

**PUBLIC OPINION ON
ASYMMETRICAL FEDERALISM:
GROWING OPENNESS OR
CONTINUING AMBIGUITY?**

F. Leslie Seidle
Centre for Research and Information on Canada
and Institute for Research on Public Policy

Gina Bishop
Centre for Research and Information on Canada

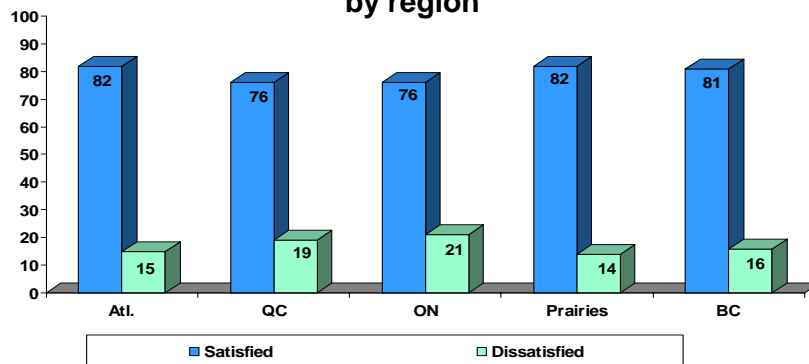
“The question is,” said Alice, “whether you can make words mean so many different things.”

Lewis Carroll, Alice in Wonderland

In politics, words can be used for good or ill; they can help clarify complex public policy issues or baffle even well-informed citizens. At different times and in different contexts, the expression ‘asymmetrical federalism’ has probably performed all of these functions and

In the first section of this article we present public opinion data from autumn 2004 on the Health Accord, including the provisions that apply only to Quebec, and on the question of potential differences in agreements between the federal and provincial governments. In the second section, we explore what may be the roots of many Canadians' continuing antipathy to particular arrangements between the federal government and Quebec by reviewing findings from public opinion surveys since the late 1980s on the attempts to recognise Quebec's distinctiveness in the Constitution and related issues. The analysis suggests that, although the

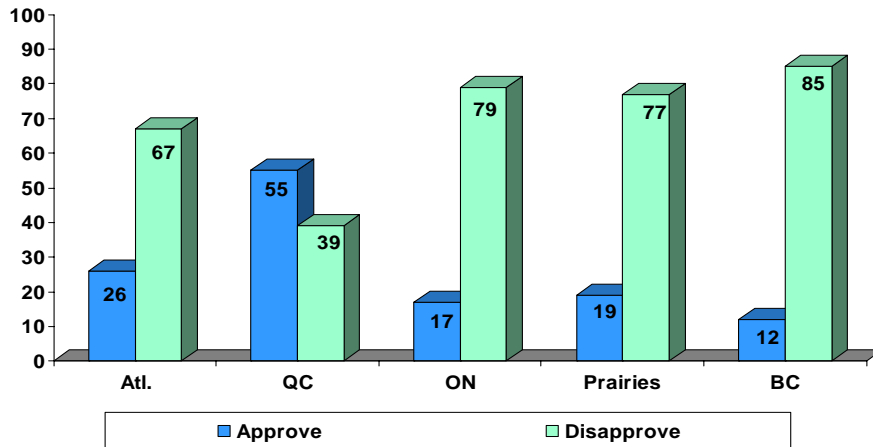
Figure 1: Satisfaction with 2004 Health Care Accord, by region



As you may have heard, Prime Minister Paul Martin and the 10 provincial premiers recently signed an agreement about health care programs and funding. This calls for the federal government to give the provinces 18 billion dollars in new health care funding over the next six years, within a framework of accountability on how this new money is spent by the provinces. From what you know or have heard, are you very satisfied, somewhat satisfied, somewhat dissatisfied or very dissatisfied with this agreement on health care?

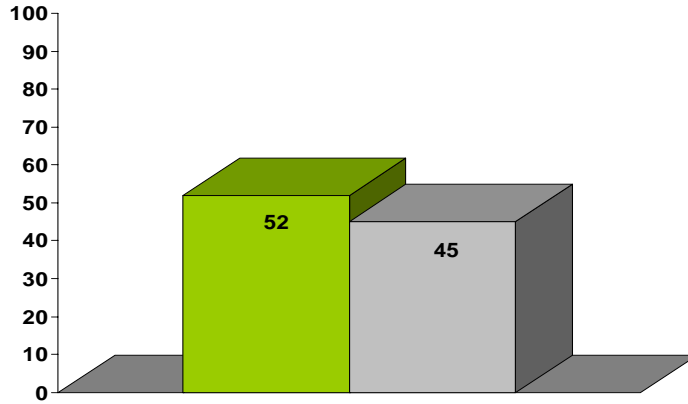
(Source: Environics Focus Canada, Report 2004-3, Q 32)

Figure 2: Approval/Disapproval of Quebec Exemptions in 2004 Health Accord, by region



The agreement exempts Quebec from some of the new provincial requirements for reporting on the use of these health care funds. Do you approve or disapprove of Quebec having exemptions in this new health

Figure 3: Different or Identical Federal-Provincial Agreements? 2004



The CRIC question could be seen as somewhat hypothetical and may have received a more positive response than a question about an actual situation.¹ That said, the results suggest that a majority of Canadians are comfortable with the rather common sense idea that intergovernmental agreements can vary from one province to another. However, it seems that a stronger majority opposes arrangements that apply to Quebec and no other province, particularly if they impose less strict conditions on that province. On the one hand, Canadians seem to be open to asymmetrical arrangements in the abstract. On the other hand, their opposition to what they may see as ‘special’ arrangements for Quebec means there is continuing ambiguity in this regard.

WHY THE ANTIPATHY TO ASYMMETRICAL ARRANGEMENTS FOR QUEBEC?

As various scholars, including Ron Watts and David Milne have noted, there are quite a number of asymmetrical arrangements that apply to Quebec.² Certain ones (sometimes referred to as *de jure*

The distinct society clause was criticized on a number of counts. Some argued that it would allow the Quebec government to limit individual rights -- for example, through measures intended to protect the French language. However, the most resonant argument, which began in earnest with former Prime Minister's Trudeau's stinging critique of the accord in May 1987, was that the distinct society clause would give the Quebec government powers not available to other provincial governments and lead to 'special status' for that province. This argument fed an often-strident public debate that turned on the symbolism of the accord and of the distinct society clause in particular. Patrick Monahan, who was a close adviser to Ian Scott, Ontario's Attorney General during that period, described the division in the views of Canadians as follows:

Within the province of Quebec, the accord came to be seen as a symbol of belonging, acceptance and political distinct-society clause was regarded with suspicion in the rest of the country because it came to be associated with the idea of granting special powers or privileges to the province of Quebec.⁵

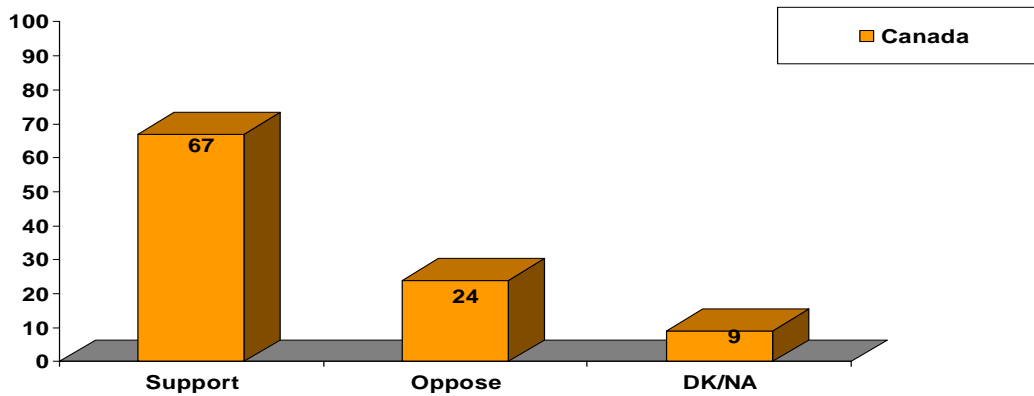
In a 1989 Decima Quarterly survey, 45% of respondents indicated that the biggest problem with the Meech Lake Accord was that it increased the power of the Quebec government.

A more specific criticism of the distinct

However, at their annual conference in Calgary in 1997, all the Premiers agreed on a declaration that was intended to bolster Jean Charest's efforts to defeat the *Parti québécois* in the coming provincial election. The declaration included the statement that "the unique character of Quebec society, including its French-speaking majority, its culture and its tradition of civil law, is fundamental to the well-being of Canada."

The declaration also stated that "if any future constitutional amendment confers powers on one province, these powers must be available to all provinces." In a question in an Environics Focus Canada survey in October 1997, the possibility of a constitutional amendment to recognise the "unique character of Quebec society" was linked to the statement about making any new powers available to all provinces; that formulation was supported by two-thirds of respondents (see Figure 7).

Figure 7: Quebec's Distinct Society and Availability of Powers to all Provinces



Do you strongly support, somewhat support, somewhat oppose or strongly oppose changing the

Commons adopted the following resolution: "that (1) the House recognize that Quebec is a distinct society within Canada; (2) the House recognize that Quebec's distinct society includes its French-speaking majority, unique culture and civil law tradition; (3) the House undertake to be guided by this reality; (4) the House encourage all components of the legislative and executive branches of government to take note of this recognition and be guided in their conduct accordingly."

Support for the concept of the equality of the provinces is implicit in the response to the question referred to above. When asked specifically about that concept in the same Focus Canada survey, 80% of respondents agreed with the statement "All the provinces are diverse in terms of their characteristics, but they all have

Leslie Seidle and Gina Bishop, *Public Opinion on Asymmetrical Federalism:*

government's exercise of its jurisdiction and relations with Ottawa. However, attempts to entrench a label for Quebec's distinctiveness, one that may have allowed it to exercise certain of its powers in somewhat different ways compared to other provinces, have met with resistance. In part, this was based on opposition to the symbolism of the move. More specifically, such attempts were seen as counter to the concept of the equality of the provinces, which is strongly supported in public opinion across the country.

Political leaders, commentators and others rarely tell Canadians that, in practice, asymmetry does not apply only to Quebec. The federal government has immigration agreements with all provinces, but none with Ontario; rules for sharing resource revenues between the federal and various provincial governments vary considerably; Ontario and Alberta (like Quebec) collect their own corporate income tax, whereas Revenue Canada performs this function on behalf of all the other provincial governments. There are further examples in other policy fields, and *de facto* asymmetry could become more common in the future.¹³ For now, though, 'asymmetrical federalism' is associated virtually exclusively with Quebec, and that province's ongoing quest for greater autonomy means that its use in political discourse can often be problematic. In sum, we are not yet at the point where, to use Alice's words, the expression 'asymmetrical federalism' can "mean so many different things."

¹³ For a recent critique of asymmetry, see Allan Gregg, "Quebec's Final Victory," *The Walrus*, 2:1, February 2005, pp. 50-61. Gregg suggests (p. 61) that "providing generalized opt-out options" to all the provinces could lead to "national vivisection." In contrast, Roger Gibbins claims that there was a "muted ... response to asymmetrical federalism" in the wake of the Health Accord because "asymmetrical federalism is not seen as recognizing Quebec's special status, but rather as an option open to all"; see "Asymmetrical more than just a mouthful," October 2004, at http://www.cwf.ca/abcalcwf/doc.nsf/doc/news1_rgib_102204.cm.