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**A Charter Group:
The Political Behaviour, Identity, and
Constitutional Discourse of Anglophone Quebec,
from Bill 22 to the Charlottetown Referendum, 1974-1992**

by Daniel Westreich, B.A. Hons.

**A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of the requirements for the degree of**

Master of Arts

Department of Political Science

**Carleton University
Ottawa, Ontario
February, 1996
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**A CHARTER GROUP:
THE POLITICAL BEHAVIOUR, IDENTITY, AND
CONSTITUTIONAL DISCOURSE OF ANGLOPHONE QUEBEC,
FROM BILL 22 TO THE CHARLOTTETOWN REFERENDUM, 1974-1992**

submitted by

Daniel Westreich, B.A. Hons.

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

Chair, Department of Political Science

Thesis Supervisor

Carleton University
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Abstract

This thesis presents the argument that the contemporary political behaviour and identity of anglophone Quebec is consistent with that of a Canadian minority. As do many Canadian minorities, anglophone Quebecers look to the Canadian Charter of Rights and Freedoms as both a political tool and as a source of identity. Reflective of their status as an official-language minority, anglophone Quebec can be distinguished from that of the rest of English-speaking Canada.

Using the concepts of symbolic resources and the symbolic order provided by Raymond Breton, Charles Taylor's discussion of the modern idea of identity and the politics of procedural and substantive liberalism, and Alan Cairns's notion of constitutional minoritarianism, this thesis examines the transformation of the political behaviour and identity of anglophone Quebec from that of a segment of the Canadian majority to that of a distinctive Canadian minority group.

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Introduction and Review of Literature

A. Introduction

Since the Quiet Revolution hit Quebec in the early 1960s, French Quebecers have demanded and obtained an increase in their political, economic and social status in Canada and especially in Quebec. This upheaval has had a profound impact on Quebec's anglophone population. Over the past three decades, the increased status of French Quebecers has led to a relative diminution in the status of anglophone Quebecers. During that time, anglophone Quebec's political behaviour and identity has been transformed. In little time, their political identity evolved from that of a segment of the Canadian majority into that of a distinctive Canadian minority group. Today, their political identity is unique among English-speaking Canadians. Reflecting their status as English-speaking Canada's only official-language minority, their political behaviour is also unique, both in terms of political action and political discourse. As is the case with many contemporary Canadian minorities, anglophone Quebecers look to the Canadian Charter of Rights and Freedoms as both a political tool and as a source of identity. Where they encounter other interests in the Canadian political arena, especially on constitutional issues, anglophone Quebecers represent a distinct political interest. Examining their constitutional discourse provides a unique opportunity to demonstrate the distinctness of the political identity of anglophone Quebec.

This study will examine the impact of political and social changes in Quebec and Canada on the political behaviour and identity of anglophone Quebec. This thesis suggests that social changes and state action, both at the provincial and federal level, before and since the introduction of the Charter, have shaped the evolution of the political identity and political

behaviour of anglophone Quebec from that of a Canadian majority to that of a Canadian minority group.

In the first chapter, we outline the theoretical concepts and analytical framework of our study. We build our framework using the concepts of symbolic resources and the symbolic order provided by Raymond Breton, Charles Taylor's discussion of the modern idea of identity and the politics of procedural and substantive liberalism, and Alan Cairns's notion of constitutional minoritarianism.

The next two chapters examine the key political events in the transformation of the political behaviour and identity of anglophone Quebec. Chapter Two deals with the historical period from the 1974 passage of Bill 22, Quebec's first Official Language Act, through the election of the Parti Québécois and the passage of Bill 101, to the eve of the 1982 patriation of the constitution. We make the argument that while the federal state created the social category of official-language minority, it was the Quebec provincial state that gave that new category political salience among anglophones. Anglophone mobilization as a distinctive minority group grew with their alienation from the provincial state.

Chapter Three looks at the impact of the new constitution's Charter of Rights on anglophone Quebec. The Charter offered some political rewards for anglophones by alleviating some of the effects of Bill 101. At the same time, anglophones continued to feel alienated from the provincial state as it acted against their interests, most visibly in the form of Bill 178. Meanwhile, the Charter provided some of the recognition lacking at the provincial level. After examining their constitutional discourse during the Meech Lake and

Charlottetown constitutional rounds, this thesis concludes that anglophone Quebec's interests, reflective of their unique identity, are quite different from those of the rest of Canada

B. Review of Literature

The highly visible political changes in Quebec during the 1970s led some academics to look into the effects of these changes on Quebec's anglophone population. The first and most comprehensive study of the identity of Bill 101-era anglophone Quebec was made by Kenneth Price.¹ From interviews with young anglophones and an examination of briefs presented to the legislative committee studying Bill 101, Price draws the conclusion that anglophone Quebecers of the time already had a sense of belonging to a community that was not part of the rest of Quebec. Their collective identity was as English Canadians living in Quebec. Their world was a microcosm of the Canadian struggle between "English", a group they identified with, and "French", the group that had achieved political control of Quebec and was now challenging the place of the English as economic managers of the province. The English of Quebec did not identify with the province, and already felt alienated from the provincial state. Quebec as a political entity did not belong to the "English", it belonged to the "French".

In looking at their political discourse, Price concludes that, as a challenge to the PQ's collective-rights emphasis, anglophones emphasized individual rights and the necessity for politics to focus on the individual. Price also concludes, however, that these same anglophones themselves were unable to conceive of an individual ungrounded in a collectivity

¹ Kenneth A. Price, *The Social Construction of Ethnicity: The Case of English Montrealers* (Ph.D. Dissertation, York University: 1980).

The anglophones who claimed rights as individuals did so in terms of what Price calls their collective ethnicity, which they conceived as being "English".

Another study of anglophone Quebec in light of the changes occurring in Quebec is the seminal collection of essays edited by Gary Caldwell and Eric Waddell.² The topics cover all aspects of the history, culture, society and politics of Quebec's English speaking communities. It is a rare collection of scholarly material on a subject that, as the editors point out in their introduction, has not received much academic attention. Though dated by now, a reading of many of the essays is essential for their historical significance.

In their introduction, the editors state that at the time of writing, anglophone Quebecers had little sense of community, had a lack of historical consciousness, and were thus were unable to carry on a meaningful debate about their future and the future of their place in Quebec.³ In this thesis we suggest that anglophone Quebec's self-awareness has increased since those words were written. A unique sense of identity has emerged, and with it an understanding of their unique political interests has developed. While anglophone Quebecers could still be faulted for not having a clear vision of their future, this could be excused as a manifestation of their Canadian identity.

In a more recent study, Josée Legault looked at the question of anglophone identity and discourse up to the end of the 1980s.⁴ Unlike our thesis, Legault contends that "to assume

² Gary Caldwell and Eric Waddell, eds., *The English of Quebec: From Majority to Minority Status* (Quebec City: Institut québécois de recherche sur la culture, 1982).

³ *Ibid*, 18.

⁴ Josée Legault, *Le Discours Anglo-Québécois de la Loi 22 au lac Meech. "What does English Québec want?"* M.A. Thesis: Université du Québec à Montréal, 1991. Published as

that anglophone Quebecers see themselves as a minority is to be unaware of the nature of their claims."⁵ She argues that anglophones are not a minority because they belong to the Canadian anglophone majority. As part of the Canadian majority, anglophone Quebecers are, in fact, "unable" to see themselves as a minority, even within Quebec. Our thesis suggests the opposite: not only do they see themselves as a minority, their political behaviour is consistent with that of a minority. Indeed, by looking at the constitutional context, we suggest that anglophones behave as a minority even in a pan-Canadian context.

Legault puts forward the position that anglophone political discourse was created in reaction to four events of "collective aggression", namely, Bill 22, the election of the Parti Québécois, Bill 101 and Bill 178. We agree with Legault's general premise that state action had a role to play in shaping anglophone political discourse. The events in Quebec of the 1970s were key to shaping that evolution. However, her exclusive focus on political events within Quebec is too narrow. While she says rightly that all discourse is shaped through interaction, her analysis lacks an important dimension when she restricts her study to anglophone interaction with francophone Quebecers. Our thesis suggests that anglophone discourse is also shaped by political forces outside Quebec, especially by their interaction with other Canadians, the Canadian state, and, most important, by the influence on all Canadians of the Charter.

On the substantive issue of the nature of their discourse, she echoes the idea presented by Price that while anglophones claim to talk solely of individual rights, they in fact advocate

Josée Legault, *L'Invention d'une minorité. Les Anglo-Québécois* (Montreal: Boréal, 1992)

⁵ Legault, Thesis, 3. (My translation)

their collective interests. In our study we agree with this notion, though we suggest that anglophone discourse has in fact recently been moving toward a recognition and acceptance of the collective nature of their claims.

By restricting her analysis to events in Quebec and by discounting the minority status and identity of anglophone Quebecers, Legault fails to appreciate the influence of the Charter of Rights on anglophone political behaviour and identity. Indeed, she explicitly rejects the applicability of Cairns's notion of constitutional minoritarianism to such an analysis. Rather than testing the applicability of Cairns's theory for the anglophone Quebec situation, she rejects it out of hand because of her reluctance to analyze anglophone Quebec using concepts similar to those used to analyze francophones outside Quebec or aboriginal groups. Confusing analytical tools with policy, she fears that such an analysis would have negative consequences for the francophone majority of Quebec.⁶ Our thesis suggests that the concept of constitutional minoritarianism is a useful one for understanding the political behaviour and identity of anglophone Quebec.

⁶ *Ibid*, 154.

Chapter 1: Theoretical Framework

The introduction of the Canadian Charter of Rights and Freedoms in 1982 has had a significant impact on the political behaviour of various segments of Canadian society. While it has made all Canadians increasingly conscious of their enumerated individual rights, our focus is on the impact of the Charter on politically mobilized social groups. The Charter has become a powerful tool in shaping their discourse, in helping in their political mobilization, and in shaping group identities. It has given rise to the phenomenon Alan Cairns describes as "constitutional minoritarianism."⁷

In this chapter we introduce the key concepts used in this study. We also discuss how the Charter has come to be such an important political tool for groups. We begin by briefly outlining the ideological and political trends in western liberal society that relate to the development of the modern politics of identity. We then examine the particular impact of these trends on Canada. In this context, we may better understand the value of the Charter as a resource for Canadian social groups. We conclude by outlining the characteristics of those social groups most tied into the Charter, those we call Charter groups.

A. The Politics of Mobilized Identity

We begin with the assumption that all social categories are actual or potential mobilizers of identity. Mobilized identity entails the creation or maintenance of politically salient groups. We further presuppose that there is an interdependence between the formation of groups with social identities, and the individual identities of group members. On the one hand, existing

⁷ Alan Cairns, "Constitutional Minoritarianism in Canada," in Watts, Ronald L. and Douglas M. Brown, eds., *Canada: The State of the Federation 1990* (Kingston: Institute of Intergovernmental Affairs, 1990), 71-96.

identities are mobilized to form groups, which signifies the salience of certain social categories. On the other hand, salient social categories help individuals form their personal identities, which in turn enhances the possibility for that identity to be mobilized into a politically salient group.

Furthermore, the process of mobilizing identity has a ripple effect on other identities. The increased self-consciousness of one politically salient group helps other identities become salient. Also, the demands of one self-conscious group lead to similar demands from other self-conscious groups. In this light, we echo Peter du Preez, who states that politics is centrally concerned with maintaining or imposing an identity system.⁸

1. The Symbolic Order

Such an identity system, we suggest, is created and maintained within what Raymond Breton calls the symbolic order.⁹ This symbolic order consists of the collection of symbols and ideas that define a society's collective identity. The politics of mobilized identity involves the struggle over the nature of the symbolic order. The construction of the symbolic order first entails creating a definition of a collective identity. This aspect of the symbolic order is

⁸ Peter du Preez, *The Politics of Identity: Ideology and the Human Image* (Oxford: Basil Blackwell, 1980), 3.

⁹ Raymond Breton, "Policy Decisions and the Competition for Symbolic Resources," in Albert Breton, Gianluigi Galeotti, Pierre Salmon, and Ronald Wintrobe, eds., *The Competitive State: Villa Colombella Papers on Competitive Politics* (Dordrecht, Netherlands: Kluwer Academic Publishers, 1991), and Raymond Breton, "The Production and Allocation of Symbolic Resources: An Analysis of the Linguistic and Ethnocultural Fields in Canada," *Canadian Review of Sociology and Anthropology* 21.2 (May 1984).

"represented in the multiplicity of symbols surrounding the rituals of public life, the functioning of institutions, and the public celebration of events, groups, and individuals."¹⁰ The symbolic aspect of public institutions is important for individual identity formation. This is because of what Charles Taylor calls the "fundamentally *dialogical* character"¹¹ of human beings. Individual identity is shaped through social interaction. In sociological terms, Breton summarizes "symbolic interactionists..., social anthropologists..., and other theorists [who] have argued [that] there is an interdependence between the individual and collective process of identity formation."¹² In this sense, public symbols are important because individuals expect to see themselves in them, to *identify* with them. If the symbols are seen to be alien, those individuals will feel alienated from their society.

The construction of the symbolic order also entails the "shaping of cultural traditions,"¹³ that is, the collection of values, norms and customs emphasized in society. This aspect of the symbolic order is also important in terms of identity. As with the more overt symbols, people expect some congruence between what they value and what their society values. An individual's values are reflective of the individual's identity. Indeed, we can understand that someone may have trouble "identifying with" a society that has different norms and values

¹⁰ Breton, "Production," 125.

¹¹ Charles Taylor, "The Politics of Recognition," in Amy Gutmann, ed., *Multiculturalism and "The Politics of Recognition": An Essay by Charles Taylor* (Princeton: Princeton University Press, 1992), 32. (Emphasis in the original)

¹² Breton, "Production," 125.

¹³ *Ibid.*

from those of the individual. As with the overt public symbols, the individual who does not recognize his or her values reflected in public institutions will also tend to feel alienated.¹⁴

The symbolic order is not neutral in its status allocation among segments of society. As Ralf Dahrendorf suggests in his essay on inequality, "the person who will be most favorably placed in society is the person who best succeeds in adapting himself to the ruling norms."¹⁵ Thus, there is a constant renegotiation among various segments of society over the nature of the symbolic order.¹⁶ Those who feel that they cannot adapt themselves to the ruling norms will tend to be the ones who fight to change them. The result is a struggle over the rules and norms of society. The battle is over the nature of the symbolic order, in both its explicit symbols and the norms they represent. Because of the inextricable link of public symbols and social norms to identity, it is identities that are mobilized and it is identities that are at stake.

2. Symbolic Resources

As resources are both the means and goals of any struggle, the politics of maintaining and imposing an identity system in the symbolic order is fought with what Breton calls symbolic resources.¹⁷ Such resources include all objects to which greater meaning can be attached. For example, a flag may be a symbol of a nation, or a constitution can be a symbol of a set

¹⁴ *Ibid*, 126.

¹⁵ Ralf Dahrendorf, "On the Origin of Inequality Among Men," in *Essays in the Theory of Society* (Stanford: Stanford University Press, 1968), 174.

¹⁶ Breton, "Policy Decisions," 102.

¹⁷ *Ibid*.

of social values. A symbolic resource consists of both the symbol or object and its meaning.¹⁸ For example, the struggle over the constitution is concerned with both what is represented by the constitution (constitution as symbol) and over the constitutional documents themselves, their actual contents (constitution as object).

As objects, symbolic resources can help social groups attain instrumental rewards. Such is the case when the Charter of Rights is used to prevent discrimination against certain social groups. In this case, the effect of the Charter as a symbolic resource helps mobilize the identity associated with the salient social category. In turn, such mobilization serves to strengthen the identity in question.

The same is the case with symbolic resources as symbols. Returning to our example of the Charter, the very fact that it is a potential instrument for a social group serves to indicate (symbolize) the legitimacy, even the prestige, of certain identities. Again, such recognition of the salience of certain social categories serves to strengthen the potential for the identity to be adopted by individuals, and in turn for that identity to be mobilized into politically salient groups

In either case, the struggle over symbolic resources and over the symbolic order involves identities. We turn now to Charles Taylor's discussion of how it came to be that identity plays such an important role in contemporary politics.

¹⁸ *Ibid*, 98.

B. Trends in Western Liberal Society

When discussing the modern politics of identity, it is crucial to outline two notions that developed with the rise of modern liberal society. One is the development of the idea of equal dignity, which leads to the modern understanding of human equality. The other is the development of the modern understanding of identity. The interdependence of the two notions, and the political discourses which they spawn, serve as the basis for the contemporary politics of identity.

1. Equal Dignity and the Politics of Universalism

Taylor contrasts the modern notion of dignity with the notion of honour. Honour, by its very nature, can only have meaning if it is distributed to some and not to others. Preferential treatment is inherent in honour. The very action of "honouring" someone is to elevate that individual, to distinguish him or her from the rest of society. Taylor gives the example of a public award, such as the Order of Canada, which would be "without worth" if it were given to every Canadian.¹⁹

Social hierarchies were once the basis for honour. However, with the breakdown of these social hierarchies and the development of democracy, the unequal treatment which is the basis for honour became unacceptable. In an egalitarian society, honour was replaced by the modern notion of dignity.²⁰ The assumption behind human dignity is that everyone shares

¹⁹ Taylor, 27.

²⁰ *Ibid.*

it. The result is the demand and expectation of equal treatment. The new conception of society had a lasting effect on modern politics:

With the move from honor to dignity has come a politics of universalism, emphasizing the equal dignity of all citizens, and the content of the politics has been the equalization of rights and entitlements. What is to be avoided at all costs is the existence of 'first-class' and 'second-class' citizens.²¹

The politics of universalism is a fundamental tenet of western civilization, never being challenged. As Taylor remarks, even the most reactionary position is "defended under the colors" of the principle of equal citizenship.²²

2. Identity and the Politics of Difference

The second important change outlined by Taylor is the emergence of the modern notion of identity. Taylor defines identity as "a person's understanding of who they are, of their fundamental defining characteristics as a human being."²³ Taylor traces the development of the modern idea of identity from Saint Augustine to the end of the eighteenth century, when there emerged a new understanding of individual identity: "We might speak of an *individualized* identity, one that is particular to me, and that I discover myself."²⁴

However, we recall that human identity cannot be developed in social isolation. The dialogical character of human beings ensures that one's identity is shaped by interaction with

²¹ *Ibid*, 37.

²² *Ibid*, 38.

²³ *Ibid*, 25.

²⁴ *Ibid*, 28. (Emphasis in the original)

others, with society at large. In this context, we need validation of our identities by being recognized in them. Thus, a crucial aspect of one's search for identity is a search for recognition.

The breakdown of social hierarchies presents a problem for the modern identity seeker. In a hierarchical society, a person's position within the social hierarchy for the most part fixed his or her identity.²⁵ Recognition was not a problem because it was granted "by virtue of the very fact that it was based on social categories that everyone took for granted."²⁶ As older social hierarchies crumbled, however, the inward search for identity became more problematic. The recognition that is crucial to identity is no longer granted automatically. It now has to be won.²⁷ Of course, one can lose in the struggle for recognition. In light of the modern notion of identity, such a loss would be devastating.

The struggle for recognition is further complicated within multicultural societies. In formerly homogeneous hierarchical societies, the symbolic order presented class as the most salient social category. Thus, class membership was a fundamental attribute of one's identity. In modern multicultural societies, social categories continue to play an integral function of identity, but with two key differences. One difference is that "social category" no longer refers primarily to class, but includes, to a larger extent, other social characteristics, such as ethnicity, language, gender, or any other social category infused with an identity. That is, any

²⁵ *Ibid*, 31.

²⁶ *Ibid*, 34.

²⁷ *Ibid*.

social category with salience in the symbolic order can serve as the "recognition" needed for individuals to shape their identity.

Another key difference is that while the class stratification in previously hierarchical societies was accepted and taken for granted, the modern imperative of equality ensures a refusal of differential status based on these newly salient social categories. In this context, the modern struggle for identity involves a struggle for the recognition and equal status of social categories. In the political realm, such a struggle involves the mobilization of identities in a bid to renegotiate the identity system within the symbolic order.

The modern notion of identity and its consequent struggle for recognition within a multicultural society has given rise to what Taylor calls a politics of difference. The politics of difference shares with the politics of universalism the principle of universal equality. It is, in Taylor's words, "full of denunciations of discrimination and refusals of second-class citizenship."²⁸ However, the argument here is that in order for each individual to be recognized equally in his or her identity, the social categories that are crucial to each individual's identity must also be recognized equally. This demand leads to the acknowledgement of difference, of those characteristics that are not universally shared. We can best see the contrast between the politics of difference and the politics of universalism by looking at the different ways they combat unfair discrimination:

Where the politics of universal dignity fought for forms of nondiscrimination that were quite 'blind' to the ways in which citizens differ, the politics of difference often redefines nondiscrimination as

²⁸ *Ibid*, 39.

requiring that we make these distinctions the basis of differential treatment.²⁹

C. Liberalism and the Role of the State

Within both the politics of universalism and the politics of difference, there exist understandings of the ideal role of the state. Both the politics of universalism and the politics of difference have a different answer to the question posed by Ronald Dworkin, "What does it mean for the government to treat its citizens as equals, ...as free, ...with equal dignity [?]"³⁰ As Dworkin posits, there are two possible answers to the question. The distinction rests on "what might be called the question of the good life,"³¹ that is, of a definition of what is a desirable and virtuous life.

1. Procedural Liberalism

The first theory of equality supposes that political decisions must be, so far as possible, independent of any particular conception of the good life, or of what gives value to life. Since the citizens of a society differ in their conceptions, the government does not treat them as equals if it prefers one conception to another.³²

²⁹ *Ibid.*

³⁰ Ronald Dworkin, "Liberalism," in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), 127.

³¹ *Ibid.*

³² *Ibid.*

We can recognize in this theory the ideals of equal dignity within the politics of universalism. The assumption is that we each have a unique understanding of the good life. As Taylor puts it, "Dignity is associated less with any particular understanding of the good life,... than with the power to consider and espouse for oneself some view or other."³³ Because of the fundamental premise of equality, the state must not choose any single ideal, regardless of how many members of society share the ideal.

Instead, the state's role is, as Michael Sandel describes of the United States, of a "procedural republic."³⁴ That is, the state must act as a neutral arbiter, ensuring that all citizens treat each other fairly, with "due process." The state must concentrate on a fair procedure rather than on what it would decide is a desirable outcome.

2. Substantive Liberalism

We turn now to the second possible answer to Dworkin's question about how the government should treat its citizens:

[T]he government cannot be neutral on [the question of the good life], because it cannot treat its citizens as equal human beings without a theory of what human beings ought to be.... Good government consists in fostering or at least recognizing good lives; treatment as an equal consists in treating each person as if he were desirous of leading the life that is in fact good.³⁵

³³ Taylor, 57.

³⁴ Michael Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12 (1984), 81-96.

³⁵ Dworkin, 127.

Although Dworkin denies that this second conception of the role of the state can be considered "liberal," Taylor argues that it can. While procedural liberalism argues that the state cannot promote collective goals, because those who do not share in the goal would be denied equal treatment, Taylor outlines another view of liberalism, substantive liberalism, that does incorporate collective goals. Within substantive liberalism,

a society 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.... According to this conception, a liberal society singles itself out as such by the way in which it treats minorities, including those who do not share public definitions of the good, and above all by the ['fundamental and crucial'] rights it accords all its members.³⁶

3. Pluralistic Liberalism

Taylor speaks of the role of the state in other models of liberalism, which are somewhat of a compromise between a purely difference-politics substantive liberal regime and the blindly procedural republic. In such liberal societies, certain fundamental individual rights are protected. However, in other cases such models "are willing to weigh the importance of cultural survival, and opt sometimes in favor of the latter."³⁷ Of course, we recognize such models of liberalism as being "in the end not procedural models of liberalism, but are grounded very much on judgements about what makes the good life -- judgments in which the integrity of cultures has an important place."³⁸ We shall take "cultures" in this sense

³⁶ Taylor, 59.

³⁷ *Ibid*, 61.

³⁸ *Ibid*.

to have the broadest possible meaning, to include all social categories infused with identity. Thus, anglophone Quebec is a culture in the sense that the anglophone identity in Quebec is able to mobilize those who self-consciously fit into the social category "anglophone". In a similar way, "women" or "gays" can also be considered a culture in this sense.

We shall call the liberal idea that makes allowances for such cultures "pluralistic liberalism."

D. The Role of Groups

Along with the different ways in which procedural liberalism and pluralistic liberalism conceive of the role of the state, the two ideas also have differing views of the role of groups as intermediaries between the individual and the state.

1. Groups in the Procedural Republic

As we have seen, procedural liberalism is hostile to collective goals. Also, the politics of universalism is hostile to acknowledging differences between individuals or groups as a basis for politics. The idea here is that in order to maintain the ideal of equal dignity, only the individual is accepted as a political player. However, as Vernon Van Dyke argues, this ideal results in an underlying assumption of homogeneity:

[A] stress on the individual and on the principle of equal treatment tends to promote the view that it is improper even to think about the differences of race, sex, language, and religion unless it be to combat discrimination based on these characteristics. It tends to promote blindness to group differences and a kind of unspoken assumption either that societies are

homogeneous or that right-thinking persons will treat them as if they were.³⁹

Based on the assumption of homogeneity and the hostility to collective goals, procedural liberalism does not acknowledge groups as political actors. Acknowledging groups with political claims inevitably leads to situations where individuals are accorded differential treatment based on group membership. Procedural liberalism sees such differential treatment as contradicting the universalist ideal of the equality of human dignity. Any divergence from strictly equal treatment of individuals is seen as inherently discriminatory.⁴⁰

2. Groups and Pluralistic Liberalism

Pluralistic liberalism is more hospitable to acknowledging the existence of groups as political actors. While the universalism of procedural liberalism ignores the existence of groups, the politics of difference of pluralistic liberalism presents the idea that groups simply cannot be ignored. Furthermore, while procedural liberalism claims that acknowledging groups is inherently discriminatory, pluralistic liberalism makes the counter-claim that ignoring groups is itself discriminatory. The inherent assumption of homogeneity in the procedural republic is merely a masquerade for valuing the culture of the dominant group. The pluralistic liberal argument is, as Taylor presents, that

the supposedly neutral set of difference-blind principles... is in fact a reflection of one hegemonic culture. As it turns out, then, only minority or suppressed cultures are being forced to take alien form. Consequently,

³⁹ Vernon Van Dyke, "The Individual, the State, and Ethnic Communities in Political Theory," *World Politics* 29:3 (April 1977), 363.

⁴⁰ Taylor, 55.

the supposedly fair and difference-blind society is not only inhuman (because suppressing identities) but also, in a subtle and unconscious way, itself highly discriminatory.⁴¹

Based on such an understanding of the consequences of ignoring groups, pluralistic liberalism maintains that it is useful to acknowledge groups as political actors. Because such liberalism does not accept the desirability of assimilation, the claims of groups representing certain social categories are considered politically legitimate. This ensures that their members will not have to assimilate in order to succeed in the prevailing symbolic order.

3. Who Will Use Which Discourse?

Thus far we have introduced our contention that within society there exists a symbolic order which includes explicit public symbols and the ruling norms of society. The symbolic order, though always in a state of flux, at any given time will favour some and not other members of society. Thus, in the renegotiation of the symbolic order, it will be the losers, or those who see themselves as potential losers, who will seek change and the winners, or those who see themselves as potential winners, who will favour the status quo.⁴²

If we recall that the symbolic order is also an identity system that favours certain identities, or social categories, over others, then we can understand how

the dominant elements of identity and the prevailing criteria of social status will tend to be rejected by those finding it difficult to compete along those

⁴¹ *Ibid*, 43.

⁴² Breton, "Production," 137.

lines, but will be supported by those who are, or anticipate being, on the winning side.⁴³

In this light, we may gather that, in a liberal society, those who favour the politics of difference are those who believe that the difference already exists, those who are self-consciously members of minorities. As well, they believe that the existing symbolic order leaves their group at a disadvantage. On the other hand, those who see no need to acknowledge different groups as a basis for politics, those whose potential identity as members of distinct social categories has not been mobilized, will argue along the lines of the politics of universalism.

To generalize, in a liberal society, members of the dominant majority will tend to favour the discourse of procedural liberalism, and members of mobilized minorities will tend to favour the discourse of pluralistic liberalism.

E. The Ethnic Revival

To illustrate the development of the salience of the politics of difference and pluralistic liberalism, let us turn to the ethnic revival of the post-Second World War period.

1. The United States

In the 1960s and 1970s, the United States witnessed what has been called an ethnic revival.⁴⁴ There was a "pronounced and sudden increase in tendencies by people... to insist

⁴³ *Ibid.*

⁴⁴ See Nathan Glazer and Daniel P. Moynihan, "Introduction," in Nathan Glazer and Daniel P. Moynihan, eds., *Ethnicity: Theory and Experience* (Cambridge, MA: Harvard

on the significance of their group characteristics."⁴⁵ The claim was now made that it was "legitimate (not 'un-American') for ethnic groups to express their distinctive characteristics."⁴⁶ Ethnicity increased as a salient social category, which in turn gave in a greater influence on individual identity formation. Those who identified themselves as falling within an ethnic social category became increasingly self-conscious as members of minority groups. Ethnic communities and ethnicity (primarily "race") increased their presence in American politics, particularly in the context of the civil rights movement. Thus, with ethnicity increasing in salience as an aspect of individual identity, it became increasingly possible to mobilize ethnic identity into politically salient groups.

With the increased salience of ethnicity as a social category, it became more common to measure the distribution of income or occupations in terms of group characteristics.⁴⁷ The results revealed the unequal distribution of economic status among ethnic groups. In turn, such inequality was denounced in the name of the disadvantaged. Using the discourse of the politics of difference, the contemporary symbolic order was denounced in the name of those groups perceived to be disadvantaged by it. Van Dyke articulates the argument:

[I]ndividualism gives an advantage to members of the dominant group. Their cultural characteristics permit them to establish rapport most easily with those who already have influence and power. They command the

University Press, 1975), 1-26.

⁴⁵ *Ibid*, 3.

⁴⁶ Will Kymlicka, "Liberalism and the Politicization of Ethnicity," *Canadian Journal of Law and Jurisprudence* 4:2 (July 1991), 248.

⁴⁷ *Ibid*.

dominant language. These qualities are likely to make them seem more suitable for appointive and elective offices and for leadership positions in all walks of life. Thus they obtain disproportionate representation in the various elites.⁴⁸

We see the connection being made between social rank and the ruling norms of the symbolic order. Recalling Dahrendorf's hypothesis, those social groups who were at a disadvantage were those who failed to "adapt" to the ruling norms. However, within the social climate of the ethnic revival it was now possible to call for altering the ruling norms by denouncing assimilation.

Thus, as indicated above, members of disadvantaged minority groups, mobilized in their politically salient identities, were using the discourse of the politics of difference to obtain a favourable renegotiation of the symbolic order.

2. Canada

Unlike the American example, the Canadian state did not aspire to the ideal of the procedural republic. Canada was more receptive to collective goals. However, the collective goals were in fact those of the British-Canadian majority. The goal of the Canadian state was to build a British-style nation in Canada. In effect, we had a situation akin to Dworkin's second answer to his question above, where the state treats its citizens as if they were desirous of living the good life, in this case the British-style life. The prevailing attitude was that the state could only truly be treating its citizens justly if it treated them all the same way, if it treated them as if they were part of the majority. In short, the state could only be fair and

⁴⁸ Van Dyke, 365.

just if it treated all of its citizens as if they shared in the collective goal of creating a British-style Canada.

The goals of the Canadian state were being entrenched in the symbolic order. What was British was emphasized, from parliamentary institutions to the English language. The British character of Canada

was to be reflected in the cultural character of the political, religious, educational, and other public institutions, in the language of society, in the customs, mores, and way of life, and in the symbols used to represent the society and its people.⁴⁹

However, the social transformations occurring in the United States had an important impact on Canada. The ethnic revival, with its legitimacy of self-expression of non-dominant cultures, had an echo in Canada. The first group to resist the drive to Britishness in Canadian society, that is, call into question the prevailing symbolic order, was the French Canadians in Quebec. Within the social context of the ethnic revival, French Canadians in Quebec became increasingly aware of status inequalities between their group and others in Canada and, most importantly, in Quebec. The symbolic orders of both Quebec and Canada were called into question. A new social category was infused with identity and became politically salient, that of "*Québécois*".

The mobilization of the *Québécois* identity helped individuals strengthen their identities as such. Following the dialectic outlined above, this in turn signified the salience of the *Québécois* social category, which helped individuals identify as *Québécois*, which in turn facilitated the task of mobilizing the identity into a politically salient group.

⁴⁹ Breton, "Production," 127.

3. Demands on the State

The ethnic revival and its Canadian echo occurred within stratified multicultural societies. With the growing self-consciousness of groups as such, and the growing awareness of status inequalities between them, these groups, particularly those who felt disadvantaged, began to reassess the fundamental assumptions, the symbolic orders, of their societies. They began to question the justice in the distribution of political, economic, and cultural status among groups. Demands on the state to alleviate some of the disparities on behalf of groups, consistent with the politics of difference and the discourse of pluralistic liberalism, soon followed.

The resistance to the British nature of Canada by the French Canadian group led to demands on the state. The Royal Commission on Bilingualism and Biculturalism (B&B Commission), started in 1963, marked the most visible response to date of the Canadian state's response to these demands. The symbolic order was eventually transformed to meet the demands of the French Canadian component. In order to help them feel less alienated in their society, many changes were instituted to transform the symbolic order by removing some of its overtly British flavour. The most important of these was the introduction of the Official Languages Act, which declared Canada bilingual, symbolically giving the French language, and thus French Canadians, equal status with Canada's dominant group.

4. Consequences of State Action

Based on our understanding of status competition, it is not surprising that the increased self-consciousness of one group led to other identities also being organized into politically salient groups. Following French Canadians, the identities of Canada's native populations were mobilized into politically salient groups. This process is aptly symbolized in the formation of the National Indian Brotherhood, the first national aboriginal pressure group.

State response to the demands of one group is a powerful incentive for the mobilization of other identities. The simple act of launching the B&B Commission served to modify the symbolic order. The very terms of the Commission's mandate signalled that the government was abandoning the project of turning Canada into a British state. However, by focusing on the "bicultural" nature of Canada, the government raised the symbolic status of Canada's French component. The consequences for other groups was a reassessment of their own identities and status.³⁰ Those who felt excluded, or potential losers, in the emerging symbolic order -- that of a French as well as English Canada, began to see their own identities strengthened. Thus, they were able to have those identities mobilized into politically salient groups.

The protest against the B&B Commission was led by Ukrainian groups. They presented the majority of briefs on behalf of minority ethnic groups.³¹ There was little

³⁰ Raymond Breton, "Multiculturalism and Canadian Nation-Building," in Alan Cairns and Cynthia Williams, eds., *The Politics of Gender, Ethnicity and Language in Canada* (Vol. 34, Royal Commission on the Economic Union and Development Prospects for Canada, Toronto: University of Toronto Press, 1986), 44.

³¹ *Ibid.*, 46.

evidence, however, of widespread grassroots support for the policy of multiculturalism in any segment of the population. Nevertheless, what activity there was had its effect on the state. In 1971, just two years after instituting the Official Languages Act, the government introduced its official policy of multiculturalism, in the form of the Multiculturalism Act.

The result of the policies of bilingualism and multiculturalism, as Bernard Blishen says, "have served as a signal to all minority groups that the demand for group rights associated with the ascriptive features of group membership would now be recognized by the state."³² Or, these crucial state policies served as symbolic resources to be used by these salient social categories to help mobilize into politically salient groups. Indeed, this is what happened. The policy of multiculturalism, in Breton's words, "spawned a certain amount of organizational activity."³³

Such organizational activity, the beginnings of mobilization of newly politically salient identities, served to further increase the salience of the identities in question for individuals. Thus, keeping in mind the dialogical process of identity formation, the state has a role to play in shaping identities. When the Canadian state acted on the symbolic order to recognize the salience of newly emergent politically salient social categories, its policies affected minority groups. Recognition of the salience of ethnic groups served to "strengthen their claims,

³² Bernard Blishen, "Continuity and Change in Canadian Values," in Cairns and Williams, eds., *Politics of Gender, Ethnicity and Language*, 20.

³³ Breton, "Multiculturalism," 46.

stimulate membership and participation in organization[s] representing the groups, sharpen group identity, and promote self-awareness."⁵⁴

F. The Canadian Charter of Rights and Freedoms

The most important development in state recognition of groups came with the introduction of the Canadian Charter of Rights and Freedoms. It has become one of the most valuable and potent symbolic resources.

1. Rights Consciousness and the Rhetoric of Rights

As F.L. Morton describes, the most important political impact of the Charter is to provide "a new forum for interest group activity," the courts.⁵⁵ As a result, Canadians have become, in the last few years, increasingly rights-conscious. The increased use of discourses based on rights had a particular impact on politically salient groups. In the politics of the renegotiation of the symbolic order, these groups increasingly adopt what Alan Cairns and Cynthia Williams call the "rhetoric of rights."⁵⁶

⁵⁴ Blishen, 22.

⁵⁵ F.L. Morton, "The Political Impact of the Canadian Charter of Rights and Freedoms," *Canadian Journal of Political Science* 20:1 (March 1987), 39.

⁵⁶ Alan Cairns and Cynthia Williams, "Constitutionalism, Citizenship and Society in Canada: An Overview," in Alan Cairns and Cynthia Williams, eds., *Constitutionalism, Citizenship and Society in Canada* vol. 33, Royal Commission on the Economic Union and Development Prospects for Canada (Toronto: University of Toronto Press, 1985), 13.

2. Constitutional Standing

But the Charter, and the constitution in general, has had a greater impact on Canadian politics in its capacity as a symbolic resource. As most notably demonstrated by Cairns, the Charter has served to make the constitution a symbol of crucial importance. It is now seen as making "the most fundamental statement that a society can about who counts, and how much."⁵⁷ The result, to a greater extent than the previous policies of bilingualism and multiculturalism, was to affect the salience of social categories, identity formation, and group mobilization. The Charter has helped shape the political behaviour of politically salient mobilized identities. These mobilized groups, Charter groups, share certain characteristics, which Cairns describes as "constitutional minoritarianism."⁵⁸

Because of the high value of the Charter as a symbolic resource, the constitution is now something that is fought over in the politics of the renegotiation of the symbolic order. It has given "various groups linked to the Charter a sense that they [are] legitimate constitutional actors with stakes in the constitution."⁵⁹ Charter groups have "constitutional standing."⁶⁰ As

⁵⁷ Alan C. Cairns, "Author's Introduction: The Growth of Constitutional Self-Consciousness," in: Alan C. Cairns (ed. Douglas E. Williams), *Disruptions: Constitutional Struggles, from the Charter to Meech Lake* (Toronto: McClelland and Stewart, 1991), 20

⁵⁸ Cairns, "Constitutional Minoritarianism."

⁵⁹ Alan C. Cairns, "The Charter, Interest Groups, Executive Federalism, and Constitutional Reform," in David E. Smith, Peter MacKinnon and John C. Courtney, eds., *After Meech Lake: Lessons for the Future* (Saskatoon: Fifth House Publishers, 1991), 19.

⁶⁰ Cairns, "Constitutional Minoritarianism," 79.

a result, "they, and their official spokespersons, have powerful incentives to foster beneficial interpretations of 'their' constitutional clause(s)." ⁶¹

We can recognize in Cairns's description of Charter groups' relation to the constitution as being consistent with the relationship of politically mobilized identities with symbolic resources. The Charter as a symbol of status leads to the desire of groups to be included in it, to have constitutional standing. The Charter as object, as a tool for shaping policy, implies the vigilance in ensuring a favourable interpretation of its clauses.

3. Minoritarian Impulse

Charter groups have what Cairns calls the "minoritarian impulse." ⁶² That is, they are

not confident elites accustomed to wielding power, and taking for granted that their views will have an impact on the subject under discussion. On the contrary, theirs is the language of minorities, of outsiders self-consciously aware that their concerns may be knowingly or inadvertently overlooked. ⁶³

The reason behind the minoritarian impulse can be suggested by keeping in mind that Charter groups are those mobilized identities that use the Charter as a symbolic resource for a favourable renegotiation of the symbolic order. We recall that those who are at the forefront of the call to renegotiate the symbolic order are those who perceive themselves to be disadvantaged by the status quo. Thus, it should not be surprising that Charter groups are

⁶¹ *Ibid.*

⁶² *Ibid.*, 81.

⁶³ *Ibid.*

necessarily those who have a "historically rooted suspicion of the state as an instrument of others."⁶⁴

4. Discourse of Pluralistic Liberalism

By the same token, it should not surprise us that Charter groups' affinity for the Charter is "reinforced by the Charter's anti-majoritarian thrust that overlap[s] their own similar attitudes."⁶⁵ We can recognize "anti-majoritarian thrust" as simply meaning what we have called above pluralistic liberalism. As with the above contention, minorities who feel disadvantaged will tend to favour the discourse of the politics of difference and pluralistic liberalism. In this case, the shape of the pluralistic liberal discourse is couched in the language of the Charter.

5. Ripple Effect

Another characteristic of Charter groups brings up the ripple effect that was one of our presuppositions. As mentioned, the demands of one self-conscious group, in this case Charter group, leads to similar demands from other Charter groups. As with state recognition of any salient social categories, "each group's activities and demands support an overall orientation to the constitution that is sympathetic to minorities [Charter groups]."⁶⁶

⁶⁴ *Ibid*, 84.

⁶⁵ *Ibid*, 76.

⁶⁶ *Ibid*, 88.

6. Mirror Representation

In such a social climate, the discourse of pluralistic liberalism, with its acceptance of groups as legitimate political actors, and its basis in the politics of difference, has affected the way Charter groups conceive of legitimate representation. As Cairns puts it, "self-perceived minority status, and an ideology of being second class, victimized or ignored slip easily into a distrust of representatives dissimilar from themselves."⁶⁷ Increasingly, there is a call for representation to be based on shared identity, on shared membership in salient social categories. Jennifer Smith has termed such a concept of representation "mirror representation."⁶⁸ The new concept of representation is consistent with Charter groups' move away from the discourse of procedural liberalism and the adoption of pluralistic liberalism. The result, as Katherine Swinton puts it, is that "[n]o longer is the basis for the legitimacy of the representative based on the method of selection [procedure] -- now the shift is clearly towards 'mirror' or ascriptive representation."⁶⁹

The changing basis for the legitimacy of representation concerns not only the constitutional arena, but all electoral politics. The Charter is now applied by Charter groups to "argue for better representation, with their demands rooted in a concept of mirror representation that puts in question traditional approaches to electoral boundaries. At a

⁶⁷ *Ibid*, 84.

⁶⁸ Jennifer Smith, "Representation and Constitutional Reform in Canada," in Smith, MacKinnon and Courtney, 75.

⁶⁹ Katherine Swinton, "Federalism, Representation, and Rights," in John C. Courtney, Peter MacKinnon and David E. Smith, eds., *Drawing Boundaries: Legislatures, Courts, and Electoral Values* (Saskatoon: Fifth House Publishers, 1992), 29.

minimum, those with a territorial base will demand that boundary lines be drawn so as to benefit groups."⁷⁰

G. Charter Groups in Summary

The social and political climate in Canada since the ethnic revival is one that sees an ever increasing mobilization of identities within a greater amount of politically salient social categories. At the moment, the Charter of Rights has served to shape the political behaviour of most mobilized identities.

These Charter groups share certain patterns to their behaviour and discourse. Charter groups are highly rights-conscious and engage in a rhetoric of rights. They claim to have constitutional standing. They share the minoritarian impulse. Their discourse is one of the politics of difference, and their demands on the state are presented with the discourse of pluralistic liberalism. The ripple effect ensures that each Charter group is aware of the circumstances of other Charter groups, and are influenced by policies affecting themselves and others. Finally, they increasingly see legitimacy of representation along the lines of mirror representation.

The next two chapters will discuss the evolution of anglophone Quebec from a Canadian dominant majority to a self-conscious Canadian minority in Quebec, a population best analyzed as a Charter group.

⁷⁰ *Ibid.*

Chapter 2: From Majority to Official Language Minority

During the 1960s and 1970s, French Canadian demands to alter the prevailing status allocation in the symbolic order were met, in different ways, by the Canadian and Quebec states. The federal government tried to make the Canadian state less alienating to francophones by declaring Canada bilingual in 1969. The Quebec provincial government acted to transform the symbolic order throughout the 1970s, beginning with the 1974 declaration that French is the only official language of Quebec. Actions by both governments worked together to transform the political identity and behaviour of Quebec's anglophone population. At the dawn of an officially bilingual Canada, anglophones living in Quebec exhibited political behaviour reflecting their political identity as English Canadians, members of the Canadian majority. The federal state had given some political salience to the social category of a Quebec official language minority, but Quebec's anglophones could not immediately be mobilized into a politically salient group.

It was provincial state action, serving to decrease their status and alienate them from the provincial state, that served as the impetus for the political mobilization of Quebec anglophones as an official language minority. Such mobilization signalled the increased political salience of the anglophone Quebec social category. The increased salience of this category helped transform the political identity and political behaviour of Quebec's anglophones into a self-conscious minority, an official language minority.

In the first part of this chapter we examine how events in the Quebec political arena stimulated the transformation of anglophone political behaviour and identity. In light of the federal official languages policy, we then discuss how that transformation took the form of an official language minority. Finally, we examine the implications of the transformed

anglophone identity on the process leading up to the patriation of the constitution. We make the argument that anglophone Quebecers at this time exhibited some of the characteristics of what would later become known as Charter groups.

A. Provincial State Action

1. Bill 22

The first significant action by the Quebec provincial state to have an impact on anglophone political identity was the 1974 introduction of Bill 22, the Official Language Act, by Robert Bourassa's Quebec Liberal Party. The preamble to the Bill set the tone for government action in the field of language in the years to come:

The French language is a national heritage which the body politic is duty bound to preserve, and it is incumbent upon the government of Quebec to employ every means in its power to ensure the pre-eminence of that language and promote its vigour and quality.

With that, section 1 of the Act stated unequivocally that French is "the official language of the Province of Quebec."

French was promoted as the primary language of public administration, the economy and, most controversially, of education. The most important aspect for anglophones was its provisions dealing with access to English schools. Meeting the concerns of Québécois nationalists that immigrants were integrating almost exclusively into the English speaking population, Bill 22 restricted access to English schools to those who could pass an English

proficiency test. Thus Bill 22 eliminated the choice all Quebec parents had had to send their children to an English school.

a) Action

Anglophone action against Bill 22 began within the Quebec Liberal Party's National Assembly caucus, in a "backbencher's revolt" led by anglophone members George Springate and John Ciaccia. When the Bill was introduced for first reading May 22, they abstained. They eventually voted against their party. They were joined in abstaining on first reading by Kenneth Fraser, who eventually voted for the Bill. Two other anglophone MNAs, Harry Blank and Glendon Brown, declared that they would ultimately vote against the Bill, but later changed their minds and voted with their government. The three anglophone cabinet ministers, Kevin Drummond, Victor Goldbloom and William Tetley "made only half-hearted attempts to defend the measure."⁷¹ Of the three, Tetley made the greatest attempt, but saw himself overwhelmed by the tide of anglophone opposition:

No amount of reasoning... could quieten hysterically vociferous English opponents of the Bill who refused to take counsel from anyone but themselves and their proclaimed spokesmen.⁷²

Many anglophone educational and business organizations, who saw themselves particularly affected by the Bill, presented briefs to the Standing Committee on Education,

⁷¹ Michael B. Stein, "Bill 22 and the Non-Francophone Population in Quebec: A Case Study of Minority Group Attitudes on Language Legislation," in Mallea, John R., ed., *Quebec's Language Policies: Background and Response* (Quebec City: Les Presses de l'Université Laval, 1977), 251.

⁷² William Tetley, "The English and Language Legislation: A Personal History," in Caldwell and Waddell, eds., 393.

Cultural Affairs and Communications, which studied the Bill from June 11 till July 12. For the most part, these briefs were "highly critical and extremely emotional (and, one might add, generally ill-prepared, poorly documented, badly defended, and devoid of constructive suggestions for amendments)."⁷³

Outside the Assembly, anglophone opposition to the Bill took the unusual step of a public demonstration. The night before committee hearings began, over 2000 people gathered at Loyola College in Montreal for a mass protest.⁷⁴ It was an unusual step for anglophones, who were not accustomed to using public demonstrations to further their political claims.⁷⁵ Many of the de facto "leaders" of anglophone Quebec were present, including Springate and Ciaccia, federal MPs, and representatives from school boards, parents' committees, and teachers' unions. The whole event was broadcast on local radio station CJAD. When Tetley, the only government representative present, tried to speak, he was forced off stage.⁷⁶

Anglophone opposition did not prevent the Bill from passing, and the Bill became law with royal assent on July 31. But their protest did not end. Political action against the Bill continued in the form of petitions presented to the federal government, asking for repeal of the legislation. The most notable was one presented in the fall of 1975, promoted by

⁷³ Michael Stein, "Changing Anglo-Quebecer Self Consciousness (sic)", in Caldwell and Waddell, eds., 113.

⁷⁴ Dominique Clift, "Deep Change Taking Place in Montreal," *Montreal Star*, June 13, 1974, A9.

⁷⁵ *Ibid.*

⁷⁶ Tetley, 393.

Springate and broadcaster John Robertson on a "non-stop" campaign on radio station CFCF, signed by "600,000 mostly English-speaking Quebecers."⁷⁷

Finally, anglophone political protest against Bill 22 and its Liberal sponsors was evident at the ballot box two years later. Two of the anglophone cabinet ministers, Tetley and Drummond, were unable to hold onto their nominations in their ridings.⁷⁸ During the general election of November 15, 1976, the Liberals faced an anglophone protest vote. Most of that vote went to the Union Nationale, who even took away an anglophone seat. The Liberals elected members in the rest of the anglophone ridings, but with drastically reduced majorities.⁷⁹

i) Action Against Bill 22 and Anglophone Identity

Anglophone action protesting Bill 22 did not exhibit the political behaviour of a self-conscious minority or community. Instead, Quebec anglophones exhibited what Michael B Stein characterizes as a "combination of a majority group psychology and an inability to reconcile themselves to the reality of their new political position as a minority group."⁸⁰ Stein remarks that anglophone political action did not manifest itself through the normal institutional channels that minorities use to protect their political interests, such as action

⁷⁷ *Ibid*, 394.

⁷⁸ Reed Scowen, *A Different Vision: The English in Quebec in the 1990s* (Don Mills, Ont.: Maxwell Macmillan Canada, 1991), 24.

⁷⁹ Marc V. Levine, *The Reconquest of Montreal: Language Policy and Social Change in a Bilingual City* (Philadelphia: Temple University Press, 1990), 108.

⁸⁰ Stein, "Bill 22," 259.

within political parties and organized pressure groups.⁸¹ The meetings, briefs and petitions protesting Bill 22 were organized by various organizations, particularly in the educational sector, but there did not exist an organization claiming to speak for an anglophone community as a whole. As Reed Scowen says of the time, "[t]he interest groups to which [anglophones] gave their time and energy reflected a wide range of concerns, but the survival of the English language and its 'community' had certainly not been one of them."⁸²

In attempting to account for this lack of Quebec community-wide organization, Gary Caldwell argues that a strong identification with the wider North American society and a high level of mobility among Quebec's anglophone population left no "structural base capable of producing and sustaining groups who might speak for a wider community interest."⁸³ But we must remember that at the time, Quebec anglophones were simply "Canadians living in Quebec,"⁸⁴ part of the English Canadian majority. The "wider community" was Canada. There was no notion that the wider community ended at the Quebec border. As such, regardless of population mobility, there was no more need or desire to organize for the political interests of all anglophones of Quebec than there was to organize for the interests of anglophones of any other province.

⁸¹ *Ibid*, 260.

⁸² Scowen, 25.

⁸³ Gary Caldwell, "English-Speaking Quebec in the Light of Its Reaction to Bill 22," *American Review of Canadian Studies* 6:1 (Spring 1976), 52.

⁸⁴ Scowen, 25.

The lack of anglophone political institutionalization, reflective of their majority identity, was reinforced by the nature of the pre-Bill 22 symbolic order. Despite the historical notion that Quebec was the primary "homeland" of French Canadians, the Quebec state itself was never their explicit instrument. For most of Canadian history, the Canadian symbolic order, favourable to the English, was replicated in Quebec. With the Quiet Revolution, this began to change. The provincial state had explicitly become an instrument of French Canadians to pursue their interests. However, while this movement in the 1960s may have raised apprehensions among Quebec's anglophones, before Bill 22 there was no state action that specifically signalled a desire to alter the symbolic order in a way that anglophones felt would leave them at a disadvantage. As discussed in the previous chapter, it is those who perceive themselves disadvantaged by the symbolic order who seek a more favourable renegotiation. Since anglophones did not perceive themselves as disadvantaged, they did not seek such a renegotiation. Therefore, anglophones did not organize in favour of community-wide political interests because they did not need to. There was no need to organize for a favourable renegotiation of the symbolic order because that symbolic order was already favourable. There was no need to organize to maintain the favourable symbolic order because, before Bill 22, they did not perceive it as being threatened.

b) Discourse

i) Procedural Liberalism

At the committee hearings studying Bill 22, a representative of the Committee for the Coordination of Anglophone Catholic Education made the following statement:

We contend that the freedom to choose the language of instruction is... a fundamental right. We contend that the 1960 Canadian Bill of Rights guarantees every Canadian an education in institutions using as a medium of instruction the official language of its choice. We further contend that the United Nations Universal Declaration on Human Rights gives parents the right to choose the language in which their children are educated. Also, Canada and 71 other countries have signed a convention against discrimination in education.⁸⁵

Although every one of these contentions concerning a right to choose the language of education is false,⁸⁶ this statement is typical of one of the arguments used by anglophones against the Bill. In enacting Bill 22, the argument went, the government was acting against the universal principles of liberalism that underlay western civilization. In the words of the Protestant School Board of Greater Montreal (PSBGM),

it is almost unbelievable that an enlightened government in this day... would not have accepted as fundamental that legislation based on distinction of... language... is a direct denial of the principle that all men are equal before the law.⁸⁷

⁸⁵ Quebec, *Débats de l'Assemblée Nationale*, June 12, 1974, B-3340. (Hereafter cited as Committee Hearings).

⁸⁶ See Tetley, 394.

⁸⁷ Brief presented to the Standing Committee by the PSBGM, as quoted in Sheila McLeod Arnopoulos and Dominique Clift, *The English Fact in Quebec* (Montreal: McGill-Queen's University Press, 1980), 37.

True to the tenets of the politics of procedural liberalism, John Simms, President of the PSBGM, argued that "[i]t is not the government's duty to seek the pre-eminence of the French language but to ensure the equality of all citizens before the law."⁸⁸

On the day Bill 22 was tabled in the National Assembly, Municipal Affairs Minister Victor Goldbloom described the ideological tension existing in Quebec as he saw it:

There is to me a fundamental concern and conflict because there are two principles that are involved here, and they are very difficult to marry together. One is the principle of individual liberty and the other is the principle of the survival of a people. When you talk about it with English-speaking people, their emphasis is on the individual right, and when you talk about it with French-speaking people, their emphasis is generally on the collective rights -- on the future of their people.⁸⁹

This accurate reflection of the philosophical conflict implies that in arguing solely in terms of individual rights, anglophones did not share a concern for the "future of their people." John D. Jackson argues that anglophone reliance on the arguments of individual rights is explained by the contention that "members of a dominant ethnic, racial, religious or linguistic group seldom view their own world in terms of collective survival."⁹⁰ Thus, in using the arguments of procedural liberalism, anglophones exhibited the political behaviour of a self-confident majority.

Jackson adds, however, that for majorities, "their language, ethnicity, or whatever the identifying characteristic might be, [is not] a dominant aspect of their conception of

⁸⁸ "PSBGM: It's Discriminatory," *Montreal Star*, May 25, 1974, A1.

⁸⁹ "Bill 'A Compromise' Between Individual, Collective Rights," *Montreal Star*, May 22, 1974, A2.

⁹⁰ John D. Jackson, "The Language Question in Quebec: On Collective and Individual Rights," in Caldwell and Waddell, 375.

themselves."⁹¹ Sheila McLeod Arnopoulos and Dominique Clift concur, stating that the anglophone philosophy was one where "society is the sum of individuals with equal rights."⁹² However, they add that the "English defence of individual rights rests on the historic idea that Canada is English and that rights should be exercised within an English cultural framework."⁹³ The implication is, as Kenneth A. Price finds, that while "[r]eality is conceived to be composed only of individuals without collective attributes,"⁹⁴ in making their arguments against government action in the field of language, anglophones tended to "explain that abstract individual only in terms of their collective attributes."⁹⁵ Therefore, while the anglophone discourse of procedural liberalism can be attributed to their not seeing the world in terms of collective survival, it was not a reflection of a lack of a shared collective political identity. Indeed, Jackson does make the convincing argument that in arguing against provincial language legislation, anglophones were in fact concerned with their collective interests.⁹⁶

The collective interests with which they were concerned were those of the Canadian majority group. Anglophones argued that their rights as Canadians were being infringed

⁹¹ *Ibid*

⁹² Arnopoulos and Clift, 36.

⁹³ *Ibid*, 39.

⁹⁴ Price, 303.

⁹⁵ *Ibid*, 309.

⁹⁶ *Ibid*, 375.

upon. The first paragraph of the CFCF petition presented to the federal government requesting abolition of Bill 22 stated:

We, the undersigned, Canadians in the Province of Quebec, urgently demand that you use the power vested in you by the electorate to abolish the Bill 22 and restore our *fundamental rights as Canadians*, to work and to educate our children in the language of our choice.⁹⁷

ii) Bilingualism

The Canadian majority identity was also revealed by the second tenet of anglophone Quebecers' discourse against Bill 22. They argued that Quebec was wrong to legislate against the ideals of the Canadian policy of bilingualism. The second paragraph of the CFCF petition stated:

We feel Bill 22 violates and is in direct contravention of the Federal Government's clear and emphatic official stand on bilingualism.⁹⁸

Instead of arguing along the lines of procedural liberalism, that it is illegitimate for the Quebec government to legislate in the name of a certain ideal of society, this line of argument attacked the substance of what was represented by Bill 22. Anglophones argued that the provincial government's attempts to foster a French speaking Quebec contravened the federal ideal of a bilingual Canada. At the committee hearings, the Quebec Federation of Home and School Associations told the committee that

in our view, this is a bilingual society, this is a bilingual province... In Bill 22, we find a basic premise that is a contradiction of what has been the concept of dual duality in Canada for a hundred years... It conceives of Quebec eventually being

⁹⁷ Tetley, 394, emphasis added.

⁹⁸ *Ibid*, 394.

a French-speaking province and the rest of Canada eventually being English-speaking.... [W]e submit that is contrary to the basic... philosophy of the Constitution of Canada."⁹⁹

In Bill 22, anglophones saw the development of a symbolic resource to be used against them by francophones in the renegotiation of the symbolic order of the province. Anglophones saw themselves as potentially disadvantaged by that new symbolic order. In official bilingualism, however, they saw a symbolic resource that could be used to maintain a symbolic order that was advantageous to them. Thus they argued for the pre-eminence of the federal policy of official bilingualism over the provincial policy of French unilingualism. The Quebec Association of Protestant School Boards argued that

with due consideration for the two founding races, Canada as a nation has, by federal law democratically adopted, two official languages, English and French.... Actions projected by Bill 22 are in direct violation of this federal law.¹⁰⁰

We see how the federal policy of official bilingualism at this time has the potential of becoming a symbolic resource which could help develop the anglophone Quebec political identity and help mobilize that identity.

While Bill 22 alerted anglophones 'at a renegotiation of the symbolic order was taking place in a way that was potentially disadvantageous for them, it was not enough in itself to transform anglophone Quebec's political behaviour and identity. That transformation was an evolution, and we turn now to the second major event affecting anglophones in the Quebec provincial arena: the election of a government that threatened to take Quebec out of Canada.

⁹⁹ Committee Hearings, June 12, 1974, B-3357.

¹⁰⁰ *Ibid*, June 17, 1974, B-3577.

2. The Election of the Parti Québécois

The election of November 15, 1976 was a watershed in the history of Quebec, and certainly had a profound impact on the province's anglophone population. For the first time in the history of Quebec since Confederation, the new provincial cabinet did not include a representative of anglophone interests. But the most important effect of the election for anglophone Quebec, as it was for the rest of English Canada, was the realization that a significant alteration of the symbolic order could soon take place with the separation of Quebec from Canada. Regardless of the eventual outcome of the new government's promised referendum on sovereignty, all Canadians understood that with the election of the PQ, Quebec and Canada would never be the same. In Scowen's words, "it seemed as if a whole way of life, not just a government, had changed."¹⁰¹

The new government forced anglophones to focus on Quebec in a way they never did before. The very presence of the PQ in office signalled that a renegotiation of the symbolic order was taking place in the province, with the provincial government acting on behalf of the province's francophone majority. What was hinted at with the passage of Bill 22 was confirmed by the election of a government with barely an anglophone vote and no anglophone representatives. More than ever, the government of Quebec was to be the government of French Quebecers -- of the Québécois. Indeed, the very term "Québécois", symbolic of a primary political attachment to the provincial state, was infused with political meaning that anglophones understood as not only excluding them, but as potentially harmful to their interests.

¹⁰¹ Scowen, 22.

a) Action: Political Organization

Unlike the situation that existed before Bill 22, anglophones now saw themselves as potentially disadvantaged by the changes being made to the symbolic order. The PQ election and what it represented led to a new phase in the political behaviour of anglophone Quebec and in the development of an anglophone Quebec political identity. Stein calls it "the phase of minority group positive self-awareness and action".¹⁰² This entailed first, understanding that they were a minority in the province and thus could not prevent a determined majority from enacting its political will, and second, changing their political behaviour to adapt to the reality of the political balance of power in the province.

New anglophone political action entailed the creation of organizations that for the first time self-consciously purported to speak for anglophone interests in general. Such mobilization signalled the beginning of the political salience of the anglophone Quebec social category and political identity.

i) Participation Québec

One of the first groups to self-consciously speak for anglophone interests was Participation Québec. This group was formed just days after the fateful election. One of its founders, Eric Maldoff, described the impetus for forming the group as stemming from an assessment made of the changing political situation of Quebec and Canada.¹⁰³ Unsatisfied

¹⁰² Stein, "Changing Anglo," 117.

¹⁰³ Lucie Noël, *Les enjeux juridiques et sociopolitiques des conflits linguistiques au Québec* (Quebec City: International Center for Research on Bilingualism, 1987), 34.

with the traditional spokesmen for the anglophone population, usually stemming from the business community and often unable to speak French, these young bilingual professionals saw themselves as potential interlocutors between anglophones and the provincial government, whatever the party in power.¹⁰⁴

Participation Québec focused on the relationship between Quebec's anglophones and their provincial society, both the francophone population and the provincial government. Among its activities were efforts to facilitate interaction between the province's anglophones and francophones. It did so by organizing meetings, conferences and youth exchange programs. Participation Québec was also the first anglophone group to discuss the lack of anglophones in the province's civil service. In 1980 it released a study entitled *Minority Under-Representation in the Québec Civil Service: Report on Causes and Solutions*.¹⁰⁵ The group was particularly concerned with the role of anglophone youth in the province. It published pamphlets directed at young students to help them in their search for jobs in Quebec, both in the private and public sector.¹⁰⁶

Participation Québec was concerned with helping anglophones adapt to the new symbolic order. As mentioned, its leaders, young and bilingual, believed themselves to be better able to adapt to the new Quebec than the previous generation of the anglophone elite. Such things as emphasizing contacts with francophones, helping with finding employment in

¹⁰⁴ *Ibid.*

¹⁰⁵ James Lawrence Pasternak, *Political Action in English Quebec: The Case of Alliance Québec*, M.A. Thesis: University of Western Ontario, 1984, 50.

¹⁰⁶ Noël, 34.

the province, and calling for the provincial state to be associated less with francophone concerns by being more representative of its minority populations, all served as attempts at making the province less alienating for anglophones.

The political impact of Participation Québec was minimal. Its membership never exceeded 200, and it decided not to participate in the referendum campaign.¹⁰⁷ Its leaders, however, would play influential roles in future organization of anglophone political action, especially in the formation of Alliance Quebec in 1982.

ii) Positive Action Committee

Despite the activism of a new younger anglophone elite, the primary anglophone organization of the next few years would originate in the more established elements of the community. The "most influential and prominent,"¹⁰⁸ "largest and most visible"¹⁰⁹ anglophone political organization to emerge in the wake of the PQ victory was the Positive Action Committee. The group was founded by McGill University philosophy professor Storrs McCall and lawyer Alex Paterson at a December, 1976 meeting of 15 members of, in Paterson's words, "the establishment of Montreal."¹¹⁰ The meeting was called to discuss issues affecting anglophone Quebec following the election. The group that formed "emerged

¹⁰⁷ Pasternak, 50.

¹⁰⁸ *Ibid.*

¹⁰⁹ Scowen, 26.

¹¹⁰ Pasternak, 53.

as a self-appointed community elite."¹¹¹ The PAC went on to become a mass organization, with a membership eventually reaching 50,000 people.¹¹²

As well as helping Participation Québec with its meetings to help the province's anglophones get to know one another and their francophone neighbours, the PAC acted as a lobby group, and its attention was turned not only on Quebec but on the rest of Canada as well. Its advocacy of a bilingual Quebec and Canada led it to support the causes of francophone minorities in other provinces. For instance, it lobbied the Ontario government to allow trials to be conducted in French.¹¹³ Provincially, it acted in a sort of "ombudsman" capacity for parents seeking to send their children to English schools, helping with the appeals process. It was also involved in early court challenges to Bill 101. And, unlike Participation Québec, it was heavily involved with the federalist forces in the referendum.¹¹⁴

3. Bill 101

The renegotiation of the symbolic order heralded by the November 15 election took its most important instrumental and symbolic form in the enactment of the government's language legislation, Bill 101, the Charter of the French Language.

¹¹¹ *Ibid*, 54.

¹¹² *Ibid*, 53.

¹¹³ *Ibid*, 56.

¹¹⁴ For an overview of the PAC and other anglophone involvement in the "No" side of the referendum campaign, see Stein, "Changing Anglo," 118-119.

Built upon the foundations laid by Bill 22, Bill 101 was a "Francophone 'Bill of Rights' (enshrining the rights to work, consume, receive education, and have government and business communicate in French)."¹¹⁵ It contained a complete program for the "francisation" of the economy, proposed, despite section 133 of the British North America Act, to make French the only language of the provincial legislature and, in most cases, the language of the courts. French was to be the only language allowed on most public commercial signs. Some geographic place names were to be reviewed to ensure a uniquely French character of the province. And, of central importance to anglophones was the so-called "Quebec clause" dealing with access to English schools. Such access was reserved essentially to children of parents who attended English elementary school in Quebec, or of parents who attended English elementary school outside Quebec but who lived in Quebec at the time the Bill was passed. In other words, anglophone Canadians moving into Quebec after Bill 101 was passed would no longer be able to send their children to English school in Quebec.

Bill 101 was introduced in three stages. On April 1, 1977, Minister of Cultural Development Camille Laurin unveiled the government's language policy position, commonly referred to as the White Paper.¹¹⁶ The second stage began April 27, when the policy was put into legislative form as Bill 1, the Charter of the French Language. Hearings before the Standing Committee on Education, Cultural Affairs and Communications began June 7 and lasted until July 9, when Bill 1 was withdrawn for fear of an opposition filibuster that would

¹¹⁵ Levine, 116.

¹¹⁶ Quebec. *Quebec's Policy on the French Language* (Quebec City: Editeur officiel du Québec, 1977).

prevent the bill from passing into law before the start of the new school year. The third and final stage began July 12, when the Charter of the French Language was reintroduced with some modifications as Bill 101. It passed final reading in the National Assembly August 20, and became law with royal assent on August 26.

a) A Symbolic Resource

The greatest significance of Bill 101 was its establishment as a symbolic resource for francophones. For Laurin, the chief author of the White Paper, his party's language policy was not to be

'mere legislation,' but... a *projet de société* that would codify the Francophone reassertion of collective self-esteem launched during the Quiet Revolution. Passing a language law would be a moment of national affirmation that would push Quebec closer to nationhood.¹¹⁷

The symbolic significance of the legislation was not lost on anglophones. The very name of the legislation, symbolically elevated from a mere "Act" to a "Charter", elicited the following response: "Charters give rights... this does nothing but take them away!"¹¹⁸ Anglophones understood that the symbolic order heralded by the new Bill would leave them at a disadvantage, lowering their status in Quebec. Bill 101 would become the lightning rod of anglophone opposition to the new Quebec symbolic order. As Levine summarizes,

Bill 101 culminated the push, begun during the Quiet Revolution, to assert Francophone hegemony in Montreal, and the law quickly gained near-consensual

¹¹⁷ Levine, 113.

¹¹⁸ Betty O'Connell of the Protestant Federation of Home and School Associations, quoted in Josh Freed, "School Head Condemns Language Bill," *Montreal Star*, April 15, 1977, A8.

support within the French-speaking community as the legal and symbolic cornerstone of the Francophone reconquest.

On the other hand, opposition to Bill 101 would become the touchstone of Anglophone resistance to the new linguistic regime.... Anglophone Montreal changed significantly in the years following Bill 101. But one factor has remained constant in survey after survey: overwhelming opposition to every aspect of Bill 101.¹¹⁹

b) Action

The evolution of anglophone political behaviour was evident in the response of anglophone organizations to Bill 101 as it was being introduced. As with Bill 22, most of that response was led by anglophone business and educational groups, who were again particularly affected by the new legislation. This time, however, the presence of such groups as Participation Québec and the Positive Action Committee, pressure groups purporting to speak for community-wide interests, indicated the beginnings of the evolution of anglophone Quebec political behaviour toward reconciliation with their minority status. Political action was much more low key than it had been in opposition to Bill 22. This time, there were no public demonstrations or petitions. Although the tone of their arguments remained emotional and linguistic tensions were raised, anglophone groups settled for the more subdued political activity of voicing their objections to the government, the legislature and the media.

¹¹⁹ Levine, 119.

c) Discourse

Anglophone discourse, however, continued to reflect a Canadian-centred majority identity. For the most part, the arguments used by anglophones in opposition to Bill 101 were the same as those used three years earlier against Bill 22.

i) Procedural Liberalism

As was Bill 22, the White Paper was denounced as "an attack on basic liberties of individuals, no matter what good ends it seeks to achieve."¹²⁰ True to the tenets of procedural liberalism, an editorial in the *Montreal Star* reminded its readers that

this newspaper believes that the [Quebec] Charter of Human Rights and Freedoms is paramount and must remain so. These basic rights which entail the dignity of the person, cannot be subordinated to lesser rights however important the latter may be. If both sides in the debate remain committed to the principle that the dignity of the individual is basic to civilized society, compromises can be reached...¹²¹

But, as with Bill 22, individual rights were advocated on behalf of anglophone collective interests. It was in analyzing briefs submitted to the legislative committee studying Bill 1 that Price drew his conclusions, discussed above, that while anglophones spoke of individual rights, they did so in terms of collectivities.¹²² Said Gerald Hopkins, Chairman of the Lakeshore School Board:

¹²⁰ "The PQ's Attack on Basic Liberties," editorial, *Montreal Star*, April 5, 1977, A6

¹²¹ "Compromise and Rights," editorial, *Montreal Star*, June 22, 1977, A10.

¹²² Price, 303.

Our community and this school board cannot accept that the promotion of one culture has to be done at the expense of another, and this is the philosophy that we feel governs the entire white paper....¹²³

It is evident that anglophones did not see their society as merely "the sum of individuals with equal rights."

The anglophone collective identity remained that of a Canadian majority. Although they felt that the language policy was potentially disadvantageous to them, their discourse continued to reflect their majority identity:

We are understandably upset by [the White Paper] because of the implied loss of rights by our sector of Quebec society. But what is even more frightening is the threat that individual rights of all Quebecers will also be removed by the proposed legislation.¹²⁴

Reflecting a majority's lack of concern for the future of their community, the discourse continued to centre on individual rights even while they condemned the "loss of rights by our sector."

ii) Bilingualism

Echoing their arguments against Bill 22, anglophones denounced Quebec's policy of French unilingualism in the name of Canadian bilingualism. The Positive Action Committee stated that they

¹²³ Richard Low, "Lakeshore Board Raps PQ," *Montreal Star*, April 20, 1977, A3.

¹²⁴ *Ibid.*

cherish the bicultural and bilingual character of our province. We would resist any attempt to change this very special feature of Quebec.¹²⁵

Their advocacy of bilingualism in Quebec was done in a pan-Canadian context, for the PAC stands

not only for bilingualism in Quebec, but in every other province of Canada. We urge all provincial governments to continue where steps have been taken and to take further steps where little has been done to make francophones feel at home when using their own language. Measures taken by our [provincial] government to encourage bilingualism will surely spark a favourable reaction and lead to more effective policies throughout Canada.¹²⁶

As with Bill 22, anglophone advocacy of Canadian bilingualism at this time was done in the context of a Canadian majority discourse. As Hopkins describes, in a statement tinged with historical revisionism:

We have never regarded the francophone as a minority in Canada, nor do we regard ourselves as a minority in Quebec. We believe in equal partnership, not majority-minority relationships.¹²⁷

Thus, Quebec anglophones constituted one of the two Canadian majorities. They were, in Laurin's words, "the Quebec wing of the English-Canadian majority."¹²⁸

¹²⁵ "Quebec is Our Home: A Positive Position on Language Policy," advertisement, *Montreal Star*, April 30, 1977, A9.

¹²⁶ *Ibid.*

¹²⁷ Low, "Lakeshore Board," A3.

¹²⁸ "PQ Attacks Anglophone Resistance," *Montreal Star*, July 20, 1977,

B. Provincial and Federal State Action: The Formation of an Official Language Minority

During the Bill 101 debate, Laurin invited anglophones to "learn to see themselves as a minority."¹²⁹ They eventually did, and Bill 101 and all that it symbolized was partly responsible. But such a transformation of political identity did not occur overnight. At the passage of Bill 101, anglophones were still discovering "that they did exist as a group, at least in the minds and the hearts of the French majority "¹³⁰ But not yet in their own minds. What existed was a social category with the potential to be mobilized into a politically salient identity. The people in this category shared an identity as Canadians, as English speakers, and a feeling of alienation from their provincial state.

1. Alienation from the Quebec State

Indeed, the events of the previous few months helped alienate the province's anglophones from the provincial state more than ever. Not only was the government the explicit instrument of the francophone majority, but the symbolic order all around them was being transformed. Such aspects of Bill 101 that dealt purely with symbols, such as the sign law or the renaming of geographic place names, served to further this alienation. Quebec became a foreign place for them. In his study of young anglophones conducted around this time, Price drew the following conclusions about the contemporary identity of Quebec anglophones:

¹²⁹ *Ibid.*

¹³⁰ Scowen, 25.

The English, because they are English, accept that they live in Quebec but are not and could never be Québécois. The English members define their identification with their own social circle of friends and relatives, with Montreal, with Canada, and with North America. But any identification with Quebec as home territory would be contrary to the French definition of Quebec as the French homeland.¹³¹

Since 'Quebec belongs to the French' the home territory for the English members is not Quebec *per se*. The English members endure in Quebec as mute squatters fearful of eviction..... Thus the English members live in Quebec but 'as strangers, as outsiders'.¹³²

2. Identity with the Canadian State

While the provincial state was not providing anglophones with any symbolic resources with which they could identify, the federal state was. The most important was the Canadian state itself and its state symbols, with which anglophones identified as Canadians, in contrast to the state symbols of Quebec, with which they did not identify. The other important symbolic resource was the federal policy of bilingualism. We have noted above how bilingualism was invoked against provincial language laws. This was done within the context of a majority identity as English Canadians. However, in this new phase of "minority positive self-awareness and action," anglophone use of Canadian bilingualism as a symbolic resource would alter their political identity. The federal policy of bilingualism entailed mobilizing the anglophones of Quebec under the banner of an "official language minority." This mobilization, resulting from their unique experience, served to develop a political identity distinguishable from that of the rest of English Canada. Following the dialectic described in

¹³¹ Price, 223.

¹³² *Ibid*, 225.

the previous chapter, mobilizing Quebec anglophones as an official language minority served to strengthen individuals' identities as such, which in turn made it easier to mobilize the identity. In the renegotiation of the symbolic order at the provincial level, anglophones turned to symbolic resources available to them at the federal level, which in turn strengthened their provincial identities, though not their identity with the provincial state.

As it turned out, not only was Laurin and the provincial state inviting Quebec anglophones to see themselves as a minority, so was the federal state. A month after Bill 101 became law, Secretary of State John Roberts announced to the House of Commons:

If it appears that the English-speaking groups are now ready to co-operate with each other and develop the basis for an organization or structure of organizations representing them as an official language minority in Quebec, we would be prepared to encourage and support this development.¹³³

Roberts then came to Montreal to meet various anglophone national unity groups, telling them funds were available under the Official Language Minority Groups Program.¹³⁴

3. Council of Quebec Minorities

In the next few months, Participation Québec and the Positive Action Committee organized several meetings assembling various non-francophone groups to discuss common issues.¹³⁵ During a symposium held in May 1978, a committee was formed to make plans for an umbrella organization to take advantage of the federal program. This resulted in the

¹³³ Speech made October 27, 1977, as quoted in Storrs McCall, "Why Quebec Anglos Need a Voice," *Montreal Star*, February 25, 1978, G1.

¹³⁴ Pasternak, 58.

¹³⁵ *Ibid*, 59.

Council of Quebec Minorities being officially formed that November.¹³⁶ Its new head was Maldoff, who had left Participation Québec over their decision to remain neutral in the referendum campaign.¹³⁷ However, the new Council was not to be "used as a tool in the referendum or national unity debate."¹³⁸ It was a federation, with each member having enough autonomy to participate if it so chose.

The Council of Quebec Minorities was the first group to be officially recognized by the federal government as the representative of the anglophone community of Quebec. Its very existence signified a step in the changing political identity of anglophone Quebecers. Not only was it possible to mobilize an anglophone Quebec political identity, but this was done in the context of a "minority".

C. Constitutional Discourse

Thus far, we have examined the effects of federal and provincial state action on anglophone Quebec's political behaviour and identity. We now turn to the consequences of this new identity for anglophone Quebec's constitutional discourse. In anticipation of the next chapter, we look at how, during the constitutional discussions of the late 1970s, anglophones began to exhibit some of the characteristics of what we later call Charter groups. In particular, we will look at the extent to which anglophone constitutional discourse began to

¹³⁶ *Ibid*, 60.

¹³⁷ Noël, 38.

¹³⁸ Alex Paterson quoted in Trevor Rowe, "Minority Groups to Join Forces," *Montreal Star*, May 12, 1978,

exhibit the characteristics of rights consciousness, constitutional standing, and the minoritarian impulse.

1. Rights Consciousness and the Rhetoric of Rights

We have seen above how anglophones had been using the rhetoric of rights since before Bill 22. Anglophones opposed all state action detrimental to their interests by claiming that these actions infringed on their fundamental rights as individuals and as Canadians.

Consistent with the behaviour of rights-conscious groups, anglophones had also been using the courts as a forum for interest group activity. Several school boards attempted to challenge the language provisions of Bill 22, but were unsuccessful.¹³⁹ Against Bill 101, however, the Positive Action Committee supported a successful challenge.¹⁴⁰

Section 133 of the British North America Act, 1867, stated that either English or French could be used in the federal and Quebec courts and legislatures. This section was used in a successful challenge to those sections of Bill 101 that directly contradicted it. In 1979, the Supreme Court of Canada ruled not only that section 133 rendered those parts of Bill 101 unconstitutional, but that section 133 could not be amended by Quebec alone.¹⁴¹

In section 133, anglophones found a symbolic resource that was more powerful than Bill 101, at least in its limited scope. They became conscious that this part of the constitution

¹³⁹ See Noël, 59.

¹⁴⁰ Pasternak, 57.

¹⁴¹ Noël, 52.

granted them "rights", and this served to reinforce the rhetoric of rights in anglophone constitutional discourse.

Before the court rulings, however, anglophone constitutional discourse was already heavily tinged with the rhetoric of rights. A few days before Bill 101 became law, the *Gazette* declared where it stood on several issues of concern to anglophone Quebecers at the time. Concerning the constitution, it said:

With a sufficient amount of good will, intelligence and imagination, there is no reason why the aspirations of Quebec cannot be accommodated within a confederation that will recognize the particular needs of all our regions as well as of the two major language groups in this country.

We believe that, for this to happen, Canada must have a new constitution that explicitly recognizes both the individual rights of all Canadians, whatever their language or background, and the uniqueness of Quebec as the centre of the French Fact in Canada.¹⁴²

Reflecting a heightened concern with rights, the *Gazette* makes the unlikely claim that explicit recognition of individual rights is a "must" for accommodating the aspirations of Quebec and the particular needs of the country's regions and two major language groups.

That the rhetoric of rights had already been a part of anglophone constitutional discourse was also revealed at the Task Force on Canadian Unity hearings held in Montreal in January 1978. In its summary of the hearings, the Task Force reported that

English-speaking Quebecers, like their francophone counterparts in other provinces, placed considerable emphasis on the need for a new Canadian constitution which would guarantee the linguistic and cultural rights of both official language minorities. These would be individual rights. Reflecting the

¹⁴² "Here's Where We Stand," editorial, *Gazette* (Montreal), August 18, 1977, 9.

views of most anglophone participants, one group argued that 'in a free society, the individual's rights must take precedence over the rights of the collectivity.'¹⁴³

But the Task Force ignored them and recommended that section 133 be rescinded and no linguistic rights be entrenched in a new constitution. This recommendation, the *Gazette* argued, was an area where the report, otherwise containing "so much good sense", went "horribly astray." For, the editorial argued, in "a country based on the recognition of French-English duality, what is more basic than minority language rights?"¹⁴⁴

2. Constitutional Standing

As discussed in the previous chapter, those groups who believe they have constitutional standing believe that they are legitimate constitutional actors and that they have stakes in the constitution. During the period leading up to Patriation, anglophones had no pretention of being legitimate constitutional actors. This is illustrated by the reaction to the Task Force on Canadian Unity's report by Member of Parliament for Westmount, Donald Johnston. He attributed the commission's stand on minority language rights to the lack of representation of anglophone Quebecers. He called this lack of representation a "serious error in retrospect"¹⁴⁵ He berated anglophone Quebecers for being

¹⁴³ Canada. Task Force on Canadian Unity, *A Time to Speak: The Views of the Public* (Hull: Supply and Services Canada, 1979), 65.

¹⁴⁴ "Strength in Diversity," editorial, *Gazette* (Montreal), January 26, 1979, 8

¹⁴⁵ Graham Fraser, "Task Force Supports Push for French," *Gazette* (Montreal), January 26, 1979, 1.

passive in this unfolding debate, allowing others to carry the ball. Obviously, it has not been carried very well, and simultaneous action is now required by us on two fronts:

1. We must explain our attitudes clearly to our French-speaking co-citizens in Quebec....
2. We must convince people and provincial governments across Canada that the survival of the English-speaking community of Quebec and probably... of Canada itself is largely dependent on how they treat their French-speaking minorities.¹⁴⁶

We see that his solution to the anglophone "ball" being poorly handled by others is to teach others how to properly handle that ball. No demand is made for a direct say in the constitutional process.

However, while they did not claim to have a seat at the constitutional table, anglophones did claim to have important stakes in the constitution. The constitution was seen as an important instrument for upholding their interests, offering them "protection." Commenting on the report of the Task Force on Canadian Unity, the *Gazette* that the report

rightly upholds the federal official languages policy. But its proposals to leave other language rights out of the constitution is a counsel of cowardice. It would erode even the minimal protections that now exist.¹⁴⁷

Alex Paterson, co-chairman of the Positive Action Committee, said that "for the anglophone minority in Quebec and the francophones outside Quebec, we would prefer to see language rights entrenched rather than leaving them to the provinces."¹⁴⁸

¹⁴⁶ Donald Johnston, "Task Force Recommends a Cowardly Policy," *Gazette* (Montreal), January 30, 1979, 8.

¹⁴⁷ "Strength in Diversity," 8.

¹⁴⁸ Fraser, "Task Force," 1.

As discussed above, official bilingualism was a symbolic resource of primary importance for anglophones. Section 133, although it dealt with bilingualism in very narrow terms, represented the constitutionalization of bilingualism. Section 133 was important both as object and as symbol. As object, it proved valuable by offering a concrete instrumental reward: the abrogation of some parts of Bill 101. As symbol, it represented the entrenchment of bilingualism. In other words, section 133 represented the strengthening of the anglophone symbolic resource, bilingualism, over parts of Bill 101, the symbolic resource used by those against whom they were competing in the symbolic order.

Consistent with the behaviour of those groups claiming constitutional standing, anglophones were vigilant in seeing a favourable interpretation, or indeed expansion, of "their" clause, section 133. As the Council of Quebec Minorities told the Special Joint Committee:

We see this issue as vital, we believe that Section 133... should be extended at least to apply to New Brunswick and the Province of Ontario.¹⁴⁹

The expansion of section 133 to other provinces would do nothing in itself for anglophones in Quebec. However, it would raise the symbolic value of the section and what it represents. By pressing for the expansion of section 133, anglophones were calling for furthering the constitution's orientation towards bilingualism and official language minorities, thus making their symbolic resource more powerful.

¹⁴⁹ Canada, Senate, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada*, November 19, 1980, 8:31. Hereafter cited as Joint Committee Hearings.

The other major area where anglophones sought constitutional intervention was in education. They argued against the limitation of minority language education rights to areas "where numbers warrant." For the *Gazette*:

The limitation is undesirable in principle and unnecessary in practice. A constitution should define the primary characteristics of a nation. If Canada is to continue calling itself a bilingual country, it should say so unequivocally. Rights of this nature should not be qualified in a constitution.¹⁵⁰

Similarly, the Positive Action Committee told the Special Joint Committee:

If Canada is to do more than pay lip service to the concept of linguistic duality, she must do justice to the educational needs of the Francophone outside Quebec.¹⁵¹

Again, the advantage to anglophones for pressing for francophone minority education rights is to enhance a favourable orientation of the constitution to official language minorities. Such a constitution would be a valuable symbolic resource to be used by anglophones. In particular, the constitution's minority language education rights could be used against the Quebec clause of Bill 101.

3. Minoritarian Impulse

As outlined in the previous chapter, groups who share the minoritarian impulse fear that their concerns are not well represented, and share a suspicion of the state as an instrument of others. We have discussed above how Quebec anglophones felt alienated by the provincial state. However, there is no general inclination at this time to fear that the federal state was

¹⁵⁰ "Don't Limit Minority Rights," editorial, *Gazette* (Montreal), November 20, 1980, 6

¹⁵¹ "Anglo-Quebecers' Exodus 'Depiorable': PAC," *Gazette* (Montreal), November 19, 1980, 30.

the instrument of others. Nevertheless, some of the minoritarian impulse is beginning to enter into the anglophone constitutional discourse. The anti-majoritarian thrust of their discourse was revealed in reaction to the Task Force on Canadian Unity's report. Johnston comments on the report's "eulogies to the good will of majorities; unfortunately, history has proved the latter does not exist in the real world."¹⁵² In its editorial commenting on the report, the *Gazette* said that "history has shown too often that a bull-headed provincial majority will happily eliminate even the most basic minority rights."¹⁵³

Revealing a greater trust in the federal state, Paterson said that it is "absolutely fundamental to Canada that if we're going to protect the rights of people when they're in a minority position, it is the federal government that must do it."¹⁵⁴

Conclusion

In this chapter we have looked at the evolution of the political behaviour and political identity of Quebec anglophones from that of a Canadian majority toward that of Quebec's official language minority. With this background, we then outlined how, on the eve of a new constitutional regime, anglophone Quebec had begun developing a distinctive constitutional discourse, including some of the characteristics of a constitutional minority. Anglophone Quebec would continue to evolve, and with the 1982 Patriation of the constitution and the introduction of the Charter of Rights and Freedoms, its constitutional discourse would

¹⁵² Johnston, 8.

¹⁵³ "Strength in Diversity," 8.

¹⁵⁴ "Dismay, Surprise Reaction in City," *Gazette* (Montreal), January 27, 1979, 5.

become increasingly distinguishable from that of the rest of English Canada, becoming more recognizable as a constitutional minority -- a Charter group. The post-1982 evolution of anglophone political behaviour and identity, and of its constitutional discourse, is the subject of the next chapter.

Chapter 3 : A Charter Minority

In the previous chapter, we discussed the extent to which anglophone political behaviour and identity was transformed in response to provincial and federal state action before the 1982 patriation of the constitution. We will now examine the continued evolution of anglophone Quebec into a Charter minority following the introduction of the Canadian Charter of Rights and Freedoms. After discussing the consolidation of political action within the Quebec Liberal Party and Alliance Quebec, we turn to some of the reasons behind the Charter's becoming such a valuable symbolic resource for anglophone Quebecers. Next, we consider the extent to which anglophones have become a Charter minority by examining Bill 178 and the 1989 provincial elections. We then turn to an examination of the consequence of anglophone identity as a Charter group on their constitutional discourse. Finally, we conclude with a discussion of anglophone behaviour during the 1992 Charlottetown referendum. We make the argument that their unusual behaviour during that referendum is the strongest manifestation to date of their identity as a Charter group.

A. The PQ Years: Political Action

In the previous chapter, we cited Michael B. Stein, who remarked that minorities usually defend their political interests within political parties and organized pressure groups. We have already discussed how pressure groups were organized as anglophone political behaviour and identity began evolving toward that of a minority. We now turn to a discussion of parallel activity occurring within the Quebec Liberal Party.

1. Quebec Liberal Party

The Quebec Liberal Party had been the home of anglophone voters for some time. However, anglophone involvement in the provincial party system rarely went beyond the action of casting a ballot. After the 1976 election this began to change. Following the defeat, the party chose Claude Ryan as its new leader.

As editor of *Le Devoir*, Ryan had revealed an openness to anglophone concerns. Of particular interest to anglophones were his criticisms of the PQ's language legislation. Ryan's criticism was made from a pluralistic liberal perspective. We recall that the politics of difference fights discrimination by recognizing the differences that exist between groups of citizens. Ignoring these differences assumes that all citizens are members of the majority culture, which is inherently discriminatory. Such is the language Ryan uses, for example, in an editorial criticizing Bill 1. Ryan approvingly quotes the Quebec Human Rights Commission, who say that while the preamble to the Bill

may well claim to respect the language and culture of minorities, the [objective of making French the language of labour, education and communications] irremediably fences their universe within the boundaries of the Québécois universe, which is to be francophone by definition.... We believe that this confusion, between belonging to a cultural group, and belonging to a civil society, is indefensible and, above all, dangerous. It contains the potential for a discriminatory attitude toward those who have had the misfortune not to be born in the cultural group that has proclaimed itself the 'national group'. It certainly cannot serve as a foundation for the building of a harmonious Quebec society, to which all persons, no matter their ethnic or cultural affiliation, may feel they can belong.¹⁵

¹⁵ Claude Ryan (eds. Robert Guy Scully and Marc Plourde), *A Stable Society*, Robert Guy Scully and Marc Plourde, transl. (Montreal: Editions Héritage, 1978), 145.

Ryan further adds:

Bill 1 creates the disturbing impression that in the present government's eyes, there are two classes of citizens in Quebec: francophones and others. This view of Quebec is unacceptable to any democrat.¹⁶

We recall that a pluralistic liberal society, while organizing itself around the protection of cultural integrity, distinguishes itself as liberal by the rights it grants those groups who do not share in the majority culture, and the fundamental rights it grants all individuals. Ryan's pluralistic liberal perspective is evident on these two issues.

On the question of individual rights, Ryan explicitly declared it to be one of the reasons for his involvement in politics. When announcing his candidacy for leadership of the party, Ryan invoked as one of his motivations for running his belief that

[w]hile stretching the limits of individual freedom to a maximum, in many fields we established so-called 'collective' freedoms, which in the long run can only cause certain individual liberties to shrink.¹⁷

In his "Political Program" made public in April 1978, under the heading "A Quebec Founded on the Primacy of Individual Freedoms," Ryan writes.

In our time, individual freedoms have been extended to include "collective" rights and liberties, which were meant to perfect and reinforce the former. However, according to certain theories which, in recent years, have made impressive inroads in several areas of Quebec society, there would be a need to put collective freedoms ahead of individual ones.... We have to put the relationship between individual freedoms and collective freedoms back into its true perspective.... The Quebec Liberal Party, with its long tradition of dedication to the pursuit of individual freedoms, is naturally destined to play a vital role in this area.¹⁸

¹⁶ *Ibid*, 148.

¹⁷ *Ibid*, 56.

¹⁸ *Ibid*, 379.

More concretely, his program states that one of the "steps to be taken as quickly as possible" in order to "put the relationship between individual freedoms and collective freedoms back into its true perspective" includes "amendments to Bill 101 in order to ensure greater respect for minority rights."¹⁹

Indeed, on the question of granting rights to those groups who do not share in the majority culture, Ryan was quite clear:

In view of the fact that this legislation proposes to define the majority's linguistic rights in a very detailed fashion, it must also specify minorities' rights in this respect.²⁰

The implication for anglophone Quebecers stems from his conclusion that

everyone's right to his or her own language and culture automatically leads to the recognition of minority groups' rights and to the right of national communities to determine for themselves their own future...²¹

During the leadership campaign, Ryan published a separate "Declaration on Language Policy".²² It contained most of the policies that Alliance Quebec would eventually declare as priorities for the anglophone community. The thrust of the policy was summarized in the statement that the anglophone community had "the right to an open and explicit legal recognition."²³ It included a promise to amend parts of Bill 101, including the sign law. Access to English schools would be open to all anglophones, not just Quebecers or other

¹⁹ *Ibid*, 380.

²⁰ *Ibid*, 147.

²¹ *Ibid*.

²² Scowen, 27.

²³ *Ibid*.

Canadians. And he promised increased access to English health and social services, government and municipal services.²⁴

Upon becoming leader in 1978, Ryan openly wooed the anglophone community. During a provincial by-election that year in the predominantly anglophone riding of Notre-Dame-de-Grâce, Ryan again distributed his declaration.²⁵ With the active involvement of anglophone members of the party, the declaration became party policy, being included in the party platform for the 1981 general elections. It was still party policy when Robert Bourassa resumed leadership of the party in 1983, and remained part of the party platform in the 1985 general elections.²⁶

The anglophone community had accepted Ryan's invitation to organize within the Liberal Party. They "returned to the party as their best hope of defending community political interests."²⁷ As the anglophone Quebec political identity was evolving, as their self-perception as a minority was increasing, anglophones were ready to accept the tenets of pluralistic liberalism offered by Ryan. In the words of Reed Scowen, the Liberal candidate in the 1978 by-election,

most of the English were ready to follow the emerging leadership of their new community in an effort to work with Ryan and within the Liberal Party. Their objective was to reach a negotiated compromise on language legislation in the

²⁴ *Ibid.*

²⁵ *Ibid.*, 29.

²⁶ *Ibid.*

²⁷ Levine, 124.

hope that the party would someday regain power and implement this new social contract.²⁸

But Ryan and the Liberals failed to win the 1981 elections. The surprising victory of the PQ, despite the loss of the referendum for which the party was formed, let anglophones know in no uncertain terms that Quebec nationalism would continue to be a force in provincial politics and would continue to influence government policy. The second election of the PQ also served as an impetus for anglophone Quebecers to question the effectiveness of their political strategies to date. It was suspected by some that their close association with the Liberals was counterproductive:

The fact that English voting support for Claude Ryan and the Liberals is now perceived by him -- possibly quite accurately -- to have cost him the last election has made many aware that, given the present alignment of political parties, the English peoples of Quebec can hope to achieve precious little through the political process in defence of their rights and institutions.²⁹

Although anglophones did not abandon their strategy of working within the Liberal Party, they did renew their efforts at political organization outside the party.

2. Alliance Quebec

In addition to the second PQ victory, 1981 also saw the coming into force of section 58 of Bill 101, the sign law. Commercial signs in the province could now only be posted in French. For anglophones, the sign law was the most visible symbolic aspect of Bill 101 and helped increase their feeling of alienation from the province. The sign law and other

²⁸ Scowen, 28.

²⁹ John Hallward, "Anglos Must Organize for Protection," *Gazette* (Montreal), October 26, 1981, 7.

irritants,³⁰ combined with the defeat of the Liberals, led many among the leadership of anglophone Quebec to conclude that, as strongly as ever, it was necessary to "organize for protection." An assessment was made of the anglophone lobby to date, and it was found wanting.

We have seen in the previous chapter that the Council of Quebec Minorities was the first group to be recognized by the federal government as a representative of Quebec's official language minority. In the years following its formation, however, the Council found itself competing with other groups for federal dollars and other resources. The Council often ran into the Positive Action Committee and Participation Québec when working within various policy areas. The Council's federative structure proved to be a burden when a quick response was necessary, and thus the Council found it difficult to compete with the Positive Action Committee for the media's attention.³¹ The three groups had overlapping membership and leadership. The number of groups purporting to represent anglophone Quebec proved a weakness for the anglophone lobby.

It was agreed by the leadership of the various groups that if the anglophone lobby was to be effective, it would have to unify. The leaders met and agreed to consolidate into one umbrella organization.³² The Council of Quebec Minorities officially became Alliance Quebec in January 1982. Participation Québec held its last meeting that April. In May, Alliance Quebec held its inaugural convention, electing Eric Maldoff as its first president and Alex

³⁰ See *Ibid.*

³¹ Pasternak, 69

³² *Ibid.*, 70.

Paterson as its first Chairman. The Positive Action Committee decided to fold in October, and by December its files were transferred to Alliance Quebec's headquarters.³³

B. The Canadian Charter of Rights and Freedoms: A Symbolic Resource

In addition to the coming into force of the sign law, the reelection of the PQ and the formation of Alliance Quebec, the year 1981 would prove to be a red-letter year for anglophone Quebec for one other reason: That November the federal government and all the provincial governments except Quebec agreed on terms for the patriation of the constitution. The following April, the Queen gave royal assent to the Constitution Act, 1982, which included a new constitutional amending procedure and the new Canadian Charter of Rights and Freedoms.³⁴ The Charter would become the most powerful symbolic resource for anglophone Quebec.

1. Symbol

The Charter symbolized the acceptance of the main lines of the anglophone discourse used against the Quebec government in the renegotiation of the symbolic order in the province. For one, procedural liberalism was at the heart of the new Charter, as it is in any bill of rights of a western liberal society.

³³ *Ibid.*

³⁴ For an overview of the process leading up to the 1982 Patriation of the Constitution, see Roy Romanow, John Whyte and Howard Leeson, *Canada Notwithstanding: The Making of the Constitution 1976-1982* (Toronto: Carswell/Methuen, 1984).

But the Charter also symbolized the higher status of the federal policy of bilingualism. We have seen that bilingualism had become a symbolic resource of primary importance for anglophones in the renegotiation of the symbolic order of Quebec. In constitutional terms, section 133 of the former BNA Act (now the Constitution Act, 1867), represented, in its limited sphere, the constitutional entrenchment of bilingualism and its predominance over Bill 101, the symbolic resource of those against whom they were competing. Now the Charter increased the symbolic status of bilingualism even further by increasing the scope of its constitutional entrenchment.

Section 16 (1) of the Charter states unequivocally:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada

The Charter's orientation toward bilingualism was further increased by section 23, entitled "Minority Language Educational Rights." This section essentially replaced the Quebec clause of Bill 101 with a Canada clause.

2. Object

The Charter was able to enter anglophone consciousness not only by what it symbolized, but also by the instrumental rewards it was able to provide the anglophone community: the amendment of some parts of Bill 101. Anglophone Quebecers used two sections of the Charter to successfully amend two parts of Bill 101 in their favour. The

Charter helped anglophones slightly increase access to English schools, and to amend the sign law.

In September, 1982, the Quebec Superior Court handed down the first decision confirming the predominance of the Charter over Bill 101. The court ruled that the Charter's Canada clause on access to English education invalidated the Quebec clause of Bill 101. The ruling was appealed, finally being confirmed by the Supreme Court of Canada in July, 1984.

The other major challenge to Bill 101 was made to section 58 dealing with the language of commercial signs. It was argued successfully that restrictions on languages other than French were an infringement of freedom of expression guarantees not only of the Charter, but also of the Quebec Charter of Human Rights and Freedoms. The December, 1984 ruling by the Quebec Superior Court was eventually confirmed by the Supreme Court of Canada on December 15, 1988.

The Supreme Court ruled that it was not against the Charter for the provincial government to require the use of French, but that it was unconstitutional for the government to restrict the use of other languages. This ruling conformed exactly to Alliance Quebec policy.

With what the Charter symbolized and the concrete rewards it was able to offer Quebec's anglophones, it is not surprising that, on the eve of the Supreme Court's sign law decision, Alliance Quebec President Royal Orr would say:

We believe the *Charter* must be the uncompromised cornerstone of political life in Canada.

The protections extended by the 1982 *Canadian Charter* have become a rallying point for official language minorities and for citizens' organizations committed to social justice.³⁵

C. Bill 178 and the 1989 Elections

Despite efforts within the Quebec Liberal Party, despite the efforts of Alliance Quebec, and despite the Supreme Court judgment based on the Charter, the Quebec Liberal Party did not come through for anglophones on a question of fundamental symbolic importance. Almost fifteen years after Bill 22, Robert Bourassa shocked anglophones once again. He decided to override the court ruling by invoking the Charter's "notwithstanding" clause to pass Bill 178, essentially restoring section 58. By way of compromise, he would allow bilingual commercial signs inside stores, but not outside, as long as other languages were subordinate to French. Specific regulations later revealed that in fact, Bill 178 retained the status quo with the exception of a few stores that were not franchises and had less than fifty employees.³⁶

1. Action

Political action against Bill 178 began within the Liberal Party, starting in cabinet. Three of the four anglophone ministers, Clifford Lincoln, Herbert Marx and Richard French, resigned. The fourth, Bill 22 veteran John Ciaccia, decided to stay, saying "my experience

³⁵ "Rovai Orr: President's Address," *Quebecer*, Summer 1988, 7.

³⁶ Levine, 136.

has shown me that confrontation has not worked."³⁷ The remaining anglophones in caucus voted against the bill as well.

The Bill was passed at lightning speed, and was never sent to committee. Thus, unlike the process leading to Bills 22 and 101, there was no formal opportunity for anglophones to present their objections to the National Assembly.

Outside the Assembly, anglophones took the usual step of voicing their opposition to the media. Many small public meetings were held as anglophones expressed their frustrations to each other. Most were organized by Alliance Quebec.

There was even a public demonstration. A local bookstore owner rented Victoria Hall in Westmount on his own initiative. To his surprise, 1000 people showed up. The hall could only fit 500.³⁸

The depth of anglophone opposition was felt in the electoral sphere. Anglophone voters abandoned the Liberal Party. Two single issue protest parties were formed, the Equality Party in Montreal and the Unity Party off the Island. In the general elections of September 25, 1989, the Equality Party elected four of its candidates, leader Robert Libman, Neil Cameron, Gordon Atkinson, and Richard Holden. With the exception of Holden, who had run unsuccessfully three times for the federal Progressive Conservative party, none of the new MNAs had had previous political experience. Nevertheless, the Equality and Unity parties attracted widespread support among anglophones. By one estimate, in ridings where

³⁷ Sarah Scott and Nancy Wood, "Can't Accept or Vote for Signs Bill," *Gazette* (Montreal), December 21, 1988, A1.

³⁸ Karen Seidman, "Legal Help Offered to Merchants With Bilingual Signs," *Gazette* (Montreal), January 9, 1989, A1.

they ran candidates, the Equality Party received about 70% of the anglophone vote, and the Unity Party about 60%.³⁹

2. Discourse

a) Betrayal: Reinforcing the Minoritarian Impulse

After community efforts to change the sign law in their favour, and promises by the Liberal Party that this would occur, anglophones expressed a sense of betrayal when the promises were not kept. Bill 178 reinforced the already present minoritarian impulse among anglophone Quebecers. In arguing against Bill 178, anglophones expressed a sense of being excluded, of having no influence on government policy. Alliance Quebec President Orr summed up the sentiment when he simply said "The government has failed us completely."⁴⁰ For *Gazette* columnist William Johnson,

The illusions are shattered.... English Quebec, its hopes and its faith in ruins... finds itself today abandoned by all it took to be its friends. It must now start all over again.⁴¹

Not only did the provincial state abandon them, it seemed to do so with the tacit compliance of the federal government. While there was little the federal government could do practically, Prime Minister Mulroney was not quick with a denunciation. A *Gazette* editorial reminded its readers that

³⁹ Pierre Drouilly, "Le succès des Partis égalité et unité," *Le Devoir*, October 4, 1989, 9.

⁴⁰ Susan Semanek, "Decision Could Lead to Anglophone Exodus: Orr," *Gazette* (Montreal), December 19, 1988, B1.

⁴¹ William Johnson, "Anglo Quebec Must Now Start All Over Again," *Gazette* (Montreal), December 19, 1988, B3.

Quebec's other eminent native son, Brian Mulroney, yesterday also shied away from leadership.... The prime minister of Canada said he regretted Mr. Bourassa's decision but went on at length to repeat the old line about Quebec being a leader in respect for minority rights. The Brian Mulroney who went so courageously to Winnipeg to fight for franco-Manitoban rights is not in evidence when his own people are the ones whose rights are being curtailed.⁴²

b) Procedural Liberalism

The principles of procedural liberalism continue to be fundamental to the anglophone discourse. In simplest terms, as Equality Party leader Robert Libman would imply, Bill 178 was seen as an illiberal move: "To vote for the Liberal party is to condone the suspension of fundamental civil rights."⁴³

With the Charter in place and the Supreme Court judgment in hand, it was easier to invoke the principles of procedural liberalism against Bill 178 and the use of the notwithstanding clause than it had been against Bills 22 and 101. In voting against the bill, MNA Joan Dougherty said:

I cannot accept a bill that prohibits languages other than French on exterior signs. Not only does it not respect the fundamental right of all Quebecers to the liberty of expression, a principle which is at the heart of our Liberal philosophy, it contravenes the noble vision of our society set out in recent judgment of the Supreme Court of Canada. A society that feels justified in denying -- or even reducing -- the fundamental rights of some of its people puts at risk the rights of all of its people. Today, it is my rights. Tomorrow, it could be yours.⁴⁴

⁴² "A Case of Human Rights," Editorial, *Gazette* (Montreal), December 20, 1988, B2.

⁴³ Sarah Scott, "Equality Party Urges Free Choice of Schools," *Gazette* (Montreal), August 15, 1989, A4.

⁴⁴ Nancy Wood, "Dougherty to Vote Against Sign Bill," *Gazette* (Montreal), December 20, 1988, A3.

The courts made it even easier for anglophones in Quebec to argue against the bill by ruling the sign law to be in violation of freedom of expression guarantees in Quebec's own Charter of Human Rights and Freedoms. In his official response to Bill 178, Alliance Quebec President Orr said:

It is a dark day for... all Quebecers when the government of all Quebecers decides to override a fundamental freedom established by the National Assembly in Quebec's own Charter of Rights and Freedoms.⁴⁵

Opposition to the use of the notwithstanding clause was particularly fierce, for "notwithstanding clauses are despicable. Their whole purpose is to let governments do things the charters forbid."⁴⁶ While the government justified Bill 178 by invoking a greater good, the protection of French culture in Quebec, this line of anglophone discourse considered that an illegitimate move, unfair because it was contrary to the rules of the liberal game. As Orr continued,

For the past ten years, Mr. Bourassa, we have played fair. You, Mr. Bourassa, have not.... Mr. Bourassa, the community I represent will continue to play by the rules of a democratic society, because those are the only rules we know or want to know.⁴⁷

c) Towards Pluralistic Liberalism

We recall that what we have termed the discourse of pluralistic liberalism accepts that it is legitimate for the state to promote cultural survival. This is legitimate as long as certain

⁴⁵ Royal Orr, "Wanted: 'Courage To Do What Is Right'" *Gazette* (Montreal), December 20, 1988, B3.

⁴⁶ "Inside-Outside Dilemma," Editorial, *Gazette* (Montreal) December 17, 1988, B2

⁴⁷ *Ibid.*

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fundamental individual rights are protected. The earlier anglophone discourse in the context of their political identity as a majority centred on procedural liberalism. As anglophones began to behave as a political minority, they began increasing their use of pluralistic liberalism

Reflecting the tenets of pluralistic liberalism, in 1991 Scowen wrote:

A linguistic policy for Quebec must be made in Quebec. It must be based on Quebec's own vision of a civil society, on a program to expand the French language, on a recognition in practical terms of the rights of the English community.⁴⁸

He then offered advice to Quebec anglophones.

English Quebecers should be aware that the struggle for their own language will not be won, or even played, on the field of individual human rights. To be understood in Quebec politics, English-speaking Quebecers and the leaders of their institutions must learn and use the vocabulary of collective action and collective rights in a way that their cousins in the rest of North America would find unnecessary and even incomprehensible.⁴⁹

Such vocabulary, along the lines of pluralistic liberalism, has begun to enter the anglophone discourse:

We know that, within the context of respecting fundamental rights, it is both legitimate and necessary for the National Assembly to take positive measures to protect the French language and to promote the distinctiveness of our province. We also know, however, that the unique character of Quebec is, in part, the result of our presence and our involvement.⁵⁰

⁴⁸ Scowen, 87.

⁴⁹ *Ibid*, 91.

⁵⁰ Alliance Quebec, "Brief by Alliance Quebec to the Special Joint Committee on the 1987 Constitutional Accord," Canada, Senate, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons on the 1987 Constitutional Accord*, August 18, 1987, 8A:3.

This argument goes to the substance of the vision of Quebec society that the Quebec state is to promote. As with the previous arguments in favour of bilingualism, this argument accepts the legitimacy of the state acting to promote the greater good. The disagreement, however, is over the definition of that greater good. For the provincial state, only francophone culture must be protected and promoted. Anglophones, when arguing along the lines of the politics of difference, make the claim on the state to protect their culture as well. They argue that the greater good that the state is to promote must include them, in order not to deny their identity.

In this context, we can understand another line of argument against Bill 178. Bill 178, the argument goes, is illegitimate because it denies the place of anglophones in Quebec, and thus denies their identity. When the law was passed, a *Gazette* editorial stated:

The question is not, of course, whether words on a commercial sign, in and of themselves, are crucial to the minority's future in Quebec. The question is what the government of Quebec conceives to be the minority's rightful place and status.⁵¹

A few months before the ruling, the government had already been hinting that it may opt for the inside-outside solution. Alliance Quebec wrote the premier a public telegram in response to the speculation, saying

that this proposal will be unacceptable to the vast majority of English-speaking Quebecers for whom the issue is important, not merely as a matter of communicating information, but as an issue going to the nature of our society and the role and place of the English-speaking community in Quebec.⁵²

⁵¹ "A Case of Human Rights," B2.

⁵² "The Complete Text of the Telegram Sent to the Premier (October 10, 1988)," *Quebecer*, Fall 1988, 3.

Such talk in terms of "communities", groups within society, is in line with the politics of difference inherent in the discourse of pluralistic liberalism. It accepts the legitimacy of the state responding to the political demands of groups. Such discourse is used by groups who find themselves disadvantaged by the symbolic order in an attempt to renegotiate that order in their favour. The increasing use by anglophone Quebecers of the discourse of pluralistic liberalism is another manifestation of the anglophone identity as a minority.

d) Mirror Representation

Anglophone Quebecers' political behaviour during the 1989 election revealed their political identity as a minority in one other area: the phenomenon of seeking mirror representation. The idea that anglophones were electing community representatives when they were electing Members of the National Assembly was fairly new. There had always been anglophone MNAs, but they were rarely called upon to be representatives of the community as such.⁵³ But during the 1989 election, anglophones sought to elect community representatives. Being a minority, they exhibited political behaviour in line with the trend among minorities in Canada in turning toward mirror representation. Scowen interprets the Equality Party phenomenon along these lines:

[I]t is possible that the Equality Party, despite the special circumstances that gave it birth, is in fact the logical, even inevitable, consequence of the emergence of the real sense of community among the English of Quebec.... If the English do exist as a community, and if many decisions vital to its future are to be decided

⁵³ Gretta Chambers, "Anglos at Risk Voting out of Pique, Habit," *Gazette* (Montreal), September 7, 1989 B3.

in the National Assembly, then what is more natural to it than to seek a political voice that clearly expresses its views?"⁵⁴

But the strongest manifestation of this phenomenon occurred when the Quebec Liberal Party parachuted in William Cosgrove as their candidate for Westmount. Cosgrove had left Montreal in 1972 and had just returned from his position as a vice-president of the World Bank in Washington. Literally days after returning from his sixteen year absence, Cosgrove was introduced to the media as a potential representative of anglophone Quebec. He was woefully ill-prepared. He embarrassed himself by being unable to offer his views or even display awareness of the most basic issues of concern to anglophone Quebec.

The English media jumped all over him. *Gazette* columnist Don Macpherson expressed a growing consensus:

[H]is pitiful performance at his first news conference as a politician suggests strongly that he is simply not qualified to represent the anglophone community in the National Assembly and the Quebec government at this crucial point.⁵⁵

It was more than his performance at a news conference that disqualified Cosgrove as a representative of anglophone Quebec. By being away for so long, Cosgrove had become an outsider. He was ridiculed as being "blissfully unaware of Quebec life."⁵⁶ "Cosgrove... seemed to have the impression that... he was going to be the candidate for Scarborough East

⁵⁴ Scowen, 133-4.

⁵⁵ Don Macpherson, "Inept is Word for Top Anglo Candidate," *Gazette* (Montreal), August 12, 1989, B3.

⁵⁶ Wayne Grigsby, "When Cosgrove Left Town, Eaton was Still Eaton's," *Gazette* (Montreal), August 13, 1989, A3.

[in Ontario]," said one columnist.⁵⁷ Finally, "if those of us who've lived through the changes sometimes feel like strangers in a strange land, Cosgrove must feel like the man from Mars."⁵⁸

The reaction to Cosgrove revealed the extent to which anglophones had developed an identity as a community. The boundaries had been established. An anglophone Quebecer is differentiated from anglophones in other provinces. Being qualified to run in Scarborough East is no longer enough to run in Westmount. In 1989, a representative of anglophone Quebec had to not only reveal an awareness and understanding of the unique situation of anglophones in Quebec, but must also have experienced it.

The Liberals were surprised by the new manifestation of anglophone political behaviour:

[T]he Liberals were still so out of touch with anglophone concerns that it never occurred to them that anglophones would look at Cosgrove first as a political voice for their community at a time when they were feeling without power and influence in the government.⁵⁹

D. From Meech Lake to Charlottetown: Constitutional Discourse

So far we have discussed the extent to which the anglophone Quebec political identity has been able to be mobilized, and how that mobilization has occurred within the context of a Charter minority. The Bill 178 episode and its aftermath reinforced the feeling of being a minority, and revealed the extent to which the anglophone Quebec political identity could be

⁵⁷ Jack Todd, "Anglo Talent Itching to Fill Cabinet Posts," *Gazette* (Montreal), August 15, 1989, A3.

⁵⁸ Grigsby, A3.

⁵⁹ Don Macpherson, "Cosgrove Proved to be Last Straw," *Gazette* (Montreal), September 28, 1989, B3.

mobilized. We now look at the consequences of this political identity on their constitutional discourse, from reaction to the Meech Lake Accord to the process leading to the Charlottetown Accord.

1. Background

The goal of the Meech Lake constitutional accord, signed in 1987, was to have Quebec give its political approval to the 1982 patriation package. The accord gave Quebec, and every other province, a veto over certain constitutional amendments; some input into choosing Senators and Supreme Court judges; certain powers over the selection of immigrants into the province; and the right to receive compensation when opting-out of federally-sponsored shared-cost programs falling within exclusive provincial jurisdiction. And, most controversially, the Meech Lake Accord would have the constitution recognize Quebec as a "distinct society," and affirm the role of the Quebec government to "preserve and promote" it.⁶⁰

The deal died in June, 1990, when the three year deadline for ratification had passed. The death of Meech unleashed a series of commissions and committees to study new constitutional proposals. Quebec created its Commission on the Constitutional Future of Quebec (Bélanger-Campeau). The federal government created others to look at various aspects of constitutional change. The process culminated in an accord signed in

⁶⁰ For a full description of the Meech Lake Accord, including the process leading up to it, its contents, and the reaction to it, see Patrick J. Monahan, *Meech Lake: The Inside Story* (Toronto: University of Toronto Press, 1991).

Charlottetown on August 26, 1992. The Charlottetown Accord was put to a referendum that October 26, and defeated.

2. Rights Consciousness and the Rhetoric of Rights

Anglophone rhetoric of rights was revealed by the initial reaction of Alliance Quebec President Orr to the distinct society clause:

If you're going to recognize a society that's distinct and allow legislation to maintain that... that should in no way take away from the rights of individuals living in that society.... If you think human rights is going to get in the way of that distinct society, then we don't like it.... the distinct-society clause could be used to minimize the protections offered in the Canadian and Quebec human rights charters.⁶¹

After the death of the Meech Lake Accord, Alliance Quebec told the Bélanger-Campeau Commission that

English-speaking Quebecers, like any other community in Quebec and elsewhere in the world, want their basic human rights respected. They want to be able to live, to work, to socialize, to express themselves openly and freely, to be respected and treated with dignity on a day-to-day basis. No more, no less.⁶²

Rights consciousness is also revealed by Alliance Quebec's call to have the notwithstanding clause removed. As Alliance Quebec continued:

Our community's opposition to the existence of a notwithstanding clause in the Canadian Charter, and its equivalent in the Quebec Charter, is well-documented. Charter rights, if they are to mean anything at all, must be insulated from the reach of political purpose or the vagaries of a social mood or climate.⁶³

⁶¹ "Reaction is Mixed to 'Distinct-Society' Clause in Quebec," *Gazette* (Montreal), June 4, 1987, B1.

⁶² "Quebec within Canada is the Best Answer for All," *Quebecer*, February 1991, 9

⁶³ *Ibid.*

3. Constitutional Standing

We recall that those groups who claim constitutional standing claim to have important stakes in the constitution and to be legitimate constitutional actors. In our discussion, in the previous chapter, of anglophone constitutional discourse before Patriation, we noted that anglophones believed that they had important stakes in the constitutional outcome, but did not claim to be legitimate constitutional actors. In the Meech Lake and subsequent rounds, this aspect of their discourse changed to be more in line with that of a Charter minority.

Speaking to the Ontario hearings on the Meech Lake Accord, Alliance Quebec said:

Let there be no mistake: There really is a fundamental debate about the nature of our country here in the discussion of the Meech Lake accord. Let there also be no mistake: We have not come to Ontario to seek your direct help on the effects of this vision of Canada's duality in our province. We are ready to fight those battles ourselves.⁶⁴

Nevertheless, a few months later, speaking to an Alliance Quebec convention, President Orr remarked,

On the Canadian scene, we participated in the debate around Meech Lake with all our might in whatever ways were open to us -- and those were damned few...⁶⁵

Unlike the process leading up the Patriation, it was no longer legitimate for constitutional reform to be carried out solely by governments:

⁶⁴ Alliance Quebec, "A Minority's Plea for the Supremacy of the Charter," Michael D. Behiels, ed, *The Meech Lake Primer: Conflicting Views of the 1987 Constitutional Accord* (Ottawa: University of Ottawa Press, 1989), 228.

⁶⁵ "Royal Orr: President's Address," *Quebecer*, Summer 1988, 7.

The Constitution belongs to all Canadians and all Canadians must be assured of the opportunity to participate in its reform and be guaranteed that the democratic process will be respected not only in form but in substance.⁶⁶

During the post-Meech round, Equality Party leader Libman repeated the plea:

Quebec's minority communities are among the fiercest and proudest Canadians in this country. They deserve to be an integral part of the constitutional process.⁶⁷

After the death of Meech Lake, anglophones continued to see the constitution as crucial for the future of their community. As Alliance Quebec President Robert Keaton said:

As English-speaking Quebecers, we are profoundly concerned about the outcome of the current constitutional discussions. . . All Canadians expect constitutional renewal to provide a framework allowing us to face the future with confidence. But English-speaking Quebecers are also seeking confirmation of our place within the national fabric.⁶⁸

4. Minoritarian Impulse

It is clear that anglophone constitutional discourse was made in the context of their political identity as a minority. They shared the minoritarian impulse, fearful that their interests were overlooked. Alliance Quebec announced to the Ontario committee studying the Meech Lake Accord:

It is with regret and anger that we must say that the governments that are directly representative of our community, that is, the governments in Ottawa and Quebec

⁶⁶ Alliance Quebec, "Brief on the 1987 Constitutional Accord," 8A:5.

⁶⁷ Canada, Senate, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons on a Renewed Canada*, February 3, 1992, 58:27.

⁶⁸ *Ibid*, December 11, 1991, 29:29.

City, have abandoned their responsibility to the needs and interests of our community.⁶⁹

Within the context of the minoritarian impulse, Alliance Quebec President Orr explained why their constitutional position includes a strong attachment to the Charter:

The Charter opened a new and powerful route of democratic participation in Canadian political life.

No longer would a group that sought respect for fundamental individual and language rights be held hostage by hostile or indifferent legislatures. No longer would progressive social change be reduced to a crass political calculation of who controlled majority opinion.⁷⁰

He made clear that anglophone Quebec represents just such a group, for

we realized with growing frustration and mounting anger over the past year that neither politicians nor governments were willing to take public stands in support of the English-speaking community... we sensed with dismay and concern that 'the system' was not working for us...⁷¹

After the death of the Meech Lake Accord, Alliance Quebec solicited the views of anglophone Quebecers on what it should say to the Bélanger-Campeau Commission. Alliance Quebec reported to the commission that

[t]he concern most often expressed and with, perhaps, the most emotion, is for the place of our community in the future of Quebec. The level of disquiet expressed by English-speaking Quebecers about their place in Quebec is striking; a sense that we are not accepted as full and legitimate members in this society -- that the commitment, contribution and potential we have demonstrated are not recognized or appreciated.⁷²

⁶⁹ Alliance Quebec, "A Minority's Plea," 225.

⁷⁰ "Royal Orr: President's Address," 7.

⁷¹ *Ibid.*

⁷² "Quebec within Canada," 8.

5. Ripple Effect

We recall that the ripple effect ensures that each Charter group is aware of the circumstances of other Charter groups, and are influenced by policies affecting themselves and others. Speaking on the Meech Lake Accord, Alliance Quebec said:

The accord does not include other equally fundamental characteristics of our country, such as the supremacy of fundamental and equality rights in the political life of Canada, the equality of the two official languages, the multicultural nature of our country and the special rights of aboriginal peoples. By not including these other fundamental characteristics, the accord creates a hierarchy of values that the courts of Canada must use to interpret the Constitution. We fear that this hierarchy of values will ultimately work against our interests....⁷³

Explicit protection for the rights, powers and privileges of governments, limited protection for multiculturalism and native rights, and no protection for fundamental rights or language equality rights: That is what we see here. As was suggested to you by l'Association canadienne-française de l'Ontario, this looks like a deal between linguistic majorities. The question has been asked, who spoke for Canada at Meech Lake? We have been asking for eight months, who spoke for the linguistic minorities?⁷⁴

It is clear from these statements that Alliance Quebec was arguing on behalf of anglophone Quebec's constitutional interests by comparing the relative position of "their" constitutional clauses with the constitutional clauses to be used by others.

This aspect of the anglophone constitutional discourse helps explain their opposition to the Distinct Society clause as worded in the Meech Lake Accord. Josée Legault finds it difficult to understand such opposition to the clause, given that it "explicitly recognizes

⁷³ Alliance Quebec, "A Minority's Plea," 228.

⁷⁴ *Ibid*, 229.

[anglophone Quebec] and that it protects its rights and privileges."⁷⁵ She offers the simple explanation that when left with a choice between the proven efficacy of the Quebec and Canadian charters of rights and the unknown effects of the Distinct Society clause, anglophone leaders preferred the former.⁷⁶

A fuller explanation can be made by placing anglophone opposition to the distinct society clause within the context of their identity as a Charter group and an official language minority. As Alliance Quebec stated, they were "pleased with the explicit recognition of our community within Quebec," but felt that "as currently drafted, the Accord fails to recognize adequately the French-speaking communities in each province."⁷⁷ The reason for this is that while the Quebec government was to "preserve and promote" the distinct society, the federal government only had to "preserve" official language minorities. With such drafting, it was easy to interpret the Accord as giving more to the Quebec government than to official language minorities, including anglophone Quebec. As suggested by the ripple effect, anglophones were concerned that the Accord would lessen the constitution's general orientation towards bilingualism and official language minorities. The ripple effect helps explain how anglophone Quebecers felt that their own interests would be affected by the negative consequences of the Accord on others in similar situations, the other official language minorities. It is telling that anglophone opposition to the distinct society clause of

⁷⁵ Legault, *L'Invention d'une minorité*, 137. (My translation)

⁷⁶ *Ibid.*

⁷⁷ Alliance Quebec, "Brief on the 1987 Constitutional Accord," 8A:8.

the Charlottetown Accord, discussed below, was virtually non-existent. In that agreement, it was felt that the interests of official language minorities were adequately protected.

After Meech Lake, anglophones continued to be protective of their constitutional clauses. We see this by looking at Alliance Quebec's recommendation to the committee studying changes to the constitutional amending process:

We recommend that enactment of any amendment which would abrogate, or in any way impair, the rights and freedoms guaranteed in the *Charter* (or in S.133 of the *Constitutional Act, 1867* or S.23 of the *Manitoba Act, 1870* should require especially stringent conditions.⁷⁸

We would, moreover, facilitate the *extension* of language rights...⁷⁹

E. The Charlottetown Referendum

The Charlottetown Referendum revealed the extent to which anglophone Quebec has developed a distinctive political identity and exhibits distinguishable political behaviour from that of the rest of anglophone Canada.

⁷⁸ Alliance Quebec, "Brief Submitted to the Special Joint Committee on the Process for Amending the Constitution of Canada," Canada, Senate, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and the House of Commons on the Process for Amending the Constitution of Canada*, April 26, 1991, Appendix PACC-8, 28A:1.

⁷⁹ *Ibid*, 28A:7.

1. The Accord

The Accord itself contained many things, dealing especially with reform of Parliament and other central institutions, aboriginal self-government, and a new effort at recognizing Quebec as a distinct society, as well as other "fundamental characteristics" of Canada.⁸⁰

Of particular interest to anglophone Quebecers was the proposal to introduce into the constitution a new Canada Clause:

(1) The Constitution of Canada, including the *Canadian Charter of Rights and Freedoms*, shall be interpreted in a manner consistent with the following fundamental characteristics:....

(c) Quebec constitutes within Canada a distinct society, which includes a French-speaking majority, a unique culture and a civil law tradition;

(d) Canadians and their governments are committed to the vitality and development of official language minority communities throughout Canada;....

(2) The role of the legislature and Government of Quebec to preserve and promote the distinct society of Quebec is affirmed.

(3) Nothing in this section derogates from the powers, rights or privileges of the Parliament or Government of Canada, or of the legislatures or governments of the provinces..., including any powers, rights or privileges relating to language...⁸¹

Another part of the agreement that would concern anglophones, if only somewhat bemusedly, was the proposal for senate reform. The new senate was to have six senators from each province and one from each territory. The provinces had a choice whether they would choose their senators by vote or by their legislatures. Quebec made it clear that it would have the National Assembly choose its six senators. Anglophones were pleased to hear

⁸⁰ For a full account of the process leading up to, and the contents of the Charlottetown Accord, see Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* 2nd ed. (Toronto: University of Toronto Press, 1993), 154-227.

⁸¹ *Consensus Report on the Constitution*, Charlottetown, August 28, 1992.

that Premier Bourassa promised one of the Quebec senators would come from the anglophone community.⁸²

2. The Referendum

a) Anglophone Support

There were very few anglophones campaigning against the deal. Everyone ever associated with Alliance Quebec, with the exception of past president Peter Blaikie, supported the deal. All anglophone MPs were for it, even Westmount MP David Berger, who initially came out against the accord,⁸³ but changed his mind the next day, after hearing it from his constituents.⁸⁴

What was left of the Equality Party split on the issue. Keith Henderson, head of the party's constitution committee, led the anglophone movement against the accord, with most of the party executive following him. After initially waffling, leader Libman came out for the Yes option. The other two members of caucus followed him. What was left of party membership also split. At a party policy convention half-way through the campaign, delegates

⁸² Philip Authier, "One Quebec Senator Would be Anglo: Bourassa," *Gazette* (Montreal), August 21, 1992, B1.

⁸³ Sarah Scott, "Anglo No-Sayers Rallied by Trudeau," *Gazette* (Montreal), October 1, 1992, A8.

⁸⁴ Tu Thanh Ha, "Berger Flips," *Gazette* (Montreal), October 2, 1992, A12.

decided to back the No side, 60-37.⁸⁵ The caucus split with the party and decided to continue campaigning for the Yes side.

Finally, the voters supported the accord in the most remarkable fashion. It is estimated that the anglophone Yes vote was over 85 percent.⁸⁶ No other segment of the Canadian population supported the deal in such great numbers. Overall, only 44.8 percent voted for the accord, 54.2 percent against.⁸⁷ In Canada outside Quebec, the accord was defeated 54.3 percent to 45.7 percent.⁸⁸ In Quebec overall, only 42.4 percent voted Yes.⁸⁹

b) The Campaign

The referendum on the Charlottetown accord was in fact two separate referenda, not only legally but practically as well. In Canada outside Quebec, there were four major themes to the debate.⁹⁰ Arguments were made that the new Canada clause would establish a hierarchy of rights and undermine the Charter. Second, the argument was made that the

⁸⁵ James Mennie, "Equality Party Backs No Vote," *Gazette* (Montreal), September 28, 1992, A1.

⁸⁶ Sarah Scott, "Quebec: A Linguistic Split," *Gazette* (Montreal), October 27, 1992, B1.

⁸⁷ Russell, 227.

⁸⁸ Canada. Chief Electoral Officer. *Referendum 92: Official Voting Results*. (Cat. no. SE 1-8/1992), 4.

⁸⁹ Russell, 227.

⁹⁰ Leslie A. Pal and F. Leslie Seidle, "Constitutional Politics 1990-92: The Paradox of Participation" in Susan D. Phillips, ed., *How Ottawa Spends 1993-1994: A More Democratic Canada?* (Ottawa: Carleton University Press, 1993), 166.

institutional reforms, to Parliament in particular, would make government unworkable. Also, the arguments for and against aboriginal self-government were debated.

But most importantly, the "Charlottetown Accord was defeated because, outside Quebec, it was perceived as giving Quebec too much."⁹¹ Indeed, a *Globe and Mail* poll found that among No voters, 87 percent felt it gave too much to Quebec, and even among Yes voters, 61 percent agreed.⁹² On referendum day another poll found that the leading reason for voting No among voters was the proposition that Quebec got too much.⁹³

In Quebec, "the focus was predominantly on the interpretation given to the Accord by two people: Premier Robert Bourassa and Jacques Parizeau."⁹⁴ Similar to the debate in the rest of Canada, the debate centred around whether or not Quebec got enough. As well as a concern with increased powers for the Quebec government, of primary concern was the effects of the Canada Clause on the "future of the French language," in other words, on Bill 101.

The debate among anglophone Quebecers also focused on Quebec issues, primarily sovereignty and language. As in the rest of Canada, the Yes side clearly associated a referendum defeat with dire consequences, as colourfully illustrated by cabinet minister

⁹¹ Russell, 226.

⁹² Pal and Seidle, 167.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, 163.

Ciaccia, who said "if you don't take this deal, you might as well kiss goodbye to Canada."⁹⁵ Nearly every other notable member of the community who made an intervention shared the sentiment.

But the debate went beyond the consequences of a defeat. The deal itself was seen positively. The Canada Clause was immediately hailed a success. Alliance Quebec President Robert Keaton said that it "gives constitutional legitimacy to the English-speaking minority."⁹⁶

More important, it was seen as increasing the power of their most important symbolic resource, the Charter, over Bill 101. Arguments along this line were made in francophone Quebec, as the PQ constitutional critic Jacques Brassard warned: "It could be invoked by the anglophone community to challenge Bill 101."⁹⁷ Anglophones agreed. For Keaton, the clause would expand anglophone rights in Quebec by protecting their schools and help defeat the sign law.⁹⁸ Anglophone constitutional experts such as Julius Grey concurred.⁹⁹

Just to add to the accord's appeal for anglophones, Premier Bourassa had agreed to select an anglophone as one of the six Quebec senators in the newly reformed Senate. As was

⁹⁵ Sarah Scott, "Battle Lines Drawn Over Meaning of Yes and No," *Gazette* (Montreal), September 3, 1992, A1.

⁹⁶ Sarah Scott, "Nationalists, Federalists Agree Deal Spells Trouble for Bill 101," *Gazette* (Montreal), August 27, 1992, B1.

⁹⁷ Tu Tanh Ha, "Bourassa Has Sold Out, Sovereignists Charge," *Gazette* (Montreal), August 23, 1992, A5.

⁹⁸ Scott, "Nationalists, Federalists Agree," B1.

⁹⁹ *Ibid.*

pointed out, one-sixth would represent a greater proportion than their share of the population.¹⁰⁰

An interesting aspect of the referendum was the impact of Pierre Trudeau. He intervened on two occasions, once in an article in *Maclean's* written before the referendum was announced but clearly leading to the conclusion that he would call for a No vote, and another time when he spoke out forcefully against it at "La Maison du Egg Roll", a Montreal restaurant.

Trudeau objected to the accord from a procedural liberal perspective. He argued that the referendum was about

whether we are going to live in a society in which personal rights, individual rights, take precedence over collective rights.... whether we are going to live in a society in which all citizens are equal before the law and before the state itself.¹⁰¹

His focus of attention was the Canada Clause, which, he argued, "offers us... a hierarchy of citizens. We are not equals according to this Canada Clause."¹⁰² The accord's recognition of Quebec as a distinct society was dangerous for Quebec's minorities because

in interpreting any case which comes before them, judges will have to bear in mind that in the province of Quebec, the government has the right to apply laws, the legislature has the right to pass laws, which will promote the unique culture of Quebec, and that the Charter of Rights and Freedoms must be interpreted taking this fact into account. It is not surprising that the cultural communities who are not Quebecers of old stock, are worried: they are not part of this

¹⁰⁰ Don Macpherson, "Big Gains," *Gazette* (Montreal), August 27, 1992, B3

¹⁰¹ Pierre Elliott Trudeau, *Trudeau: 'A Mess That Deserves a Big No'*, George Tombs, transl., (Toronto: Robert Davies Publishing, 1992), 11.

¹⁰² *Ibid*, 13.

unique culture, they are much lower down among the categories of the Charter.¹⁰³

As for the accord's commitment to linguistic minorities in Canada, "Allow me to disabuse anyone of the notion that this 'commitment' protects minority communities, whether English-speaking in Quebec or French-speaking in Alberta and Saskatchewan."¹⁰⁴ In fact, argues Trudeau, under the new accord, "whatever provinces want to give precedence to their provincial laws, Bill 101 or suchlike, are now given the green light."¹⁰⁵

The Egg Roll speech proved to be the most influential speech of the campaign in all of Canada. One opinion poll found that 41 percent of Canadians, including 25 percent of Quebecers, were more likely to vote No as a result of Trudeau's comments.¹⁰⁶ As Peter H. Russell says, "Trudeau was very much English Canada's constitutional hero."¹⁰⁷ But evidently he was not able to sway anglophone Quebec.

After the publication of the *Maclean's* article, those members of the Equality Party who were campaigning against the deal felt vindicated. As one member said, "I'm the proudest Canadian walking around saying No right now."¹⁰⁸ But while Trudeau may have confirmed

¹⁰³ *Ibid*, 14.

¹⁰⁴ *Ibid*, 16.

¹⁰⁵ *Ibid*, 17.

¹⁰⁶ Joan Bryden, "Trudeau, Mulroney Rated Best Salesmen for No," *Gazette* (Montreal), October 19, 1992, A8.

¹⁰⁷ Russell, 225.

¹⁰⁸ Philip Authier and James Mennie, "Dollar Drops After Trudeau Joins the Fray," *Gazette* (Montreal), September 22, 1992, A1.

the No choice for some Quebec anglophones, he failed to persuade others to switch sides, or even to stay with the No. A poll taken before Trudeau's interventions found that around 75% of non-francophones in Quebec were ready to vote Yes.¹⁰⁹ Eventually, despite Trudeau's contribution to the No campaign, that support for the Yes and against Trudeau's view went up. It is notable also that Berger, a strong Trudeau supporter, changed his position the day after Trudeau's Egg Roll speech.

Why was the Quebec anglophone vote so out of touch with the anglophone Canadian mainstream? Why were they not persuaded by their constitutional hero? In attempting a hypothesis, we rule out the simple explanation that anglophones believed a No vote would lead to the break-up of Canada. The reasoning was that if Quebec voted Yes and the rest of Canada voted No, then it would create a crisis worse than the death of Meech Lake. But Quebecers rejected the accord from the beginning, and the rest of Canada knew this. That is why 60 percent of Canadians were not convinced that a referendum defeat would lead to a national unity crisis.¹¹⁰ Anglophone Quebecers were as aware as any Canadians that francophone Quebec would defeat the accord, especially in the final days of the campaign. Yet support for the accord grew during the campaign, contrary to every other part of Canada.

We suggest that the political behaviour of anglophone Quebec during the Charlottetown referendum was a manifestation of their identity as a charter minority. Their overwhelming support of the accord suggests that they were persuaded by arguments that, as a group, they would benefit from the accord. While elsewhere in Canada, the accord was seen as granting

¹⁰⁹ Don Macpherson, "He's Back," *Gazette* (Montreal), September 22, B3.

¹¹⁰ Russell, 223.

Quebec too much, in both anglophone and francophone Quebec, it was seen as giving anglophones more than francophones. It was seen as potentially strengthening the constitution's orientation towards bilingualism, and potentially weakening Bill 101. In this light, Trudeau's procedural liberal arguments against the Canada Clause and against recognizing Quebec as a distinct society were ineffective. Anglophones voted to strengthen their symbolic resource, constitutionally-entrenched bilingualism, and to weaken Bill 101, a symbolic resource of those against whom they were competing in the symbolic order of Quebec.

Conclusion

This study has outlined the major political factors that have influenced the transformation that anglophone Quebec has undergone in the last two decades. For analytical clarity, that transformation has been described as a linear evolution from a pre-historic situation where the group could best be described as a segment of the Canadian majority, to the modern situation where the group is a minority. We do not, however, wish to suggest that there was anything necessary or inevitable about that evolution.

The interplay between the provincial and federal state, the political tools available, as well as competing political ideologies, all served to provide the outcome we have described. That outcome, or something similar to it, could also have occurred through a completely different route. While we describe the influence of the Charter, anglophone Quebec could very well have become something like a Charter group without the 1982 patriation.

Since there is nothing necessary or inevitable in politics, it is impossible to guess whether the trends described in this study will continue in the future. Anglophone Quebec may or may not become further alienated from the provincial state. The behaviour of the state will most likely have a large influence on that question. We have argued that the political discourse of anglophone Quebec has started to move toward including the tenets of substantive liberalism. Whether this trend will continue will depend on a number of factors, including the influence of ideological trends in Quebec, Canada, and elsewhere.

While we may not feel able to predict the future, what we have tried to do in this study is to provide some background and some tools to help analyze the political behaviour of anglophone Quebec until now. With this information, we can conclude that anglophone Quebec has a distinctive political identity, has distinctive political interests, and anglophone

Quebecers have a unique perspective on Canadian political events. Understanding their position as Canada's only English-language official language minority in a province from which they feel alienated, as well as the symbolic, political and ideological attraction of the Charter, helps understand their distinctive political behaviour and identity. In sum, anglophone Quebec can best be analyzed as a Charter group.

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