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"In a State of Ambiguity"

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Dear Peter,

In the midst of what appears to be a constitutional impasse of staggering proportion one day and just another humdrum debate about federalism the next, I am trying to fathom the Canadian mind. The crisis, which may turn out to be an overblown pickle, has to do with a set of conditions set forth by the Québec government in 1987 for its formal accession to the Canadian Constitution Act of 1982. When Pierre Trudeau "patriated" (brought home) the constitution from Britain, where it had been sequestered in legal limbo for lack of an agreeable amending formula, the quasi-separatist Québec premier of the day, René Lévesque, refused to sign it. The patriation drama is a convoluted one, about which several hefty books have been written and some people are still arguing. At the root of the trouble is a sense of betrayal. Trudeau promised Quebecers a new kind of federalism--a different constitutional order--as a reward for rejecting separatism, but what he in fact delivered was not to their liking, in part because the new Constitution, with an appended Charter of Rights and Freedoms, places individual liberties and courts above many group rights and the supremacy of provincial legislatures in key areas of jurisdiction, such as language.

In an effort to patch things up, and fix the constitution, officials in the current Quebec government put together a set of constitutional reforms that at first won almost universal praise, and now please no one, but there they are, a *fait accompli*. The stated position of Québec Premier Robert Bourassa and Prime Minister Mulroney is that there is no going back: this is it; "Canada's last chance"; take it or wave goodbye forever to Quebec. It was truly frightening, for awhile, then people got tired of hearing about it all. "You just wait," they say, "the politicians will figure out a way to save face and keep the country muddling through."

The multiplex amendment in question is most often referred to as the Meech Lake Accord, so named because its framework was negotiated at the Prime Minister's retreat at a quiet lake in Gatineau Park (not far from Ottawa) named after a guy named Amos Meech. At its inception, the agreement

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Since 1925 the Institute of Current World Affairs (the Crane-Rogers Foundation) has provided long-term fellowships to enable outstanding young adults to live outside the United States and write about international areas and issues. Endowed by the late Charles R. Crane, the Institute is also supported by contributions from like-minded individuals and foundations.

enjoyed overwhelming support; it had the endorsement of the Prime Minister, the Parliament, the leaders of the opposition parties, each of the provincial premiers (including, obviously, Québec), and a good number of the country's constitutional experts and public affairs pundits. A deadline of sorts was set for June, 1990, for the completion of all ratification procedures. It is supposed to be an historic event, the bringing of Québec into the constitutional family--but as I've said, almost nobody believes it will happen.

Proponents of the deal like to speak of power politics as family business, because what could be more natural and just in this day and age than the reunification of estranged or divided families--and because they are getting desperate. A couple of things have happened on the road to the great reunion, including several provincial elections where opponents of Meech Lake won, backsliding on the part of the key Liberals and New Democrats, and a thorough reading of the accord by citizens who have convinced themselves for a variety of reasons that its passage would bring about the dissolution of Canada. The strange thing is, those most earnestly in favor of Meech Lake believe that its rejection would bring about the dissolution of Canada. To confuse matters further, there are a good number of much-respected experts on either side of the issue.

Before delving any further into the details of Meech Lake and the brouhaha that currently surrounds it, I want to briefly explore one of the more subtle facts of political life here, having mostly to do with how rather than what people think. The thought process itself is qualitatively different when it occurs in a "French mind", I am told, and I believe it, or at least I think I do. But this is not the point I want to make right now; one could spend a productive and no doubt rewarding lifetime probing the mysteries of linguistic differentiation and its effects on cognition and still not penetrate the nucleus of this thingamajig country.

I will not pretend to have reached or be anywhere near the soul of Canada, if there is such a thing, or place. Social science has done a great deal to undermine the philosophers and statesmen of this and former centuries who could blather on with great credibility about the "heart" and "soul" of a nation. Still, there is a mental surface that one bumps into or scrapes along from time to time that seems to exist in both of the "two solitudes" of English and French Canada. (This much-used phrase is from the title of Hugh MacLennan's award-winning 1945 novel about the marriage of two Canadians from different cultural backgrounds.) The psychic membrane in every Canadian's thinking is located somewhere slightly deeper than the region where one's mother tongue dictates all, I think, and though it may be connected to territorial instincts and the awareness of geopolitical boundaries, it seems more closely related to time than to spatial dimensions. It has to do with inbred interpretations of the past, and with perpetually muddled expectations about the future.

Okay then, here it is: Canadians are an ambiguous people, no matter where you find them. Strictly speaking (by which I mean in accordance with my 1969 paperback edition of the American Heritage Dictionary), this ambiguity simply means that the experience of being a Canadian is "susceptible of [sic?] multiple interpretation." That is concise, but hardly satisfying, so I've rounded up some synonyms: equivocal; vague; indefinite; enigmatic; mixed up; perplexing.

A Canadian is doubtful about his or her place in the world, and quite sure of it. The further paradox is that even though English and French Canadian nationalists perceive history differently, they do so in the same distinctive way. For both communities, ambiguity is a survival mechanism. For example, some Anglo Canadians continue to rant and rave about the free trade agreement with the United States because they think of it as a sell-out, an abdication of sovereignty. Every day someone asserts that when the Mulroney Conservatives are turfed out in the next federal election (a foregone conclusion in many political camps, by the way), the next government should abrogate the trade pact. "Tear it up; trash it!", they love to exclaim in the papers and on television. Yet almost invariably the clamor is followed by some mumbled statement about keeping intact those parts of the deal that "genuinely serve Canadian interests." Passionate partisanship and responsible caution in the same breath is typical of the Liberal and New Democratic voices from places like Toronto.

many French Canadians behave in a similar fashion. One of the more oft-quoted political phrases in recent years originated with a separatist troubador named Gilles Vignault, who wryly observed that what French Canadians want most is "an independent Québec within a strong Canada." This melding of opposing principles is evident in the late Rene Levesque's proposal for a "sovereignty-association" agreement between Quebec and the rest of Canada that would allow political separation and a more complete form of economic integration than already exists to take place simultaneously. In *Maple Leaf Rag*, a sardonic travelogue of Stephen Brook's travels across Canada several years ago, the author remarks that sovereignty-association "was always a mystifying concept, since it proposed an autonomous nation that freely delegated some of its powers to another nation." The seeming illogic of the formula (which strikes me as modern political wisdom) contributed to the idea's rejection in the 1980 referendum in Québec.

A more subtle ambiguity emerges in the position of the now reigning, non-separatist Liberal government under Premier Robert Bourassa. In the jargon of the press, the Liberal agenda to gain as much autonomy for Quebec without leaving Canada is called "profitable federalism". The current leader of the opposition Parti Québécois, Jacques Parizeau, criticizes the Bourassa government's lack of resolve: "The Liberals are little more than conditional federalists; they like Canada when all is well, and threaten to become separatists when there is trouble." Parizeau is on the mark--there is talk of such a turnaround if the Meech Lake Accord is ultimately rejected--but while his own party's position seems more clear cut--independence--it is an independence to be acquired incrementally, in a series of referendums with no definite timetable. It is all quite ambiguous. What do these people REALLY want?

Much has been written about the difficulty Canadians have with self-definitions.. A recently published college textbook consisting of well-chosen articles and essays by historians, economists, sociologists, political scientists and literary scholars is very aptly titled *A Passion for Identity*. More often than not, the absence of an acceptable terminology for all Canadians is considered a fundamental problem and the basis of profound worries. The cover story of the January 1 issue of *Maclean's* magazine bears the headline "An Uncertain Nation: Canada at a Crossroads." (Even without checking, I will wager that variations on this title have appeared at least once every other year for the past decade in the same magazine.) In his introductory remarks, correspondent Carl Mollins makes

this curious observation:

Canada is a distinct society, a country with special status in the community of nations as the only substantial state that does not use a defining title. It is not, in any official usage, a kingdom, a commonwealth, republic or federation, much less a union.

My second reaction to this--the first was to scratch my head in puzzlement over the words "substantial state"--was a very simple SO WHAT? Who, after all, makes it a special point to refer to Britain as the United Kingdom, especially when a mere UK will satisfy most instances where protocol demands technical precision. Similarly, the fact that places like Jordan and Belgium and Spain are kingdoms is hardly relevant, except in times of a constitutional crisis, or when one contemplates the enduring symbolic utility of a royal family. In the United States, the only people who insist upon using the defining term "republic" are either conservative professors or ultra-conservative commentators always keen to point out that the founding fathers saved the nation from mob rule by putting brakes on democracy. Only snobbish people from Massachusetts and Virginia (and perhaps the Pennsylvania Highway Patrol) care to remind the rest of us that they represent a "commonwealth" and not a mere state.

Canada is a parliamentary democracy with a written constitution, a monarch, and a uniquely fashioned system of federalism. The Charter of Rights and Freedoms has been characterized as "something essentially Canadian" by Thomas Berger, a renowned jurist, because it acknowledges both collective and individual rights. So what if this mélange of seemingly incompatible political principles lacks a specific title, so long as it works reasonably well?

And it does work, most of the time. Part of the rationale for supporting Meech Lake is that the country cannot continue to operate without Quebec's formal, legal inclusion in the constitutional fold, but what more and more people are coming to realize is that Québec has, up to this point, acted AS IF it were a member of the "family"; the Québec government shows up at federal-provincial conferences, it accepts payments from the federal government, it acknowledges Ottawa's foreign policy prerogatives, etc. When the Canadian Supreme Courts found that the Bourassa government's legislation forbidding the use of English on exterior commercial signs violated the federal Charter of Rights, the Premier invoked the "notwithstanding clause" of the Constitution, which allows ANY province to circumvent provisions of the Charter (there are a few exceptions) for a period of five years. It is important to note that Quebec is not the first to use this bit of institutionalized ambiguity to serve a legitimate provincial interest. More important, however, is that the leading contender in the federal Liberal Party leadership race is a francophone Quebecker, Jean Chretien, and he is adamantly opposed to Meech Lake. He may be able to persuade the people of the province that it doesn't really matter if the accord fails; an improved set of compromises could be negotiated after he becomes Prime Minister. Chretien knows what he is about; he was Pierre Trudeau's chief lieutenant in the tough battle to defeat the 1980 Referendum. Lot's of people love him, all over Canada, and those who hate what he stands for (a strong central government) nevertheless respect his ability to turn a weak separatist into a weak federalist at the crucial moment when ballots are cast.

Québec voters are wishy-washy. They don't have half as much trouble defining themselves politically and culturally as other Canadians, but they often want incongruous or opposite things. The trouble--or is it a blessing?--is that in Canada contradictions are legion; the old ones are imbedded in constitutional history, and new ones are always being offered by ambitious politicians who want to save the country.

Ambiguosness as a cerebral style and political habit is, I submit, a hallmark of identity, albeit a vague one. This state of mind may be evidence of something mildly pathological, like risk avoidance or, to use a slightly harsher term, denial. It may also be a stage in societal development, part of a maturing process.

To be ambiguous is to not make irrevocable decisions, and to seek compromises at every turn. To make a choice is to suffer the consequences, and if the consequence of choosing one defining vision of a country over all others is to risk losing that country altogether, then why not put off the decision, and salve the open wounds of internecine squabbling with layers of mutual concessions? This is what appears to be going on right now, as it has before, in attempting to shape a constitutional order that all Canadians can live with.

The Meech Lake Accord used to be seen as just such a bundle of acceptable compromises. First, it would designate Québec as a "distinct society" within Canada, and acknowledge the role of the Québec government "to preserve and promote the distinct identity of Québec." If this is what Quebeckers really want, and insist they MUST have in order to sign the Constitution, well okay. The English minority in Québec may feel threatened by the sanctification of Québec's powers to "promote" the province's French identity, and some other groups may be justly worried about losing some of the legal protections of the federal Charter, but clearly Québec IS a distinctive society: why not say so in the constitution? Second, the accord gives the provinces more power over the selection of Senators (as it is, they are all appointed by the Prime Minister), although it does not specify exactly how--wouldn't you know. On the same score, Meech Lake would require unanimous consent among the provinces for any substantive change in the composition or role of the Senate. Reforming the Senate is something the western premiers are demanding more than anyone else. They are tired of always being overruled by Québec and Ontario in the House of Commons, where power is directly proportional to population.

What the Western premiers really want is an Elected Senate, with Equal representation by all provinces, and Effective powers to affect policy and amend legislation; in short, an American-style second chamber for more adequate representation of regional interests. All of this is acceptable up to a point: few Canadians are opposed to Senate reform in principle, and many advocate its abolition altogether. (Who needs 104 overpaid, underworked beneficiaries of partisan patronage anyway, the argument goes.) But the so-called "Triple E" Senate offends the sensibilities of any true believer in the parliamentary system and the unanimity required in Meech Lake flies in the face of Québec's legitimate interest in maintaining a favorable balance of power in the federal Parliament. Québec would "never", I have been told repeatedly by provincial officials, accept a constitutional arrangement whereby it could be overruled by a gang of Western and Atlantic provinces on matters of "national" importance. Here at last is an unequivocal statement...But wait: "Québec might be willing to go along with the equal

and elected principles so long as the Senate's effective powers were not increased..."

Ontario would never go along with the Triple-E Senate either, although Liberal Premier David Peterson continues to be a strong advocate of the Meech Lake Accord. So long as its key provisions remain vague, and open to different interpretations, it is a safe bet; a gamble worth taking to keep Québec in Canada. On closer inspection, nearly all of Meech Lake invites speculation. It has become a breeding ground of uncertainties, and a battle front for two opposing views of what kind of creature the Canadian state must become if it is to survive. Because the accord grants further powers to the provinces (I must spare you further details), it appears to confirm the "compact theory" of Canada which holds that the central government is a creation by and for the provincial governments. Québec's "two founding peoples" interpretation of Canadian history is also legitimized by the "distinct society" clause. All of this is anathema to those who believe the country is a voluntary association of free individuals who have consented to grant certain powers to different levels of government. It also offends Canadians who cannot bear to see Québec treated differently than any other province. They regard the inclusion of a "distinct society" clause as a licence to wield more power, and to use it effectively to gain special privileges, or rather MORE special privileges, for the already over-indulged French minority. The Premier of British Columbia has just issued a proposal that all Canadian provinces be designated as distinct societies. This is a perfect example of Canadian thinking, but I doubt that it will help much.

Viewed in an abstract dimension, where symbolism and basic principles are given free reign to engage the intellect, Meech Lake seems like pretty important stuff indeed. How unsettling it must be (and, secretly, what a great relief) to partisans on both sides to realize that most Canadians don't seem to care. As columnist Richard Gwyn put it in November, on the eve of a federal-provincial summit: "Prime Minister Mulroney and Quebec's Premier Robert Bourassa go into the meeting insisting that not a single comma of the Meech Lake agreement can be touched. If it is not ratified by June, they hint darkly, the country will soon break up. The country yawns." The meeting resolved nothing: the premiers of Newfoundland, Nova Scotia, and New Brunswick remain unconvinced of the agreement's merits. These provinces, afterall, have nothing to gain by acquiring more power, meaning responsibility, as they are all much more dependent on federal support than the more prosperous, self-reliant provinces of Québec, Ontario, Alberta and British Columbia. The search for compromises continues, and the Canadian people meanwhile continue to rank constitutional matters well below the environment and the economy every time they are asked to respond to opinion polls. Is indifference to an issue that has dominated headlines almost unceasingly for months and months a sign of immaturity, or is the mass public just fed up with what they perceive to be childish, irrational behavior on the part of their elected leaders?

It may be that the most ambiguous time in any person's life is adolescence, when nothing is clear and every important decision--that is, almost every decision--is agonizingly difficult. If this is true of individuals, it might also apply to nations. Does decisiveness signal maturity, a coming of age? Here is the outgoing Governor General of Canada, Madame Jeanne Sauve, alluding to the current constitutional imbroglio:

"The country is no longer in its infancy;
no longer must it ask whether to be or not

to be. We have gone beyond the stage of constitutional experimentation and compromise... National unity is an illusion unless it is based on a defined foundation that is durable and can be tested. Such testing cannot be undertaken unless we accept, once and for all, the inevitable compromises..."

One need not know the full details about what she is alluding to here to appreciate the gravity of the words "once and for all" in this uncharacteristically political speech by a representative of the Crown. (Governors General are ceremonial heads of state, and rarely address themselves to controversial topics.) If that note of finality had not been followed immediately by the word "compromises", Madame Sauve might have been accused of saying something downright UnCanadian. What I find interesting, however, is the notion that a country grows up.

Finally, just a few cases in point to illustrate how ambiguousness is a trademark of foreign as well as domestic policy in Canada. I hope they will also serve to underscore the central thesis that, in the words of unnamed editorial writers at the Ottawa Citizen, "creative ambiguity is the essence of Canadianism."

On January 8, after 41 years of declining the invitation to do so, Canada joined the Organization of American States. This decisive step was taken by Prime Minister Brian Mulroney, who was immediately accused by the Edmonton Sun of merely trying to ingratiate himself with the President of the United States. Without having told Canadians why joining the lackluster, debt-laden American-dominated group was good for Canada, and without allowing for any sort of public debate or consultation in the matter, the paper concluded, "it seems that Canada is filling its vacant chair with a vacant mind." Other editorialists supported the move, heralding it as "both an acceptance of Canada's destiny in the Americas and its maturation as an international force (Toronto's Globe and Mail) and a symbol of "the coming of age of Canadian foreign policy in Latin America" (the Ottawa Citizen).

Only weeks before Canada took its seat at the OAS the United States invaded Panama. Canada was among the few countries that did not vote with the vast majority of the United Nations in condemning the U.S. military intervention. Though not yet in a position to vote, Canada also did not make a public show of support for the majority (20-to-1, with 6 abstentions) in favor of an OAS resolution against the invasion. Mulroney and his foreign minister, Joe Clark, took great pains to explain that while they deplored the use of force, Canada also "understood" the reasoning behind President Bush's decision. It was an ambiguous position to take, but it pleased the Americans.

It did not please Citizen correspondent John Hay, who described Mulroney's defence of the U.S. invasion as despicable. "He was all cringe and bluster," wrote Hay, "like a rabbit snarling, and he was wrong." Many other commentators felt the same way, and fully expect that by becoming a full-fledged member of the OAS Canada will inevitably find itself sandwiched between its moral scruples and the American penchant for violence in this hemisphere. The Vancouver Sun said it best:

"Who's next on the United States hit list?
Nicaragua? Colombia? Once again the nation

that, when it is not occupying the moral high ground, marauds as a continental bully, has defied international law and decency and--trailing gunsmoke--imposed Uncle Sam's will on nettlesome Panama."

No one in Canada has anything decent to say about Noriega, mind you; a compromising people are just indignant about finding themselves compromised in a situation where they would prefer to be a bit more bold.

There are some people who insist that one has not become truly mature until he or she has committed at least one mortal sin. There is another type that, having remained relatively pure of such stain, never misses an opportunity to cast shame on the sinner. I believe there is something of an analogy here. Quite rightly, Canadians have never been accused of serious, full-blown imperialism, which is the mortal sin of nations in the 20th century. We Americans have been justly accused of launching unjust wars, and we have confessed as much, in public. Then, as mere and mature mortals, we have carried on with the sinning. In joining the Organization of American States, Canada is not so much in danger of being implicated in our imperialism (through guilt by association and what-have-you) as it is of being put openly in a position where the United States can always utter a humiliating "Oh grow up" when the going gets rough.

Perceptive scholars have been sensitive to this kind of moral problem for many years, and attribute some of its causes to the Canadian way of doing things. In an essay entitled "Federalist Style in International Politics", Thomas Hockin asserts that Canada's infirmity in international affairs comes not from any lack of resources or limited power but rather from domestic habits of mind. "We rely too much on... compromising tactics and thought-saving cliches...rather than force ourselves to generate the deeper reforms that may be needed," writes Hockin. Canadian officials routinely take pride in their flexibility, their willingness to serve mediating roles and find the middle ground, to be "helpful fixers" (another time-honored phrase) in a troubled world. The complexities of international politics are not always amenable, Hockin argues, to this kind of approach. Moreover, there is a risk in remaining vague:

"[Canada's] reluctance to formulate clear policy positions produces two consequences: first, our disinclination to be frank; secondly, our almost Pavlovian peace-keeping response to international conflagrations. We seem to insist on speaking ambiguously and on carrying a peace-keeping baton."

As I indicated last time, many Canadians are tired of sending troops into battle zones with an uncertain mission and a general prohibition against the use of force. They are also tired of always finding it imprudent not to back the United States in its cowboy escapades. It remains to be seen whether participation in the OAS will produce the sort of diplomatic incidents that will compel Canada to break with its traditions and declare its interests in a more "mature" way. I suspect that such an occasion, if and when it does occur, will be more bittersweet than triumphant for all concerned.

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