

*Constitution Amendment, 1987*

Faced with this Accord, what would be the thoughts of Henri Bourassa, the great Canadian nationalist who stated the following in 1912:

No, indeed, French, we have the right to be because of our language; Catholic, we have the right to be because of our faith; free, we have the right to be because of the Constitution; Canadian, we are before anything else; British, we have as much right as anyone else to be. And these rights should be ours to enjoy throughout the Confederation.

Let me also quote the words of Archbishop Langevin, who attended a conference in Montreal that same year on the occasion of the first Congress of the French language in Quebec:

We do not recognize the right of anyone to stop French Canadians at the Quebec border to tell them: From this point on, you are no longer at home. We are at home everywhere in Canada.

Now, 75 years later, Madam Speaker, we are abandoning this dream. It seems to me that what has been achieved to date justifies our confidence in the future of the policies which have made it possible for Canada to make such extraordinary progress.

The legal recognition of Quebec as a distinct society represents in my view a capitulation to the philosophy of those who favour the coexistence of two nations on Canadian territory, namely a francophone nation and an anglophone nation. Many people say to me: "Donald, it is obvious that Quebec is a distinct society." There is for instance Professor Beaudoin, and I shall now reply to the comment of my friend, the Hon. member for Saint-Denis (Mr. Prud'homme). As Professor Beaudoin stated before the National Assembly Committee:

Because the language and culture of a majority of its population are French, and because it operates under a French civil law, Quebec is a distinct society.

Well, even if we support Professor Beaudoin's point of view, observation of fact should not be entrenched in a Constitution, because of their legal consequences. As another professor suggested:

Let us suppose the Constitution stated that Toronto is the financial capital of Canada.

While this may be exaggerated, it makes the point.

There is no doubt that Quebec has distinctive characteristics. Its history, language and culture are different from those of the other provinces, there is no doubt about that. But the other provinces also have distinctive characteristics. Let us take for instance the case of Newfoundland which has a different history and culture; the Acadian population in New Brunswick, the Ukrainians in the Western Provinces; the unique characteristics of British Columbia, and so on. In other words, every province has a distinctive character. These differences are also based on an economy which changes considerably from one region to another, from one province to another, so that each region is different from the other regions, each province is different from the other provinces.

That is why we have here in Canada a federal system which makes sure that the individual interests of the partners in

Confederation are looked after by the provincial Governments, each being independent in its own area of responsibility. If we accept Mr. Beaudoin's definition that Quebec is a distinct society because the language and culture of its majority are French, and because it operates under a French civil law, we must also recognize that all these rights and characteristics are now protected by the Canadian Constitution. Why, then, should we add the notion of a distinct society to the Constitution? Is it purely to give more power to the province—that is to say, to the provincial politicians?

There is no doubt that because of its special status as a distinct society Quebec will enjoy powers which will not be available to the other provinces. Those who suggest this is not the case are frankly wrong. The Joint Committee has taken care not to call witnesses who would have proven that point. For instance, Madam Speaker, is it not strange that the Joint Committee did not insist on the presence of official spokesmen for the Quebec Government to explain their interpretation of that clause? Would Mr. Bourassa's Government be satisfied if Quebec gained nothing with its "distinct society"? I do not think so.

Before the National Assembly, referring to the Constitutional Accord in last June, Mr. Bourassa said: "... It must be emphasized that the entire Constitution including the Charter, will be interpreted and enforced in the light of that distinct society clause. Legislative jurisdiction is the target and this will enable us to consolidate our gains and win new ground." This statement by Mr. Bourassa is in flagrant conflict with the position of the federal Government as expressed on many occasions by Senator Murray.

I would like to accept the government point of view given by Senator Murray but any student of constitutional law knows that many important powers have been allocated through the interpretation of the division of powers. For those who maintain that the distinct society clause is merely a rule of interpretation, I quote, this time with approval, the following comment made by Mr. Beaudoin: "It is a rule of interpretation which has changed Canadian federalism."

In this instance, Madam Speaker, he was right. Therefore it is clear: there is no doubt that there will be a change in the distribution of powers such that Quebec will have powers not available to other provinces. With such an approach, we are setting out upon an extremely dangerous road to an unbalanced federation. A clear consequence of that new approach will be a castration of the role of Quebec's politicians and bureaucrats at the national level, once Quebec takes on important powers not granted to other provinces. And if there are questions concerning the nature of powers that could be transferred, I would be pleased to answer then, Madam Speaker, once I have concluded my comments.