It must be admitted that the current analysis of Canada’s contemporary federalism is very often negative. One of the main criticisms being mentioned by intellectuals is certainly the fact that the country is organized around an ideal of territorial federalism, while Quebec would rather see it evolve into a truly multinational dynamic.¹ The clash between these two conceptions is important; while the former sees subsidiarity strictly as a way to insure better governance and considers an equality between all federated entities, the latter rather understands the state as a formal partnership between at least two nations which both have an equal right to nation-building and self-determination. For individuals, this implies that the federated entity that is considered as the national government of national minorities – such as Quebec, Catalonia, the Basque Country – should benefit from an asymmetrical treatment.²

My intention in this paper is not to discuss Canada’s conception of federalism. It is clear to me that Canada is clearly a multinational society from a sociological point of view, but this reality is not recognized from a political point of view. As I have discussed elsewhere, the Canadian federal system is clearly functioning under a territorial paradigm.³ I will however try to illustrate that even tough Canadian federalism is not functioning from a multinational logic it has nonetheless been rather favorable to Quebec’s self-determination


For Quebec nationalists, the current dynamic of Canadian federalism is not very welcoming for Quebecers and the recognition of their cultural uniqueness.

since the last referendum on Quebec's sovereignty in 1995. I will do so by focusing briefly on two different contemporary political questions that have been presented by intellectual and political elites as being harmful to Quebec's autonomy, e.g. the issues of fiscal imbalance and the Social Union Framework Agreement as well as its capacity to challenge the federal norms of governance. I will argue in the first part of this paper that, from an empirical perspective, Quebec's self-determination has not been altered in any significant way with regards to these questions. I will then suggest in the last part of this paper that this functioning of Canadian federalism might have had a major impact on Quebec's secessionist discourse which is no longer primarily organized around the necessity to realize independence in order to preserve Quebec's capacity to self-govern freely, but rather around the idea that Quebecers share different values and political principles from the rest of Canada. I intend to show how problematic this new discourse is.

Quebec's self-determination: between theory and reality

For Quebec nationalists, the current dynamic of Canadian federalism is not very welcoming for Quebecers and the recognition of their cultural uniqueness. The fact remains, however, that, from an empirical perspective, Canadian federalism has not been harmful to Quebec's self-determination.\(^4\) This can firstly be appreciated with the issues of fiscal imbalance and the imposition of the Social Union Framework Agreement.

a) Quebec's Autonomy and the Issues of Fiscal Imbalance and the Social Union Framework Agreement

At the beginning of the year 2000, many Quebec nationalists argued that the federal government had achieved excessive budgetary surplus by cutting its transfers to the provinces, leaving them with insufficient resources to manage their important responsibilities. This occurred following the election of Jean Chrétien as Prime Minister in 1993 who drastically cut the transfer payments under the Canada Health and Social Transfer (CHST) to help the provinces carry out their responsibilities in terms of health, post-secondary education and public assistance. As a result, it was argued that this situation had direct implications on Quebec's capacity to self-govern freely, since it no longer had the sufficient fiscal capacity to face its responsibilities or to implement new social programs.

For philosopher Michel Seymour, fiscal imbalance also had another implication on Quebec's self-determination: it gave to the federal government the possibility to intervene within provincial jurisdictions. In this regard, Joseph Facal, who acted as Quebec Intergovernmental minister from 1998 to 2002, has insisted on the fact that, at the end of

\(^4\) The notion of self-determination is of course very complex and there is no consensus regarding its precise definition, implications and its bearers. Following the works of Avishai Margalit and Joseph Raz's, I will define it as the idea which refers to the capacity that groups have to determine their social and economic environment and the course of their cultural development. See Avishai Margalit and Joseph Raz, "National Self-Determination", The Journal of Philosophy, Vol. 87, No. 9, p. 440.
Although Quebec has many jurisdictions over which it can act in an autonomous way, this autonomy remains an illusion. In the 1990s, the federal government was taking advantage of its massive budgetary surpluses in order to implement many initiatives that intervened in Quebec’s fields of competences, thereby damaging its right to self-government. He mentions the establishment of the Millenium Scholarship Foundation, the National Child Benefit program, the Employment Assistance for People with Disabilities and the Early Childhood Development Initiative. This situation has led philosopher Michel Seymour to argue that although Quebec has many jurisdictions over which it can act in an autonomous way, this autonomy remains an illusion.

Seymour’s analysis of the question largely focuses on the 1999 Social Union Framework Agreement (SUFA) which allowed the federal government to use its very controversial spending power in provincial jurisdictions in order to insure common quality social programs across the country. The Agreement, which was valid for 3 years, was signed by all provinces except Quebec and, at that time, many analysts saw it as a setback for the province’s autonomy. Even Claude Ryan, a former leader of the Quebec Liberal party, was saddened by this accord. This Agreement gave the federal government the possibility to launch new social programs within fields of provincial jurisdictions after gaining the consent of a majority of governments, and gave the provinces the option of reinvesting the federal funds in other priority areas only if they had already met the “agreed Canada-wide objectives”. The possibility for a province to opt-out of a federal program was simply not mentioned in the Agreement and even dissenting provinces – including Quebec – were held to attain the Canada-wide objectives. As it has been argued by Alain Noël, “the Framework Agreement enunciates a number of principles that seek to define a pan-Canadian perspective, with little concern for provincial autonomy and respect for diversity”.

Theoretically speaking, there is no doubt that those elements could have negative impacts on the internal self-determination of Quebec which, in the eyes of Seymour and Allen Buchanan, constitute a moral justification for secession. However, it is necessary to move away from theoretical considerations in order to properly assess the empirical consequences of the Agreement on Quebec’s self-determination. What is astonishing is that the importance given to this accord is inversely proportional to the influence it had during the three years it lasted. In fact, as it has been argued by Yves Vaillancourt, the Agreement proved to be useless and ended up as an empty shell.

From that standpoint, it is hard to pretend that Quebec’s self-determination was empirically harmed by the SUFA. In this case, the danger to its self-determination remained totally theoretical. Moreover, despite Ottawa’s intentions to implement programs within the
provinces’ competences, one must also consider the nature of intergovernmental relationships between Ottawa and the provinces. Historically, the federal government has always negotiated with the provinces with regards to its spending in the domains of health care, post-secondary education, social assistance and social services. The reason is simple: it is the provinces who ultimately provide the services. This means that even if the SUFA would have been implemented, all things point to the fact that it would not have changed the federal-provincial dialogical logic, since the Agreement had the effect of putting the federal government in a dilemma.

It also has to be noted that Ottawa’s interferences previously listed by Joseph Facal were resolved in favor of Quebec. As an example, the Early Childhood Development Initiative press release stated that Quebec “intends to preserve its sole responsibility for developing, planning, managing, and delivering early childhood development programs. Consequently, Quebec expects to receive its share of any additional federal funding for early childhood development programs without any new conditions”\(^\text{11}\). The same can be said with the Employment Assistance for People with Disabilities. Despite the fact that Ottawa and all the provinces and territories – with the exception of Quebec – agreed upon a multilateral agreement in October 1997, the Quebec government nonetheless managed to sign a bilateral accord a few months later with Ottawa.

Finally, with regards to the more global question of fiscal imbalance between the federal government and Quebec, the situation is no longer problematic. In fact, the problem has been solved by the Harper government as part of its “open federalism” towards Quebec. For instance, in 2007-2008, the Quebec government received $905 million more than its normal share of provincial transfers.\(^\text{12}\) As a proof of Quebec’s increased fiscal possibilities, former Quebec Premier Jean Charest announced in 2007 a reduction of $750 million in income tax for Quebecers. Again, when looking at the empirical consequences of political initiatives or situations that theoretically seem to threaten Quebec’s self-determination, initial fears had very little to do with reality.\(^\text{13}\) It is also important to recall that most recently, after years of negotiations with the federal government, Quebec signed an agreement in 2011 with Ottawa regarding the harmonization of sales taxes and received a compensation of $2.2 billion.

\(b\) Quebec’s Capacity to Challenge the Federal Practices of Governance

This situation demonstrates that Quebec is capable of challenging the federal norms when they are deemed contrary or harmful to its autonomy. This latter point is another important factor in determining a moral right for secession for a minority nation. Many authors have

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11 http://www.ecd-elcc.ca/eng/ecd/about.shtml#ftn1


13 Let us recall that in the fall of 2000, Quebec’s minister of intergovernmental relations, Joseph Facal, stated that the social union Agreement and fiscal imbalance were the two main issues that Canadian federalism was facing and affirmed that Quebec’s independence was the sole solution to resolve these problems.
In my view, it would be an overstatement to pretend that the Canadian political system is a straitjacket for Quebec and a danger to its self-determination.

Suggested that the amendment process established in 1982 is not responsive to Quebec’s cultural needs and demands, which is seen as harmful to the right of the people of Quebec to self-govern. Indeed, the Meech Lake Accord and the Charlottetown Accord both proved that the Canadian Constitution was remarkably resistant to any changes sought by Quebec, since those agreements needed to be unanimously adopted by all provincial and federal legislatures. It is in this regard that Margaret Moore has written that “[i]t is hard for federalists to argue that the constitution can be responsive to Quebec’s needs and demands and is one of the contextually specific dimensions of the secession problem – the failure to deal with Quebec nationalism within the terms of the current constitution”. This conclusion appears to be very convincing, but tends to minimize how flexible the Canadian political system has been over the past decades.

In my view, it would be an overstatement to pretend that the Canadian political system is a straitjacket for Quebec and a danger to its self-determination. It is true that Quebec’s main historical demands – its five conditions of the Meech Lake Accord – have still not been welcomed by English Canada. However, one must wonder if these demands would have contributed to the enhancement of Quebec’s self-determination. This is highly doubtful for many authors and politicians – independentists as well as federalists. Based upon their analysis of the accord, it would have transformed Canada into a truly multinational state without any implications other than purely symbolic ones and Quebec’s self-determination would not have gained anything substantial from it. However, it is not risky to say that the many political, administrative and constitutional agreements Quebec has made with the Canadian government have provided real advances which are probably more significant for Quebec’s self-determination than the ones it would have had the Meech Lake Accord had been agreed. Maybe this is where attention should focus when evaluating Quebec’s capacity to modify the federal norms.

It is important to recall that despite the failure of the Meech Lake Accord and the Charlottetown Agreement, Quebec has been able to successfully challenge the constitution in order to satisfy some of its demands. This was shown in 1997, when Quebec managed to replace the denominational school boards with ones organized on linguistic lines through a constitutional amendment. This change was seen as being the result of Quebec’s post-1960 nationalism which has become more civic and less ethnic. In the same year, the province repatriated the administration and funds associated with the labour formation from Ottawa, which was a historical demand of the Quebec government.

I believe that it is possible to argue that the recent evolution of Canadian federalism has had two major consequences. Firstly, the
idea that Quebec should become sovereign because it cannot self-determine freely within Canada is no longer obvious for many Quebecers, based on what the province has been able to achieve in the last fifteen years. This dynamic might have a lot to do with the fact that more and more Quebecers declare themselves “autonomists” who believe their province has the capacity to develop its specificities within Canada in a federalism of cooperation. Secondly, this evolution might have contributed to the reformulation of the secessionist discourse of the Parti Québécois and of the Bloc Québécois over the last decade. Because of the incapacity to promote sovereignty around the idea that Quebec’s self-determination is blocked within Canada, the secessionists have refocused their discourse around the argument that their nation has totally different values than the rest of Canada and that, consequently, federal governance is a threat to their national specificity. However, this shift is not without its dangers. This is what I will analyze in the next section.

The Possible Repercussion on Quebec’s Secessionist Discourse

Since the 1950 and ‘60s, the logic behind the Quebec secessionist project has always been justified through the prism of Quebec’s right for self-governance. This is why early independentist reflections of people such as Raymond Barbeau, Marcel Chaput or André d’Allemagne have always revolved around the idea that, in order to assure the survival of their language and culture, Quebecers needed to be masters in their own house and to self-govern within their own sovereign state. In his 1968 book entitled Option Québec, René Lévesque has provided an in-depth analysis of the question of Quebec’s self-determination within Canada. For him, Quebec lacked the necessary tools to self-govern freely in the economical and social fields. The self-determination premise was pivotal in Jacques Parizeau’s address to the nation when he officially launched the referendum campaign on October 1st, 1995.

However, Quebec sovereignist discourse is no longer organized primarily around this rhetoric. Since the last decade, it has largely abandoned the idea that Quebec deserves independence in order to obtain self-governance and replaced it with a discourse focused on the incompatibility between English Canada’s political development and Quebec’s specificity. Under the direction of the Bloc Québécois, it has started to suggest in the beginning of the Millenium that the rest of Canada was politically organized around different political values than Quebec and that the former entity was building a country totally incompatible with the latter’s collective choices. More specifically, it is being argued that Quebec is a progressive, social-democratic and pacifist society, while English Canada is more conservative in its social and economic choices. This idea reached its climax during the
Many surveys have illustrated that Quebecers mostly share the same values as people in the rest of Canada. It is clear that many reasons can explain this shift in the sovereignist discourse. Discourse analysis tends to demonstrate that the presence of a conservative government in Ottawa led by Prime Minister Stephen Harper has played a major role in this regard. Through their public policies, they are presented by independentist Quebecers as the quintessential illustration of how Canada is developing in an estranged way from their collective values. Conservatives are indeed presented as being in favor of the death penalty or for tougher sentences for young criminal offenders and against abortion, the protection of the environment, gun control, the equality between men and women or same-sex marriage. But, for the reasons evoked earlier, we could also argue that the recent evolution of Canadian federalism might have played a role in this shift. By being unable to organize their discourse around the idea of self-determination, sovereignist parties may have opted for this discourse of radical differences between Quebec and the Rest of Canada in order to fuel their option. This link seems plausible on the basis that this rhetoric has appeared coincidentally with the recent evolution of Canadian federalism. However, it has to be noted that this new discourse remains very problematic and is suffering from two major flaws.

First of all, it is totally untrue. Many surveys have illustrated that Quebecers mostly share the same values as people in the rest of Canada. In fact, with regards to some topics, Quebecers are even less progressive than Anglo-Canadians. Just like English-Canada, Quebec is a normal democratic political association which is animated by political pluralism. Consequently, by putting aside the self-determination discourse (for the strategic reasons previously evoked) in favor of a discourse oriented around the clash of values between Quebec and the rest of Canada, the Parti Québécois has purged from its semantic the very possibility to be the coalition of all Quebec nationalists preoccupied by their nation’s collective liberty. It has instead become the sole political vehicle of sovereignists who are located on the left-wing of the ideological spectrum. Consequently, by putting aside the self-determination discourse (for the strategic reasons previously evoked) in favor of a discourse oriented around the clash of values between Quebec and the rest of Canada, the Parti Québécois has purged from its semantic the very possibility to be the coalition of all Quebec nationalists preoccupied by their nation’s collective liberty. It has instead become the sole political vehicle of sovereignists who are located on the left-wing of the ideological spectrum. In order words, through this discourse, the sovereignist project has ceased to be an encompassing nationalist project that addresses every Quebecer and has rather become a simple political project which is in its essence less inclusive than the former. It comes with no surprise that this situation is being criticized more and more by individuals who have come to realize that Quebec’s contemporary secessionist discourse is, despite its civic nature, essentially exclusive for individuals who do not share left-wing political values.
By abandoning the inclusive self-governance discourse in favor of one centered on Quebec being utterly different from English Canada with regards to collective values, the Quebec secessionist discourse bears a strong resemblance to its former ethnic nationalism. More precisely, being Quebecer is no longer based around the simple fact of living in Quebec and taking an active part in its political life. Its definition now focuses on objective elements: values inherent to social democracy and pacifism. The problem is that these values are not universal. They are necessarily factional and particular to individuals who are located on the left-wing of the political spectrum. It turns out that, similarly to ethnic nationalism, the definition of being Quebecer projected by the pro-independentist elite is dependent on the sharing of certain objective criteria. Consequently, a conservative nationalist Quebecer feels excluded from the definition of being Quebecer as Protestants and Anglophones felt from its former ethnic definition. By confounding values and identity, a society can fall in the same pitfalls than the ones associated with ethnic nationalism.

It is nonetheless possible to see that some intellectuals are totally conscious that the current rhetoric in favor of sovereignty is in fact a political dead-end. This is why Jean-François Lisée, who is a former political advisor of Premiers Parizeau and Bouchard and a new minister in the Parti Québécois government, has been at the heart of the party’s idea of “sovereignist governance” which includes the desire to adopt legislations (the reinforcement of Bill 101 or the adoption of a Quebec Charter on secularism), even if he is aware of the fact that they will most probably be challenged and nullified by the Supreme Court. The idea consists of showing that the possibility for Quebec to adopt legislations adapted to its cultural reality is impossible within the Canadian system, in order to reorganize the Parti Québécois’s nationalist rhetoric around a more inclusive discourse in favor of independence.

However, if this is indeed the strategy of the Parti Québécois, one can only note how paradoxical it is. In the case of the Charter on secularism, the Parti Québécois is proposing a project that is seen by many individuals and analysts has being exclusive for ethno-cultural minorities and excessively favorable to Francophone Catholics. As a consequence, some members of the former groups - such as MP Maria Mourani who has been thrown out of the Bloc Québécois for having questioned the Charter - are now questioning their participation within the secessionist ship. In other words, the Parti Québécois seems to be using a logic of exclusion in order to create the necessary conditions for the implementation of an inclusive secessionist rhetoric based around the ideas of collective autonomy and self-determination.