A New Approach to the Study of a New Party:
The Bloc Québécois as a Party in Parliament

A Thesis Submitted to the College of

Graduate Studies and Research

In Partial Fulfillment of the Requirements

For the Degree of Masters of Arts

In the Department of Political Studies

University of Saskatchewan

Saskatoon

By

James Cairns

September 2003

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ABSTRACT

Since forming a parliamentary party in 1994, the Bloc Québécois has been interpreted exclusively as the formal federal manifestation of the Québec separatist movement. Although the party's *raison d'être* is well known, less so are its actions in the House of Commons. This thesis begins with two main assumptions: first, traditional characterizations of the BQ are incomplete because they ignore crucial aspects of the party's actual behaviour; second, conventional approaches to the study of new parties in Canada perpetuate the emphasis on the BQ's nationalist ideology.

Taking a new approach to the new party, this is a study of the Bloc Québécois as a party in Canada's Parliament. In order to learn more about the Bloc's performance in the House of Commons and its committees, this thesis examines the Bloc's contribution to debate on the formulation of national policy. Contrary to what might be expected of a separatist party, the following case studies show the BQ contributing willingly and substantively to parliamentary deliberation on a wide array of pan-Canadian issues. Moreover, during debate, Bloquistes are rarely found demanding an independent Québec state; instead, they address legislation brought before the House, promoting a liberal, social-democratic set of values. Far from being a maverick in Parliament, the BQ is a full participant. In fact, Bloquistes enhance the quality of parliamentary debate, and counterbalance the views of the right-wing Reform/Alliance party.

Throughout the thesis the Bloc's surprising parliamentary performance is explained by an analysis of the influence of power and institutions on the actions of political agents. It concludes that by accepting membership in the House of Commons, the BQ has been forced to conform to parliamentary rules and customs. Subsequently, Parliament has limited the party's ability to advocate Québec secession, and has broadened its perspective to consider all matters of national concern.

ACKNOWLEDGEMENTS

DEDICATION

To my family.

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Introduction

This study questions the popular view of the Bloc Québécois as a party devoted solely

to promoting a Québec sovereign state. Although it is clearly a separatist party,

transcripts of parliamentary debate show the BQ contributing substantively to the

formulation of national policy that bears no overt connection to the issue of national

unity. On the whole, the party's comments in the House are devoted to improving

Canadian legislation, rather than demanding Québec be released from confederation.

In the following case studies (which analyze the Bloc's contribution to three

important debates over the past decade), Bloc MPs bring a social-democratic policy

perspective to the House of Commons; they attempt to neutralize the agenda of

Reform and the Canadian Alliance.[1] In light of the Bloc's behaviour in the House, the

study concludes that Parliament has proven to be a nationalizing agency—that

membership in Parliament has forced the BQ to broaden its focus, and, subsequently,

has limited its ability to advocate Québec secession.

The Bloc Québécois was created in 1990 to form "the enveloping wing of the

sovereigntist advance."[2] It is hardly surprising, therefore, that scholars, journalists and

ordinary Canadians interpret the BQ exclusively as the federal manifestation of the

Québec separatist movement; the party's platform and many of its members' speeches

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[1] Because not all necessary records were available in hardcopy, footnotes use time (as opposed to page number) to reference parliamentary interjections. (All documents could, however, be accessed via Internet). This system is, in fact, more precise than citing page numbers, because *Hansard* online is broken into five-minute segments; ten minutes (or more) can fit onto one page of *Hansard's* hardcopy.

[2] Lucien Bouchard, *On the Record*, trans. Dominique Clift (Toronto: Stoddart, 1994), 256.

encourage this preoccupation.[3] "The Bloc Québécois, of course, is universally known to pursue one main objective: to make Québec a sovereign country."[4] For the past two decades, academics and politicians, in particular, have been virtually obsessed with the potential of Québec secession.[5] Indeed, the literature on the preservation of the Canadian union is voluminous, as the federal question stimulates both the emotion of the average citizen as well as the mind of the political scientist.[6] Nevertheless, despite the useful contributions of those who appraise the value of the Bloc's overarching vision, the traditional approach to the BQ provides an incomplete description of the new party: other equally important perspectives remain unexplored.[7] It is not the purpose of this study to engage in the debate on Canadian federalism. The Bloc Québécois is a political party in Parliament—this thesis treats it as such.

The scant academic literature on, and media coverage of the BQ leave many questions unanswered. Moreover, on the rare occasion that they mention the Bloc at all, the tendency of English-speaking academics and journalists is to focus only upon the party's separatist agenda. First, this tendency ignores crucial elements of the BQ's actual behaviour. The description of the new party's actions is distorted.[8] At this

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[3] Richard Marceau's description of his party is typical: "[We are] a party working at the federal level, but based exclusively in Québec… trying to have Québec become an independent country." Richard Marceau, interview by author, tape recording, Ottawa, ON, 12 May 2003. Monique Guay takes pride in her party's success in promoting this conventional characterization: "People know exactly what we're doing here." Monique Guay, interview by author, tape recording, Ottawa, ON, 14 May 2003.

[4] André Bernard, "The Bloc Québécois," in *The Canadian General Election of 1997*, eds. Alan Frizzell and Jon H. Pammett (Toronto: Dundurn Press, 1997), 141.

[5] Richard Simeon, *Political Science and Federalism: Seven Decades of Scholarly Engagement* (Kingston: Institute of Intergovernmental Relations, 2000), 22.

[6] For a thorough (perhaps typical) description of the debate, see Kenneth McRoberts, *Misconceiving Canada: The Struggle for National Unity* (Toronto: Oxford University Press, 1997).

[7] On occasion, political observers have made reference to "broader objectives" of the party. These are never explored in significant detail; rather, they are presented anecdotally, usually consisting of a few sentences within a larger piece on the federalist debate. For an example, see Jean Crête and Guy Lachappelle, "The Bloc Québécois," in *Party Politics in Canada*, 8th ed., eds. Hugh G. Thorburn and Alan Whitehorn (Toronto: Prentice Hall, 2001), 296.

[8] I will follow the lead of Berrington, who abandons the classic term "third party" in favour of using "new party" to describe "all those that have been added to a country's original party system." Thus, in Canada, this label applies to any party that formed after the original two: the Liberal party and the

moment, the Bloc Québécois is one of five recognized federal political parties in Parliament. As such, its role, behaviour, and the challenges it faces generally are very similar, and in many instances identical to that of other parties. The Bloc engages in all aspects of the legislative process: it asks questions of the government; it debates legislation and votes on bills; its individual MPs propose private members' bills. In the absence of a study on the BQ as a party in Parliament, we lack sufficient understanding of the Bloc's contribution to the broader Canadian political landscape.

A second problem is a corollary of the first. Not only do we fail to explain the BQ's contribution to issues of national concern, but also we overlook the very essence of the party itself. Putting its separatist program to one side, we are left wondering: What kind of party is the Bloc Québécois? Although its position on legislation such as the Clarity Bill may be assumed, where does the party stand with respect to issues less conspicuously linked to Québec independence? Even if not particularly useful, well-known policy labels are often attributed to Parliament's four federalist parties. For example, Canada's two original parties are considered "practical brokerage parties," occupying the centre of the political spectrum;[9] the Canadian Alliance and the Reform party have been said to espouse "social conservatism."[10] The NDP has long been cast as the party of the left, representing the interests of unions and minority groups. Where does the Bloc fit into this parsimonious scheme? How does one characterize its policy position? Our ignorance is remarkable, given that the BQ formed the official opposition from 1994 to 1997, and continues to occupy thirty-four seats in the House of Commons (representing close to half of Québec's constituencies).

Conservative party. See Hugh Berrington, "New Parties in Britain: Why Some Live and Most Die," *International Political Science Review* 6, no. 4 (1985): 441.

[9] John McMenemy, *The Language of Canadian Politics: A Guide to Important Terms and Concepts*, rev. ed. (Waterloo: WLU Press, 1995), 15.

[10] Richard Sigurdson, "Preston Manning and the Politics of Postmodernism in Canada," *Canadian Journal of Political Science* 27, no. 2 (June 1994): 249.

Moreover, in light of knowledge gained from answers to earlier questions, are there general observations to be made about the relationship between the BQ and the institution of Parliament? Let us not forget that the two share an interesting history. Bouchard's 1990 mid-summer journey reminds us that the Bloc—Ottawa's ultimate rebel—was born in the very city from which it longs to be exiled. Yes, the new party was built upon Québec nationalist ideology, but it was built within the walls of Parliament. Although the BQ projects a strongly separatist image during election campaigns, does it maintain the same degree of intensity during House debate?

It is paradoxical that a party committed to separatism has participated for the past decade—and has participated substantively, as this thesis shows—in the formulation of conventional national policy. Because Parliament is the institution within which laws are debated and created—not a forum to facilitate a perpetual discussion on the separation of Québec—it seems reasonable to assume that the BQ spends the vast majority of its time in the House of Commons debating issues that have nothing to do with Québec independence. Even Bouchard acknowledged the inherent tension of a separatist party in a federal parliament;[11] and whether or not its first leader was indeed "working for federalism,"[12] the Bloc certainly works within it. The combination of its origins, objectives, and surroundings make the BQ a new party like no other. Yet analysts who study the party only as an actor in the federalist debate inevitably ignore this crucial paradox surrounding the Bloc's place in Ottawa.[13]

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[11] Susan Delacourt, "Bloc plans to defend safety net," *Globe and Mail*, 13 January 1994, A1.
[12] Cited in Alain Noel, "Distinct in the House of Commons: The Bloc Québécois as Official Opposition," in *Canada: The State of the Federation*, eds. Douglas M. Brown and Janet Hiebert (Kingston: Institute of Intergovernmental Relations, 1994), 25.
[13] *Globe and Mail* reporter, Daniel Leblanc, says of Bloc MPs: "They don't want to be [in Ottawa]; they don't want to exist, but they don't have a choice." Daniel Leblanc, interview by author, tape recording, Ottawa, ON, 12 May 2003. Regardless of this observation, the fact remains: Bloquistes are in Parliament, and continue to be after more than ten years.

New-Party Study in Canada

That the literature on new parties in Canada is extensive is indisputable. The interesting and disputable question is why have new parties garnered so much attention? First, it is important to note that many new parties in Canada were created as vehicles to express regional discontent.[14] Considering that political scientists give a privileged position to this phenomenon, their emphasis on its incarnation in federal elections is no surprise.[15] Also, it is reasonable to assume that the study of new parties appeals to an abstract human fascination with the abnormal. For centuries, artists, authors, playwrights and filmmakers have all demonstrated a propensity to devote their work to the anomalies of human existence. Simply put: New parties are interesting because they are different. The analytical approaches used in research on the BQ are consistent with the dominant trends in Canadian new-party study. Unfortunately, the anatomy of such approaches contributes to the fixation upon the party's secessionist plan.

In Canada, new-party literature can be divided into two categories. Despite the obvious differences between the two approaches, they should not be conceptualized as watertight compartments. In practice, elements of each can be (and often are) found in both. Nevertheless, the categories provide a useful framework for studying the literature on new parties in Canada.

Self-contained studies generally tend to be descriptive and historicist (rather than speculative). Most self-contained studies resemble stories, as they are organized in chronological rather than thematic fashion. Self-contained studies emphasize the circumstances within which the new party was formed (and when applicable, those

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[14] Seymour Martin Lipset, "Third Parties and Social Movements," *Dialogue* 5, no. 2 (1972): 7.
[15] Simeon claims that in the 1970's, "regionalism joined dualism as the primary cleavage in Canadian political life." Simeon, *Federalism*, 20.

that caused it to dissolve), specific individuals (especially party-leaders), electoral results, and other internal party issues. Morton's work on the Progressive party is a classic example of the self-contained approach.[16] The book "gives an admirable account of the origins and development [of the party's two main factions]… their early triumphs, and their ultimate collapse."[17] In his study of the United Farmers of Alberta, Betke's approach is similar to Morton's. He lists grievances of farmers during the 1920s and 1930s and explains how they were embodied in a political party.[18] In their analysis of another new party's ideology (that of Social Credit), Flanagan and Lee also use a self-contained approach.[19] As the title of his sociological study suggests, Maurice Pinard considers the unexpected growth of "an extreme right-wing party" in Québec, in his attempt to define the conditions that cause "the rise of a third party." Employing what UC Berkeley Professor Neil J. Smelser calls "*empirical imaginativeness*", Pinard "presents an analysis… of the political, economic, social, and psychological forces which accounted for the emergence of Social Credit in Québec."[20]

Broader-impact studies, the alternative approach to studying new parties in Canada, explain a new party's influence on some larger phenomenon. For this reason,

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[16] W.L. Morton, *The Progressive Party in Canada* (Toronto: University of Toronto Press, 1950).
[17] Eugene Forsey, review of *The Progressive Party in Canada*, by W.L. Morton, *Canadian Journal of Economics and Political Science* 17, no. 2 (May 1951): 257. Forsey's comments were extremely critical of Morton's grasp of parliamentary history (referring to parts of the work as "unadulterated nonsense"), but in the end, he concluded the book "remains a valuable contribution to Canadian political and social history."
[18] Carl F. Betke, "The United Farmers of Alberta 1921-35," in *Riel to Reform: A History of Protest in Western Canada,* ed. George Melnyk (Saskatoon: Fifth House Publishers, 1992), 162-81.
[19] Thomas Flanagan and Martha Lee, "From Social Credit to Social Conservatism: The Evolution of an Ideology," in *Riel to Reform: A History of Protest in Western Canada,* ed. George Melnyk (Saskatoon: Fifth House Publishers, 1992), 182-97. The authors argue that just as a religious millenarian movement is forced to realign its theory after a prophecy has failed, so too the Alberta Social Credit party's inability to solve the economic problems in that province within eighteen months of forming government (which Aberhart had promised) forced the leaders to reorient "the ideology away from futuristic expectation of sweeping economic change towards the conservative goal of defending the free market."
[20] Maurice Pinard, *The Rise of a Third Party: A Study in Crisis Politics* (New Jersey: Prentice Hall, 1971), ix.

they tend to be organized thematically rather than chronologically. Broader-impact studies focus on the same variables as do self-contained studies, but with the intention of making generalizations about something *other* than the new party. For example, Carty, Cross, and Young study the effect of new parties on the national party system. The authors argue that one effect of vibrant new parties in Canada has been to decrease the proportion of the popular vote needed to gain representation in the House of Commons. This has caused all parties to abandon nationally focused election campaigns and instead, to "target" their message in specific ways to specific segments of the electorate. The authors conclude: "The continued presence of the Canadian Alliance and the Bloc means that party recognition will continue to be fractured by region."[21] Using the 1997 election results as evidence to "confirm that the [regional] tensions described by Smith have only gotten worse," Tanguay's work supports the claim of Carty et al.[22] In her book on the CCF/NDP, McDonald argues that although the new party has never formed the government in Ottawa, it has occasionally demonstrated the ability to significantly affect national policy.[23] Murray Dobbin's broader-impact approach is comparable to McDonald's in that it analyzes the effect of a new-party's policy, but Dobbin's work on the Reform party is speculative, whereas McDonald's is historical.[24]

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[21] R. Kenneth Carty, William Cross, and Lisa Young, *Rebuilding Canadian Party Politics* (Vancouver: UBC Press, 2000), 28.

[22] Brian A. Tanguay, "Canada's Political Parties in the 1990s: The Fraying of the Ties that Bind," in *Canada and the State of the Federation 1998/99: How Canadians Connect*, eds. Havey Lazar and Tom McIntosh (Kingston: Institute of Intergovernmental Affairs, 1999), 218.

[23] Lynn McDonald, *The Party that Changed Canada: The New Democratic Party Then and Now* (Toronto: Macmillan of Canada, 1987).

[24] Murray Dobbin, *Preston Manning and the Reform Party* (Toronto: James Lorimer and Company Publishers, 1991). After examining the Reform party's platform, Dobbin is able to make several generalizations about how a Reform government *might* affect the Canadian political landscape (transfer medicare to the provinces, create a Triple-E Senate, increase tensions with Québec, impose parliamentary reforms, etc.).

Broader-impact studies treat parties as means by which to arrive at ends (explaining larger phenomena); self-contained studies treat new parties as ends in themselves.

Despite the dearth of English-language literature devoted solely to the Bloc Québécois, it is false to state that the party has been completely ignored over the past decade. In the traditional style of self-contained projects, Manon Cornellier traces the chronological progression of the Bloc Québécois from Bouchard's resignation from the Mulroney Government to the period just before the Québec referendum.[25] The book provides insight into the BQ's first years in Parliament, but is concerned more with the internal composition of the party (objectives, executive, candidates, internal problems, etc.) than with its effect on the broader political landscape.[26] André Bernard's self-contained contributions to *The Canadian General Election* series are invaluable for a clear exposition of the BQ's campaign strategy during the last three federal elections.[27] Not only do his essays foster a better understanding of the party's campaign techniques and goals, they also provide the reader with useful empirical data.[28] It is worth noting that although he expresses uncertainties about the future of the party in his article of 1997, Bernard interprets the results of the 2000 election as a

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[25] Although Manon Cornellier's book, *The Bloc*, was originally written in French, it was translated and published in English; thus, it is applicable to my research, which is devoted to the Bloc in Parliament.
[26] Despite my inclination to place this study in the first category, strong elements of the broader-impact approach are evident, especially in the chapter entitled The Bloc's Program. In this chapter, Corneillier emphasizes the BQ's ability to represent "the whole ideological spectrum… [possessing] left-leaning MPs such as Francine Lalonde and Gilles Duceppe [and] more conservative ones such as Nic Leblanc and Pierrette Venne." Manon Corneiller, *The Bloc*, trans. Robert Chodos, Simon Horn, and Wanda Taylor (Toronto: Lorimer, 1995), 116. At the present moment, neither Leblanc nor Venne remain BQ members; Duceppe is now leader, and Lalonde sits beside him in the front benches of the House.
[27] André Bernard, "The Bloc Québécois," in *The Canadian General Election of 1993*, eds. Alan Frizzell, Jon H. Pammett, and Anthony Westell (Ottawa: Carleton University Press, 1994), 79-88; Bernard, "The Bloc Québécois," 1997, 135-48; André Bernard, "The Bloc Québécois," in *The Canadian General Election of 2000*, eds. Christopher Dornan and Jon H. Pammett (Toronto: The Dundurn Group, 2001), 139-48.
[28] Two examples serve to illustrate the breadth of information in Bernard's work. In his article on the general election of 2000, Bernard shows how the BQ lost a particular riding because voters there who had traditionally cast ballots for the Conservatives turned to the Liberal party in the absence of a PC candidate (p. 141). With statistical data, he shows that the BQ is a "highly educated and, as a whole, clearly community-oriented" party (p. 143).

signal of the Bloc's stability.[29] In fact, he argues that those results may disprove

Corneillier's thesis that the Bloc is "a movement bound by its veneration for its

leader."[30] Crête and Lachapelle's work on the Bloc resembles self-contained new

party studies like Morton's and Betke's. Telling the BQ's story, the authors organize

the piece into four major sections: context, organization, leadership, and voters.[31]

Scholarly broader-impact studies on the BQ share a common trait with self-

contained ones: they treat the party exclusively as the federal organ of the movement

for Québec sovereignty.[32] The Canadian media also stress the separatist dimension of

the BQ. Although it is to be expected that articles on the referendum of 1995,[33] or

those that appeared once the party raised the issue of Québec secession in the

international arena,[34] would focus on the BQ's nationalist ideology, journalists have

become so preoccupied with the national unity debate that they neglect to thoroughly

consider the Bloc's arguments on other important national issues. It is as if the BQ is

fundamentally different from the other parties in Canada's Lower House, its policy

perspective being somehow tainted by its separatist dream. Even some journalists

have noted the effect of their preoccupation: "The sad thing… is that when [Bloc

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[29] Bernard, "The Bloc Québécois" (2000), 139.
[30] Bernard, "The Bloc Québécois" (2000), 146.
[31] Crête and Lachapelle, "The Bloc Québécois," 292-301.
[32] See Keith Archer, Jennifer Stewart and Lisa Young, introduction to *Regionalism and Party Politics in Canada*, eds. Keith Archer and Lisa Young (Don Mills: Oxford University Press, 2002), 1-6; Canadian Study of Parliament Group, *It's Awfully Crowded in Here: Adjusting to the Five-Party House of Commons* (prepared by David Docherty, no. 2, October 1998); Barry Cooper, "Regionalism, Political Culture, and Canadian Political Myths," in *Regionalism and Party Politics in Canada*, eds. Keith Archer and Lisa Young (Don Mills: Oxford University Press, 2002), 92-111; William Cross, "The Increasing Importance of Region to Canadian Election Campaigns," in *Regionalism and Party Politics in Canada*, eds. Keith Archer and Lisa Young (Don Mills: Oxford University Press, 2002), 116-128; Alexandra Dobrowolsky, "Political Parties: Teletubby Politics, The Third Way, and Democratic Challenge(r)s," in *Canadian Politics in the 21st Century*, eds. Michael Whittington and Glen Williams (Scarborough: Nelson, 2000), 131-58; McRoberts, *Misconceiving*; Livianna Tossutti, "Regionalism in an Age of Globalization," in *Regionalism and Party Politics in Canada*, eds. Keith Archer and Lisa Young (Don Mills: Oxford University Press, 2002), 222-41; Robert A. Young, *The Secession of Québec and the Future of Canada* (Montreal: McGill-Queen's Univeristy Press, 1995).
[33] Lysiane Gagnon, "A misinformed Chrétien rides to the rescue of the sovereigntists," *Globe and Mail*, 24 September 1994, A3.
[34] Graham Fraser, "Bouchard Carries "S" Word to U.S.," *Globe and Mail*, 2 March 1994, A3.

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MPs] do make an interesting argument [in Parliament] about some issue of social policy, it tends to be ignored by the English media… because we tend to be focused purely on sovereignty and not on matters of policy."[35]

By contrast, writing almost ten years ago, Alain Noel eschews this preoccupation and offers an alternative perspective. As the title implies, his essay, "Distinct in the House of Commons: The Bloc Québécois as Official Opposition," is one example of an exception to the general trend of BQ broader-impact studies.[36] Although Noel does not resist the temptation to retell the story of the rise of the BQ, he eventually makes several original observations about the Bloc's effect on the broader political landscape. Reflecting upon the party's first months in opposition, Noel cites BQ support for "universal social programs, the elimination of family trusts and business loopholes, and the pursuit of Canada's peacekeeping effort in Bosnia" as evidence to support his observation that "the Bloc cast itself as a party that would defend policies valued by all Canadians."[37] Indeed, Noel concludes that in the months following the general election of 1993, the BQ "stood closer to traditional Canadian values and policies than did the Reform party."[38] Noel's thoughts are intriguing; however, they warrant further exploration because they were made only months after the BQ occupied the opposition benches. A new study of the new party is justified not simply by the years that have elapsed since Noel's publication, but because over the past ten years, the Bloc has further revealed its character through its actions in the House of Commons.

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[35] Anthony Germain, interview by author, tape recording, Ottawa, ON, 12 May 2003. For another example of how the Bloc's "crusade for sovereignty" forces issues that extend beyond Québec's borders to be viewed from the perspective of national unity, see Susan Delacourt, "Variation on a native theme," *Globe and Mail*, 31 January 1994, A5.
[36] Noel, "Distinct," 19-35.
[37] Noel, "Distinct," 25.
[38] Noel, "Distinct," 25.

Method

Assuming that the focus of conventional approaches to the BQ is too narrow, what kind of project will reveal lesser-studied elements of the party? At first glance, the self-contained study seems the preferred option—the primary subject of this study is, after all, a political party. As previously noted, however, this approach explores only a party's basic features. And while it is as important to understand the history of a new party as it is to understand that of any political institution, the fact remains: observers were grappling with the promotion of Québec secession (that is, the Bloc's *raison d'être*) well before Bouchard crossed the floor. A study that transcends traditional interpretations of the BQ must do more than explain the creation of the new party and its subsequent growth. The reason the separatists descended upon Ottawa is well known; less so are their actions since arriving. Thus, although the object of this thesis is to study a political party, in this quest the self-contained approach is not an entirely satisfactory analytical tool. Unfortunately, weaknesses are also found in its alternative: broader-impact studies explain the contribution of a new party to some larger political phenomenon, but again, the object of study in this thesis is the party itself. Moreover, because the Bloc was founded on a promise to bring about specific change (that is, to facilitate Québec's withdrawal from confederation), invariably, analysts only evaluate the Bloc's impact on the unity debate. Of course, the BQ would have it no other way. Hence, when each is used to the exclusion of the other, the self-contained and broader-impact studies tend to give prominence to the BQ's nationalist ideology.[39]

In light of these constraints and in order to better understand the nature of the Bloc Québécois (as an end in itself), the thesis will examine its contribution to debate

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[39] The former by focusing on the party's creation; the latter by assessing only its broader impact on the Canadian union.

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on three pieces of legislation adopted during the past decade (that is, assessing the party in relation to a larger phenomenon). Thus, because there are advantages to both traditional approaches to new-party research, this study is a hybrid of the two. At first glance, this framework may appear to mimic that of C.B. Macpherson in his study of Social Credit in Alberta. Although it is true that Macpherson's intent was to explain Social Credit as a movement, as well as its impact on the provincial party system (thus using both conventional means by which new parties are analyzed), his book aggregates rather than integrates the two approaches. In his introductory remarks, Macpherson reveals that the main object of his research is to account for developments in Alberta's party system: "The reader will find… a rather fuller account of the English social credit doctrine and movement than would have been appropriate in this volume had there been any comprehensive account already available."[40] In the absence of information on Social Credit, the author is compelled to present his own. But after describing Social Credit's political theory, Macpherson moves on to his main task, which is to discuss its broader implications for the existing party system. So while both self-contained and broader-impact approaches are found in this classic work of Canadian political science, each is isolated from the other.

By contrast, in this study of the BQ, both approaches are used simultaneously. One purpose of the thesis is to describe the Bloc's contribution to parliamentary debate, for example, its behaviour in Parliament, its members' speeches, its voting record—in short, its influence on national policy formulation. The reader will note the resemblance here to a typical broader-impact analysis. However, there is another element to this study. Throughout the thesis, these observations are viewed as examples of the party *qua* party. In other words, as aspects of the Bloc's character are

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[40] C.B. Macpherson, *Democracy in Alberta: Social Credit and the Party System*, 2nd ed. (Toronto: University of Toronto Press, 1953), xii.

revealed through a review of its actions in Parliament, the thesis asks: What do these observations suggest about the BQ as a parliamentary party?

An analogy to the work of Hannah Arendt is useful in explaining the fundamental assumption of this hybrid approach. Arendt argues that it is impossible for anyone to fully explain who he or she is to their fellow humans. Although one's "who" (or true nature) is related to the actor's own self-image, it is not identical to it.

> This disclosure of "who" in contradistinction to "what" somebody is—his qualities, gifts, talents, and short-comings, which he may display or hide—is implicit in everything somebody says and does. It can be hidden only in complete silence and perfect passivity, but its disclosure can almost never be achieved as a wilful purpose, as though one possessed and could dispose of this "who" in the same manner he has and can dispose of his qualities.[41]

Only by acting in the political public space are we are able to disclose our true character: "Identity is 'revealed' through speech and action."[42] Just as the "who" of each human can only be revealed by action, so must the actions of a political party be similarly assessed to understand it fully. It should be stressed that this reference to Arendt is not a literal application of her work but an analogy to it. Arendt was concerned with the individual; here the focus is on a political party. None the less, Arendt's theory of self-disclosure helps to explain the new approach to the BQ.

Thus, because traditional interpretations of the Bloc neglect to consider crucial dimensions of its activity, a more complete description of the new party demands that its performance in Parliament be examined. But how can a decade's worth of speeches, motions, questions, private members' bills, and other interjections be interpreted within the confines of one thesis? The answer is straightforward: limited time and resources make it impossible to assess the Bloc's contribution to every important national issue of the past ten years. Any other approach is impracticable.

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[41] Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: The University of Chicago Press, 1998), 179.
[42] John McGowan, *Hannah Arendt: An Introduction* (Minneapolis: University of Minnesota Press, 1998), 64.

Nevertheless, just as we need not know the exact coordinates of every star to sketch the sky at night, we can comment on specific elements of the Bloc without producing its definitive biography.

Parliamentary proceedings are varied. This leaves the analyst to decide upon which elements to focus, knowing that every survey of a single feature encounters unique obstacles, and none is impervious to criticism. For example, while question period "is a time of excitement… the main topics [of which] are often those on the front pages of the major newspapers,"[43] the sheer number of questions poses a problem for the researcher; since 1993, the BQ has asked the government several thousand questions. Because they allow the Bloc to control the topic of debate, opposition supply motions are of great interest to the researcher; but, in contrast to oral questions, it is difficult to derive generalizations from these motions due to their scarcity (only a few dozen since the Bloc's inception).[44] Private members' bills are interesting, but as the name implies, they are introduced at the behest of a single MP, and thus do not necessarily reflect the party's program.

Because this thesis sets out to assess the Bloc's contribution to deliberation on national policy, the decision was made to examine debate on government bills. After all, the primary function of the House of Commons is to debate and pass legislation, and the parliamentary system provides great power to the government in deciding which bills will be given close scrutiny, in effect, which bills become laws. Although it is often said that "three is a magic number", the decision to examine three debates

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[43] C.E.S. Franks, "The 'Problem' of Debate and Question Period," in *The Canadian House of Commons: Essays in Honour of Norman Ward*, ed. John Courtney (Kingston: McGill-Queen's, 1985), 5.
[44] That being said, simply reviewing the titles of these motions demonstrates the party's myriad policy projects. Of the sixty-two Bloc supply motions introduced between February 1994, and December 2002, five contained the word "Québec" in the title; the word appeared in the actual text of the motions an additional eleven times. (By comparison, four titles included the word "women". For example, one title read: Economic Equality of Women.)

was not made easily. While a study of the Bloc's contribution to one debate alone

may be thorough, it is vulnerable to the charge that its data are anomalous. Two case

studies are left exposed to similar attacks: Do similarities between cases suggest

overall trends? Do differences negate that possibility? Furthermore, a set of two

encourages narrow comparison, and because this study attempts to make general

observations, it requires more information. The problem with examining four or more

cases in a thesis of this size is that detail would fall victim to girth. Three debates

provide the researcher with a broad base of information yet sufficiently focused so

that each may be rigorously analyzed.

The following criteria were used to determine which debates would be studied.

First, each bill shares one common trait: none deals explicitly with the preservation of

the Canadian union. (This requirement disqualified only a small portion of legislation

passed since 1993. Remember: creating effective public policy—not daily tinkering

with the constitution—is Parliament's main function.) Second, in order to widen the

scope of the analysis to the greatest extent, effort was devoted to ensuring that

legislation related to three different policy areas—domestic socio-economic policy,

domestic justice policy, and international affairs. Finally, although the time that

elapsed between the introduction of the three bills varies, each was read during a

different sitting of Parliament. The scope of the analysis may not be exhaustive since

case studies discourage sweeping generalizations; nevertheless, trends and recurring

themes do arise.[45] Because it approaches the BQ from a different perspective, the

thesis will fill a lacuna in the literature. In examining the contribution of the Bloc to

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[45] See Kathleen M. Eisenhardt, "Building Theories from Case Study Research," *Academy of Management Review* 14, no. 4 (1989): 532-50.

national policy, the project contributes to a genre of new-party study that has gone largely unexplored.[46]

At the same time as the thesis focuses on patterns in the Bloc's policy agenda, there is another secondary theme: the virtual absence of secessionist rhetoric in the speeches of Bloc MPs. Although references to Québec sovereignty arise, they are episodic and rarely well developed. How could they be otherwise if the BQ honours its choice to function within the boundaries of the national legislature? "Political institutions define the framework within which politics takes place."[47] Parliament shapes political action. Like the other parties in Parliament, the behaviour of the Bloc Québécois is informed by the topic of debate.[48] During an interview in 1997, former BQ leader Michel Gauthier affirmed the Bloc's *raison d'être*: "From the outset, we were founded to disappear after one election."[49] However, sound as Gauthier's logic may be, it fails to change the fact that while the party awaits an opportunity to aggressively promote Québec independence—an opportunity that rarely arises during deliberation on national policy—in Parliament the BQ continues to address all issues that come before the House.

But this performance was not predicted. Thus, from a different level of analysis, the thesis addresses the questions: What explains the Bloc's surprising behaviour? Why do Bloquistes speak for all Canadians on all matters of national interest? In the tradition of political scientists who note that "political actors are driven by institutional duties and roles as well as, or instead of, by calculated self

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[46] Robert Harmel, "On the Study of New Parties," *International Political Science Review* 6, no. 4 (1985): 415. It needs to be emphasized again that this is a study of a new party; and for that reason, the author's limited capacity in French has not proven a liability to research—parliamentary transcripts are printed in both official languages.
[47] James G. March and Johan P. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York: The Free Press, 1989), 18.
[48] Looked at from a different angle, by its choice to act in accordance with Parliament's rules and customs, the Bloc reinforces the status quo; it reinforces the legitimacy of existing institutions.
[49] "Bloc Québécois' Last Term?," *The Ottawa Letter* 23, no. 76 (1997): 776.

interest,"[50] this thesis argues that the Bloc's behaviour is a product of its place in Parliament. The acquisition of power in the House of Commons has led the BQ to conform to its rules and customs—both official and unwritten. Thus, the party's advocacy of secession is restricted, and its narrow intentions are broadened as a consequence of accepting the roles and responsibilities that accompany membership in Canada's Parliament.

Organization

Chapter II deals with socio-economic policy in Canada by discussing the BQ's participation in the debate on Bill C-12, the *Employment Insurance Act* (1996 – 35th Parliament). It also comments on the Bloc's role as Canada's official opposition, and compares its decision to participate in Parliament with the performance of another separatist party, the Irish Home Rule party.

As part of the Liberals' concerted effort to rein in spending, C-12 established stricter conditions for unemployed Canadians seeking government assistance. The chapter argues that by defending certain groups—namely seasonal workers, the working-poor, single parents, and welfare recipients—the Bloc reveals a key feature of its policy priorities. In contrast to members of the Reform party, whose arguments were framed primarily in fiscal terms (that is, that the bill failed to address the monetary strain on government and businesses caused by the wide-ranging program), BQ members were concerned with the social ramifications caused by the changes to the insurance scheme. Admirably fulfilling their new and to many observers ironic, role as Her Majesty's Loyal Opposition, Bloquistes fought changes to the benefits plan, encouraged the government to eliminate the cap on maximum insurable earnings, and demanded that low-income wage earners as periodically defined, be

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[50] March and Olsen, *Institutions*, 159.

exempt from paying employment insurance (EI) premiums. The chapter concludes that the BQ's unique dual role during the 35th Parliament—officially representing Québecers as well as citizens across Canada—had an indelible effect on its future perspective.

Chapter III deals with domestic justice policy—specifically, the Bloc's response to Bill C-36. During debate on the *Anti-Terrorism Act* (2001 – 37th Parliament), Bloquistes argued that individual rights must not be compromised to ensure greater national security. Although it supported the bill in principle and voted with the government at second reading, the party rejected the final draft after being unable at the committee stage to amend its provisions. Again, a distinction between the positions of the BQ and the Canadian Alliance is evident: Bloc members claim the bill goes too far, and trades rights for security; Alliance MPs maintain it fails to go far enough. This chapter suggests that in some instances, the severity of a policy issue can supersede the Bloc's demands for an independent Québec.

In Chapter IV, the discussion turns to the Bloc's role in shaping Canadian foreign policy. Praising the government's decision to join the International Criminal Court, and voting in favour of the *Crimes Against Humanity and War Crimes Act* (1999 – 36th Parliament), the BQ suggests Canada should adopt even more innovative provisions to fight war criminals. However, the Bloquistes' enthusiasm for the principle of the *Rome Treaty* was equalled by their criticism of the process by which it was adopted. Subsequently, Daniel Turp, MP for Beauharnois—Salaberry, introduced a private members' bill that would force international treaties to be considered by Parliament prior to their being signed by Canadian officials. As in the two previous debates, the Bloc acts as a counterbalance to the position of the Canadian Alliance. While a bill like C-19 may be considered a "worst-case scenario" for a party

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attempting to distance itself from Canada (because it stresses the Canadian nation as an indivisible whole, and creates a unified position to share with other countries), in Parliament such instances may be unavoidable. In any case, non-governing parties have minor influence on the legislative agenda.

The concluding chapter discusses the case studies with a view to developing themes to explain the BQ's behaviour. After assessing the contribution of the Bloc to debate on these three pieces of legislation it is clear that there is more to the BQ than advocacy of Québec independence. During debate on these bills, the BQ espouses "traditional" Canadian social-democratic values, promoting individual rights, while favouring an active role for the state in supporting vulnerable groups, and ensuring freedom and equality for citizens across the country. Thus, the BQ performs a valuable policy role on the opposition side of the House, if only because the polarity between the perspectives of Bloc and Reform/Alliance MPs raises the level of debate. In further contrast to the Reform/Alliance (whose name at birth revealed that movement's aspirations), the Bloc is found defending Parliament's traditions and deploring "the lack of respect being shown at times for our parliamentary system."[51] The Bloc Québécois—the party which some critics accuse of "try[ing] to nullify the Canadian Constitution"[52]—is revealed to be a defender and advocate of the country's national legislature.

Conclusion

Once again, descriptions of the Bloc Québécois (by scholars and in the national media) are familiar: they universally concentrate on how the party is fundamentally different from the other parties in the House of Commons. Even its name—it is a

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[51] House of Commons, *Debates*, 25 November 1998, 18:05 (Stéphane Bergeron).
[52] House of Commons, *Debates*, 8 June 2000, 18:05 (Marlene Jennings).

bloc, as opposed to a party—encourages this distinction.[53] The band of separatists in

Ottawa is an extension of a movement, "required in order to help the Parti Québécois

in its endeavours."[54] It grew out of a "nonaligned group."[55] Its first representatives in

Parliament were "independent MPs who were united by a common purpose."[56] In

1996, editorial staff at the *Globe and Mail*, intoxicated by the excessive unity debate,

called the BQ, "sappers sent to invest Parliament Hill in advance of the Québec

referendum." They accused the Bloc of always having been "a one-issue party, and

[suggested that] the last referendum having been lost and the next one postponed to

some indefinite future, it is now a no-issue party."[57] Parliamentary expert David

Docherty has claimed that "removed from the problem of Québec sovereignty, their

ability to be a productive opposition party remains questionable."[58]As support for

sovereignty appears to soften, journalists predict the Bloc's "slow slide toward

irrelevance."[59]

Yes, the Bloc differs in some ways from other parties in Canada, but then, do

all parties not have their own unique history? By reviewing parliamentary transcripts,

this thesis finds that contrary to what might be expected of a "one-issue party"—the

self-described "federalist wing of the sovereigntist advance"—there are striking

similarities between this alleged maverick and its parliamentary partners. Like the

Liberal and Conservative parties, the Canadian Alliance and the NDP, the BQ is a

party in Parliament. In fact, the Bloc's strong commitment to liberal, social-

democratic values enhances the quality of parliamentary debate. While the work of

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[53] The Canadian Alliance also uses nomenclature to avoid being lumped together with the three older parties.
[54] Bernard, "The Bloc Québécois" (1997), 146.
[55] Cornellier, *Bloc*, 24.
[56] Cornellier, *Bloc*, 31.
[57] Editorial, "What opposition," *Globe and Mail*, 15 April 1996, A16.
[58] Canadian Study of Parliament Group, *Crowded*, 19.
[59] Germain, interview by author.

Canadian academics and journalists who focus only upon the Bloc's nationalist ideology is important—indeed, the federalist debate is as fascinating as it is contentious—this study assesses the BQ from a different angle. Contrary to the black and white description of federal politics as they concern Québec, the field of politics consists of numerous shades of grey.[60] This thesis demonstrates the Bloc Québécois' substantive involvement in parliamentary deliberations on national policy, and explains the contribution that institutional roles and responsibilities have made to drawing the separatist party into this pan-Canadian process.

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[60] Indeed, rather than terminate debate on the BQ's identity, this study suggests that deliberation has just begun. Future studies that analyze different debates, or, the Bloc's behaviour in different elements of parliamentary proceedings altogether, will help develop an even clearer picture of the party. Research on the Bloc as a parliamentary party should also extend beyond its place in the House of Commons. A study devoted to assessing the perceptions of constituents in ridings represented by Bloc MPs would be especially valuable. Possible research questions might include: Do separatists feel well represented by Bloc MPs? Are they satisfied with the way their message is promoted in Parliament? Is there a demand for greater use of obstructionist tactics in the House in order to further the movement? Do separatists prefer energy be devoted to improving (rather than blocking) legislation? Comparative analyses of separatist groups in other countries would be useful in this regard.

CHAPTER II

THE BQ AND BILL C-12: THE *EMPLOYMENT*

INSURANCE ACT

Introduction

The first example of the Bloc Québécois as party in Parliament examines its role in

shaping domestic socio-economic policy. The chapter begins by discussing the results

of the 1993 general election, and the tension caused by a separatist party forming

Canada's loyal opposition. The second section introduces the legislation to be

analyzed in this case study, and explains in what ways Bill C-12 proposed to change

the unemployment insurance benefits scheme. In section three, the focus turns to the

Bloc's critique of these reforms. The fourth section incorporates earlier points into a

broader discussion about the influence of power and institutions (in this case, the

institution of parliament) on political action. It suggests that the Bloc's self-image

(and subsequently, its behaviour) was altered by its 1993 decision to accept the role

and responsibilities of the official opposition. Although it is true that any party

speaking in the House of Commons speaks on behalf of the Canadian people, the

BQ's dual role—representing both separatists and all Canadians—was explicit during

years it sat to the Speaker's immediate left. Examining the party's contribution to

debate on Bill C-12 challenges those who depict the Bloc as a threat to the Canadian

polity. On the contrary, from a policy perspective, debate on the *Employment*

Insurance Act benefited from the Bloc's participation.[61]

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[61] Anthony Germain (host of CBC Radio's *The House*) agrees: "Where I think you can argue the Bloc
has played a good role—and I think this should be irrespective of where you sit on the political
spectrum—is, I think, it has been a more effective voice for the left in Canada than the New Democrats
have been." Germain, interview by author.

Consequences of the 1993 General Election

A recent publication by three Canadian political scientists argues that the general election of 1993 resulted in a realignment of the party system in Canada.[62] The Liberals swept into power, winning every contest in Ontario; the Progressive Conservatives were virtually vanquished.[63] Two new regional parties—the Bloc Québécois (running candidates only in Québec) and the Reform party (winning seats only west of Ontario)—markedly improved their representation in the House of Commons; they became the second and third parties, respectively. The Conservatives and New Democrats suffered serious losses, but because both maintained a sizable share of the popular vote, and in light of their reputations as established parties, neither was presumed to be about to depart from the national political scene. Parliament now housed five significant political parties. While still reeling from the shock of having to digest this "pizza-parliament", politicians and pundits were faced with another, potentially even more awkward, consequence of the election: Her Majesty's Loyal Opposition would consist of a party dedicated to demolishing the existing Canadian federation.[64] The separatist Bloc Québécois had won the second largest number of seats in Parliament.

Election-night drama prompted questions across the country: Is it possible for a party to be both loyal and separatist? How will the BQ behave in Parliament? Will a separatist party be able to represent all Canadians? Would it even want to? This last question was crucial to those who argued that the Bloc should not be permitted to form the opposition. Although this issue had been raised before, it was in December

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[62] Carty, Cross, and Young, *Rebuilding*, 3.
[63] At one point during the previous Parliament, the PC party held one hundred sixty-nine seats; it entered the 35th Parliament with two.
[64] For more on the topic, see Canadian Study of Parliament Group, *Crowded*.

of 1995 that critics from the Reform party—which previously held only two fewer

seats than did the BQ—formally demanded that the Speaker award their party the

privileged position. They cited the Bloc's unique *raison d'être* as sufficient grounds

for a favourable decision. On a point of order, the MP from Lethbridge led his party's

attack: "We believe that the Reform party should be the official opposition because

we are the largest minority party that is prepared, in the event of the resignation of the

government, to assume office."[65] His caucus colleagues concurred. Giving

Bouchard's party the special role was "giv[ing] the Trojan horse in our Parliament the

ability to subvert the actions of the House."[66] Reform's assessments waxed ominous.

They maintained the Speaker's decision would be part of "a life and death battle for

the future of the country."[67] On thirteen different occasions during the first session of

the 35th Parliament, Reform MPs presented petitions calling for their party to be

elevated to the status of official opposition.

Political positioning aside, it is easy to understand Reform's concern. The

results of the election presented a situation like no other in the history of Canada's

Parliament. In the past, some parties might be said to have taken an unfavourable

view of government, or of the federal scheme, but no party had ever built the

foundation of its platform upon a promise to nullify the terms of confederation. In

1993, not only did such a party exist, it had garnered a position in Parliament second

only to that held by the government.

Procedural experts, left scurrying in search of precedent, found no comfort in

the case of the Irish nationalists in Parliament at Westminster. There the general

election of 1874 saw the Home Rule party—dedicated to achieving an independent

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[65] House of Commons, *Debates*, 14 December 1995, 10:45 (Ray Speaker).
[66] House of Commons, *Debates*, 14 December 1995, 11:10 (Ian McClelland).
[67] House of Commons, *Debates*, 14 December 1995, 11:10 (Ian McClelland).

Irish state—send fifty-nine MPs to London. Although their overall objective was clear, at first the separatist MPs professed an intention to contribute constructively to the business of the House. They would propose motions highlighting Ireland's need for home rule when appropriate, all the while "determined strictly to follow English parliamentary tradition, both in their demeanour and in their entire obedience to the rules of the House."[68] It seems as though the party believed that by demonstrating good behaviour, it could change the opinion of opponents of an independent Irish state. By being impressive parliamentarians, the Irish would prove they had the capacity to form their own parliament. The naïveté of this position was quickly exposed. "The only immediate result [of their decision to participate] was to prove that their motions and bills could gain scarcely any attention… Thus the sessions of 1874 and 1875 passed by without a single success for the Irish cause."[69]

A new leader brought a new approach. After two years of unofficially leading a small dissident group of Home Rulers (whose strategy was to obstruct parliamentary proceedings rather than to facilitate their flow), on 1 September 1878, Charles Stewart Parnell replaced Isaac Butt as leader of the party. Parnell's tactics—indeed, his entire perspective on the role of the Home Rule party in London—stood in sharp contrast to those of the former leader. Whether or not the ferocity of Parnell's dedication to achieving an independent Irish state exceeded that of Butt's is of no consequence; what is crucial to this thesis is the method by which he intended to achieve it. Parnell felt strangled by the ties that bound Ireland to Great Britain, and suffocated in an institution where those ties were ever present. He convinced his caucus that in order to achieve Ireland's coveted break from the control of Westminster, the party must

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[68] Josef Redlich, *The Procedure of The House of Commons: A Study of its History and Present Form*, trans. Ernest Seinthal (London: Archibald Constable & Co. Ltd., 1908), 136.
[69] Redlich, *Procedure*, 136.

first carry out its own break by refusing to follow the traditional patterns of behaviour in Parliament. The Home Rulers would not persuade their opponents by acting like perfect British MPs; instead, they would behave in a way that made their presence in London as offensive to other Britons as ties to Great Britain were to them. Thus, the Home Rule party launched an aggressive campaign to obstruct the business of the House of Commons.

Before the Irish separatists embarked on their course of action, few rules governed Parliament's operation; codified limits had never existed. There was no need for enforceable standing orders (such as time limits on speeches), because MPs had always abided by the unwritten traditions of the House. Capitalizing on the absence of a parliamentary code of conduct, Parnell's band of rebels succeeded in bringing government business to a halt. On one occasion, during consideration of a Coercion Bill, the Home Rule party forced debate to continue for eleven whole sittings, despite "repeated threats… directed by English members against the obstructionists."[70] For the next three years, amid growing demands that parliamentary rules be strengthened, the party continued with its strategy both in the House and during committee proceedings.

A parallel situation in Canada's own House of Commons one hundred years later offered ammunition to Reform and its allies in the battle to decide who would be recognized as the official opposition. Would not a similar disruption of this country's business be the result of installing a separatist party in the role of opposition in Ottawa, asked the Bloc's detractors? Despite the possibility of seeing just such a procedural nightmare on their doorstep and in the face of Reform MPs who declared

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[70] Redlich, *Procedure*, 152.

that the Bloc had "no right to be the official opposition,"[71] the Speaker confirmed that

the Bloc Québécois did, indeed, deserve that designation. The reason for his ruling

was simple: When the parliamentary session opened, the BQ was the party with the

second largest number of seats in the House of Commons; thus, despite the fact that

Reform had since equalled the Bloc in total seats (due to Bouchard's resignation from

the House, and a Reform by-election victory), numbers and incumbency prevailed

over any other argument. Moreover, as the Speaker pointed out, it was not he, but

rather the governor general who appoints the official opposition at the advice of the

privy council.[72] Reform's distaste for these parliamentary conventions did not exempt

the party from abiding by them.

Although the ruling ended official debate over which party deserved the

designation, it did little to address worries of some that Bloquistes would abuse their

new power. It soon became evident that the contrary would be true. Behaving no

differently from Albertan Reformers, or Nova Scotian New Democrats, Bloc MPs

from Québec paraded through the Clerk's office, swearing an oath to the Queen

before taking their seats in the 35th Parliament.[73] As noted above, political scientist

Alain Noel went as far as to suggest that immediately after taking its place in

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[71] House of Commons, *Debates*, 14 December 1995, 11:15 (Ian McClelland).

[72] "To put the Speaker in a position in which he would be choosing not only the official opposition but perhaps the next government based not on any objective criteria such as numbers in the House but rather on a qualitative judgment about the performance of the current official opposition party seems to me an untenable proposition. It would also be an encroachment on the royal prerogative and a violation of our long established constitutional practices." House of Commons, *Debates*, 27 February 1996, 16:55 (the Acting Speaker).

[73] Since the party's inception, every Bloc MP has sworn the same oath as other new MPs. Why? Because enjoying parliamentary perks is contingent upon accepting parliamentary responsibilities. For example, in 1996, Betty Boothroyd, the former Speaker of Parliament at Westminster, explained to Sinn Fein members why they would be denied offices in London without first swearing the parliamentary oath: "My decision does not discriminate against Sinn Fein; it applies equally to any Members not taking their seats for any reason. Those who do not take up their democratic responsibilities cannot have access to the facilities at Westminster that are made available to assist Members who do." Betty Boothroyd, *The Autobiography* (London: Arrow, 2002), 380.

Parliament, the Bloc "stood closer to traditional Canadian values and policies than did the Reform party."

But what are Canadian values? Is it logical to assume that any perspective advocated by a representative of some group of Canadians is itself *Canadian*, regardless of its substance? Perhaps. Such a view, however, negates any talk of the existence of national character. It is the theory of relativists who reject the idea that membership in a national community is accompanied by specific (no matter how intangible) patterns of thought. While not every Canadian is alike, it is reasonable to state that the attitudes of the Canadian citizenry, in general, are different in some ways from those of the population of, say, Afghanistan, and that both are different from those of, say, Japan. Indeed, some Canadian politicians and journalists have staked their careers on pointing out differences between Canadians and our southern neighbours.

Bill C-12

During debate on the *Borrowing Act* of 1989, then Opposition MP Douglas Young (who would eventually be appointed Minister of Human Resources Development in Chrétien's Government) offered these comments on Canadian values:

> Canadians are prepared to share the burden, if they think it is being done fairly… I have listened to people talk about New Zealand, the United States, and about other countries and how they do it. This country is very special in how it deals across the board with men and women in every part of the country. There are basic standards, basic programs, universal programs, and programs that allow people to deal with their future with some degree of security.[74]

Remarks such as these, coupled with the Liberal party's long-standing commitment to strong universal social programs, caused many to cry foul over the government's decision to overhaul the unemployment insurance (UI) regime in December of 1995.[75]

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[74] House of Commons, *Debates*, 1 May 1989, 15:55 (Douglas Young).
[75] The Coordinator of *Campaign 2000* (a project of the Child Poverty Action Group), argued the new Bill was ill equipped to "protect modest-income families from falling further into poverty." House of

The position of non-governmental organizations such as the Child Poverty Action

Group, the Fédération des Femmes du Québec, the Canadian Association of Food

Banks, and the Newfoundland and Labrador Federation of Labour was clear: the new

legislation would hurt seasonal workers, women and youth, as well as the working

poor. But who would defend these interests in Parliament? Liberal MPs would

undoubtedly toe the party line. Regardless of their party's positions, NDP and

Progressive Conservative MPs could not be expected to mount a sustained attack—

those combined caucuses occupied less than five per cent of the seats in the Lower

House.[76] Moreover, although the Reform party promised to vote against the bill, the

source of its stance was distinct: "The original intention of what unemployment

insurance was meant to provide and what it was meant to mean" (which, according to

Reformers, was short-term support for workers between jobs), had, for many, become

"a way of life."[77] Reformers argued that the new legislation provided "exactly the

kind of dole that history in the past has repeated and cautioned us to not endorse."[78]

Due to the complexity of the proposed scheme, the Standing Committee on

Human Resources Development had held public hearings across Canada prior to the

Employment Insurance Act's introduction in the Commons. After two years of

consultation with affected groups (between 1993 and 1995), the bill's first iteration

(Bill C-111) was brought before Parliament on 1 December 1995. Ten days later,

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Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 19 March 1996, 9:05 (Rosemary Popham). A spokeswoman for the Fédération des Femmes du Québec accused government explanations of Bill C-12 of "contain[ing] immense intellectual dishonesty." She concluded that "of all the people who will be affected under the new system, women will be hit particularly hard." House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 14 March 1996, 11:30 (Michele Ouimet). Susan Cox, Vice Chair of the Canadian Association of Food Banks, described how increasing eligibility standards while reducing the duration of benefits would instigate "a chain of cause-and-effect events that will create more hunger in Canada." House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 19 March 1996, 15:55 (Susan Cox).
[76] Neither of the parties sent representatives to the standing committee that reviewed the bill.
[77] House of Commons, *Debates*, 2 May 1996, 10:40 (Jan Brown).
[78] House of Commons, *Debates*, 2 May 1996, 10:40 (Jan Brown).

Minister Lloyd Axworthy introduced a motion to send the bill to committee prior to second reading. He supported this appeal arguing "that by giving the committee the earliest opportunity to listen to Canadians and hear their various points of view, we can improve the legislation even further and ensure that we get an active and involved commitment and engagement."[79] Bitter BQ opposition was in vain: the House authorized Axworthy's request.

On 5 February 1996, Parliament prorogued, wiping clean the orders and notices papers. All legislation from the first session—regardless of its stage of development—would have to be reintroduced, and passed anew. Considering the amount of time already devoted to hearings on a new insurance scheme (which included, besides preliminary hearings, an hour in the Commons, and six committee meetings on Bill C-111), the government sought to resume debate where it had been forced to stop at the end of the previous session. Citing "a motion regarding the appropriate procedure by the government to bring back certain bills from the previous session,"[80] the Acting Speaker allowed what had been Bill C-111 in the first session to reappear as Bill C-12 in the second half of the 35th Parliament.

Specific provisions aside, the *Employment Insurance Act* is distinctive for its far-reaching objectives and overall complexity. At the time of introduction in the final days of 1995, the bill was described by MPs on both sides of the House, as well as bureaucrats and journalists, as one of the most complicated pieces of legislation ever read in Parliament. The legislation is massive (over two-hundred pages), divided into ten parts, equipped with one hundred ninety clauses, layered with sub-clauses. Countless supplementary reports accompany the bill. An exhaustive overview would require volumes; however, for the purpose of this study, limiting the scope to examine

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[79] House of Commons, *Debates*, 11 December 1995, 12:00 (Hon. Lloyd Axworthy).
[80] House of Commons, *Debates*, 7 March 1996, 10:50 (the Acting Speaker).

debate on several key reforms to the unemployment insurance benefit scheme

provides sufficient basis for an analysis of the Bloc's contribution.

As the new name implies, the government placed the legislation in a pro-economy, jobs-oriented framework. Speaking in the Commons, the minister responsible for the bill stressed "a strong combination of incentives which enable people to get back into the job market. [Employment insurance] is about jobs; it is about people. It is about jobs finding people and people finding jobs."[81] Specifically, Bill C-12 transformed the way eligibility for benefits would be measured, changing from a program based on weeks worked to one focused on an employee's total annual number of hours. According to the government, the old system posed problems: to be eligible to receive UI benefits, a worker was required to work twenty fifteen-hour weeks per year. Liberal MPs argued that individuals whose work is seasonal (and thus condensed into a small period of time, for example, cod-fishermen, lobster-trappers, and loggers) would be better placed to receive EI benefits, because "they will now be credited for all the hours in weeks they could not have used as qualifying weeks under the old system."[82] Another change to the benefits program took the form of lowering the maximum insurable earnings rate, and freezing it until the year 2000, in order to "bring maximum insurable earnings back a little more in line with the average industrial wage."[83] Finally, the hours-based eligibility system meant that all workers would pay EI premiums, regardless of their eligibility status (that is, of their total hours worked). Workers making less than $2000 annually would have their contribution returned in a tax refund. The legislation did more than set the course for those whose jobs were lost. It also established new loans and grants programs, created

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[81] House of Commons, *Debates*, 11 December 1995, 12:00 (Hon. Lloyd Axworthy).
[82] House of Commons, *Debates*, 2 May 1996, 15:55 (Réginald Bélair).
[83] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 24 Jan 1996, 11:55 (Norine Smith).

partnerships with provinces and municipalities, and offered training for individuals

starting their own business. The government's interpretation of the change was

concise: no longer would the social program be reactive only. EI was an ambitious,

positive step forward.

The Bloc's Critique of Bill C-12

Over the course of debate on Bill C-12, Bloc MPs demonstrated that their

understanding of the legislation equalled—if not, exceeded—that of any other party.

Like the legislation itself, the Bloc's reaction to it was multi-faceted. But while

Bloquistes offered no shortage of observations, their analysis of the government's

proposal was uniformly negative. Revealing both its social-democratic character and

command of parliamentary procedure, the Bloc neutralized Reform's push from the

right, and opposed any restriction on workers' ability to access insurance benefits.

In the House of Commons, Francine Lalonde (who, along with fellow

Bloquistes Antoine Dubé and Paul Crête, represented the BQ at the committee that

scrutinized C-12) was the first Bloc MP to comment on the proposed legislation. The

following excerpt from that speech is remarkable, because in one sentence it captures

the essence of what would continue to be the Bloc's policy position for the remainder

of debate on EI. Lalonde told the House that

> despite all the denials of the minister and his attempts to claim the
> opposite, and despite the improvements he will make in the bill, and we
> will certainly participate in that process… basically this bill is aimed at
> making more savage cuts in benefits for the unemployed.[84]

A month later, in a similar vein, Lalonde called the new scheme a "regressive

reform."[85] Linking the government's emphasis on balancing the budget to the Bloc's

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[84] House of Commons, *Debates*, 1 December 1995, 12:10 (Francine Lalonde).
[85] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 18 January 1996, 11:20 (Francine Lalonde). Strengthening the opinion of those who criticize the calibre of parliamentary debate, the minister responded: "If one is looking at who is progressive and who is regressive, I would say this is a progressive reform and the position taken by the Bloc is the regressive position." House of Commons, Standing Committee on Human

charge that it was neglecting social concerns, Bloc MP Yvan Bernier dubbed the
program "deficit insurance."[86]

Although Bloquistes tended to speak in general terms—both about the harmful
nature of the bill, and about the individuals who would suffer most under its
conditions—several specific criticisms formed the core of the party's policy position.
For example, Bloc MPs rejected the government's promise that EI applicants would
benefit by moving from an eligibility system based on weeks worked to one that
measured total hours per year. Contradicting his Liberal counterparts, Crête argued
that in fact, "a worker previously had to work 300 hours, 15 hours a week for 20
weeks, to be eligible for unemployment insurance. It now takes 910, the equivalent of
26 35-hour weeks."[87] According to the BQ, the EI benefits scheme would be more
onerous than that of its predecessor's, raising fear among those whose yearly
employment hovered around the old program's eligibility threshold. Students and
seasonal workers were especially fearful that the nature of their contribution to the
workforce would preclude them from receiving EI benefits if necessary. Bloc MPs
repeatedly voiced those concerns in Parliament.

It should be mentioned here that Reform MPs criticized the same hours-based
provision, but they represented the interests of a different constituency. After the bill
had been returned to the House from committee, one Reformer declared that,
"conversion to an hours based system not only alters the cost structure of some
companies disproportionately… it also creates a huge backlog of extra effort
administratively for these businesses."[88] During all stages of parliamentary debate, the

Resources Development, *Minutes of Proceedings and Evidence*, 18 January 1996, 11:35 (Hon. Lloyd
Axworthy).
[86] House of Commons, *Debates*, 2 May 1996, 11:15 (Yvan Bernier).
[87] House of Commons, Standing Committee on Human Resources Development, *Minutes of
Proceedings and Evidence*, 23 April 1996, 21:00 (Paul Crête).
[88] House of Commons, *Debates*, 2 May 1996, 10:40 (Jan Brown).

ideological divide between the BQ and the Reform party was clear: Reformers promoted business interests and implored the government to tighten restrictions on EI benefits;[89] Bloquistes defended Canadians who criticized cuts to the program, and favoured reducing the barriers to access EI.

Another provision of C-12 that drew heavy criticism from Bloc MPs was the one that lowered the rate of maximum insurable earnings (MIE). Under the UI scheme, MIE sat at $42,500; the new legislation lowered that figure to $39,000. Two different observations on the consequences of this change fuelled the BQ's aversion to it, but both can be traced back to the party's left-leanings. First, Bloquistes were outraged by the government's decision to lower the MIE after so many Liberals had framed the new legislation as a job-creating project. In line with Bloquiste's description of the legislation as an "anti-employment bill,"[90] they claimed the move would encourage employers to reduce staff, or at least discourage them from hiring new employees. Accusations of hypocrisy were hurled across the House:

> Put yourself in the employer's shoes. You have a job to be done, and you have a choice between paying a new employee, who will have to pay into the unemployment insurance fund—as will you—and paying someone who already works for you and for whom you will not have to make a contribution, if the work is done in overtime. If all of the social responsibilities of employers are defined in this way there is a very clear message: Get people to do overtime, do not hire anyone new, it is more cost-effective that way.[91]

In addition to its claim that the cut would reduce the number of jobs available to Canadians, the Bloc also pointed out the $900 million in lost revenue directly

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[89] Herb Grubel admitted that "the reforms will impose hardship on some Canadians," but applauded them because "they will at the same time bring much larger economic and social benefits to society as a whole." The Reform MP encouraged the government to reduce EI benefits further, and outlined the (confusing) domino effect that would follow inaction: "The higher the benefits, the higher the unemployment, the higher the premiums payable by workers, the higher the risk of dependency of habitual users, and a host of other economic and social costs." House of Commons, *Debates*, 11 December 1995, 12:50 and 12:55 (Herb Grubel). Stinson (Reform) blamed high taxes for causing high unemployment; he encouraged government to withdraw altogether from insuring the unemployed. See House of Commons, *Debates*, 11 December 1995, 13:20 (Darrel Stinson).
[90] House of Commons, *Debates*, 2 May 1996, 12:10 (Maurice Godin).
[91] House of Commons, *Debates*, 2 May 1996, 16:15 (Pierre Brien).

resulting from the reduction in MIE. It was no coincidence, argued the member from

Louis-Hébert, that "making part time workers, students and so on contribute [to EI]

will bring $900 million into the unemployment insurance fund."[92] The money would

need to be replaced somehow. To Paré, this "perverse measure" was simply another

example of the Liberals sacrificing the needs of the less affluent members of society

in favour of the wants of the "richer workers." Indeed, like good social-democrats,

Bloc members refused even to accept freezing MIE at its former rate—they wanted it

raised "to $50,000 or $60,000."[93] In an exchange with a bureaucrat from the Ministry

of Human Resources Development, Lalonde suggested entirely eliminating the ceiling

at which employees stop paying EI premiums. She was not shaken by the official's

reply that such a move would greatly increase the flow of money from higher wage

earners towards lower wage earners, "moving away drastically from insurance

principles."[94] On the contrary, Lalonde responded that she was well aware of the

implications of her suggestion, and, that insurance principles should not be conceived

of simply in terms of dollars and cents, but should also be subject to what she called

"social insurance."[95] The Bloc MP continued to advance her proposal during clause-

by-clause hearings, despite its dismal chance of being adopted.[96]

A third issue that demonstrates the Bloc's social-democratic values could be

found in the legislation's conversion to an hours-based eligibility system. The

Liberals, proud of their plan to measure hours instead of weeks, boasted that the

change would allow Canadians applying for EI to claim every hour worked in a given

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[92] House of Commons, *Debates*, 2 May 1996, 13:30 (Philippe Paré).
[93] House of Commons, *Debates*, 2 May 1996, 13:30 (Philippe Paré).
[94] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 24 January 1996, 12:10 (Jean-Jacques Noreau).
[95] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 24 January 1996, 12:10 (Francine Lalonde).
[96] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 23 April 1996, 20:40 (Francine Lalonde).

year (rather than the aggregate number of weeks worked). Once again, the government argued that people whose work was concentrated in small chunks of time would benefit from the new measure. What it also meant was that people would begin to pay EI premiums on their first hour worked, regardless of whether their total annual income would exceed the threshold at which premiums must be collected. While it is true that individuals earning less than $2000 annually would eventually have their payments returned at tax time, Bloc members objected to depriving them—even for a matter of months—of much needed capital. During the report stage, Bloquiste Pierre de Savoye raised the possibility that reducing the disposable income of the working-poor would hurt the economy, because they would have less money to spend on food, clothing—even diapers—and other essential goods. Increasing the income of high-income wage earners would be no remedy, he added, as these people tended to invest new capital not in standard goods and services, but in "luxury items."[97]

Putting aside the accuracy of de Savoye's macro-economic analysis, charges of economic mismanagement were eclipsed by another BQ accusation. Forcing low-income wage earners to pay EI premiums to a program they would never be able to access was "most unjust."[98] How could a program devised to help the unemployed ignore the most severe cases? The government responded that EI was intended only for those who were temporarily out of work. People unable to meet its eligibility requirements could access other government subsidies. Even if this were true, replied the Bloc, what benefit would be derived from cutting into the meagre earnings of the poorest segment of the population, only to refund them later? Again, the Bloc defended Canada's most vulnerable, demanding the government exempt those earning

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[97] House of Commons, *Debates*, 2 May 1996, 13:45 (Pierre de Savoye).
[98] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 18 January 1996, 11:25 (Francine Lalonde).

less than $2000 annually from ever paying EI premiums. To force them to contribute would be a conniving attempt at "reduc[ing] the need [for the government] to borrow for a certain period."[99]

A Loyal Separatist Party

Thus far, this chapter has outlined several cases of BQ opposition to Bill C-12. The separation of Québec has not arisen as a specific issue. However, the above examples of what might be called the BQ's pan-Canadian contribution to debate should not be taken to imply that references to Québec sovereignty are entirely absent from BQ speeches. The aftershock of the 1995 referendum continued to reverberate through Parliament into 1996. Many Québec nationalists interpreted the "Oui" team's statistical loss as a symbolic win. The separatists had drastically improved upon their performance of 1980: less than a percentage point kept them from declaring outright victory. The Bloc's committee filibuster on the EI Bill gave ample opportunity for MPs to talk about Québec's immanent independence, as time—a most "valuable commodity" in Parliament[100]—was being eaten up in large chunks. It is hardly surprising that during "drawn-out speeches… to draw public attention"[101] to the weakness of the government's legislative proposals, the Bloc (whose self-described *raison d'être* is to advance the sovereigntist agenda) would give voice to its grand vision.

What is noteworthy—and consistent with the main argument of this study—is that within the confines of debate on Bill C-12, there are so few instances of advocacy for Québec independence. Even when the Bloc's comments were devoted exclusively to the plight of its home province, they were repeatedly couched in the same

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[99] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 23 January 1996, 15:55 (Francine Lalonde).
[100] Franks, "Problem," 5.
[101] McMenemy, *Language*, 112.

decentralist rhetoric of Reform (and today's Canadian Alliance).[102] The Bloc

championed provincial rights far more vociferously (and methodically) than it did an

independent Québec. As can be seen elsewhere in Canada, for instance in Edmonton

and Toronto, where governments ferociously guard provincial jurisdiction yet are

devoted to Canadian unity, support for decentralization is not the same thing as

advocating a province's withdrawal from confederation.

The issue of job training, as regards Bill C-12, is a prime example of this

crucial distinction. Criticizing the federal government for its continuing journey into

provincial jurisdiction, the BQ demanded that Ottawa hand over responsibility for

manpower training to its provincial counterparts.[103] With the support of what they

called "the Québec Consensus," Bloquistes noted that this labour issue transcended

the national unity debate, and that both separatists and federalists from Québec were

joined in common cause.[104] Dubé explained: "The Québecers who reached the

consensus want just one thing: to have all the federal money earmarked for labour

market training transferred to Québec because training, just like education, is a

provincial jurisdiction." He then read a letter, "not from a Bloc Québécois member or

a sovereignist minister, but from a former Liberal minister," supporting his

decentralist position.[105] In fact, not once did the Bloc abandon the cross-cutting

loyalties that federalism creates. On the contrary, the party celebrated it as a great

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[102] Joining forces with fellow opposition MPs, Reformer Dale Johnston said, "As far as training, we have heard from our colleagues in the Bloc they are most anxious to take over the manpower training provincially. If the government were to seek this, it would find the provinces agree that job training would be an area in which all provinces would be interested." House of Commons, *Debates*, 2 May 1996, 11:55 (Dale Johnston).

[103] The significance of this issue is demonstrated by its appearance during the Bloc's first ever performance in question period. See House of Commons, *Debates*, 19 January 1994, 14:40 (Michel Gauthier).

[104] Jean Landry went as far as to suggest "that federalism can work very well with decentralized manpower training." House of Commons, *Debates*, 11 December 1995, 13:25 (Jean Landry).

[105] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 19 March 1995, 16:50 (Antoine Dubé).

virtue. The Bloc was fighting for the rights of all Québecers—and by extension, of all provinces—not just those who shared its desire to leave Canada.

Furthermore, *Hansard* shows that devotion to crafting good social-democratic legislation exceeded the Bloc's push both for Québec sovereignty and even for provincial rights. But if the separatist MP from Témiscamingue truly believed that Bill C-12's passage would fuel the fires of separatism in Québec (a prophesy made during the filibuster), why did he fight against it so valiantly?[106] If the Bloc was sincere in its belief that bad federal policies are the party's greatest ally in the war on the Canadian federation, why did Bloquistes consistently try to improve them? Two observations help to explain the apparent contradiction. The first is obvious: Bloc MPs want to enhance the living standards of their fellow citizens. The second relates to the first, but is more complex.[107]

Before addressing this question, another demands an answer: Who are the fellow citizens whose opinions the Bloc worked so hard to express? Transcripts of parliamentary debate on C-12 show Bloquistes fulfilling the primary duty of MPs, which is to defend the ridings from which they derive their electoral support. A second constituency given voice by BQ members was separatists living in ridings represented by another party. Third, as evidenced by its advocacy of the "Québec Consensus," the BQ claimed to represent the interest of all Québecers—separatists and federalists alike. There remains, however, another broader constituency which Bloquistes embraced as their own and for whom they fought tirelessly throughout the

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[106] See House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 24 April 1996, 01:15 (Pierre Brien).
[107] Some might argue that the Bloc's efforts were intended to expose the inability of Québecers to affect federal legislation. Bloquistes knew they would fail, so they demonstrated that despite BQ best efforts, the government's course would always remain unaltered. This hypothesis is speculative—it is based on conjecture, not recorded information—and does not change the transcripts of *Hansard*. In the first months of 1996, the Bloc Québécois waged a war against the *Employment Insurance Act*.

debate on EI. The members that comprise that constituency are all the citizens of Canada, from coast to coast to coast.

Bloquistes may have arrived in Ottawa dedicated exclusively to defending the interests of Québecers, but by virtue of their role as Her Majesty's Loyal Opposition, they found themselves inextricably tied to the interests of the entire country. It was an ironic inversion on the outlook of that patriotic bumper sticker of the mid-1990s: The Bloc's Québec included Canada![108] It was Canadian critics of Bill C-12, whether they were single mothers, students, the disabled community—Canadian workers of all kinds—that the Bloc fervently defended. Whether the worker was an Albertan on an oilrig, or someone logging in the forests of British Columbia, a part-time secretary in Montreal, a maritimer fishing off the east coast, or a high-school student employed by one of the thousands of fast-food restaurants across Canada, the constituency for which the Bloc spoke was defined by class. No weight was given to a worker's opinion on national unity.[109]

Monique Guay, a Bloc MP who has served in the House of Commons since the election of 1993, explains that upon arriving in Ottawa, the party made a conscious decision to fulfil its parliamentary responsibility:

> When we came here, we decided we would respect the rules, that we
> would defend the interests of Québec, but we would also defend social
> policies… We were not just focusing on the sovereignty of Québec…
> we were the official opposition… and we defended all the other
> provinces on certain issues, because it was our role.[110]

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[108] A Liberal cabinet minister noted this tension early in the Bloc's tenure. Speaking directly to Lucien Bouchard (his friend and former classmate), André Ouellet wished him success in "discharg[ing] the role that he must assume as leader of the opposition, which goes far beyond his own aspirations and what he would like to do here in the Canadian Parliament. I do not know how he can reconcile this twofold mandate." House of Commons, *Debates*, 19 January 1994, 17:20 (Hon. André Ouellet).
[109] For example, see Fillion's comments, House of Commons, *Debates*, 2 May 1996, 12:20 (Gilbert Fillion). "When legislation is introduced, it should apply to all concerned. However, this bill will not apply to all jobless people in this country, since more than half of them will not be eligible for unemployment benefits. More than half are excluded. What will happen to these people?"
[110] Guay, interview by author.

Presumably, Guay's matter-of-fact tone obscures what must have been agonizing deliberation over the Bloc's choice to represent all of Canada while support for secession soared. The year before becoming the opposition, Bouchard described the vigour of his new party: "English-speaking Canadians need to know the intensity, determination, and objectives of the sovereigntist vision. Someone has to tell them that, contrary to the reassuring speeches from official sources, Québec has not been anaesthetized."[111] The party was fresh. The referendum was only months away. How could sovereigntists not worry that Bouchard's passion—equalled by countless others in Québec—would suffocate under the weight of additional responsibilities?

After the election, the Bloc was forced to choose a course of action, but what options were available? Had the opposition always been the party with the second largest number of seats? Was it conceivable that a party might actually decline the unique parliamentary designation? Turning to the annals of Canadian history, we find one example in which a party chose to do exactly that. Recall that after the general election of 1921, despite being the second largest group in Parliament, the Progressive party—prompted by a "fear of responsibility"—decided immediately "and without difficulty, not to become the opposition."[112] In his comprehensive work on the party, Morton offers two reasons to explain this decision. First, a faction from Manitoba dedicated to joining the Liberal party refused to become Mackenzie King's direct adversary in the Commons. "The other motive was to destroy the system of party government itself."[113] Putting aside evaluations of that particular goal (as well as the party's success, or lack there of, in achieving it), one pertinent question remains:

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[111] Bouchard, *Record*, 257, 258.
[112] Morton, *Progressive*, 148.
[113] Morton, *Progressive*, 149.

What observations can be drawn from comparing the plight of the Progressives, with the Bloc's similar, but more recent, situation?

To begin with, the two parties were born within the same walls: neither the Progressives nor the Bloc Québécois were extra-parliamentary creations. The Progressives opposed the *status quo* in Ottawa. So did the BQ. In each case, disenchantment was manifested in election campaigns—both parties presented voters with a platform, and both requested to be given a mandate to represent in the House of Commons. Both parties achieved relative success at the polls: in 1921, the Progressives won sixty-five seats; in 1993, the Bloc won fifty-four. Both the Progressives and the BQ constituted the second largest group in their respective sessions of Parliament. Subsequently, both parties faced a tough choice: to accept the role as Her Majesty's Loyal Opposition—and with it, assume both rights and responsibilities—or to chart its own course. The latter option would free the party from duties (in the case of the Progressives, the duty to oppose Liberal legislation even though the bulk of the platform appealed to its members; in the case of the Bloc, the duty to officially represent all Canadians), but it would also deny it the perquisites and high public profile enjoyed by the opposition. Progressive MPs chose to decline the part. "Seat[ing] themselves on the left of the Speaker and of the Conservatives… [they] were free to support the government when they approved its measures, or to oppose it when they did not."[114] The Bloc Québécois chose to represent all Canadians.

And even a cursory review of debate on the *Employment Insurance Act* reveals the dedication of Bloc MPs to their newfound constituents: Loubier promised to speak for "the majority of Canadians who have already demonstrated their dissatisfaction

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[114] Morton, *Progressive*, 151.

with the planned reform throughout the country."[115] In this instance, he favourably

quoted a fellow critic, the premier of Prince Edward Island. Another Bloc MP relied

upon the words of a former prime minister, R.B. Bennett, in defending the principles

of the old insurance scheme.[116] Fillion declared: "If the bill is passed, it will be

disastrous for the country as a whole."[117] Bloquistes condemned the government's

"punitive approach that is out of step with the current employment situation in

Canada,"[118] and asked (rhetorically): "Why are Canadians so fed up?"[119] Describing

his travels across Canada, which led him to conclude, "I think you have a great

country" and, "English Canadians are wonderful," young Bloc MP, Stéphan Tremblay

acknowledged his responsibility to "represent people from New Brunswick and

Vancouver" when exposing the flaws of the proposed legislation, thus "fulfilling our

role as the official opposition."[120] Lalonde's words summarized the party's

parliamentary strategy: "I am far from talking only for Québec. I have talked many

times for Canadians as a whole."[121]

The preceding quotations, revealing the Bloc's commitment to formulating

national policy—unrestricted by the narrow bounds of the movement for Québec

independence—are but a sample of similar remarks made in all stages of debate on

the new insurance plan.[122] Although this study examines only one bill introduced

before the election of 1997, research for the thesis offers no evidence to suggest that

C-12 was unusual in the response it elicited from the Bloc, or that the BQ failed to

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[115] House of Commons, *Debates*, 2 May 1996, 12:30 (Yvan Loubier).
[116] House of Commons, *Debates*, 2 May 1996, 10:55 (Paul Crête).
[117] House of Commons, *Debates*, 2 May 1996, 12:20 (Gilbert Fillion).
[118] House of Commons, *Debates*, 2 May 1996, 10:55 (Paul Crête).
[119] House of Commons, *Debates*, 2 May 1996, 11:30 (Michel Guimond).
[120] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 24 April 1996, 05:00, 05:05, 05:20 (Stéphan Tremblay).
[121] House of Commons, *Debates*, 10 May 1996, 13:10 (Francine Lalonde).
[122] A close observer of Canada's Parliament notes that only a "fantastic leader" such as Bouchard would have succeeded at commanding the new separatist party to speak for all of Canada. Germain, interview by author.

maintain the same commitment in other debates while it functioned as official opposition. The Employment Insurance Bill was unexceptional: it established a new approach to national public administration, which is, after all, the general objective of most legislation. In his maiden speech as leader of the opposition, Bouchard assured members of Parliament of his party's "full co-operation in respecting decorum in this House." He continued: "We will see to it, as far as we are concerned, that exchanges remain courteous though intense, rational though impassioned, orderly though vigorous."[123]

Monique Guay's earlier insight (regarding the Bloc's decision to accept the role of official opposition) is central to an analysis of BQ reaction to Bill C-12. It encourages one to compare the decision of her party with those made by the Irish nationalists in the latter half of the nineteenth century. In his work on the British Parliament, Austrian scholar, Josef Redlich stresses that the Home Rule party adopted new tactics after Parnell became its leader. As noted previously, Issac Butt, the party's first leader, pledged "obedience to the rules of the House." Conversely, Parnell believed that participation in Parliament amounted to "the artificial maintenance of an antiquated institution, which can only perform a portion of its functions by the 'connivance' of those [e]ntrusted with its working in the imperfect and defective performance of much of even that portion."[124] Although Parnell agreed not to obstruct "any useful, solid, or well-performed work,"[125] neither did he consider it his "duty to connive in the imperfect performance" of the institution that denied Ireland's independence. His strategy was unmistakable: Frustrating Parliament's business would force Westminster to set Ireland free.

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[123] House of Commons, *Debates*, 19 January 1994, 15:25 (Lucien Bouchard).
[124] Redlich, *Procedure*, 142.
[125] Redlich, *Procedure*, 143.

By contrast, members of the Bloc Québécois observed—and dutifully fulfilled—their role in Parliament in Ottawa. Debate on C-12 is a good example of how this duty was carried out, because during the clause-by-clause committee hearings, the BQ launched a filibuster in an attempt to block the legislation. This may at first appear to contradict the claim that the separatist Bloc followed a path different from their Irish predecessors: both parties obstructed government business. But whereas the Home Rule party launched a campaign of systematic obstruction— blocking a wide range of legislation, both in committee and on the floor of the House—comparable actions by the Bloc were not indicative of its normal conduct. The Home Rule party wore its label of Parliamentary Rebel with pride; its actions were carried out in the face of MPs who demanded new rules to cure Parliament's paralysis. At the same time, the organs of British public opinion "were more and more eagerly pleading for [the adoption of] closure."[126] Indeed, the antics of the Home Rule party caused a crisis that eventually resulted in unprecedented changes to the operation of Britain's Parliament.

There was no emergency in Ottawa in the spring of 1996. The BQ was obstructing a single bill, wielding the same weapon used by parliamentary parties across Canada.[127] Rather than distinguish it as a parliamentary maverick, the Bloc's filibuster is further evidence that in the House the BQ behaves the same way as other traditional parties. Forcing the committee to sit around the clock, Bloc MPs explained that the government's insensitivity towards the needs of vulnerable groups, as well as its refusal to extend debate on such complex legislation, accounted for their unusual determination to prolong discussion. It was opposition to a specific policy that drove

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[126] Redlich, *Procedure*, 156.
[127] Franks maintains such techniques have "become common in the Canadian parliament." C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), 131.

the Bloc's filibuster, not an overarching plan to cripple the House of Commons. It is impossible to know how long the party would have sustained its effort had the government not introduced a closure motion on 23 April 1996, requiring the bill be reported in the House after ten more hours of committee revision. The BQ's attack on the legislation, as well as its subsequent defence of Canadian workers, was unrelenting.

Conclusion

This chapter argues that the Bloc's special role in its first session of Parliament forced it to take a national perspective as evident in the foregoing study of Bill C-12. But did it generate a more favourable view of Canadians in general? Jennifer Fry, co-host of CBC Radio's *The House*, thinks it did. Describing what she calls, "the levelling effect of Parliament," Fry cites the example of Bloc MPs: "They go across the country on committees, as everyone else does—they are also learning English, quickly. They are learning about other parts of the country, which most of them have never ever been to… and many of them, after they've been [in Ottawa] for a few years, realize… that this is not such a bad thing after all. And Canadians aren't such bad people after all."[128]

Fry's conjecture is supported by Antoine Dubé's parting words[129] to the committee that scrutinized Bill C-12. These illustrate the party's dedication to parliamentary principles, despite its calls for reform, and suggest that Bloc MPs were comfortable in Ottawa, among their federalist colleagues:

> We realize that the majority is the majority… We still do not agree on the essential aspects of the bill, but we will not restart the debate. I would like to tell you that I take away with me happy memories of each of the old members of the committee. I remember the Christmas carols that Ms. Augustine [a Liberal] and I sang together on the airplane, she in English and I in French. I remember these happy moments. I am

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[128] Jennifer Fry, interview by author, tape recording, Ottawa, ON, 12 May 2003.
[129] He would be transferred to a new committee at the conclusion of this debate.

> sorry that we cut the process short at the very end. It could have been
> better. I would observe - and this is one of the weaknesses of our
> present system - that we are prisoners of certain party lines. The system
> is not perfect; it should be improved… It will be a pleasure for me to
> cross paths with you in the halls, even if we are no longer members of
> the same committee. I wish you all the best.[130]

Furthermore, this chapter shows the Bloc defending the right to dissent in Canada's Parliament.[131] Sitting to the left of the Speaker, the BQ admirably fulfilled its duty to criticize the government's work in the interest of Canadian citizens. It demanded more time be devoted to debate a complex, contentious piece of legislation; it launched a filibuster to draw attention to the government's refusal to comply with the party's plea. True, the role of the opposition is to oppose—any good opposition party would have done the same. But other opposition parties were not elected on a promise to work to deconstruct the Canadian union. Its membership in Parliament forced the Bloc to represent a constituency it had no intention of representing when the party was first formed.

Although the precise nature of the effect is difficult to measure, it cannot be disputed that the party's disposition was altered as a result of its years as official opposition. The same would be true of any party in Parliament: different experiences beget new perspectives; and new perspectives enrich a party's collective knowledge. What this case study does show is the way the BQ combined its role as official opposition with its impressive knowledge of the rules of Parliament in order to represent the views of disadvantaged Canadians, who feared EI cuts would further depreciate their economic prospects. As Fry's co-host, Anthony Germain observes:

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[130] House of Commons, Standing Committee on Human Resources Development, *Minutes of Proceedings and Evidence*, 25 April 1996, 23:10 (Antoine Dubé).

[131] For a more recent example of the Bloc's devotion to parliamentary principles, see MP Stéphane Bergeron's speech, in which he "deplore[s] the lack of respect being shown at times for our parliamentary system." Criticizing an Alliance motion—and, by extension, defending the rights of Liberal MP, Paul Martin—Bergeron concludes: "It is high time we turned more to the rich British parliamentary tradition for our inspiration." House of Commons, *Debates*, 25 November 1998, 18:05 (Stéphane Bergeron).

"When it comes to the role of the state… the Bloc has been more effective than even left-leaning, back-bench Liberals at reminding the public that the state does have a role to play in various levels of social policy."[132] As Her Majesty's Loyal Opposition from 1994 to 1997, the BQ assumed a dual role in the House: it defended the interests of Québec, but it also spoke for all workers—men, women, youth, the disabled, and the working poor—regardless of their location in Canada.[133]

If the BQ broadened its perspective as a result of being official opposition, did the party contract its perspective once it lost its special role in the election of 1997? The answer to that question is, no: For as long as the BQ chooses to participate in parliamentary proceedings, it will address matters of national concern. There is no escape: Canada's *Standing Orders* no longer allow performances such as those put on by Irish nationalists. Moreover, even if Bloquistes were to demand that their contributions be interpreted only as separatist sentiments (which, as the following case studies show, did not occur even after the party lost its official opposition role), the filter of Parliament would continue to nationalize the Bloc's voice. Parliament is a national forum. Parliamentary interjections are—regardless of their subject matter, or where they come from, or who their intended audience is—by the very forum in which they are uttered, pan-Canadian.

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[132] Germain, interview by author.

[133] During the 35th Parliament, the Bloc devoted three opposition supply days to defending these groups, and demanded that Bill C-12 be revoked. See House of Commons, *Debates*, 5, 8 December 1995, 10:10, 10:00 (Francine Lalonde); and House of Commons, *Debates*, 12 March 1996, 12:50 (Michel Gauthier). The party's criticism did not end with the passage of the bill, however. Two years after its adoption, the BQ continued to condemn the new insurance scheme and introduced another supply motion in June of 1998. That motion implored "the House [to] castigate the government for the catastrophic effects of its reforms to unemployment insurance; for having taken over funds destined for unemployed persons; and for its inability to adapt the unemployment insurance system to the new realities of the labour market, particularly where young people, women, and self-employed persons are concerned." See House of Commons, *Debates*, 1 June 1998, 12:00 (Paul Crête).

CHAPTER III

THE BQ AND BILL C-36: THE

ANTI-TERRORISM ACT

Introduction

The second case study deals with domestic justice policy. Specifically, it reveals

lesser-known aspects of the BQ by assessing the party's parliamentary performance

during debate on Canada's Anti-Terrorism Bill. The first section explains the

historical context in which the bill was introduced, discusses the content of the

legislation, and briefly reviews the policy positions of all parties on Bill C-36. The

second (and main) section explores the BQ's critique of the bill and shows how the

Bloc's position counterbalanced the arguments of the Canadian Alliance. The chapter

concludes by discussing the broader implications of the Bloc's behaviour, and

suggests that the party's place in Parliament forces it to address a wide range of

issues, subsequently restricting its ability to advocate Québec secession.

Bill C-36

Writing on September 12, 2001, a columnist for the American newsmagazine, *The*

Nation, declared:

> On Tuesday morning, a piece was torn out of our world. A patch of
> blue sky that should not have been there opened up in the New York
> skyline… Our city was changed forever. Our country was changed
> forever. Our world was changed forever.[134]

The assertion that the terrorist attacks in Pennsylvania, Washington, and New York

"changed the world forever" is not unique to the pages of *The Nation*, nor is it

restricted to American observers. A cursory review of newspaper stories from all parts

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[134] Jonathan Schell, introduction to *A Just Response:* The Nation *on Terrorism, Democracy and September 11, 2001*, ed. Katrina Vanden Huevel (New York: Thunder's Mouth Press/Nation Books, 2002), xv.

of the world in the weeks following September 11th reveals a similar sentiment.[135]

Hansard transcripts from legislatures across Canada show MPs and their provincial

counterparts agreeing with Schell's opinion.[136] That being said, it deserves mention

that the frequency with which a phrase is repeated does not guarantee its veracity. The

planes that were flown into the World Trade Centre changed the world just as

countless other dramatic events have influenced the course of history. Never the less,

it is true that the terrorist attacks affected more than the New York City skyline.

On 15 October 2001, the Liberal Government in Ottawa introduced anti-

terrorism legislation in the House of Commons. An omnibus bill, Bill C-36

constituted part of Canada's formal response to the "new" terrorist threat. Dividing

the legislation into six sections, the government outlined its three main objectives:

first, to suppress the very existence of terrorist groups; second, to provide new

investigative tools to aid in the apprehension of terrorists; third, to establish a tougher

sentencing regime for terrorist crimes. Cabinet ministers were talking tough,

attempting to quell the fears of an unnerved public, as well as to assure the United

States of the security of its northern border. During his testimony before the Standing

Committee on Justice, the Solicitor General defended the new powers conferred by

Bill C-36:

> Yes, we will give police more tools to investigate and prevent terrorist
> activity. Yes, we will make it easier to use electronic surveillance
> against terrorist groups, take steps to protect security information, and

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[135] On 12 September 2001, *The New York Times* wrote that "the unimaginable [had] bec[o]me real;" it called the previous day "one of those moments in which history splits, and we define the world as 'before' and 'after.' Editorial, "The War Against America: An Unfathomable Attack," *New York Times*, 12 September 2001, A26. A different *Times*, made the same observation: see Comment, "Terror for All: The day that changed the modern world," *The Times*, 12 September 2001, 13.

[136] During the first sitting at Queen's Park after the attack, the premier of Ontario said: "The world has changed, and we have changed." Legislative Assembly of Ontario, *Debates*, 24 September 2001, 13:40, (Hon. Michael Harris). Alberta Premier, Ralph Klein called the attacks "one of the most catastrophic acts of pointless terror ever witnessed on this planet." Legislative Assembly of Alberta, *Debates*, 13 November 2001, 13:30 (Hon. Ralph Klein). In Québec City, Premier Landry quoted Franklin Roosevelt, calling September 11, 2001, "A day that will live on in infamy." Québec National Assembly, *Debates*, 16 October 2001, 17:05 (Hon. Bernard Landry).

detain terrorists. Yes, we will take measures against groups that abuse our registered charity system to raise funds for terrorists. Simply put, a nation must be prepared to protect itself, to ensure its safety and security, and that is exactly what we are doing.[137]

Specifically, Bill C-36 would:

- Define (for the first time) "terrorist activity";
- Create a tough sentencing framework for new offences of terrorism;
- Enable various government agencies (for example, the Canadian Security Intelligence Service, the Communications Security Establishment) to expand their use of electronic surveillance in tracking suspected terrorists;
- Increase the government's ability to restrict access to sensitive information of national concern;
- Allow persons suspected of planning a terrorist act to be detained without warrant (preventative arrests);
- Require individuals suspected of having information regarding terrorist offences to deliver evidence in court in the absence of any charges (investigative hearings);
- Establish a list of suspected terrorist groups that would in turn be denied charitable status (as well as create penalties for individuals who finance suspected terrorist groups);
- Adopt two international treaties on the suppression of terrorist activity.

Although it serves an important purpose, rarely does parliamentary debate rivet the public's attention: "the action is slow, the dialogue is ponderous and interminable, the scene is sparsely populated, and the wit has all the subtlety but none of the force of a Mack truck."[138] By contrast, Bill C-36 was hotly debated, not only within the walls of Parliament, but also in the national media. Reaction to the bill was swift and came from points all along the political spectrum.[139] Two reasons account

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[137] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 16:00 (Hon. Lawrence MacAulay).
[138] C.E.S. Franks, "Problem," 15.
[139] The day after the bill was introduced in Parliament, a Montreal newspaper supported the BQ's decision to "endors[e] the new legislation and pledg[e] unity with the Chrétien Government." Editorial, "Tough Action from Ottawa," *The Gazette* (of Montreal), 16 October 2001, B2. *Globe and Mail*

for the Anti-Terrorism Bill's exceptional attraction. First, as it began within a month of September 11th—and was sure to be finished within weeks—debate on Bill C-36 was permeated by a sense of urgency uncommon to most parliamentary deliberation. Moreover, the issue was compelling. The anti-terrorism legislation firmly attached Canada's legislators (and, by extension, all Canadians) to a monumental event. Bill C-36 highlighted the fact that the reach of September 11th transcended the 49th parallel. Indeed, at one level of analysis, the bill was Canada's response to the terrorist attacks; but besides fascination with anything dealing with 9/11, there was another reason for widespread public interest. Broadly speaking, Bill C-36 explicitly concerns one of the fundamental tensions of politics: striking a proper balance between individual freedom on the one hand, and the security of the state on the other.

In his 1951 Reith Lectures, Lord Radcliffe spoke about the "problem of power" that is "inescapably present in modern society and its civilisations."[140] He begins his discussion on corruption by acknowledging "the philosophy of the backwoods is useless, because it is too simple… [modern] societies cannot be conducted at all without central authority to keep the whole activity from breaking down."[141] Although there is nothing novel about Radcliffe's point of departure, questions arise as to what ends—and within what boundaries—state power should be exercised. In his book on crisis government, the late political scientist, Clinton Rossiter, begins with a quote from Abraham Lincoln, who grappled with the same

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demanded the bill "incorporate an immutable sunset clause, one that automatically repeals the law after three years." Editorial, "How far Canada goes to fight terrorists," *Globe and Mail*, 17 October 2001, A16. In Regina's *Leader-Post*, one column described "two of the measures widening police power [that] are particularly troubling for civil libertarians." Editorial, "Vigilance is required," *Leader-Post*, 17 October 2001, B7. On the same page, another reporter praised the government for "incorporat[ing] the best of Alliance and Conservative suggestions into an act that goes as far as any Liberal government would reasonably be expected to go, even in war." Don Martin, "A View From Alberta: Tough stuff," *Regina Leader-Post*, 17 October 2001, B7.

[140] Lord Radcliffe, "Lecture I," *The Problem of Power: The Reith Memorial Lectures 1951* (London: Secker and Warburg, 1952), 3.

[141] Radcliffe, *Power*, 3.

problem in his famous question to Congress: "Must a government of necessity be too *strong* for the liberties of its people, or too *weak* to maintain its own existence?"[142] Although Ottawa of 2001 is not Washington of one hundred fifty years past, there is no denying that the atmosphere surrounding debate on Bill C-36 was one of crisis. At second reading debate, the Minister of Justice made no attempt to shy away from CNN-speak, as she committed Canada to the "war against terrorism."[143] As the Canadian military joined its United States counterpart in Afghanistan, and as new security measures were instituted without delay, a sense of emergency descended upon Parliament.

In his dissertation on emergency government in Canada and Australia, University of Saskatchewan professor David Smith notes: "The role of a legislature in a crisis situation is not easy to determine." His observation that "the benefit of criticism during wartime is frequently scorned on the ground that it may weaken a united war effort and endanger the chances of victory,"[144] held true during debate on Bill C-36. All parties in the House of Commons proceeded with caution. The Bloc Québécois was no exception.

Only the NDP opposed Bill C-36 from the outset. But although the criticism of New Democrats would become more heated in later stages of debate, at second reading, their remarks were also tempered. Referring, presumably, to confrontations between protestors and police (that occurred at the Asian Pacific Economic Cooperation (APEC) meeting in Vancouver in November 1997, and at the Free Trade Area of the Americas (FTAA) summit in Québec City in April 2001), veteran MP Bill Blaikie stated his desire to "convey the spirit of scepticism… arising out of the

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[142] Cited in Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies* (New York: Princeton University Press, 1963), 3.

[143] House of Commons, *Debates*, 16 October 2001, 10:10 (Hon. Anne McLellan).

[144] David E. Smith, "Emergency Government in Canada and Australia 1914-1919: A Comparison" (Ph. D. diss., Duke University, 1964), 241.

experiences of the last few years."[145] Three days after Blaikie's comments, his colleague, Saskatchewan MP Dick Proctor, reiterated those concerns and raised new ones about the balance between civil liberties and state security. Svend Robinson also criticized the proposed legislation, reminding his listeners of controversial government actions during earlier emergencies: the internment of Japanese Canadians during the Second World War as well as the decision of the Trudeau Government in the FLQ crisis of 1970 to invoke the *War Measures Act*, and to hold without charge hundreds of suspects. In retrospect, to many Canadians, these policies constituted abuses of state power.

In contrast to the scepticism of NDP members, Progressive Conservative MP Peter MacKay enthusiastically supported the legislation.[146] Noting that anti-terrorism legislation adopted in the United Kingdom was more stringent than Canada's proposed scheme, he even suggested that Bill C-36 would benefit from strengthening its most controversial provisions. MacKay praised the government's effort to reduce the administrative burden on police by establishing new options of preventative arrest and investigative hearings. Although he acknowledged the possibility that the new powers could be abused, he concluded: "The bill in its proper interpretation will not tread into the area of civil disobedience of a peaceful nature and legitimate protests against government activity."[147] The Tories were as supportive at the final stage of the legislative process as they had been upon the bill's introduction.

Perhaps the party with the most complex (and least coherent) position on Bill C-36 was the Canadian Alliance. In line with the arguments of the NDP and BQ, some Alliance members appeared to favour the protection of civil liberties; others

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[145] House of Commons, *Debates*, 16 October 2001, 11:35 (Bill Blaikie).
[146] MacKay began his speech: "In fairness I believe that it is a good bill." House of Commons, *Debates*, 16 October 2001, 11:50 (Peter MacKay).
[147] House of Commons, *Debates*, 16 October 2001, 12:20 (Peter MacKay).

criticized the anti-terrorism plan for being too weak. For example, one Alliance MP

referred to the new federal gun registry as evidence of "the government's track record

in violating the rights and freedoms of law abiding citizens."[148] Ironically, that

comment came less than an hour after a caucus colleague had declared: "Clearly, in

the interests of security, we are going to have to modify some of the liberties and

freedoms and we are going to be transferring more power to the state."[149] Still others

(including leader Stockwell Day) praised the legislation, but demanded to know why

the Liberals had voted against the CA's supply motion of the previous month—a

motion (Day maintained) that had included many of the same provisions as Bill C-36.

Day also criticized the government for neglecting to address immigration issues in the

bill. Despite the variation of opinion within the Canadian Alliance caucus, recurring

themes (to be discussed below) did arise.

The Bloc's Critique of Bill C-36

The first time BQ members spoke on the bill, they declared their support for the

principle of the legislation and its main objectives. Michel Bellehumeur's speech

captured the essence of the Bloc's position, cautioning against the temptation to

sacrifice individual liberty for enhanced state security, while at the same time

suggesting, "we can… have legislation that will enable us to prevent attacks such as

the ones [of September 11th]. We can have a bill that will help us to gather

information on terrorists." At second reading, he concluded: "Looked at as a whole, I

believe the bill's purpose is laudable."[150] Paul Crête echoed Bellehumeur's opinion,

stressing the need to overcome partisan differences in an effort "to produce an

excellent tool to help in the fight against terrorism and the defence of human

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[148] House of Commons, *Debates*, 17 October 2001, 16:10 (Garry Breitkreuz).
[149] House of Commons, *Debates*, 17 October 2001, 15:30 (Brian Fitzpatrick).
[150] House of Commons, *Debates*, 16 October 2001, 13:30 (Michel Bellehumeur).

rights."[151] The Bloc pledged its support to a project intending to ensure the safety of Canadian citizens; specifically, the party praised the bill's provisions "that truly outlaw activities that finance terrorism,"[152] as well as its adoption of two international treaties.[153] At the conclusion of second reading debate, the BQ voted in favour of the legislation.

Parliamentarians on both sides of the House agreed that the severity of the events to which the bill responded, as well as the fundamental tension between civil liberties and the security of the state inherent in the legislation, demanded that debate on Bill C-36 transcend partisan differences.[154] During speeches both in the Commons and in committee hearings, the Justice Minister emphasized her willingness to consider contributions from all parties.[155] Although understandably dubious of the promise,[156] Bloc MPs appear to have taken the minister at her word. After McLellan's opening remarks to the Standing Committee on Justice and Human Rights, one BQ committee member challenged the minister to keep her promise, assuring her that "the Bloc Québécois will be examining this bill very attentively, as we regularly do with all new legislation."[157]

Despite the Bloc's initial enthusiasm for the objectives of Bill C-36—and notwithstanding the party's commitment to cooperate with the government—the scepticism of several BQ members was revealed at an early stage of debate. During question period on the day Bill C-36 was introduced, the Bloc's predisposition to

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[151] House of Commons, *Debates*, 17 October 2001, 15:55 (Paul Crête).
[152] House of Commons, *Debates*, 16 October 2001, 11:05 (Pierrette Venne).
[153] These were: The International Convention on the suppression of terrorism, and, the International Convention on the suppression of terrorist bombings.
[154] While this is a noble suggestion, it is likely more often made than kept. It would be a rare occasion to witness a legislator begin a speech by declaring that the issue lends itself especially well to partisan squabbling.
[155] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 15:50 (Hon. Anne McLellan).
[156] After all, no government makes a habit of adopting the opposition's program.
[157] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 16:10 (Michel Bellehumeur).

favour the protection of civil liberties over increased state security emerged. In a supplementary question (the preceding one having dealt with the Minister of Justice's prospective ability to suspend the *Access to Information Act*), MP Pierrette Venne challenged the minister: "Mr. Speaker, this bill contains a provision whereby preventative detention without a warrant will now be possible in the context of the fight against terrorism. Does this not interfere with fundamental rights and freedoms?"[158]

In time, what had begun as hesitation to some of the bill's provisions at the first stages of debate was transformed into a frontal attack on virtually the entire legislation. Of special concern to Bloc MPs was the section dealing with the definition of terrorist activity. Clause 'E' of section 83.01(1)b included as an act of terrorism, an act or omission intended "to cause serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of lawful advocacy, protest, dissent or stoppage of work."[159] According to members of the Bloc Québécois (as well as some other critics), to include the word "lawful" in the definition was to allow for too broad an interpretation of terrorist acts.

If lawful disruptions, protests, and interference lay outside the jurisdiction of Bill C-36, did the government intend to charge participants in similar, but illegal actions with terrorist offences? Would the legislation turn a "wildcat strike" into an act of terrorism? Into which category would the behaviour of protesters at Québec City's FTAA summit fall? Were the teenagers who, in the previous spring, used catapults to launch teddy bears over fences terrorists? Bloc MPs described several analogous situations in which people who broke the law—but were not terrorists in

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[158] House of Commons, *Debates*, 15 October 2001, 14:35 (Pierrette Venne).
[159] Canada, "Bill C-36," online, <http://www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-36/C-36_3/C-36TOCE.html> (retrieved 15 March 2003).

the conventional sense of the term—could be caught in the wide net of Bill C-36. For example, Bellehumeur questioned whether the actions of union members who were paralysing essential services in an illegal strike would fall under the framework of terrorist activity. Pierre Paquette explained how the definition could have been applied to the students who occupied the Chilean consulate in 1974, and to the acts of honourary Canadian citizen, Nelson Mandela.[160] Bloquistes were not persuaded by the assurances of the Justice Minister that these cases were "not intended to be caught by this definition."[161]

BQ scepticism was well founded. In an article published before the bill passed in Parliament, constitutional scholars Brenda Cossman and David Schneiderman argued that its broad definition of terrorist activity "might potentially sweep within its grasp the actions of many political protestors, including many Aboriginal groups, anti-globalization protestors, and labour unions."[162] Testifying before the standing committee, civil liberties advocate Alan Borovoy gave voice to this opinion: "[Bill C-36] is capable of targeting a variety of behaviour that bears no resemblance to the kind of behaviour most of us would call terrorism."[163] Even the Justice Minister admitted that "some judgment will have to be applied by law enforcement authorities in relation to certain decisions at the edges."[164] That discrimination might be needed was borne out by the statement of some (admittedly few) members of Parliament, who

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[160] House of Commons, *Debates*, 26 November 2001, 16:20 (Pierre Paquette).
[161] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 16:20 (Hon. Anne McLellan).
[162] Brenda Cossman and David Schneiderman, "Political Association and the Anti-Terrorism Bill," in *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill*, eds. Ronald J. Daniels, Patrick Macklem, and Kent Roach (Toronto: University of Toronto Press, 2002), 197.
[163] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 24 October 2001, 16:00 (Alan Borovoy).
[164] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 16:20 (Hon. Anne McLellan).

actually supported the idea of FTAA protestors being charged with terrorist offences.[165]

In the end, however, the BQ policy position won the day. Although it was a government amendment that accomplished the Bloc's objective, "lawful" was indeed struck from the definition of terrorist activity. While it is impossible to determine precisely the effect sustained criticism from Bloc MPs had on the Liberals' decision,[166] there is no doubt that BQ members were adamant in insisting the word "lawful" be removed. They demanded its elimination during debate in the House, at committee, and, on several occasions, raised the issue during oral question period.[167]

Besides rejecting the bill's definition of terrorist activity, Bloc MPs also criticized (with less success) the authority it conferred upon various officials. Specifically, Bloquistes condemned provisions for preventative arrests and investigative hearings. The bill tipped the balance between concern for civil liberties and promotion of state security too far in the latter's direction. For instance, it allowed a peace officer to arrest and detain a suspect without a warrant, as well as to serve subpoenas in the absence of charges. The commissioner of the RCMP attempted to allay fears by explaining that Bill C-36 permitted a peace officer to make a preventative arrest only when the officer "suspect[ed]" on "reasonable grounds" that an individual would commit a terrorist offence. In her response to the commissioner, Pierrette Venne noted the incompatibility of those two terms. She raised the issue

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[165] When a Government member asked Conservative MP Peter Mackay whether he thought the violent actions of some protestors at the FTAA summit were "something we want this bill to catch," MacKay responded: "Yes, I believe this legislation would very much envelope acts of violence… Whether it is someone from another country perpetrating an act of violence of the magnitude that we saw on September 11, or whether it is an individual who purposely prepares a weapon or a bomb or engages in a dangerous act, that in my view is terrorism. It is a threat to public security and it has to be dealt with in the harshest and most just but swiftest fashion. I agree that this definition would encompass that type of activity." House of Commons, *Debates*, 16 October 2001, 12:10 (John Bryden and Peter MacKay).
[166] The NDP, PCs, and Canadian Alliance all shared the same position.
[167] In line with members of the BQ, Cossman and Scheiderman conclude: "The definition of terrorist is much too far reaching, and represents, in our view, a significant infringement on the right to political association and protest." See Cossman and Schneiderman, "Political Association," 189.

again during the legislation's clause-by-clause review, calling the "concept of 'reasonable grounds to suspect'… a concept that the police doesn't know and can't enforce."[168] Regardless, despite the party's effort to change the wording to "reasonable grounds to believe," the BQ amendment was voted down by the government.[169]

Broadly speaking, Bloquistes questioned the new powers given to certain cabinet ministers and policing agencies. MPs argued that the legislative framework regarding access to information should not be altered because it included vital safeguards to check the already impressive power of the state. According to one BQ member, the Minister of Justice affording herself the ability to restrict access to information—even from officers of Parliament—typified the government's move to acquire "extraordinary powers."[170] Canada's privacy commissioner substantiated Venne's analysis of the minister's new authority: "What this means in effect is that if the minister issues a certificate… not only can [certain] information not be released, which it wouldn't anyway, but there is no longer oversight."[171] Similar concerns were raised over the capacity of the Minister of Defence to authorize the interception of electronic information, such as cellular phone conversations between suspected terrorists.[172] In line with the Bloc's overall approach to Bill C-36, party members emphasized the need for protection against the intrusive moves of a government attempting to ensure the safety of its citizens.

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[168] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 20 November 2001, 13:30 (Pierrette Venne).
[169] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 20 November 2001, 21:15 (Michel Bellehumeur).
[170] House of Commons, *Debates*, 16 October 2001, 11:15 (Pierrette Venne).
[171] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 23 October 2001, 11:45 (George Radwanski).
[172] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 31 October 2001, 15:55 (Pierrette Venne).

The unity with which BQ members addressed these aspects of the legislation is remarkable. Within the other parties in Parliament, such methods of strengthening state security were both opposed and supported in varying degrees (with the exception of the NDP, whose members were also in full agreement). For example, although it was a minister of the government who introduced Bill C-36, at second reading Liberals John Bryden and Roger Gallaway encouraged their caucus to rethink the plan to restrict access to information.[173] Fellow Liberal, Anita Neville criticized the bill's definitional framework.[174] Variation within the Alliance ranks has already been noted. By contrast, the Bloc Québécois spoke with a single voice. Irrespective of the possibility that disputes may have arisen behind the closed doors of BQ caucus meetings, the Bloc formed a united front during parliamentary debate. In fact, the Bloc's unity as regards provisions such as preventative arrests, investigative hearings, and ministerial certificates, typifies the party's approach to all parts of the legislation.

By the time Bill C-36 returned to the House at report stage, Bloc members were so incensed by their inability to amend the legislation at committee that one MP declared: "This bill is the first step in the negation of all democratic liberties that we hold so dearly."[175] But the Bloc's fierce attack on the Anti-Terrorism Bill was not without a healthy dose of realism. When the vice-president of the Confédération des syndicats nationaux requested during her presentation to the Justice Committee that the legislation be withdrawn, Bellehumeur remarked: "I have never seen that happen since I was elected in 1993. Therefore, we will not be doing that today, there will be legislation."[176] After (grudgingly) admitting that Bill C-36 would eventually be

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[173] House of Commons, *Debates*, 16 October 2001, 12:20 (John Bryden), and 13:15 (Roger Gallaway).
[174] She declared: "I do not believe that a protest, violent or otherwise, is a terrorist activity." House of Commons, *Debates*, 16 October 2001, 16:25 (Anita Neville).
[175] House of Commons, *Debates*, 26 November 2001, 16:35 (Real Menard).
[176] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 7 November 2001, 17:10 (Michel Bellehumeur).

adopted, the BQ opened up a second front in its fight to protect civil liberties.

Whereas one element of the BQ's participation in debate could be characterized as

offensive, in the sense that the party rejected the definition of terrorist activity, and

railed against specific new powers, the party also played a defensive role. That is,

Bloc MPs acknowledged that the Liberal majority would ensure the bill's approval,

thus they devoted significant energy to attaching safeguards to any final product.

The Bloc's defensive strategy aimed to fulfil two objectives. First, the party

encouraged the creation of a review board to assess the execution of the legislation, as

well as to investigate accusations of its provisions being abused. Similar to a scheme

developed in Parliament's Upper House during Senate deliberations on Bill C-36,

Bellehumeur also suggested appointing

> a commissioner who submits a detailed report indicating the number of
> arrests that have been made, the number of warrants that have been
> issued, the number of cases of preventative detention, the value of the
> assets that have been confiscated, the number of terrorist organizations
> whose charitable status has been withdrawn.[177]

It is doubtful that the Bloc placed great faith in the possibility that such a commission

would actually be established. The government repeatedly assured Parliament that the

potential for abuse was not severe enough to warrant an independent watchdog.

Creating a review board could be read as a tacit admission that the Bloc was right

about the dangers of Bill C-36. Furthermore, since one goal of the anti-terrorism

legislation was to develop a mechanism by which certain cabinet ministers could

override the authority of existing officers of Parliament, why would the Liberals agree

to create a new one?[178]

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[177] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 7
November 2001, 17:10 (Michel Bellehumeur).
[178] Although C-36 does, in fact, contain a clause requiring that government explain the law's yearly
application, a *National Post* story from April 2003 seems to confirm the BQ's doubt about the low
level of government commitment to such a review: "Sixteen months after the federal government's
sweeping anti-terrorism legislation became law, Ottawa has yet to produce a report on how it is using
its new powers." Bill Curry, "Ottawa urged to issue annual report on C-36," *National Post*, 22 April

Faced with imminent rejection of their first line of defence, Bloc MPs resorted to a last-ditch effort. More often than they raised any other particular issue, BQ members argued that Bill C-36 must be subject to a so-called sunset clause. Of the forty-eight oral questions asked on the legislation by the Bloc between the time of its introduction and the date it received royal assent, twenty dealt specifically with establishing an expiration date. Since Bill C-36 was sure to be passed, and considering not only the unlikelihood of the Liberals eliminating significant parts of the legislation, but also the government's distaste for the idea of a review commission, the BQ demanded the bill's duration be fixed. The Bloc would simply not be satisfied without defining the exact moment at which the new broad powers would cease to exist. Even if a sunset clause had been included, it is uncertain whether the BQ would have supported the Anti-Terrorism Bill; in its absence, the party was sure to vote against it.

The Minster of Justice, unsympathetic to the Bloc's position, explained that sunset clauses are uncommon in Canadian legislation. Bellehumeur retorted: "Exceptional circumstances require exceptional measures."[179] The Minister of Defence, Art Eggleton, informed the standing committee that to assign a fixed end to the legislation essentially ignored the justification for its new powers. The "war against terrorism" would be a protracted battle. Attaching a sunset clause to Bill C-36 could terminate its power "when we're just getting into a circumstance where we need it the most."[180] But Eggleton's argument proved no more convincing than McLellan's.

2003, A13. Two months after the *Post* article was published, Canada's other national daily offered a more general observation on government inaction: "Since the terrorist attacks, governments worldwide have been reconsidering the balance between individual liberties and collective security. Often, the new boundaries have not been well-drawn, and governments have resented any second-guessing." Editorial, "The Radwanski Touch," *Globe and Mail*, 18 June 2003, A20.

[179] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 18 October 2001, 16:10 (Michel Bellehumeur).

[180] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 23

The Bloc remained steadfast in its stance. Despite the testimony of countless witnesses demanding that the legislation be only a temporary measure, and rejecting the proposals of opposition MPs who urged inclusion of a sunset clause (as well as some government members who openly supported the Bloc's position[181]), the bill, as passed, was (and, in 2003, remains) permanent. Granted, the Liberals did agree to fix the duration of provisions for investigative hearings and preventative arrest; however, the Bloc drew little comfort from this decision. Addressing the minister, Bellehumeur was incredulous: "Who asked you for a sunset clause that would only apply to two sections in particular or to two exceptional powers?"[182]

Finally, the BQ criticized the process by which Bill C-36 was passed. The party argued that notwithstanding the sense of urgency surrounding the debate, more time was necessary to ensure effective legislation. As students of Parliament inevitably note, in the House of Commons, "time is a valuable commodity"; thus, it is to be expected that the opposition will seek to prolong debate on any issue. Tactical considerations to one side, the Bloc's lament had additional merit. After all, any bill that affects the balance between rights and security deserves as thorough an examination as the circumstances permit. Furthermore, the Bloc used its time in both House and committee debate to raise serious concerns and recommend alternatives to the bill; never did Bloc MPs purposely disrupt the proceedings. None the less, the fact that many Bloc MPs still wished to speak did not persuade the government to make concessions to allow debate to proceed at third reading.[183] Although it is unlikely that speeches by Bloquistes (or those of any other party) would have altered the final

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October 2001, 16:05 (Hon. Art Eggelton).

[181] Liberal MP, John Bryden, based his call for a sunset clause on the danger of information being withheld indefinitely. House of Commons, *Debates*, 16 October 2001, 12:20 (John Bryden).

[182] House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 20 November 2001, 12:45 (Michel Bellehumeur).

[183] No NDP or Conservative members were given an opportunity to address the House at third reading.

decision of the House on Bill C-36, the invocation of closure to debate proved more controversial than usual when, the following day, the House recessed early due to lack of business.

To describe the policy position of the Canadian Alliance on Bill C-36 as one that is diametrically opposed to that of the BQ is an overstatement; in fact, the two parties shared several of the same concerns.[184] Nevertheless, although a degree of policy overlap is evident between the two parties, significant differences separate their overall approaches to the bill. Put simply, the BQ argued that Bill C-36 went "too far,"[185] sacrificing liberty for the sake of security. By contrast, the Canadian Alliance argued that the legislation was "not tough enough."[186] While it is true that both parties attempted to find the appropriate balance between freedom and security, it is also the case that the location of the balance proved to be significantly different for each party. Whereas "rights" was the watchword for BQ members (the right to protest; the right to a fair trial; rights of aboriginals, of students, etc.), Alliance MPs stressed "security". In fact, the two parties seemed to disagree fundamentally on the nature of civil rights. The Bloc's hesitation to allow the expansion of state power suggests that it views rights as being close to absolute. Thus, from the Bloc's perspective, the onus is on government to justify any encroachment upon these rights. By contrast, Alliance MP Brian Fitzpatrick, speaking in language common to his caucus, disagrees: "There is nothing called an absolute right in this world. There is no such thing. Freedoms and individual freedoms have always been tempered by public good and the freedoms of other people in society."[187] Bloc MP Monique Guay distinguished the perspective of

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[184] Both, for example, favoured subjecting the bill to a sunset clause. Alliance MPs also agreed that "lawful" should be removed from the definition of terrorist activity. Moreover, the CA was no more satisfied by the government's use of closure than were Bloc MPs.
[185] House of Commons, *Debates*, 16 October 2001, 13:30 (Michel Bellehumeur).
[186] House of Commons, *Debates*, 28 November 2001, 13:30 (Stockwell Day).
[187] House of Commons, *Debates*, 17 October 2001, 15:30 (Brian Fitzpatrick).

Fitzpatrick's party from that of her own: "To sacrifice our freedom would be to capitulate… Our choices will not be about security."[188]

Different philosophical assumptions adopted by the BQ and Canadian Alliance led to different conclusions regarding the purpose of anti-terrorism legislation. Fitzpatrick's colleagues expanded upon his analysis. For example, one Alliance MP from Saskatoon criticized those who expressed concern that Bill C-36 would be able to meet a *Charter* challenge. Instead, he argued, "the emphasis should be on whether the legislation protects Canadians from terrorism."[189] Another CA member accused Parliament of "missing the real point" when it devoted its attention to "the legality and appropriateness of this anti-terrorism legislation."[190] Shortly after that remark, he revealed that the "real point" was increasing resources and training to the RCMP, CSIS, and the military. Furthermore, in stark contrast to the position of the BQ, the Alliance critic for foreign affairs worried "that the due process that is imported into the investigative hearings may in fact prevent the timely disclosure of information necessary for action against pending or imminent terrorist activity."[191] The Alliance repeatedly pressed for the bill to be strengthened.

Along with their analysis of the legislation, both parties also addressed the issue of terrorism in a broader context. Comparing those contexts within which the parties placed the debate on Bill C-36 provides further evidence of the gap between

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[188] House of Commons, *Debates*, 18 October 2001, 10:20 (Monique Guay).
[189] House of Commons, *Debates*, 18 October 2001, 10:50 (Maurice Vellacott). A leading scholar in public policy and law agrees with Vellacott's assertion that *Charter* compatibility is of secondary importance. However, Kent Roach's reasoning differs from that of the Alliance MP—he emphasizes the need to protect liberal-democratic values: "Just because a bill can be presented as 'Charter-proof' does not mean it should be enacted… [and although]… Charter-proofing is now an entrenched part of the legislative process in Canada… it presents dangers especially if governments become more concerned about avoiding invalidation of legislation under the Charter, than living up to its broader purposes and spirit." Kent Roach, "Dangers of a Charter-Proof and Crime-Based Response to Terrorism," in *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill*, eds. Ronald J. Daniels, Patrick Macklem, and Kent Roach (Toronto: University of Toronto Press, 2002).
[190] House of Commons, *Debates*, 17 October 2001, 16:10 (Garry Breitkreuz).
[191] House of Commons, *Debates*, 16 October 2001, 10:45 (Vic Toews).

their policy perspectives. Canadian Alliance members referred to "gaping holes" in the legislative framework. They frequently criticized the government for neglecting to address immigration and deportation issues, for being lax when sentencing convicted terrorists, for refusing to alter extradition laws, and for creating a list of terrorist organizations without at the same time making it illegal to be a member of such a group. The Alliance framed terrorism as a problem that would be solved by increasing resources to law-enforcement officials within Canada, and to immigration officers at border crossings and airports. The "war against terrorism" was a war against terrorists.

To the Bloc Québécois, however, a "war against terrorism" should be more than simply a war against dangerous individuals. It should also include a battle against international poverty, and focus on "a change in attitude," rather than restricting its sights on the apprehension of suspected criminals. In the words of one Bloc MP:

> Will this legislation be enough to avert the [terrorist] threat? In the aftermath of the air strikes by the U.S., can we really believe that an anti-terrorist act will prevent such acts in the future? Not only should we find a political solution to the problem, but we should also be cautious about exclusively military and police solutions. We have to go beyond that.[192]

In summary, although the BQ and the Canadian Alliance both levelled severe criticisms at the government's plan, in effect, each party counterbalanced the position of the other. The Alliance demanded the legislation be reinforced; BQ MPs felt it was already too strong—they wanted it withdrawn altogether. Whereas Bloquistes were chastising Bill C-36 for sacrificing the freedoms that Canadians hold dear, Alliance members were asking: "How about preserving safety and security? That is a Canadian value."[193]

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[192] House of Commons, *Debates*, 16 October 2001, 20:30 (Christine Gagnon).
[193] House of Commons, *Debates*, 27 November 2001, 14:15 (Stockwell Day).

Did the Bloc Use Debate on Anti-Terrorism Legislation to Advance its Separatist Agenda?

There are a number of ways to assess the preceding analysis. Perhaps the most obvious is to address the questions: "How do we account for the Bloc's position on Bill C-36?" "What explains the party's behaviour?" and "Did BQ objections stem only from customary responsibilities of the opposition?" Of course, it is rare for a case in which the opposition votes against a government bill to make headlines—the job of the opposition is, after all, to oppose—but the final vote on Bill C-36 saw both the Alliance (which was the official opposition) and Conservative parties side with the government. Clearly, the Bloc's reservations were not a factor of the opposition simply performing its duty. What other explanations are available? For instance: Does the large number of caucus members who are both "highly educated… [and] ... clearly community oriented"[194] make the BQ especially sensitive to the protection of civil liberties? Maybe. But what about other highly educated MPs—the lawyers, doctors, and professors in other parties who voted in favour of the bill? Again, this time from the vantage point of history, perhaps the scar left by the imposition of the *War Measures Act* during the FLQ crisis runs deeper in Québec than in other parts of Canada. But once more, this explanation fails to explain, for many high-profile members of the government represented Québec constituencies in 2001.

All of these explanations, moreover, employ the sort of political psychoanalysis that this thesis attempts to avoid. The earlier analogy to Arendt's work on self-disclosure reminds us that regardless of a party's history—and notwithstanding its "qualities, gifts, talents, and shortcomings"—identity is revealed through action. Continuing in the language of Arendt, the past decade is filled with descriptions of "what" the Bloc Québécois is: since the party's birth, political science

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[194] Bernard, "The Bloc" (2000), 143.

textbooks have provided a constant reminder that its "basic objective sets the BQ apart."[195] Members of the party have acquired the reputation of being "permanent protestors."[196] Bernard points out that in Québec dailies, the image of a one-issue party is perpetuated by the pun: "The Bloc blocks, that's all!"[197] Because self-description provides a limitless opportunity to emphasize the secessionist vision, Bloquistes themselves are keen to describe the "what" of their party. Recall Bouchard's declaration that the BQ was created to form "the enveloping wing of the sovereigntist advance." In short, the Bloc is presented (by observers and by its own members) as nothing more than a voice for separatism. In order to assess these conventional interpretations of the BQ—to discover whether the party is truly a strictly separatist machine—this study set out to report the actions of the BQ in Parliament. Thus, a more precise question here is: To what degree did the BQ use debate on the Anti-Terrorism Bill to advance its separatist agenda?

In spite of popular images of the party, its contribution to Bill C-36 suggests there is more to the Bloc than advocacy of an independent Québec. The BQ chose not to avail itself of the various methods used by opposition parties in order to paralyze debate as part of a broader concerted effort to demand a sovereign state.[198] In this instance, rather than block the legislation, the BQ attempted to improve it: Bloc members submitted more amendments at committee—sixty-six in total—than all other opposition parties combined.[199] Moreover, it is ironic that a self-described separatist party would rely upon the authority of Canadian institutions in an effort to

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[195] Bernard, "The Bloc" (2000), 139.
[196] Bernard, "The Bloc" (2000), 142.
[197] Bernard, "The Bloc" (2000), 142.
[198] As noted in the previous chapter, however, the BQ had employed such techniques in the past.
[199] The standing committee approved only one of these amendments. Responding to the testimony of a representative from the Canadian Human Rights Commission, Bellehumeur's proposal succeeded in including cemeteries on the list of places of worship that would allow for stricter sentencing of the criminal whose vandalism against such sites was religiously motivated. See House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 20 November 2001, 23:30.

improve national policy. Besides the work of Canadian Senators, which Bloc MPs cited on several occasions, the testimony of officers of Parliament was also used to support the BQ critique.[200] Beyond episodic references to the need for effective legislation "for Québec and Canada", only once over the course of debate did the party devote significant attention to secession.[201] More prevalent were accusations that the bill trod upon longstanding Canadian values, as well as a claim by Bloquistes that their actions constituted a fight to protect all Canadians from legislative overreach. This behaviour is not that of a protest party that devotes its energy only to blocking legislation. It was Bloc MPs that "raised some of the best arguments about putting the brakes on going too far, and the suspension of civil liberties."[202]

As are the four federalist parties, the BQ is a party in Canada's Parliament. The implications of this observation are demonstrated in a headline on the *Canadian Press Newswire*: "Terrorism crisis sidetracked all parties during fall Commons session."[203] All of them read the same bill; all heard the same testimony in committee hearings. The Bloc Québécois was afforded no special insight based upon its vision of an independent Québec. In light of the nature of Bill C-36, it is no surprise that BQ members restricted their comments to the proposed legislation. Had they chosen to speak only of secession, without developing a clear link between the Anti-Terrorism Bill and the debate on Canadian federalism, BQ members would have exposed

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[200] The collection of essays on the anti-terrorism bill that comprises the thoughts of twenty-five leading Canadian scholars reads like footnote to the policy position of the Bloc Québécois. See Ronald J. Daniels, Patrick Macklem, and Kent Roach, eds., *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill* (Toronto: University of Toronto Press, 2002).

[201] During the clause by clause review stage, Bellehumeur asked the government how it intended to apply a provision dedicated to preserving Canadian sovereignty should future referendum results favour the separatist camp. The parliamentary secretary to the Justice Minister responded: "[This provision] doesn't apply or would have no relevance to a decision within Canada for secession… It flows from line 13 of the definition of 'foreign state'. That's what is being referred to other than Canada." House of Commons, Standing Committee on Justice, *Minutes of Proceedings and Evidence*, 20 November 2001, 23:40 (Stephan Owen).

[202] Germain, interview by author.

[203] Jim Brown, "Terrorism crisis sidetracked all parties during fall Commons session," *Canadian Press Newswire*, 13 December 2001.

themselves to criticism for ignoring the bill's serious implications.[204] Essentially, they

would have forfeited the role of the MP.

Lord Jennings' comprehensive work of 1961, reminds the reader of the

elementary motives for seeking membership in Parliament: "The legislative authority

of Parliament extends to all persons, to all places and to all events."[205] Therefore,

persons wanting to shape existing laws, to add new ones, or to effectively confront

others who attempt to do the same, must first secure a position in Parliament, or

authorize another to represent their views. To do otherwise risks having one's

interests forgotten in the legislative process, or worse, having them compromised.

Parliament is a community of representatives that possesses unique powers. In a

federal system, the national legislature holds exclusive jurisdiction over certain

domains. Bill C-36 is a prime example: "The federal criminal power operates not only

as a source of federal power, but also as a brake on provincial powers to regulate with

respect to public order and morality."[206] There is one criminal code in Canada, and

there is only one place where that law is amended. Thus, for any group wanting to

contribute to developing federal justice policy, representation in Parliament is a

prerequisite. But remember—parliamentary activities are strictly ordered. Certain

patterns of behaviour are required in order to reap parliamentary benefits. This topic is

discussed in greater detail in the concluding chapter. Here the point to note is that by

virtue of their being MPs, Bloquistes were afforded special access to one of the most

contentious debates in recent parliamentary history. Rather than risk ejection by

contravening the rules of Parliament, and rather than damage their credibility as

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[204] Asked whether the party ever considered obstructing the bill, one MP answered: "My electors wouldn't want me to do that, because we are responsible. And if we would just obstruct to obstruct, then we would lose all credibility that we have here." Monique Guay, interview by author.
[205] Sir Ivor Jennings, *Parliament*, 2nd ed. (Cambridge: Cambridge University Press, 1961), 1.
[206] P. Macklem et al., *Canadian Constitutional Law*, vol. 1 (Toronto: Emond Montgomery Publications Limited, 1994), 382.

representatives of a population frightened by terrorist attacks, Bloc members followed the government's lead and addressed the terms of Bill C-36.

It may at first seem counterintuitive to portray the BQ as an active contributor to debate on national policy; however, upon considering the nature of Parliament, this observation becomes less puzzling. Parliament provides a space for representatives of various constituencies to gather and debate topics of shared concern. Due to the myriad interests of parliamentarians, as well as the breadth of issues brought to Ottawa, no party—certainly not one in opposition—can monopolize the topic of debate. And in the wake of an unexpected event (such as a terrorist attack on North American soil), the focus of parliamentary debate inevitably turns to new challenges. On September 10th, 2001, the BQ could never have predicted that it would be soon be engaged in a debate on anti-terrorism legislation. But without abdicating their role as representatives, neither could Bloc MPs escape this debate after it began.

Conclusion

As evidenced by their critique of Bill C-36, as well as their explanation for voting against it, Bloc MPs appear to favour the protection of civil liberties above concerns of state security. In the House, this policy position contrasted with that of Canadian Alliance MPs, who criticized the government for failing to construct a sufficiently strong framework to address the "new" terrorist threat. Moreover, the Bloc's concerted effort to moderate the bill's provisions (and place a limit upon their duration) was premised upon the protection of fundamental rights of all Canadians. This observation challenges the popular characterization of the BQ as a party devoted only to facilitating independence for Québec. In the case of Bill C-36, the desire to improve national policy superseded the Bloc's advocacy for Québec sovereignty.

CHAPTER IV

THE BQ AND BILL C-19: THE *CRIMES AGAINST HUMANITY AND WAR CRIMES ACT*

Introduction

The third (and final) case study assesses the conduct of Bloc MPs during deliberation on Canada's role in international affairs. The chapter is divided into three sections. The first summarizes the legislation and states the positions of the other political parties. The Bloc's position on Bill C-19 is explored in the second section. Drawing upon examples from the first two parts, the chapter concludes by making several observations on the BQ in Parliament, and the influence of power and institutions on political action.

Before discussing the details of Bill C-19, however, one question must first be answered: Why is the *Crimes Against Humanity and War Crimes Act* relevant to a study of the Bloc Québécois as a party in Parliament? One response is that the bill is significant in the sense that all bills to which the Bloc contributes are significant. That being said, C-19 differs from bills studied in previous chapters. It concerns Canada's relationship to other countries, as well as to an international multilateral institution; moreover, it assesses the function of Canadian parliamentarians in a global context. Specifically, the case study reviews debate on legislation to implement Canada's treaty commitments as a new member of the International Criminal Court. Thus, from a new—international—perspective, this chapter offers further evidence of how participation in parliamentary proceedings deflects the Bloc's focus from a narrow nationalist viewpoint to include a wide variety of policy issues.

Critics might charge that using this particular bill to illustrate Parliament's nationalizing effect is academic chicanery. Under the Canadian constitution the foreign affairs power belongs to the federal government, and Bill C-19 arose out of that government fulfilling an international obligation. As a consequence, there was very little scope for the BQ to promote or articulate Québec's distinct preferences. Such criticism actually highlights one of the central lessons of this thesis: The discipline of power and the subsequent influence of institutions limit the autonomy of political agents.

Bill C-19 was selected for this study precisely because its terms prompted a common conception of the role of the MP in national policy formation. Regional differences were put aside and the tone of the debate was civil. MPs displayed a remarkable ability to deliberate in a critically constructive manner, rather than to divide simply between the government and the opposition. While not all parties voted in favour of the legislation, debate on the *Crimes Against Humanity and War Crimes Act* unified members of Parliament. The divisions that did occur were due to differing conceptions of Canadian sovereignty and of the role of the state in the international arena. The Bloc, like the Liberals, Tories, Canadian Alliance and NDP, debated Canada's role in the pursuit of international justice. Thus, in the case of Bill C-19, a party that was founded upon a feeling of rejection[207]—indeed one that was created to facilitate Québec secession—also found itself drawn into realizing national objectives.

Again, the goal of the Bloc's creators was clear: "deliberately renouncing the idea of forming a government in Ottawa, the new party want[ed] to make a

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[207] Dion lists "rejection" as one of three contributing factors to the rise of Québec nationalism. See Stéphane Dion, "Explaining Québec Nationalism," in *The Collapse of Canada?*, ed. R.K. Weaver (Washington D.C.: The Brookings Institution, 1992), 111.

supplementary contribution to the sovereigntist cause."[208] Thus, to the BQ,

parliamentary debate on Bill C-19 constituted a worst-case scenario. Not only did it

provide scant opportunity to raise the issue of Québec sovereignty, it aimed to

articulate the common bonds, shared objectives, and international duty of the

Canadian state. Employing the same federalist cliché mentioned earlier: Bill C-19 (as

do all bills) includes the BQ.

Bill C-19

The *Crimes Against Humanity and War Crimes Act* was introduced to legislate

Canada's obligations under the *Rome Treaty*. Signed in June of 1998, that document

is an agreement among states dedicated "to put[ting] an end to impunity for the

perpetrators of [war] crimes and thus to contribute to the prevention of such

crimes."[209] In order to accomplish this task, delegates at the Rome Conference laid the

foundation for the creation of the International Criminal Court (ICC), a global forum

for the prosecution of three crimes: genocide, crimes against humanity, and war

crimes. Furthermore, the *Rome Treaty* conferred upon member states the authority to

prosecute the same crimes in their own respective national justice systems. "The

International Criminal Court is designed to complement, not replace, national courts,

and will therefore exercise jurisdiction where national courts are unable or unwilling

to bring transgressors to justice."[210] This provision, which ensures "complementarity"

between the courts of member states and the ICC, is central to the treaty's application.

It was included to quell fears that the new international institution would threaten the

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[208] Bouchard, *Record*, 255.
[209] Canada, *Rome Statute of the International Criminal Court* (Department of Foreign Affairs and International Trade, 17 July 1998), online, <http://www.dfait-maeci.gc.ca/foreign_policy/icc/PDF/Rome%20Statute-e.pdf> (retrieved 15 November 2002).
[210] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 11 May 2000, 10:00 (Donald K. Piragoff).

sovereignty of independent states. Sensitive to such concerns, the minister who introduced the bill in Ottawa described the ICC as a "court of last resort."[211]

The legislation's main objective was to define the circumstances under which Canada would be able to prosecute war crimes, and to clarify defences that would be acceptable at trial.[212] Human rights activists were "delighted at what they [saw] as the dawn of a new era for international justice;"[213] but despite the benefits of creating an international institution stop war criminals from acting with impunity, the *Rome Treaty* did not escape criticism. Opponents argued that the court could easily be manipulated for political gains. The Israeli delegation at the Rome Conference, for example, refused to sign the treaty. It argued that because "war crimes" is so vague a concept, members of its government would be left vulnerable to unfounded charges.[214] A similar fear of possible political manipulation informed the United States' decision to opt out of the ICC.[215] Thus, in addition to raising substantive questions about a possible affront to national sovereignty, the self-imposed absence of the United States further challenged the court's legitimacy.[216] Wherein lies the authority of an international institution when it is shunned by the world's lone super-power? Condemning Minister Axworthy's active role in the creation of the new court, Gwendolyn Landolt, a lawyer, and vice-president of REAL Women Canada, wrote in *The Gazette*: "He has blinded himself to the issues of Canadian sovereignty and the manipulation and power of this court world-wide, as well as the negative implications

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[211] House of Commons, *Debates*, 6 April 2000, 16:00 (Hon. Lloyd Axworthy).
[212] Past rulings of the Supreme Court (*Finta*, for example) had left such issues unresolved. See House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 11 May 2000, 10:40 (Donald K. Piragoff).
[213] World News, *Christian Science Monitor*, 25 July 2000, A5.
[214] Diane Koven, "Israeli MKs 'threatened' by Canadian proposal: could be charged with war crimes under new legislation," *Canadian Jewish News*, 8 June 2000, 3 and 21.
[215] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 9:55 (Richard Krieger).
[216] Editorial, *National Post*, 15 June 2000, A19.

and alarming loss of rights for Canadian citizens."[217] Clearly, advocates and critics alike considered Bill C-19 ambitious, if not overly so.

Furthermore, the legislation was unique: the process of incorporating international law into a Canadian statute is not routine. C-19 was innovative: the provisions of the *Rome Treaty* created new relationships, both between individual states, and between states and international institutions. Moreover, the bill was of particular interest to the Canadian Government as it was the first of its kind in the world. Although several countries had signed and even ratified the treaty by the time C-19 was introduced, no other national government had yet passed implementing legislation.[218] For these reasons (as well as to reward the Canadian delegation, which played a crucial role at the Rome Conference), the Chrétien Government sought quick passage of the bill.[219]

At second reading, both the New Democratic Party and the Progressive Conservatives promised to vote in favour of the legislation. Only the Canadian Alliance failed to commit its unanimous support. Whereas the endorsement of the Tories and the NDP was unconditional, Alliance MPs declared that the bill was too ambitious, and that they intended to vote against it if certain parts were not revised.[220] The Alliance questioned the economic feasibility of an ICC. The party also argued that the court "may become unaccountable and may override the sovereignty of a nation's legal and governance system." Alliance MP John Reynolds claimed that without clear definitions of prosecutable offences, the ICC would fall prey to "judicial activism."[221] For reasons mentioned above, the CA also expressed concerns about

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[217] Gwendolyn Landolt, *Gazette* (Montreal), 2 September 2000, B5.
[218] House of Commons, *Debates*, 6 April 2000, 16:00 (Hon. Lloyd Axworthy).
[219] For example, Canadian diplomat Philippe Kirsch chaired the ICC's prepatory committee.
[220] For example, see Grant Hill's comments: House of Commons, *Debates*, 14 April 2000, 13:05 (Grant Hill).
[221] House of Commons, *Debates*, 4 May 2000, 10:50 (John Reynolds).

joining an international body that had been rejected by the United States.[222] In

contrast to Alliance scepticism, one Progressive Conservative MP praised the

Minister of Foreign Affairs for introducing such an "excellent initiative."[223] New

Democrat MP Svend Robinson congratulated both the government as well as non-

governmental organizations for their contributions to the creation of the court.[224]

The Bloc's Critique of Bill C-19

The BQ declared its intention to vote in favour of Bill C-19 at second reading, but not

without notable hesitation.[225] Although Bloquistes spoke favourably about the

objectives of the bill, and supported Canada's innovative role in the creation of an

ICC, they argued that the government should have increased its new powers of

prosecution beyond those afforded by the proposed scheme. In contrast to the cautious

position of the Canadian Alliance (which argued against adopting new international

roles and responsibilities), the Bloc suggested changes to make the legislation

stronger.

The party's primary policy concern was that the bill's jurisdictional scheme

was too narrow. When Bloquiste Francine Lalonde first raised the issue during second

reading debate, she supported the concept of supra-national prosecution, but seemed

unsure as to whether the legislation would allow Canadian courts to "judge criminals

who are not Canadian or who did not allegedly commit crimes against Canadian

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[222] Hilstrom's comments summarize this position: "When the majority of the world, including a major power like the United States, have their questions answered, along with the serious questions we have raised here today as part of the Canadian Alliance, that is the time we could consider having a permanent court." See House of Commons, *Debates*, 14 April 2000, 13:45 (Howard Hilstrom).
[223] House of Commons, *Debates*, 14 April 2000, 10:50 (Peter MacKay).
[224] It should be noted, however, that not all of Mr. Robinson's comments were equally favourable. He used the opportunity at second reading to condemn the "inconsistencies in [the Canadian Government's] approach" to international justice, citing Canada's support for sanctions against Iraq, as well as its reluctance to investigate allegations of American ill-conduct during the war in Kosovo. Despite such criticism, neither the NDP nor the PCs raised specific concerns with the legislation as it was introduced. See House of Commons, *Debates*, 6 April 2000, 16:40 (Svend Robinson).
[225] House of Commons, *Debates*, 14 April 2000, 1050 (Francine Lalonde).

nationals."[226] In committee hearings, an official from the Department of Foreign

Affairs explained the criteria for prosecuting the new crimes:

> We are asserting jurisdiction over any crimes committed by or against
> Canadian citizens. That is, if the victim is a Canadian citizen, we will
> exercise jurisdiction, and if the person is a Canadian citizen, we will
> exercise jurisdiction over his or her crimes. Even if they were
> employed by Canada in a civilian or military capacity, we will exert
> jurisdiction over them. We will also exert jurisdiction over persons
> engaged in armed conflict against Canada or allies of them
> against Canada.[227]

Notwithstanding the bill's innovations (and in spite of the satisfaction of

officials in the Foreign Affairs Department), Bloc MPs argued that the nature of some

crimes (such as the ones established in Bill C-19) are so heinous that a state should be

able to prosecute them regardless of any overt connection.[228] They maintained that

Canada should have asserted an even broader basis of jurisdiction. Bloquistes

continued to lobby for the expansion of the system's jurisdictional scheme when the

legislation faced scrutiny by the Committee on Foreign Affairs and International

Trade (FAIT).[229] There they asked witnesses to comment on their party's proposal of

"universal jurisdiction." Although government bureaucrats and other experts appeared

to enjoy the challenging debate, only one witness shared the Bloc's opinion that the

government should extend its legal authority beyond cases directly involving

Canadian nationals or territory.[230]

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[226] House of Commons, *Debates*, 14 April 2000, 10:25 (Francine Lalonde).
[227] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 11 May 2000, 10:25 (Donald K. Piragoff).
[228] "Consequently, the Bloc Québécois could, in due time, present an amendment extending the scope of clause 8(*b*) so that Bill C-19 would allow a broader, universal jurisdiction." House of Commons, *Debates*, 4 May 2000, 10:40 (Daniel Turp).
[229] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 10:15 (Daniel Turp).
[230] See House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 30 May 2000, 16:00 (Barbara Bedont). Indeed, the lead counsel for B'nai Brith Canada implored committee members not to allow Parliament to "accelerate international law." House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 11:50 (David Matas).

In addition to the BQ's advocacy of universal jurisdiction, it also encouraged the committee to consider including a provision to allow Canada to prosecute war criminals *in absentia*. Only Bloquistes raised this issue in committee. In order to deter individuals from committing war crimes, contended Bloc MPs, legislation must ensure that anyone suspected of such acts—regardless of rank and location—be brought to justice. Citing a current example as evidence for their claim, they declared that Canada's moral obligation to prosecute criminals such as Chile's General Pinochet persisted regardless of whether or not the accused was on Canadian territory.[231]

Clearly, to aid the fight against crimes against humanity, the BQ encouraged the government to adopt sweeping new powers. However, at the same time as the Bloc demonstrated a devotion to crafting ambitious policy its members remained sensitive to the possibility that the bill might face a *Charter* test. The fact that the *Rome Treaty* allowed for some crimes to be punishable retroactively generated concern among several MPs. For example, although war crimes would become a federal offence in Canada only after the adoption of crimes against humanity legislation, the ICC could prosecute such a crime even if it were committed prior to June 2000.[232] Turp anticipated a possible contradiction with section 11(g) of the *Charter*,[233] and recommended that a legal opinion be sought in order to ensure the constitutionality of the bill. Fellow committee members commended Turp for his suggestion, which was acted upon by officials in the Department of Justice.[234] This instance does not imply that the Bloc wanted to weaken the bill. On the contrary, it is

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[231] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 11:05 (Daniel Turp).
[232] Provided the crime was committed after an international precedent had been established.
[233] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 11:05 (Daniel Turp)
[234] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 11:35 (Daniel Turp).

an example of the party responsibly fulfilling its role as legislative critic, trying to avoid potential problems before they arise.

The Bloc's success in revising the short title of Bill C-19 is another concrete example of its influence on national policy. When Foreign Affairs Minister Axworthy introduced the bill in December 1999, its short title was the Crimes Against Humanity Bill.[235] During second reading debate (and again several times during committee hearings), Bloc MPs suggested that the title would be more suitable if it "includ[ed] a reference to war crimes."[236] Thus, the party recommended that "a more appropriate short title would be the *Crimes Against Humanity and War Crimes Act*."[237] While this point may at first seem trivial (would not crimes-against-humanity-legislation by any other name smell as sweet?), it is worth mentioning as it demonstrates the Bloc's attention to detail, and because the recommendation was adopted during the committee's clause-by-clause analysis.[238] It depicts the party as an active participant in deliberations on legislation—one whose demands are taken seriously by other parties, and, at times even incorporated into the final draft.

The Bloc's position with respect to United States involvement in the ICC exemplifies the contrasting styles of the BQ and the Canadian Alliance noted in the first two case studies. The CA's suspicion that the ICC would threaten Canadian sovereignty was confirmed by Washington's decision not to sign the *Rome Treaty*;[239] the Alliance interpreted the behaviour of the United States Government as a signal of the court's weakness. The *National Post* echoed this perspective: "Advocates of the ICC should proceed with caution. Instead of sweeping aside US fears as baseless,

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[235] The long title of the bill was: *An act respecting genocide, crimes against humanity and war crimes and to implement the Rome Statute of the International Criminal Court*.
[236] House of Commons, *Debates*, 4 May 2002, 10:30 (Daniel Turp).
[237] House of Commons, *Debates*, 4 May 2002, 10:30 (Daniel Turp).
[238] House of Commons, Proceedings of the Standing Committee on Foreign Affairs and International Trade, 6 June 2000, 16:55 (Bill Graham).
[239] House of Commons, *Debates*, 4 May 2000, 10:50 (John Reynolds).

retrogressive or 'isolationist', Canada should seek to salve Washington's concerns. Without U.S. co-operation and support, the ICC will deservedly die an early death, crippled by toothlessness and uselessness."[240]

Conversely, Bloc MPs faulted the attitude of American officials towards the legislation, and not the legislation itself. President of the US-based International Education Missions Inc., Richard Krieger was the only American to testify at the committee hearings. The Canadian Alliance used this opportunity to question him about the threat to sovereignty posed by an international criminal court. Alliance MP Deebak Obhrai asked how "Canada itself and the Parliament of Canada [would be able] to maintain the voice of the Canadian people" after joining the ICC.[241] When Turp's opportunity to address the witness arose, the Bloquiste had only a comment:

> I think that it's understood here that the International Criminal Court is a good thing for the international community and that we must absolutely implement these provisions by enacting a statute. You are giving us a little bit of advice that we might take, but since you do exert some influence in U.S. circles, I would appreciate it if you would invite your government to accede to the Rome Statute because this treaty is extremely important for the future of this community.[242]

Both the BQ and the Canadian Alliance agreed that United States involvement would be crucial to the success of the ICC. However, the CA concluded that its decision not to join revealed problems with the international institution and subsequently, that Canada should reconsider its support. Bloc MPs, along with those of three other Canadian parties, viewed Washington's decision unfavourably—one that should be reversed.

Besides addressing the provisions of the bill itself, the Bloc also spoke to broader issues of Canadian parliamentary procedure. In spite of its firm support of

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[240] Editorial, *National Post*, 15 June 2000, A19.
[241] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 10:25 (Deepak Obhrai).
[242] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 16 May 2000, 10:30 (Daniel Turp).

Bill C-19, the party vehemently opposed the method by which the *Rome Treaty* was adopted. In short, the party demanded a more active role for parliamentarians in endorsing international agreements. In Canada, treaties may be ratified by the executive without the express consent of the legislature—only the implementing legislation need be debated in the House of Commons, not the adoption of the treaty itself. At second reading, while expressing BQ support for the legislation, one MP called for "international treaties to be put before Parliament prior to the ratification stage and not when an enacting bill is under consideration… [because]… the House of Commons must be the place to explain difficult issues, the place for instruction on democracy and on international democracy vital to future peace."[243] A similar argument was repeatedly advanced during committee hearings: "It is essential that Parliament be involved in the treaty-making process to a greater degree than it is currently… it is only the bill that is being discussed and we could never have an influence at this stage on the treaty's content, if we disagreed with it."[244]

As debate on C-19 exemplified what some critics consider to be the excessive power of the executive, it provided an ideal backdrop for Turp to unveil a private members' bill intended to reform the way international treaties are adopted in Canada. His legislation was proposed ten days before Bill C-19 was first read in the Commons. According to the BQ, Bill C-214 (the Commons number allotted to Turp's bill) would "give a voice to all members… confer increased legitimacy on treaties and finally, democratize the process by which the state assumes international

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[243] House of Commons, *Debates*, 14 April 2000, 10:50 (Francine Lalonde).
[244] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 11 May 2000, 10:10 (Daniel Turp).

obligations."[245] Rather than providing Parliament with the authority to alter treaties, C-214 simply gave it the option to accept or deny them.

For this reason, the Bloc stressed that the bill did not confer a radical new power upon parliament. Instead, it would restore a tradition practised in Canada earlier in the 20th Century. Turp pointed out that before government broke from precedent during debate on the *Auto Pact* of 1966, it had customarily consulted Parliament before ratifying or adopting international treaties. Providing evidence for his claim that "major treaties were [once] approved by resolution of [the] House,"[246] the separatist MP quoted Mackenzie King, a former Canadian prime minister.[247] Bloquiste Richard Marceau emphasized the obligation of all parliamentarians to work together when adopting treaties: "The purpose of [Bill C-214] is to allow the House as a whole, not one or another party, to have its say, as an instance of the federal government with democratic legitimacy."[248] Francine Lalonde put it simply: "Why are we so afraid of Parliament here in Canada?"[249]

The *Rome Treaty* (as are all Canadian treaties) was signed by Canada prior to the introduction of the implementing legislation (Bill C-19). With this in mind, in a symbolic move designed to demonstrate Parliament's power, the BQ introduced a committee amendment to affirm the institution's support for the treaty.[250] The amendment was subsequently ruled out of order for going "beyond the scope of the

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[245] House of Commons, *Debates*, 1 December 1999, 17:30 (Daniel Turp).
[246] House of Commons, *Debates*, 1 December 1999, 17:35 (Daniel Turp).
[247] "With the exception of treaties of lesser importance or in cases of extreme urgency, the Senate and the House of Commons are invited to approve treaties, conventions and formal agreements before ratification by or on behalf of Canada." House of Commons, *Debates*, 1 December 1999, 17:35 (Daniel Turp).
[248] House of Commons, *Debates*, 13 April 2000, 18:15 (Richard Marceau).
[249] House of Commons, *Debates*, 13 April 2000, 17:35 (Francine Lalonde).
[250] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 1 June 2000, 10:15 (Daniel Turp). The BQ amendment read: "The Rome Statute is hereby approved."

bill."[251] Regardless, it exemplifies the Bloc's interpretation of the proper place of Parliament in the decision-making process. Thus, a tension is found within this sub-issue of the larger debate: the BQ shows great respect for federal political institutions. "When it comes down to the honour of the place… the Bloc is better than most."[252] When Bouchard claimed in 1992, that "the sovereigntist avant-garde will displace yesterday's federalist allies,"[253] could he have expected that the BQ would one day become Parliament's protector in Ottawa? The separatists' preoccupation with correct procedure is made even more striking by the fact that the party that most often champions parliamentary reform is the Canadian Alliance, not the Bloc Québécois.

The Bloc Québécois: A Canadian Parliamentary Party

Before suggesting what the Bloc's contribution to the debate says about the party itself, it is important to note what the party chose not to do during debate. Not once did the Bloc Québécois attempt to halt the proceedings, nor did it use its allotted time to promote Québec independence. Indeed, the very fact that Bloc MPs contributed something to the debate is noteworthy. They did not stay away from Ottawa during these debates, nor did they sit quietly, refusing to participate. In deliberations on Canada's role with respect to international criminal offences and the creation of the ICC, the BQ conformed to parliamentary procedure. In fact, members of the BQ participated more substantively than members of both the Progressive Conservative and New Democratic Parties, none of whom chose to attend the committee hearings.

Notwithstanding occasional references to the "Québec people", and "Québec and Canada", not once during debate did Bloquistes devote the bulk of a speech to the secession of Québec. Could the Bloc's decision not to promote its separatist agenda

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[251] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 1 June 2000, 10:20 (Bill Graham).
[252] Germain, interview by author.
[253] Bouchard, *Record*, 256.

during debate on C-19 be explained by the declining support for Québec sovereignty in the spring of 2000? Two years later, McGill University sociologist Maurice Pinard would argue: "Things are going very badly for the [sovereigntist] movement and we have a generation of young people that don't even want to hear about it."[254] The strength of Pinard's claim is a topic worth pursuing, but it lies outside the scope of this study. Here, the BQ is treated as a party in Parliament. From this perspective, the Bloc's performance during debate on C-19 indicates that, regardless of popular support for secession in Québec, it was membership in Parliament that limited the party's advocacy of that goal. In any case, no opinion poll could change the fact that the general election of 1997 sent forty-five separatists to the 36th Parliament (in which C-19 was debated); but neither can any number of opposition members routinely keep the government from its business.

With very few exceptions, in Canada's parliamentary system, opposition parties are unable to direct the topic of debate. The government controls the legislative agenda: it decides which bills will be debated, and when. Furthermore, the rules of Parliament require MPs to restrict their comments to the issue before the House.[255] Given that Chrétien's Government has shown little desire to debate issues dealing specifically with national unity (especially when compared with the Mulroney and Trudeau Governments), separatists in Parliament are rarely afforded opportunities to push their cause. In the case of Bill C-19, the implementation of an international treaty—not Canadian federalism—was the topic. Rather than highlight the Bloc's distinct objective, Bill C-19 forced the party to consider legislation that suited the interests of the country, and not a single province.

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[254] *Globe and Mail*, "Québeckers reject labels," online, <http://www.globeandmail.ca> (retrieved 5 November 2002).
[255] S.O. 11(2), "Order and Decorum." See Canada, *Standing Orders of the House of Commons* (Ottawa: Canadian Government Publishing, 2001), 6.

Membership in the national legislature leaves the Bloc with few alternatives to working within the Canadian system of government and alongside Canadian officials (the majority of whom presumably are not sovereigntist, but actually supporters of the existing terms of confederation).[256] An examination of the language and demeanour of Bloquistes in this case study suggests that they appear to accept this fact; some members seem to quite enjoy it. For example, Turp lavished praise upon the work of Philippe Kirsch during the Canadian diplomat's testimony to the FAIT committee.[257] After warmly greeting Kirsch, the Bloquiste proceeded to inquire whether Canada's role in the creation of the ICC would contribute to the possibility that a Canadian judge would be one of the first to sit on the tribunal.[258] Turp also spoke of the "good memories" he shared with other government bureaucrats,[259] and occasionally joked both with witnesses and with members of other parties. The "good" feeling was mutual. For instance, after adopting the BQ resolution to change the short title of the bill, Liberal committee chair Bill Graham joked about Turp's crucial role in the proceedings: "I want to call this bill the 'Daniel Turp law school bill' or something."[260]

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[256] Of course, nothing prevents the party from boycotting Parliament altogether. But as Turp admits regarding the separatists' federal surroundings: "Bloc MPs aren't changing any minds in Ottawa." Daniel Turp, conversation with author, Montreal, PQ, 16 May 2003.

[257] Turp's welcome was warmer than other federalist MPs (all of whom also spoke highly of Kirsch). The Bloquiste positively gushed, "Mr. Kirsch, I am very pleased to see you here before the committee. I would like, as I have done on other occasions, to congratulate you for the work you did at the conference that brought about the Rome Statute. We all recognize that you and your colleagues have done a remarkable job and that you are of those who succeeded where others before you had failed, since we began talking about the establishment of an international criminal court. You were most probably one of the great artisans of this success story that our international community should be proud of and you are continuing to work to ensure the success of this enterprise." See House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 30 May 2000, 10:15 (Daniel Turp).

[258] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 30 May 2000, 10:20 (Daniel Turp).

[259] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 11 May 2000, 10:10 (Daniel Turp).

[260] House of Commons, Standing Committee on Foreign Affairs and International Trade, *Minutes of Proceedings and Evidence*, 6 June 2000, 16:55 (Bill Graham).

Of course, there is nothing surprising about people enjoying the company of their colleagues, nor should it be assumed that all Québec separatists despise all Canadian federalists. However, when one considers the implications of the Bloc's behaviour, questions begin to arise about the party's self-interpretation. Traditional approaches to the BQ leave little doubt that Bouchard "resigned from the federal cabinet and created the Bloc as the federal vehicle to facilitate Québec's evolution towards sovereignty."[261] Without rejecting the possibility that the Bloc continues to maintain a sovereigntist vision, this case study does raise the question how effective Parliament has been as a forum for achieving that objective.

Even the physical presence of the Bloc in Ottawa is significant. In a literal sense, for the past decade, Bloc MPs in Parliament have been Québecers working within a Canadian political institution. Symbolically, and in fact, they represent the ability of Québec to function within Canada. Remember, during debate on Bill C-214 (Turp's private members' bill), members of the Bloc defended the role of the parliamentarian as eloquently as did any other federal MP. In language that hardly seems attributable to a politician hoping to remove his province from the federation, one Bloquiste stated: "Bill C-214 seeks to promote the participation of all of us in the House as democratically elected representatives of all Canadians in the process to conclude treaties."[262] Rather than accentuate the alternative perspectives of Canadian federalists and Québec separatists, Parliament defines common projects for all MPs to consider—it may even foster camaraderie among politicians. (Recall Fry's "levelling effect" from Chapter II.) Thus, from the perspective of a Québec sovereigntist in Parliament, the discipline of power may have resulted in unintended consequences.

[261] Young, *Secession*, 178.
[262] House of Commons, *Debates*, 13 April 2002, 18:00 (Richard Marceau).

Conclusion

The preceding argument should not be interpreted as an attack on the BQ, nor should it be seen as implying that Bloquistes have "sold-out" their principles. Bloc MPs are hardly power-hungry politicians, ready to abandon the sovereigntist vision in order to further their own personal agendas. Neither should the reader conclude that the absence of a vigorous push for secession has rendered the Bloc ineffective in Parliament. This assessment of the BQ's contribution to the *Crimes Against Humanity and War Crimes Act* suggests the opposite is true. In fact, if we subscribe to the common characterization of Canada as a progressive player in the international arena, this case study depicts the BQ promoting traditional Canadian values more passionately than any other Canadian party. In 1997, Lawrence Martin entitled his biography of Lucien Bouchard *The Antagonist*.[263] If that description of the BQ's first leader is compared with the actions of the party he created, one wonders whether "the antagonist" in Parliament has not actually become a protagonist. It was the BQ that countered the conservative position of the Canadian Alliance. It was a Bloc MP who introduced a bill to enhance the role of Canadian parliamentarians in the treaty-making process. Rather than refusing to participate in a debate that stressed the nation as an indivisible whole, the Bloc Québécois contributed to it willingly and substantively. Thus, although Bill C-19 may be a worst-case scenario for a party attempting to promote Québec separatism, it proves that in Parliament, such scenarios do exist.[264]

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[263] Lawrence Martin, *The Antagonist: Lucien Bouchard and the Politics of Delusion* (New York: Penguin, 1997).

[264] The "globalism" mantra is even louder now it was at the time the BQ was formed. And as Canada increases international trade, develops new military alliances, welcomes more immigrants, and fights environmental degradation—as the country globalizes—we should expect more debates that situate Canada as a cohesive unit in multinational affairs.

CHAPTER V

CONCLUSION

In March of 2003, a singing duo at the Winnipeg Comedy Festival parodied the Québec secessionist movement, particularly about its contempt for those who do not share its dream. The song's chorus, which accused both the Parti and the Bloc Québécois of "just want[ing] to paint everything blue," struck a responsive chord with the audience.[265] In two sentences (albeit in less than scholarly language), it captured the common image of the relationship between the Bloc and the rest of Canada. While the song was in jest, it conveyed a serious sentiment shared by many Canadians: The BQ is a maverick—a parliamentary pest—maliciously working to break up the country.

Because the BQ "is universally known to pursue one main objective: to make Québec a sovereign country," analysts of the party tend to restrict their work to evaluations of that grand goal. And why not? The popular image of politics in Canada is not one of scintillating drama. This is a country where political stories are about first ministers' conferences, fisheries, and transfer payments; a nationally syndicated journalist regularly refers to the capital as the "city that fun forgot."[266] Even the classic joke told by Canadian political scientists ends with the stuffy punch line: "the elephant—federal or provincial jurisdiction?" There is one political issue in Canada, however, that stands apart in its ability to elicit passion: debate on Canadian unity, and the threat of Québec's secession. That possibility has sponsored scores of

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[265] George Bowser and Ricky Blue, "The PQ," recorded at the Winnipeg Comedy Festival, 1 March 2003. Replayed on *Definitely Not the Opera*, CBC Radio One, 540 am (Saskatoon), aired 28 June 2003 (hour four).

[266] Allan Fotheringham, "Capitol Offences: Dr. Foth Meets Uncle Sam," address to The Empire Club of Canada, Toronto, ON, 16 October 1986, online, <http://www.empireclubfoundation.com/details.asp?SpeechID=1740&FT=yes> (retrieved 5 July 2003).

academic conferences, fed the search for constitutional reform, and provided the topic

for countless analyses by students of politics in Canada's universities and media. It

has raised emotions across the country to unaccustomed levels, and, on at least three

occasions, has riveted the attention of anxious Canadians as they awaited referendum

results. In this context, it is understandable why observers of the party created

following the collapse of Meech Lake and with the purpose of becoming "the

enveloping wing of the sovereigntist advance" have restricted their comments to the

subject of national unity.

The premise of this thesis is that to understand the Bloc Québécois in action,

as opposed to theory, parliamentary transcripts—the indisputable record of the Bloc's

actions—must be assessed. The first chapter divided the study of new parties in

Canada into two categories, and resolved to use a hybrid of these two traditional

approaches. In order to learn more about the BQ as a political party, the case studies

reviewed its contribution to parliamentary debate (and, thus, to national policy

formulation). This approach is not intended as a substitute for the more customary

"unity" analysis. Rather, it suggests that the BQ is more than a one-dimensional

movement. Indeed, it argues that aside from those issues such as the Clarity Bill

whose *raison d'être* is unity, the BQ has been unable to sustain a strictly sovereigntist

attack, and has promoted instead a socially progressive set of values.[267]

As noted above, the national unity debate is indeed gripping—political

analysts should not be blamed for being attracted to it. Nevertheless: to quote election

speeches of Bloc candidates, not their contribution to House debates; to assess the

party's theoretical musings, but ignore its daily routine; to treat the BQ exclusively as

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[267] In a way, BQ behaviour (that is, with respect to improving legislation) should come as no surprise.
Within Québec, the PQ did not promote separatism to the exclusion of other matters. In fact, the PQ
was a social-democratic party as judged, for example, by its labour, welfare, and social policies. It
appears that the PQ's acquisition of government power also broadened the perspective of that party.

the product of a larger movement for Québec secession—and not as a party in

Parliament—all of this overlooks crucial aspects of the Bloc's actual behaviour. It

misrepresents one of Parliament's pre-eminent players over the past ten years.[268]

While it is understandable why analysts of the Bloc tend to single-mindedness, this

study has something new and substantial to say about the BQ.

Review of the Bloc's contribution to three important debates has made it clear

that the BQ is more than a party possessed with one objective. On the contrary, this

analysis reveals Bloc MPs addressing a wide range of national legislation. It shows

the Bloc asking questions and delivering speeches in the House, proposing

amendments in committee, and voting at the conclusion of debate. It shows the party

agreeing with government proposals at times, and fervently objecting to them at

others. The case studies reveal that Bloc members are more than mouthpieces for

Québec's imminent separation, and that the constituency they address is not limited

exclusively to residents of Québec. In *Hansard*, Bloc MPs speaking on changes to the

unemployment insurance program invoke the interests of workers across Canada; in

their opposition to Bill C-36, Bloquistes worked to protect the "fundamental rights

and freedoms" of all Canadians; party members were heavily involved with reviewing

legislation that implemented Canada's membership in the International Criminal

Court. In the chapter on the Crimes Against Humanity Bill, Bloc MP Daniel Turp

takes the initiative and submits his own legislation for parliamentary review. (And

Turp's bill is but one example of dozens of other Bloquiste private members' bills

which were meant to improve national living standards but were silent on the subject

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[268] Daniel Leblanc explains the pressure journalists face to ignore Bloc MPs: "When I quote them, I know that some of my readers will say, 'you shouldn't even talk to those guys'." Leblanc, interview by author.

of secession.) Thus, the case studies expose largely unknown characteristics of the new party, and in doing so fill a lacuna in the literature on the Bloc Québécois.

Noel's description of the young BQ as "a party that would defend policies valued by all Canadians," and as one "closer to traditional Canadian values and policies than the Reform party" is borne out as parliamentary debate is examined in this thesis. Repeatedly, Bloquistes promoted social-democratic values, and because they did, it could be argued that the BQ has actually made a positive contribution to Canadian parliamentary debate. First, it needs to be remembered that the same general election that resulted in the Bloc Québécois forming Canada's official opposition also saw the dramatic rise of the right-wing Reform party. Both parties brought to Parliament contrasting positions on the unity debate; the same polarity was evident in their approach to fiscal and social problems. For instance, in April 1995, the Reform party introduced a supply motion encouraging the government to consider enhancing the role of private insurance and private citizens in supplementing the state funded healthcare system.[269] In contrast to that fiscal philosophy, the BQ used one of its first supply motions a year earlier to "condemn the government's inability to re-establish and increase budgets for social housing construction programs."[270] The two pressed the government from different ends of the political spectrum.

In his work *On Liberty*, Mill celebrates this sort of intellectual exchange, noting that, "on every subject on which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons."[271] Two parties housed in the same legislature, promoting such different conceptions of the right relationship between government and citizens as well as different views on

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[269] See House of Commons, *Debates*, 27 April 1995, 10:25 (Preston Manning).
[270] See House of Commons, *Debates*, 16 February 1994, 15:35 (Monique Guay).
[271] John Stuart Mill, *Utilitarianism, On Liberty, Considerations on Representative Government, Remarks on Bentham's Philosophy*, ed. Geraint Williams (London: Everyman Library, 1998), 104.

social issues, might seem to approximate Mill's ideal polity. Leaving to one side the question of effectiveness in influencing the governing Liberals, the case studies show that the arguments of Bloc MPs counterbalanced those of Reform and the Canadian Alliance.

In addition to illustrating polarity between the policy agendas of the BQ and Reform party, the case studies also show two different approaches to the rules and traditions of Parliament. For example, contrary to what might be expected of a separatist party, the BQ dutifully fulfilled its role as Her Majesty's Loyal Opposition during debate on EI.[272] From the first time Bouchard spoke in the Commons as leader of the opposition, the Bloc's respect for parliamentary procedure was made clear. He assured fellow MPs that the BQ "intend[ed] to take [parliamentary] responsibilities seriously… loyally, correctly and with due resolve."[273] By contrast, on that same day, Reform leader Preston Manning was equally clear that his party believed Parliament should "break with precedent in some important areas, especially in the conduct of its own business."[274] Whereas Bouchard pledged his party's "full co-operation in respecting decorum in this House,"[275] Manning declared: "Our Reform group does not intend to conduct itself as a traditional opposition party."[276] For further evidence, compare Bloquiste Paul Crête's final remarks to his committee colleagues after debate on Bill C-12 (quoted in full at the end of Chapter II), with the closing statement of former Alliance member Lee Morrison. Crête spoke of "happy memories"; he wished MPs "all the best." Conversely, Morrison vowed not to regret leaving "a totally

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[272] As is illustrated in chapter II, declining the role of official opposition is not without precedent.
[273] House of Commons, *Debates*, 19 January 1994, 16:00 (Lucien Bouchard).
[274] House of Commons, *Debates*, 19 January 1994, 17:05 (Preston Manning).
[275] House of Commons, *Debates*, 19 January 1994, 15:25 (Lucien Bouchard).
[276] House of Commons, *Debates*, 19 January 1994, 17:05 (Preston Manning).

dysfunctional institution." His last words in Parliament were: "I shall not look back."[277]

Perhaps these contrasting styles should have been expected. The BQ's first leader was a distinguished alumnus of the House of Commons. Bouchard's past was marked with Ottawa's imprint: Bouchard was a Parliamentarian. He was once the prime minister's closest confidant in the federal cabinet. He knew how to exact procedural advantage and had experience dealing with national issues. Reform was founded by an outsider whose entire (non-elected) career had been confined to one western province.

In any case, there is irony in a separatist party defending broad Canadian social values—and protecting Canada's Parliament—against an attack by a non-separatist party.

The job of social scientists is devoted to help explain the behaviour and relationships of groups and individuals. When the type of behaviour observed is unexpected, the result cries out for explanation. The Bloc's substantive contribution to parliamentary debate is precisely that kind of phenomenon.

If the vision of a sovereign Québec state led the BQ to Ottawa, why did Bloquistes not follow the tradition of the Home Rule party, and paralyze proceedings until their demands were met? When drastic actions are demanded, why not act drastically? Indeed, Redlich suggests that it was the behaviour of Home Rulers that precipitated significant Irish advances, and paved the way for the Irish Republic.[278] One might think that obstruction in Canada's Parliament has been made impossible by the very consequences of the Irish drama—that is, by the strict nature of current

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[277] House of Commons, *Debates*, 20 October 2000, 11:05 (Lee Morrison).
[278] "There can be no doubt that Mr. Parnell's tactics had, by the attention which they drew to his demands, one immediate result; they enforced the recognition of the unbearable economic and administrative circumstances of Ireland, and made their reform inevitable." Redlich, *Procedure*, 162.

Standing Orders. But that would be untrue. In the 1880s, no obstruction manual

guided Parnell and party. The Irish decided to obstruct, and used necessary means to

keep government from its business. True, long speeches are no longer sufficient to

clog the parliamentary chamber: the guillotine (and other forms of closure) can make

short work of modern filibusters. It appears that circumstances cry out for innovation.

If it chose to, the BQ could still disrupt parliamentary proceedings. The

possibilities are endless: refuse to speak; refuse to vote; stand and sing; refuse to

attend; remove the seat. Remove the seat and refuse to attend, as one young Bloc MP

demonstrated in 1998.[279] Why not try it *en masse*? The reason is this: if the Bloc

Québécois—or any party—were to obstruct in these ways, it would be ejected from

the House and possibly face even harsher penalties. Thus, to be heard in Parliament, a

party must conform to certain standards.

In their seminal work on the effect of political institutions on decision-making

processes (part of a school of thought known as the new-institutionalism), March and

Olsen conclude that, "political actors are driven by institutional duties and roles as

well as, or instead of, by calculated self interest." Winston Churchill earlier (and

aphoristically) made the same point when the House of Commons was being rebuilt

after the Blitz: "We shape our buildings, and afterwards our buildings shape us."[280]

Although others will emphasize different factors to account for the Bloc's

parliamentary performance, this study maintains that Parliament as an institution has

affected the behaviour of the Bloc Québécois.[281] Membership in Parliament often has

limited (rather than enabled) the Bloc in its advocacy of Québec secession. By

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[279] See House of Commons, *Debates*, 20 April 1998, 15:00 (Stéphan Tremblay).

[280] United Kingdom, House of Commons, *Debates*, 28 October 1943 (Winston Churchill).

[281] This sentiment is shared with Green and Shapiro, who argue political science should be viewed "less as a prizefight between competing theoretical perspectives, only one of which may prevail, and more as a joint venture in which explanations condition and augment one another." See Donald Green and Ian Shapiro, *Pathologies of Rational Choice* (New Haven: Yale University Press, 1994), 204.

choosing to accept the rules, procedures, and customs of Parliament, Bloquistes have been drawn into discussions on national policy formulation that have nothing to do with debate on Canadian unity.

A contrary interpretation might argue that institutions are inanimate and unthinking—that ultimately, BQ decisions are directed by no other force than free-thinking MPs. This view ignores a reality that extends beyond the realm of politics: first, although individuals acting with freewill make decisions, their range of options is not without limits; second, as alluded to above, in order to maintain membership in specific forums, there are rules—both official and unwritten—that must be followed. Everywhere, such laws bind us. Institutions that authoritatively allocate values, as David Easton has shown, are almost certain to enforce strict codes of conduct. For instance, even top CEOs who play in a free-market must abide by national statutes (and rules governing international trade). If they are to be successful, they must adhere to the intangible laws of supply and demand. Judges are independent, but they too are bound by rules of evidence, for example, when drafting their opinions. Parliamentarians represent the attitudes of their constituents, but they do so within the confines of an institution that defines the way those views must be presented.

Standing Orders require that in Parliament, MPs must restrict their comments to the topic before the House or one of its committees. Any member who "persists in irrelevance, or repetition" will be directed to "discontinue his or her speech, and if then the Member still continues to speak, the Speaker shall name the Member", leading to his or her removal from the institution.[282] It is true that these rules are more rigid in word than application; nevertheless, they exist for a reason—to provide the Speaker with the power to mute those members who would try to shift the attention of

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[282] Canada, *Standing Orders*, 6.

the House away from its regular agenda. In other words, this allows the Speaker to keep a party from smothering debate on public policy with talk of provincial secession. Contrary to what casual observers of the House of Commons may think, parliamentary business is carefully ordered. This is borne out by the common complaint made in Canadian politics that the government controls the order paper, and, in turn, the subjects that come before Parliament for debate.

There is another element of life in Parliament that affects the actions of its members. And while the second is invisible—unlike the words of the *Standing Orders*—it too enjoins the attention of members to the issue of the day. Asked why the party strays from separatist rhetoric when it has spent so much effort in constructing its image as the vehicle for explaining the "intensity, determination, and objectives of the sovereigntist vision," even Bloquistes acknowledge the way their role as MPs affects their behaviour in the House: "Maybe it's self-interest. I don't think that if sovereigntist elected officials were to block—for no reason—the House, I don't think Québecers would like that."[283] Thus, because they represent citizens in Canada's premier political institution, Bloquistes are forced to observe all aspects of the MP's role—even (perhaps especially) when that role demands that issues other than the explicit terms of the Canadian union be addressed. If sitting MPs want to retain their privileged position in Parliament, they have no other choice: contravening the rules of the legislature could lead to their removal by the Speaker; failing to represent their constituents during policy formation could lead to their removal by the voters. Participation is accompanied by responsibility. Choices have consequences.

Returning to the words of Bloc MP, Monique Guay:

> When there are issues in the House of Commons that are against our socio-political view, we will always stand up against it—even if it

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[283] Marceau, interview by author.

doesn't concern Québec… We are members of Parliament; we have a role to play in this Parliament. And it's not only Québec, or Québec separatism, it's all of the policies that are being passed here… It's our responsibility as members of Parliament to react, and we do… [Moreover,] to be credible, you have to play by the rules.[284]

The case study on EI deliberations is perhaps the clearest example of the accuracy of this appraisal. In 1996, the Bloc was Canada's official opposition, and it agreed to fulfil that traditional role, knowing full well that this would require the party to represent the interests of all Canadians.[285] While in this case the effect of Parliament on the Bloc is explicit, the other two debates examined above also support the view that "institutions affect the flow of history."[286] During debate on Bill C-36, for instance, Canadians were preoccupied with thoughts of national security and the potential for further terrorist attacks. The Bloc's comments necessarily dealt with the government bill, and did not stray into demands on every discussion for the recognition of an independent Québec. Concern about the greater concentration of power in the hands of the government superseded the push for independence. Although it was critical of the proposed legislation, the party's arguments were based on normative evaluations of the balance between civil rights and national security.[287]

Bill C-19 also broadened the Bloc's perspective in Parliament, but for a different reason. The *Crimes Against Humanity and War Crimes Act* (while significant) was not debated with the sense of urgency that arose during debate on the

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[284] Guay, interview by author.

[285] In the unique newspaper report cited in Chapter I (unique in that it addressed the Bloc's policy agenda), Delacourt noted that "not only must the Bloc speak for its own cause, but its parliamentary duty is to speak as the official critic of the government and the measures it takes for all of Canada." Delacourt, "Bloc," A6.

[286] March and Olsen, *Institutions*, 159.

[287] Some may attempt to account for the BQ's reservations by suggesting that it is especially sensitive to a government bent on monitoring subversive groups: Might not the BQ itself fall victim to the provisions of the new bill? Although this argument is plausible, it is not borne out by parliamentary transcripts. The number of times Bloquistes reference their personal reasons for objecting to Bill C-36 are too few to support that opinion. The method of this study has been to assess the words and deeds of the Bloc in Parliament, and during deliberation on C-36, the Bloc's fight was predicated upon a desire to protect the "fundamental rights and freedoms" of all Canadians from the potentially harmful terms of Bill C-36.

Anti-Terrorism Bill. It was the nature of the policy area discussed in the bill, not BQ aversion to contentious provisions, which underscored the party's identity as a national actor. Because it dealt with Canada's role in the international arena, the bill emphasized the image of the country as an indivisible unit—one that embraces both the province of Québec, and, indeed, the Bloc Québécois, as only two of its many parts. Accepting its place in the House, the Bloc is unable to avoid what it must see as worst-case scenarios, that is, instances in which parliamentarians from across the country discuss Canada in a global context, and view the country as a single entity.

Despite the BQ's aspiration to form a Québec sovereign state, it appears that parliamentary rules and proceedings have forced the party to alter its mission. It is clear that the Bloc engages in all aspects of the legislative process: it asks questions of the government; it debates legislation and votes on bills; its individual MPs propose bills of their own. What is a Bloc MP's job? "It's the same as any other MP's job."[288] Contrary to the expectations of the Bloc's creators (and in contrast to popular portrayals), the acquisition of power in the Parliament of Canada has broadened the BQ's perspective and, conversely, constrained its advocacy of the sovereigntist agenda. The Bloc Québécois is a parliamentary party that espouses a social-democratic perspective during debate on a wide range of national policies.

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[288] Fry, interview by author.

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