apply Swan’s deliberative theory of justice, in the case of

²² The article “Environmental Justice and Minority Ecological Rights” is a complex article, which deals with ecological rights. I am applying Peter Swan’s argument loosely to what “justice” requires for minorities within the societal culture of Quebec.

Quebec, what is needed in order that Quebec does not “abuse” its special rights, is to ensure that minority groups’ (immigrants and Anglophones) concerns about the protection of their identity are addressed and that they can participate in the decision-making which affects them. What is needed, Swan argues, is a “more procedural model of justice” (Swan, 1996 p. 189). That is, “within a deliberative framework, the focus for argument is on the procedures that are stabilized by the institutionalization of such rights. These procedures, in turn, are regarded as just or legitimate not because they guarantee specific results but rather because of their capacity to secure ‘equal participative opportunities’ in order that all voices have a chance to be presented and heard in processes of public deliberation” (Swan, 1996, p. 192). Thus, what is needed is the institutionalization of procedures legally guaranteeing all citizens’ (including minorities), rights to participate in decision-making processes. Decisions and procedures will be regarded as legitimate if all those concerned have been given the opportunity to participate equally.

In the case of Quebec, what is needed, I believe, is that minorities participate in decisions such as language issues, so that they can voice their concerns. There should be what Swan calls, an “exchange of perspectives”, where minorities have the opportunity to persuade the larger society of the validity of their claims “through a process of general and reciprocal justification” (Swan, 1996, p. 193). Thus, the views of the larger society also need to be explained and justified. This argument parallels Taylor’s notion of “fusion of horizons”, discussed in greater detail in chapter 1, which occurs when both sides seek to better understand the perspective of the other, since they have been “transformed by the study of the other” (Taylor, 1994, p. 70). A similar conception is Tully’s “world reversal”, in which “participants are recognized and speak in their own

language and customary ways” (Tully, 1995, p. 24). Both minority groups and the societal culture of Quebec need to have a clear understanding of the interests and concerns of one another, in order that they may assess and possibly support the policies being made. What is especially important is that minority groups attempt to understand the complex issues surrounding the Québécois identity, their history, and concerns with protecting their identity as a national group within the dominant English-speaking Canada. In turn, the societal culture of Quebec needs to be aware of the concerns minority groups have about being able to preserve their identities and having their fundamental rights respected, within the societal culture of Quebec. I believe that a genuine understanding of the other’s concerns is the first step toward finding ‘solutions’ that will provide recognition and respect of everyone’s cultural identities.

Also important, as Swan argues, is that “in order to be regarded as just, a state must not only guarantee the political autonomy of all its members but should also provide the conditions for their recognition as morally accountable persons capable of participating in public debate” (Swan, 1996, p. 190). This, however, is not achieved when, for example, Jacques Parizeau attributed the 1995 referendum loss to “money and the ethnic votes”, which implies that votes cast by minority group members do not have equal weight and that they should not participate in decisions of the future of Quebec, even though they are citizens. Thus, in the case of Quebec, minorities require recognition, that is, they need to be “recognized as full fledged members of the community” (Swan, 1996, p. 190). This, I believe, is necessary because, if minorities are regarded as second-class citizens, it is inconceivable that they will consider the laws as legitimate and they will have no chance to influence the decision-making process.

In the end, however, it is only realistic to assume that claims made by minorities in Quebec will at times come into conflict with the desires of the societal culture of Quebec, given that Quebec is a national minority wanting to preserve its identity within the larger English-speaking Canada. What is needed, Swan argues, is that the “state acts not to promote a specific culture or way of life but rather in ways to promote rational deliberation about the social and moral conflicts that divide us without excluding any positions” (Swan, 1996, p. 204). I agree that it is important to engage in deliberation in which all positions can be expressed. However, in the case of Quebec, it is not realistic or desirable to believe that the state (representing the societal culture of Quebec) will not promote a specific culture – the French Québécois culture. This is because, as I argued in section 1, there cannot be complete separation between “state and ethnicity.” Quebec should guarantee the recognition and the equal participation of all members of its society, in order to ensure that minorities’ concerns will be heard and considered. However, as a national minority, the French Québécois have a right to preserve their culture; thus, there will be times when the Quebec government will promote the Quebec culture. And it should not, as Kymlicka argues, “regret this fact” (Kymlicka, 1995, p. 115). However, Quebec needs to ensure that minorities are given equal weight in deliberations, especially when it concerns issues that might affect the recognition and preservation of their identities. At the same time, minorities need to understand the complexities surrounding Quebec and the deep-rooted sentiment involved in Quebec nationalism. There needs to be a reciprocal understanding, between minority groups and the majority French Québécois, of one another’s concerns and interests. However, Quebec’s identity claims, I believe have precedence over those made by minorities. Nonetheless, this does not mean that

Quebec has a 'carte blanche' to do as it pleases; Quebec still needs to treat minorities fairly and with respect.

Conclusion

The cultural make up of Quebec society has changed dramatically over time; it has become much more diverse, thus contradicting the illusion of a “pure” people. Therefore, for a nation not to be exclusionary or homogenizing there must be an intersubjectively shared identity among the people living within the nation. It is important that all citizens living within the nation can redefine the identity of the nation together. Yet, it is not that the nation should forgo *l’ethnie*, but rather, the conception of the nation needs to open up to better reflect the changing dynamics of its society. The identity of a nation is not static and not internally homogeneous; rather, identities can be challenged and reformulated.

The question that remains is how all groups can come “together in difference” (Young, 1993, p. 124). The vision I have for this coming together is based on James Tully’s eloquent discussion of Bill Reid’s sculpture, *The Spirit of Haida Gwaii*.²³ The sculpture is viewed as “an ecumenical symbol for the mutual recognition and affirmation of all cultures that respect other cultures” (Tully, 1995, p. 21). As Tully states, the work represents the individuals’ and creatures’ “willingness to listen to its culturally diverse spirit” (Tully 1995, p. 23). What I find most compelling about *The Spirit of Haida Gwaii* analogy is how all can come together, and recognize that their differences may make their society all the more interesting, and even stronger. When I first read Tully’s description of *The Spirit of Haida Gwaii* what came to mind was how my family is similar to the gathering of the diverse people and creatures, who come together despite their differences, in the canoe of Bill Reid’s sculpture.

²³ For a detailed description refer to Strange Multiplicity: Constitutionalism in an Age of Diversity, by James Tully (1995), on p. 17.

At most family occasions we are about thirty people, all connected as a family, either by blood, marriage or friendship. Yet, despite our connection we are all different. Our ways of life differ: One cousin lives in a rural area and her mother tongue is French. She and her husband are Quebec nationalists and support the independence of Quebec. A second cousin lives in the city as a single mother raising her daughters to be bilingual, speaking both English and French in her home. When we come all together, we do not share one common language, but three. My mother is an immigrant who attended French school and she speaks to her parents in Italian and her brothers in French. My father, also an immigrant, attended English school and speaks to his brother and sister in English. I was born in Quebec and educated in English, and speak English at home. However, I speak Italian to my grandparents and French to some of my cousins. We speak, Italian, French and English, and no one minds if one speaks in one language and the person responds in another. We can speak all the languages during the same discussion, and often disagree strongly in our political views. Some of my family members feel a strong connection to Canada, while others feel closer to their Italian roots, never having given up their Italian citizenship, and still others feel that they are Québécois and feel a connection to Quebec and a few are separatists. Our differing political beliefs only make for interesting conversations and are no source of conflict.

We are all different and we are able to come together and form a unifying, yet diverse family. What makes our bond strong is our willingness to, as Taylor argues, “listen to [our] culturally diverse spirits” (Taylor, 1995, p. 23). We do not judge one another and we respect one another’s point of view. As Taylor argues, “recognition involves acknowledging the terms and traditions [of each participant] in its own terms and

traditions, as it wants to be and as it speaks to us” (Taylor, 1995, p. 23). It is because of my family that I have been able to write this thesis, as they are the source of my inspiration. They have challenged many of my beliefs and I have tried, in this thesis, to devise a ‘solution’ to our most discussed issue – Quebec and Canada’s constitutional conflicts. I always thought, from about the time I was 15 years old, that perhaps one day I could find some kind of ‘solution’ to the Quebec issue, and I wonder, however naïve it may sound, if my family is able to come together despite our differences, that Quebec, as a nation, and Quebec and Canada can find a way to come together in their difference. Unfortunately, what may prevent this from materializing is the political power grab by politicians, such as Landry who wishes to be the one to bring Quebec to independence and Chrétien who wishes to walk in the footsteps of Trudeau and hold together a strong united Canada, with one culture.

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