

PETER H. RUSSELL
University of Toronto
Department of Political Science

When academics get together to talk about anything they tend to cheerfully disagree about everything. That is the politics of academic discussion. There is no constraint on the participants to agree. On the contrary, participants justify their existence by demonstrating their ability to put forward positions held by nobody else.

In this sense, it was a darn good conference — full of vigorous but never mean-spirited exchanges. However, by definition such a conference cannot be expected to produce a consensus. Not only was there no clear tendency to adopt any particular approach to constitutional change but there was not even agreement on the threshold question of whether the future of Canada was in jeopardy or, if it were, was it worth saving?

The discourse did reveal an intriguing pattern of cultural differences in approaching the constitutional issue. The French Canadians (all from Québec), if not exactly serene, were more “laid back” on the constitutional question than either the English Canadians or the Aboriginal participants. While I did not detect much enthusiasm for Québec independence, neither did I sense any anxiety that Québec’s separation may occur. Their comments on restructuring alternatives indicated a strong commitment to asymmetry, which in part seemed to depend on a

determination to view English Canada as homogeneous and centralist.

The English Canadian participants did nothing to confirm this Québécois view of “The Rest of Canada”. They agreed neither on the scale of constitutional reform (incremental or fundamental) nor on the process (traditional and elitist or novel and participatory). On constitutional models, opinion ranged from a somewhat centralizing English Canadian nationalist perspective to a deeply pluralist vision of the Canadian polity. While among this group there was a deep commitment to the constitutional game, there was considerable pessimism about the possibility of arriving at consensual solutions.

For the Aboriginal peoples, whose first choice of constitutional futures went by the board several centuries ago, “optimism” and “pessimism” are not relevant mental categories. This was reflected in the contributions of the Aboriginal participants. They made us more aware of the non-Aboriginals’ hegemonic domination of the constitutional process. Indeed, the most significant question I took away from the conference is whether a constitutional settlement consented to by Canada’s Aboriginal peoples can make any concessions to the Aboriginals’ world view.

STEPHEN A. SCOTT
McGill University
Faculty of Law

I would like to set out my views about the proposed secession of Québec, many of which I presented at the symposium. In giving my views, I realize that I am breaking a taboo and articulating positions which are anathema to many in Québec. These principles, however, are crucial to the outcome of any future constitutional change.

1. Canada: the sovereign state and its people. Canada, as an integral whole, is a sovereign state, every part of which belongs to all of its people so far as political sovereignty is concerned.

2. No double standard on indivisibility. There can be no double standard on the issue of divisibility. Any principle which argues that Québec is indivisible makes Canada equally indivisible. And any principle which argues that Canada is divisible makes Québec equally divisible.

3. The Constitution: the sole source of authority. Canada’s sovereign powers are exercised by its people through federal and provincial institutions, whose very existence and powers are established and defined by the Constitution, and by the Constitution alone.

4. The Provinces: creatures of the Constitution. Canadian provinces, as much as the Federation itself, therefore depend completely upon the Constitution for their rights and powers, and even their existence. Provinces can make no valid claim to any rights beyond, or outside, the Constitution. The provinces