Kijewska-Trembecka, Marta

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Marta Kijewska-Trembecka
Jagiellonian University, Kraków, Poland

Canadian Duality: Three Decades of Conflicts
over the Constitution between Quebec and the Federal Government of Canada

Abstract
The processes surrounding the ratification of the Constitution, which have been taking place for three decades in Canada, are not the results of only recently emerging challenges, but have their roots in history. Quebec's desire to guarantee itself in the Canadian constitution a unique position within the federation is a part of a long process of consistent struggles for the recognition of Quebeckers' distinctive rights. Quebec invariably demands that a two-century old tradition of Canadian political, social, and cultural duality, which is based on the recognition of the existence of the two founding Canadian communities, be continued and developed. At the end of the 20th century, such expectations were expressed during the Quebec's constitutional debates preceding the ratification of the Constitutional Act of 1982.

Résumé
La domestication de la constitution canadienne devait marquer l'achèvement de la longue gouvernance du Premier ministre canadien Trudeau. La signature de la constitution par la Reine Elisabeth II à coïncidé avec la nouvelle stratégie de fédération de la province de Québec, après le référendum perdu par l'option séparatiste en 1980. René Lévesque et le Parti Québécois, rejoins dans les années suivantes par les libéraux québécois, ont adopté une stratégie de "pression" afin d'établir les privilèges de la société québécoise et de la province de Québec, lesquels – en échange de la ratification de la constitution – seraient inscrits dans the Constitutional Act en1982.

Introduction

The patriation of the Canadian Constitution can be perceived as an important part of Prime Minister Trudeau's larger political program, which can be called Canadian national policy. Thanks to this program, various new public, political, administrative, and cultural institutions were established with the aim of strengthening 'the Canadianness' in different areas of public life in Canada and releasing Canada from foreign influences, particularly British and American ones.[1] Trudeau was a staunch federalist and a supporter of the so-called dual autonomy – on the

1) One of the elements of that campaign was, for example, the introduction of a metric system in Canada in the early 1970s.

one hand, he consistently loosened political ties with London; on the other, he wanted to grant broad autonomy to Quebec, though within the framework of Canadian federation. Trudeau was also a strong advocate of protecting the rights of individuals at the expense of collective rights. That was the policy he followed particularly towards the Aboriginal Peoples and the ***Quebecois***. Trudeau's approach was largely a result of Quebecers' openly expressed expectations (since the 1960s) to be recognized in Canada as a distinct society, different from the rest of Canadians. Trudeau, who was born in Quebec, knew and understood the specificity of the Quebec identity, he was personally involved in the preparing the program of the Quiet Revolution (***La Revolution Tranquille***), the process of profound changes that took place in Quebec in the early 1960s. The Quiet Revolution moved Quebec from the deep malaise in which the province had been stuck for many decades, radically reforming and modernizing all walks of life and started a new stage of Quebec's development. But the effects of the revolution also challenged the relationship between Quebec and the federation. More and more voices were heard which undermined the need for Quebec to remain in the existing relationship with the federation. The circles associated with the separatist ideologies strengthened. And this, according to many analysts and pundits, was the reason for Trudeau's strong determination to empower federal government and to expose the supremacy of individual rights over group privileges.

Quebec's desire to guarantee itself in the Canadian constitution a unique position within the federation is a part of a long process of consistent struggles for the recognition of Quebeckers' distinctive rights. Quebec invariably demands that a two-century old tradition of Canadian political, social and cultural duality, which is based on the recognition of the existence of the two founding Canadian communities, be continued and developed. At the end of the 20th century, such expectations were expressed during the Quebec's constitutional debates preceding the ratification of the Constitutional Act of 1982 and they were consistent with the strategy adopted by René Levesque after the first independence referendum lost by separatists in 1980. The strategy was to intensify political and legal actions which could eventually guarantee Quebec the broadest possible autonomy within the Canadian federation.

However, some claim that Canadian duality can be understood in at least two different ways (Smith 46–51). On the one hand, it was a system where numerous important legislative acts enacted for Canada in London took into account the interests of Quebeckers, in spite of the weakening position of Quebec within the British North America. But on the other hand, it is still the system which maintains, as Jennifer Smith calls it, a "curious habit" (Smith 46) of having two worlds: the one enshrined in the documents and the real one that can be observed in practice – in the relations between the two founding groups.

In the pre-confederation period, before 1867, all five of the most important legal acts regulating relations in the British colonies in North America – that is the Royal Proclamation of 1763, the Quebec Act of 1774, the Constitutional Act of 1791, the Union Act of 1840, and finally the British North America Act of 1867– contributed to the formation of the aforementioned duality. Also, according to Rocher and Smith, the concept of moving the capital to alternating locations in the 1840s and 1850s was a result of a dual character of Canadian political life (Smith 49).

In the last decades of the 20th century, the tradition of duality was embraced by the Canadian Aboriginals. The provisions of the Constitutional Act of 1982 and subsequent pieces of

legislation have made it possible for the Natives to become players on the Canadian political scene, to become actors who can no longer be ignored and who fight for their own position in the public and political life.

This article aims to prove that the processes surrounding the ratification of the Constitution, which have been taking place for several decades in Canada, are not the results of only recently emerging challenges but have their roots and history.

Two centuries of duality in Canadian political and public life

The Royal Proclamation of 1763 introduced into the new British colony British colonial standards, which were to replace, as soon as possible, New France's institutions and principles of public life (Wade 48–65; Grabowski 115; Kijewska-Trembecka 93–94). Although the Proclamation granted religious and linguistic freedoms to ***Canadiens*** and did not abolish the traditional New French seigneurial system, its main intention was the assimilation of French-speaking Catholic population of the newly created colony, called the Province of Quebec, to the English-speaking communities, who – as it was hoped in London – were to develop very dynamically. It must be noted here that during the ***conquest*** disparity in the number of French and English-speakers in Quebec was huge: circa 65,000 versus 2,000 respectively. The introduction of the new order and the process of "civilizing" the Quebecers, as it was called by a new colonial administration, was to be supervised by subsequent governors of the new colony, appointed in governmental circles in London, and by the royal courts, from which Catholic ***Canadiens*** were excluded. The Proclamation was an interim solution, which was to be replaced by more complex legal acts, more restrictive against the Francophones and more favorable for Anglophone settlers.

Ominous as these declarations might have been for the French-speaking residents of Quebec, their situation remained almost unchanged in subsequent years. The announced massive arrival of Anglophone settlers from the British Isles and New England never occurred. The first governors of the province, General James Murray and Guy Carleton, were not advocates of discrimination against Quebec's Francophones. Paradoxically, therefore, the first political and legal developments in the Province of Quebec introduced after the fall of New France, did not favor new English-speaking settlers. Besides, the provisions of the Proclamation were never enforced too strictly. Smith even claims that "the proclamation seemed a dead letter" (Smith 47).

The next phase of legislative changes in Quebec was introduced by the British in 1774. Again, English-speaking merchants, who in fact were the only English group apart from the colonial administrators that gladly came to Canada, eagerly awaited some legal solutions radically changing the functioning of the new colony. But again, the solutions brought by the Quebec Act of 1774 were definitely unsatisfactory for Anglophones, since the Act confirmed the status quo guaranteed by the Proclamation. Moreover, it restored the possibility of exercising political functions by Catholics in the colony by changing the text of the oath. The Quebec Act enigmatically treated the issue of future assimilation of French Canadians and the establishment of an elected assembly in the future.

It must be kept in mind, however, that legal solutions consolidating many remains of the ***ancien regime***, did not create favorable conditions for the development of the French-speaking community. Paradoxically, those solutions were amongst the most important causes of a consistent deterioration of ***Canadiens'*** social, economic and political position. But on the other hand, it should also be remembered that the Quebec Act is today interpreted in Quebec as the first legal document issued by London recognizing Quebec's distinct identity and the Canadian Francophones' right to maintain it.

Another constitutional act for Quebec was enacted in London in 1791. The Canada Act of 1791 was a reaction to the new political situation in North America after the U.S. declaration of independence. As a consequence of these events, a group of around 40,000 Loyalists, faithful to the British Crown, arrived in the British colonies. Their decision not to return to Europe strengthened the British presence in North America and radically changed the balance of power in the colony.

The Constitutional Act of 1791 introduced many changes in the political and public life of Quebec (Wade 86–88). The province was divided into two separate colonies, Lower and Upper Canada. The former was inhabited mainly by French speakers while the latter was intended for English-speaking settlers. Given the contradictory interests of both communities, such division was designed as a compromise. Two legislative assemblies were established and fairly broad voting rights were given to the landowners, men and women, the majority of tenants, craftsmen and clergymen. The executive power was vested in the governors and councils appointed by them. The government thus was not responsible or accountable to elected assemblies, which quickly, especially in Lower Canada, led to conflicts. The Constitutional Act reaffirmed the status quo of Francophones in Lower Canada, including the position of the Catholic Church, the seigneurial system and French civil law, which for Montreal's merchants was difficult to accept as they no longer wanted to be subject to the Quebec civil law. At the same time, however, the so-called old ***Québécois*** elites, seniors and clergy declared their loyalty to London, fearing the revolutionary ideologies from France.

Another important legislation for the British colonies in Canada, the Union Act of 1840, also reflects the aforementioned duality. After unsuccessful rebellions in both parts of Canada, Lord Durham was sent to the colony with the task of drafting a plan of reforms for the colony. In a report he presented in London, Durham claimed that continuous political problems were caused by the backwardness of Francophone civilization in comparison with the achievements of English-speaking population of the colony.

The Union Act of 1840 united the colonies of Upper and Lower Canada into the United Province of Canada, composed of two parts: Canada East and West. The new political body was to have a single legislative assembly in which both Canadas were equally represented, having 42 seats each.

Other important provisions of the Act of Union of 1840 made English the only official language in the political and public life of the United Province, granted the new assembly with prerogatives of unifying the legal systems of both Canadas, which in practice meant the introduction of common law in Canada East.

Such solutions could have heralded the end of the status quo and disappearance of a distinct Francophone identity of Canada East. Maurice Séguin, a theoretician examining the so-called

traditional Québécois nationalism, wrote that the events preceding the Union Act and the consequences of its enactment for Quebec meant "deepened slavery under British occupation" (Séguin 250). However, this time the reality turned out to be kind to French Canadians and restrictive provisions of the Act of Union remained largely dead. The unification of the province was only formal and separate institutions worked in most of the areas; French very quickly regained its status and became the second language of the Canadian Parliament in 1848. As a consequence, public and political life went on separately, political parties were rather based on political interests than on ethnic ones. Public institutions in Canada East provided service in French, which de facto led to the creation of two systems of administration and doubled political positions. Civil Code, based on the French law was still in force in Quebec and the education system was not reformed. The Catholic Church held the monopoly in francophone education for the next century.

The first government responsible to parliament was created, not without problems, in the United Province of Canada in 1848 as a result of the cooperation between reform forces from both Canadas.

Thus, political practice again went in the opposite direction than the provisions of the document, which – as Kenneth McRoberts suggests – only confirms that there is a tradition in Canada of maintaining "a sophisticated duality model" operating in two areas: between the letter of the law and the political reality and between the declared concepts of unification and the continued practical autonomy within a single political entity (McRoberts 5–7).

Another constitution granted by London was the British North America Act of 1867 (BNAA), which since 1982 has been known as the Constitution Act of 1867. Under its provisions, the Dominion of Canada was established on July 1, 1867, originally formed by four provinces: Nova Scotia, New Brunswick, Quebec and Ontario. The BNAA stipulated that the newly created Dominion was to be a constitutional monarchy and a federation with the government responsible to the elected parliament. The BNAA quite clearly divides the powers of government between the provinces and the federal government (Wieciech 126–137; Grzybowski 127–128).

As Alain G. Gagnon states, the power-sharing formula, which had been negotiated between French and English Canadians at the time of establishing the federation, worked for over a hundred years in Canada. Despite the differences and some modifications, general rules survived until the early 1980s, i.e. until the patriation of the constitution. The Quebec's interpretation of how Canadian federation was formed has always been centered on the formula of duality: the Dominion of Canada was created as a contract between English and French Canadians, and the sources of this agreement should be sought in the provisions of the Quebec Act, 1774. This interpretation is confirmed, ***inter alia***, in the conclusions of the so-called Tremblay Report of 1956 (Gagnon, "Quebec-Canada's…" 129–130).

The real battle, which extends to the present day, focuses on something one could call a new form of duality in Canadian political and public life and it began with Trudeau's efforts to patriate the Canadian Constitution.

Quebec Liberals, after coming to power in 1960, almost immediately took the political offensive aimed at revising the constitutional principles uniting the provinces under one federation.

As a direct response to Quebec's demands, the federal government under Lester Pearson established in 1963 the Royal Commission on Bilingualism and Bicultualism (RCBB), whose work – as it later turned out – was met with little interest, even in Quebec, which was at the time undergoing crucial internal reforms.

Events became more dynamic in 1968, when Pierre Elliott Trudeau entered the federal political scene. Trudeau responded to subsequent events in Quebec, often acting ahead of them, and at the same time tried to reform the Canadian federation. The first major change introduced during his premiership was the enactment of the Official Languages Act (OLA) in 1968, which marked the beginning of the official bilingualism in Canada.

In the early 1970s, the Liberal government of Quebec led by Robert Bourassa, challenged by the increasing popularity of the Parti Quebecois, negotiated with Ottawa, just like other Canadian provinces, the necessary legal provisions that could foster dualism within the federation. Quebec sought to expand its competences in financial matters and in the sphere of social and pension programs, but most of all it wanted to have the right of vetoing constitutional amendments. Despite the hopes for success, the adoption of the measures proposed in 1971 during the Victoria conference ended in fiasco. The discontent in Quebec grew. The major reason for this was, according to Quebec's political leaders, the fact that the rest of Canada remained reluctant to accept Quebec's separate identity. As a result, in the 1970s Quebec introduced new language laws to emphasize its distinct character. According to the provisions of the legislative acts passed in 1974 (Bill 22) and in 1977 (Bill 101), French was recognized as the only official language in the province. Those regulations were followed by the implementation of restrictive education policies. French became the only language of instruction in Quebec's schools, including those attended by the children of immigrants.[2]

Quebec also renounced another Trudeau's project introduced in 1971, the policy of cultural pluralism. Not only did Quebec reject it on the basis that it was against the bicultural Canadian tradition, but also established its own program. It was called the policy of convergence (or the policy of interculturalism) – the program which was modified on numerous occasions by subsequent Quebec governments in the years 1981–90 (Gagnon, "Interculturalism…" 369–390).

Subsequent Trudeau's initiatives were in part a response to the events in Quebec, particularly to the victory of the separatist Parti Quebecois (PQ) led by René Lévesque in the provincial election in 1976. In the election campaign Levesque had promised to hold a referendum in Quebec, which – as he hoped – could give his government political legitimacy to open negotiations with Ottawa over the so-called sovereign association between Quebec and Canada.

However, the referendum held in May 1980 was spectacularly lost by the Parti Quebecois (40% to 60%). Lévesque commented on the defeat with the famous phrase "à la prochaine" ("until next time") and announced his intentions to fight for Quebec's unique position in Canada on constitutional ground. This meant undertaking decisive actions to reform Canadian federalism.

Trudeau also gave his promises to Quebeckers encouraging them to vote NO in the referendum. In the campaign preceding the vote, he declared to launch a debate on constitutional changes which would take into account the interests of the ***Québécois***. Planning the reforms of

2) The exception was made for students whose parents had received education in English in Quebec.

Canadian federalism, Trudeau was trying to find a way of ending the long-lasting disputes over the division of powers between the provinces and the federal government. The whole process was to be crowned with the patriation of Canadian constitution. In the fall of 1980, the Trudeau government unilaterally decided to submit a formal request to the British Parliament asking it to allow for bringing the constitution to Canada. The planned procedure included the patriation of the British North America Act, whose name was changed to the Constitutional Act of 1867, and the adoption of the new Constitutional Act of 1982, which was to include constitutional amendments and the Canadian Charter of Rights and Freedoms.

Trudeau's decision was a unilateral one. Although everyone agreed that the patriation was necessary, there was no agreement on the procedures. Most provinces protested strongly against Trudeau's acting over their heads. Eight of them (all except Ontario and New Brunswick), known as "the gang of eight," joined forces under Levesque's leadership and tried to stop Trudeau's action on legal grounds. The Supreme Court was engaged in resolving the dispute. In September 1981, the Supreme Court decided that, under the constitution, Ottawa had the legal authority to petition the British parliament unilaterally, without consulting the provinces. However, according to the Canadian top court, such action violated an unwritten constitutional convention under which Ottawa should have consulted the majority of Canadian provinces. Nevertheless, the court did not specify which provinces constitute the majority and it soon became apparent that Quebec alone could not stop the procedure other provinces agreed to (Simeon and Robinson 278). Levesque did not accept such a solution. He argued that the founding principle of the Dominion of Canada was duality, which required the interaction of the two founding groups of English- and French-Canadians, especially over such an important issue as the modification of the country's constitution. The lack of such interaction meant Quebec's veto. From then on the Quebec government refused to participate in further negotiations with Ottawa and other provinces. In the meantime, other provinces negotiated a consensus, reached an agreement on the amending formula, and strengthened the constitution by adding to it the Canadian Charter of Rights and Freedoms. The agreement was possible only after Ottawa accepted the rights of provincial legislatures to temporarily override certain sections of the Charter by the use of the notwithstanding clause.

The clause guaranteed that provincial competences in the field of civil rights could not be easily reduced. However, the Charter had a so-called centralist effect, i.e. it prevented provinces form running fully independent policies in the area of civil liberties, which was one of the cornerstones in the formation process of the Dominion of Canada (Wieciech 137–139).

On May 17, 1982, Queen Elizabeth II, accompanied by Pierre Elliott Trudeau, signed the Constitution Act of 1982 and the Canadian Charter of Rights and Freedoms in Ottawa. The new constitution, however, required ratification. This was the process in which Quebec's position turned out to be crucial. René Lévesque, just as he announced after the referendum in 1980, tried to use the ratification procedures as a tool for expanding the provincial autonomy. Time has shown that the ratification is not a continuous process; it takes longer than expected, and every few years it leads to the accumulation of events and tensions.

There was a period of a few significant changes in Quebec's political life in the 1980s. Despite the lost referendum in 1980, the Parti Quebecois managed to win the provincial election

and Lévesque could renew his legal and constitutional efforts to increase the autonomy of Quebec. The circumstances, however, were not favorable for Lévesque. On the one hand, the opposition to him and his methods grew within the PQ. The youngest party members, led by Jacques Parizeau, blamed Lévesque for the lack of determination. For them he was too conciliatory to Ottawa to be a relevant person to fight for the interests of Québécois. On the other hand, Lévesque proved unable to reach a compromise with the Trudeau government over the reformed Quebec–Ottawa relations.[3] The negotiations on the constitutional compromise started in 1984, when Mulroney's Conservatives replaced Trudeau's Liberals in Ottawa.

Quebec agreed to ratify the new constitution on certain conditions, the most important of which was the recognition of Quebec society as a ***société distincte*** in the preamble to the constitution. Other conditions included: more autonomy for Quebec in shaping its own immigration policy; inclusion of three judges, experts in the Quebec civil law, in the Supreme Court of Canada; the right of veto for provinces over constitutional amendments; and the possibility of Quebec's selective participation in federally run programs.

In the spring of 1987, with good will on all sides, the provincial premiers and Prime Minister Brian Murloney signed an agreement called the Meech Lake Accord, which gave a chance for ratification of the constitution in Quebec (Wieciech 165–170; Kijewska-Trembecka 216–220). To make it happen, the compromise had to be approved by the provincial legislatures and the Parliament of Canada. The whole process was to be finalized by 22 June 1990. This 3-year period was marked by the disputes and arguments of supporters and opponents of the Meech Lake Accord. As a part of a compromise, Quebec adopted a new, less restrictive language law (Bill 178). Prime Minister Mulroney was determined to finalize the process and just before the fixed deadline he convened one more meeting to encourage Manitoba and Newfoundland, the only provinces whose legislatures had not yet ratified the accord, to accept the agreement. When it seemed that the final agreement was within reach, the whole process was blocked in the Legislative Assembly of Manitoba by Elijah Harper, a representative of Manitoba Indians. For Harper the provisions of the Meech Lake Accord limited the rights of Canadian Aboriginals. The failure to adopt the Meech Lake Accord shook and shocked Quebec's political elites and contributed remarkably to the growth of radical separatist sentiments in the province.

In 1991, Mulroney's government made another attempt to convince Quebec to accept the Constitution of 1982. This time not only the issue of ***société distincte*** was negotiated, but also the future reforms of Canadian federalism. In the summer of 1992, in the capital city of Prince Edward Island, a consensus (Charlottetown Accord) was reached, giving hopes that the Constitutional Act 1982 would finally be ratified by all Canadian provinces. The Accord recognized the distinct character of Quebec's society, but at the same time guaranteed rights to English-speaking minority in Quebec; it also gave Quebec a quarter of seats in the House of Commons, regardless of the number of its population; it offered 3 positions for Quebec judges in the Supreme Court; it reformed Canadian Senate and strengthened Quebec's position on issues related to culture and language (double majority); it also removed barriers in inter-provincial trade. Important part of the accord dealt with the rights and autonomy of

3) Pierre-Marc Johnson replaced René Lévesque as the leader of the PQ in 1985. Two years later Lévesque died, living too short to see Quebec free and independent. In 1987 Jacques Parizeau became the new PQ leader.

indigenous communities.[4] In addition, it was decided that the Charlottetown Accord must be ratified in the national referendum.

Due to political tensions in Quebec, the referendum was hastily held in October 1992. Canadians, for various reasons, rejected the Charlottetown Accord. The ***Quebecois*** decided that the accord offered them too little (57% voting NO), while in the rest of Canada the accord was rejected (54% voting against ratification) on the ground that it gave Quebec too privileged position, which was against the principles of equality.

The fiasco of another agreement contributed to a deepening radicalization of secessionist groups in Quebec. Even the followers of the Liberal Party, which had always promoted a federalist option, showed more sympathy towards separatist ideas. The culminating point was the referendum on Quebec's secession held in October 1995. The referendum was, this time, well prepared and well carried out. The Quebec government presented a clear offer to leave the federation, and with a good and intensive information campaign, Quebeckers had the time and opportunity to get familiar with the offer.

Secessionists lost the referendum by a very narrow margin (0.6% of the votes), the outcome of the plebiscite was decided by about 54,000 voters, mainly residents of the Montreal region. The defeat was so painful that it took almost twenty years to take another serious debate on the separation of the province.

Such a referendum result, however, forced the federal government under Jean Chrétien to take more decisive steps to solve the Quebec issue. Chrétien had promised in his short campaign, promoting Quebec as a part of Canadian federation, that he will renew constitutional negotiations. They were to start with the declaration of the federal government, supported by a resolution of both houses of Canadian Parliament, recognizing the distinctiveness of Quebec's society within Canada. So it happened in December 1995; additionally, the Parliament agreed to grant Quebec a veto right in relation to the future changes of constitution initiated on federal level (Wieciech 170–171; McWhinney 121–123).

Chrétien's subsequent initiatives, however, were not aimed at strengthening Quebec's position. On the contrary, they were designed to "maintain constitutional status quo" (Gagnon2004a, 143). No later than in 1996, the federal government extended the right of veto to other provinces. A year later, in February 1997, after public consultation, the Calgary Accord was signed. It again recognized the distinct nature of Québécois society. However, signatories of the accord did not approve of the introduction of what was called an asymmetric federalism, which would favor one province over other provinces. Finally, Chrétien strengthened by his party's victory in the federal elections in 1997, asked the Supreme Court for its advisory opinion on the legality, under the applicable law and on the basis of the referendum results,

4) Canadian Aboriginal Peoples comprise the Inuit, the Métis, and the largest group – Indians (or First Nations). As of the 2001 census, there were 45,000 Inuit; 292,000 Métis and 610,000 Indians. Section 35 of the Constitutional Act of 1982 recognizes Aboriginal Peoples as full citizens of Canada, protects their land and treaty rights as well as their right to self-government. The section was designed to involve the native population in the process of ratification of the Constitution. Bill C-31, passed in 1985, abolished discrimination of registered Indians. In 1992, the Charlottetown Accord confirmed the rights of the natives to a wide autonomy; in 1999, Nunavut was created as a separate territory. The end of the 20th century was the beginning of the end of a long period of discrimination against Canadian native population.

of a unilateral secession of any province, including Quebec, from Canada. Surprisingly, the court's answer, issued in August 1998, was not fully satisfactory for the Chrétien government. The court ruled that the Canadian federation is built on four principles: federalism, democracy, constitutionalism and the rule of law, and respect for minorities. At the same time the court stressed in its opinion that Canadian law makes it possible to enact such constitutional amendments which would allow the secession of one of the provinces. However, the referendum itself, even if won by separatists, does not result in an immediate and automatic exit of a province from the federation, but it can serve as the basis for the initiation of the constitutional procedure which would provide such an opportunity (Gagnon, "Quebec–Canada's..." 144–147). The Liberal Party, not entirely satisfied with the Supreme Court's ruling, led in 2000 to the adoption of the Clarity Act (Bill C-20), which can be considered the practical implementation of Supreme Court's legal advice on secession. The Clarity Act outlines detailed conditions that must be met before the validity of any provincial referendum on independence can be recognized by the federal government. The complex provisions of Bill C-20 were aimed to "neutralize" the Supreme Court's ruling and make it even more difficult for Quebec, or any other province, to follow "the path of secession" in the future.

In 2006, the Conservative Prime Minister Stephen Harper led the Canadian House of Commons to accept almost unanimously (with only 16 MPs voting against) the declaration recognizing the Quebecois as a distinct nation within a united Canada. This way Stephen Harper neutralized the initiative that the Bloc Quebecois had been long planning to undertake, i.e. to recognize the Québécois as a separate nation, however without specifying the frameworks of Canadian federation. The very declaration, admittedly, is not legally binding, but still had a potential to irritate some Quebec separatists – in comparison with Chrétien's declaration of 1995, it "diminished" the status of the Québécois.

Summary

Canadian history shows, without a doubt, that duality played an important role in Canada's development. It also shows that the intricacies of Canadian political, social, and public life were often not reflected in the provisions of the most important pieces of legislation. The Quebec separatist referendum of 1995, nearly won by secessionists, should direct the thinking of Canadian political leaders towards solutions based on the far-reaching and long-term compromises, rather than those based on the current, short-term problems. The near future might bring more dilemmas that may require quick solutions. It's not only the Quebec issue, but also the problems of Canadian Aboriginals, the reform of the Senate and the federation itself, Western regionalism, or maybe even fundamental constitutional issues of making a choice between the constitutional monarchy and a republican form of government. The past has shown that the practice always precedes legal actions and if this is not taken into account, all the ratification efforts can go back to nothing.

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