

[Translation]

## THE CONSTITUTION

### HISTORICAL PERSPECTIVE OF THE DISTINCT SOCIETY OF QUEBEC

**Hon. Paul David** rose pursuant to notice of Wednesday, February 19, 1992:

That he will call the attention of the Senate to his historical understanding of the distinct society of Québec.

He said: Honourable senators, to me the distinct society concept, which has given rise to stormy debate for a number of years, is an undeniable fact, and I would like to go back in history to prove the legitimacy of Quebec's demands in this respect.

On June 3, 1987, the ten provincial Premiers and the Prime Minister of Canada signed the Meech Lake Accord, which recognized that Quebec constitutes within Canada a distinct society.

As you know, the accord was rejected after the parties failed to ratify it within the requisite three-year period.

Critics of the accord wanted Quebec to be like any other province and maintained that this recognition constituted a threat to the survival of a united Canada. History tells us otherwise.

At the end of the seventeenth century, French colonial authorities acknowledged that the *Canadiens* in New France were different. They—the French colonial authorities—realized a new nation was developing. At the time, the term *Canadiens* or *Créoles du Canada* applied to those Francophones who had settled permanently in the St. Lawrence valley, and the term *Français* referred to those who were temporary residents. France recognized the distinct identity of the *Canadiens*. Perhaps the best definition was given by Guy Frégault. Referring to the Francophone people who constituted Canadian society in North America at the end of the French régime, our historian writes:

Its history gave it a distinct personality . . . Generally speaking, the *Canadiens* became aware of their ethnic individuality . . . These were people who carved out a country for themselves. When it came time to defend and then rebuild it, they were practically on their own. Today their country is their own creation. It belongs to them, and they belong to it, and that is what motivates their national feeling.

One understands how surprised the British were after the conquest in 1760. Historian Robert de Rocquebrune wrote:

When the English arrived in this country, they found a people: the *Canadiens*.

In 1763, the Royal Proclamation established a civilian government. Although it tolerated the free practice of the Catholic religion, it nevertheless favoured a policy of assimilation. The existence of such a policy is proof that a distinct society was alive and well in North America.

[Senator Marshall.]

In London, they realize that the Royal Proclamation does not produce the expected results and they revise the strategy. We are in 1774, the year of the Quebec Act.

This bill is not unanimously approved. Member John Cavendish says:

I believe it essential not to give back their laws to Canadians. They will forever resort to those laws and customs, which will continue to make them a distinct nation.

It is to be noted, honourable senators, that more than 200 years later we still hear the same arguments.

On June 22, 1774, King George III gave Royal Assent to the Quebec Act.

With this Act,

. . . writes Jean-Charles Bonenfant, . . .

the British Parliament implicitly accepted the survival of the French civilization.

It is important to remember that the Quebec Act was passed at the time of the Revolution of the thirteen Anglo-American colonies.

The establishment of the United States of America resulted in an important migration movement to Canada: More than 30,000 Loyalists settled in the British colonies; of that number, some 7,000 came to Quebec.

At the end of the 1780s, the British want a country that is an accurate picture of the motherland (which seems to me to be quite normal) and Canadians demand a parliamentary system, provided that they can control their own destiny.

In England, they are quite aware of the fact that they cannot alienate the important French population in Quebec. So, when introducing a bill, the British Prime Minister William Pitt said:

The first important objective is to divide the province into two sections to be called Upper and Lower Canada, and to give each a local legislature. This division, we hope, can be made so as to give each element a vast majority in its section . . . By dividing the province in two, the present causes for controversy will disappear and, in Lower Canada,

added the Prime Minister,

since the residents are mostly Canadians, their Assembly will be adapted to their particular customs and ideas.

So, not only did William Pitt recognize the existence of a distinct society in his colony, but he consolidated its position. The Constitutional Act, which received the Royal Sanction on June 10, 1791, officially recognized of the two majorities of the time.

At the beginning of the Nineteenth century, the distinct society has its own political party and its own newspaper, both called *Le Canadien*. This distinct nation openly speaks on behalf of the "Canadian nation". That expression irritates Governor James Craig, who wrote in 1810: